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

Presidential Documents

Title 3—

The President

Notice of April 8, 2015

Continuation of the National Emergency With Respect to Somalia

On April 12, 2010, by Executive Order 13536, I declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the deterioration of the security situation and the persistence of violence in Somalia, acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the arms embargo imposed by the United Nations Security Council.

On July 20, 2012, I issued Executive Order 13620 to take additional steps to deal with the national emergency declared in Executive Order 13536 in view of United Nations Security Council Resolution 2036 of February 22, 2012, and Resolution 2002 of July 29, 2011, and to address: exports of charcoal from Somalia, which generate significant revenue for al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia, all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia.

Because the situation with respect to Somalia continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on April 12, 2010, and the measures adopted on that date and on July 20, 2012, to deal with that emergency, must continue in effect beyond April 12, 2015. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13536.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
April 8, 2015.

[FR Doc. 2015–08420
Filed 4–9–15; 08:45 am]
Billing code 3295–F5

Rules and Regulations

Federal Register
Vol. 80, No. 69
Friday, April 10, 2015

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

12 CFR Part 1805

Modification of CDFI Certification Requirements

AGENCY: Community Development Financial Institutions Fund (CDFI Fund), Department of the Treasury.

ACTION: Interim rule.

SUMMARY: The Community Development Financial Institutions Fund (CDFI Fund) is amending the CDFI certification regulation with respect to the financing entity requirement and participation as an Eligible CDFI in the CDFI Bond Guarantee Program. This regulatory change creates a means for the CDFI Fund, in its discretion, to permit a CDFI's Affiliate, which applies for CDFI certification, to rely on the Controlling CDFI's activity or track record in order to meet the financing entity requirement, solely for the purpose of the Affiliate participating as an Eligible CDFI under the CDFI Bond Guarantee Program.

DATES: Effective on April 10, 2015. *Comment due date:* June 9, 2015.

ADDRESSES: All comments concerning this revised interim rule should be addressed to the Certification, Compliance Monitoring and Evaluation Manager, Community Development Financial Institutions Fund, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220; by email to; *by email to cdfihelp@cdfi.treas.gov*; or by facsimile at (202) 453–2466.

Electronic Submission of Comments: Interested persons are encouraged to submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov*. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables the Department to make them available to the public. Comments submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

All properly submitted comments will be available for inspection and downloading at *http://www.regulations.gov*. In general, comments received, including attachments and other supporting materials, are part of the public record and are available to the public. Do not submit any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: David Meyer, Acting Manager, Certification, Compliance Monitoring and Evaluation, by mail to the CDFI Fund, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220; by email to *cdfihelp@cdfi.treas.gov*; or by facsimile at (202) 453–2466 (This is not a toll free number).

SUPPLEMENTARY INFORMATION: The CDFI Fund, Department of the Treasury, was established by the Community Development Banking and Financial Institutions Act of 1994, as amended (12 U.S.C. 4701 *et seq.*). The mission of the Community Development Financial Institutions Fund (CDFI Fund) is to increase economic opportunity and promote community development investments for underserved populations in distressed communities in the United States. Its long-term vision is to economically empower America's underserved and distressed communities. The CDFI Fund's programs are designed to facilitate the flow of lending and investment capital to distressed communities and to individuals who have been unable to take full advantage of the financial services industry. Access to credit, investment capital, and financial services are essential ingredients for creating and retaining jobs, developing affordable housing, revitalizing neighborhoods, unleashing the economic potential of small businesses, and empowering people.

An important component of the CDFI Fund's authority is the certification of entities as Community Development Financial Institutions (CDFIs), which permits such entities to have access to financial assistance through the Community Development Financial Institutions Program (CDFI Program) and other CDFI Fund programs, including the CDFI Bond Guarantee Program.

Through the CDFI Bond Guarantee Program, the Secretary of the Treasury provides a Guarantee for Bond(s) issued by a Qualified Issuer as part of a Bond Issue. In turn, the Qualified Issuer uses Bond Proceeds to make Bond Loans to Eligible CDFIs for Eligible Purposes, as those terms are defined in 12 CFR 1808.102. Under the CDFI Bond Guarantee Program, for a CDFI to be an Eligible CDFI, the CDFI must be certified by the CDFI Fund as meeting certification requirements (see 12 CFR 1808.202(a)).

In order for an entity to be certified as a CDFI, it must meet six criteria that are set forth in the regulation that governs CDFI certification: (i) Primary mission (12 CFR 1805.201(b)(1)); (ii) financing entity (12 CFR 1805.201(b)(2)); (iii) Target Market (12 CFR 1805.201(b)(3)); (iv) Development Services (12 CFR 1805.201(b)(4)); (v) accountability (12 CFR 1805.201(b)(5)); and (vi) non-government entity (12 CFR 1805.201(b)(6)).

The CDFI Fund is amending the CDFI certification regulation only with respect to the financing entity requirement and participation as an Eligible CDFI in the CDFI Bond Guarantee Program. This regulatory change creates a means for the CDFI Fund, in its discretion, to permit a CDFI's Affiliate (as defined in 12 CFR 1805.104(b)), which applies for CDFI certification, to rely on the Controlling CDFI's activity or track record in order to meet the financing entity requirement, solely for the purpose of the Affiliate participating as an Eligible CDFI under the CDFI Bond Guarantee Program.

In other words, this revised regulation states that, for purposes of participating in the CDFI Bond Guarantee Program, the Eligible CDFI, if it is an Affiliate of a CDFI, need not meet the financing entity requirement based on its own merit or activity but may instead rely on the financing entity track record of the

affiliated CDFI. This regulatory revision affects only the Affiliate's ability to meet the financing entity requirement for CDFI certification: said entity must meet the other five certification criteria in accordance with the existing regulation.

Further, in this revised regulation, the CDFI Fund reserves the authority, in its discretion, to set additional parameters and restrictions on the financing entity requirement, which will be set forth in the Notice of Guarantee Availability (NOGA) for a particular application round of the CDFI Bond Guarantee Program. Such additional parameters or restrictions may include, for example, (i) a deadline by which the Affiliate must meet the financing entity requirement based on its own merit or activity, rather than relying on that of the affiliated CDFI, and (ii) a requirement that the affiliated CDFI must maintain its CDFI certification until such time that the Affiliate is able to meet all CDFI certification requirements based on its own merit or activity.

Regulatory Analysis and Notices

Executive Order 12866

It has been determined that this rule is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, the Regulatory Flexibility Act does not apply.

Paperwork Reduction Act

The collections of information contained in this interim rule have been previously reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 and assigned OMB Control Numbers 1559–0006, 1559–0021, and 1559–0022. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. This document restates the collections of information without substantive change.

National Environmental Policy Act

This revised interim rule has been reviewed in accordance with 12 CFR part 1815. The CDFI Fund's Environmental Regulations under the National Environmental Protection Act of 1969 (NEPA) require that the CDFI Fund adequately consider the cumulative impact proposed activities have upon the human environment. It is the determination of the CDFI Fund that the interim rule does not constitute a major federal action significantly affecting the quality of the human environment and, in accordance with the NEPA and the CDFI Fund Environmental Quality Regulations, 12 CFR part 1815, neither an Environmental Assessment nor an Environmental Impact Statement is required.

Administrative Procedure Act

Because this interim rule relates to loans and grants, notice and public procedure and a delayed effective date are not required pursuant to the Administrative Procedure Act, 5 U.S.C. 553(a)(2).

Catalogue of Federal Domestic Assistance Number

Community Development Financial Institutions Program—21.020.

List of Subjects in 12 CFR Part 1805

Community development, Grant programs-housing and community development, Loan programs-housing and community development, Reporting and recordkeeping requirements, Small businesses.

Amendment to the Regulations

For the reasons discussed in the preamble, the CDFI Fund is amending 12 CFR chapter XVII, part 1805 as follows:

PART 1805—COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS PROGRAM

■ 1. The authority citation for part 1805 continues to read as follows:

Authority: 12 U.S.C. 4703, 4703 note, 4710, 4717; and 31 U.S.C. 321.

■ 2. Section 1805.201(b)(2) is revised to read as follows:

§ 1805.201 Certification as a Community Development Financial Institution.

* * * * *

(b) * * *

(2) *Financing entity.* (i) A CDFI shall be an entity whose predominant business activity is the provision, in arms-length transactions, of Financial Products, Development Services, and/or other similar financing. An Applicant may demonstrate that it is such an entity if it is a(n):

(A) Depository Institution Holding Company;

(B) Insured Depository Institution, Insured Credit Union, or State-Insured Credit Union; or

(C) Organization that is deemed by the CDFI Fund to have such a predominant business activity as a result of analysis of its financial statements, organizing documents, and any other information required to be submitted as part of its application. In conducting such analysis, the CDFI Fund may take into consideration an Applicant's total assets and its use of personnel.

(ii) For the sole purpose of participating as an Eligible CDFI in the CDFI Bond Guarantee Program (see 12 CFR part 1808), an Affiliate of a Controlling CDFI may be deemed to meet the financing entity requirement of this subsection by relying on the CDFI Fund's determination that the Controlling CDFI has met said requirement; provided, however, that the CDFI Fund reserves the right, in its sole discretion, to set additional parameters and restrictions on such, which parameters and restrictions shall be set forth in the applicable Notice of Guarantee Availability for a CDFI Bond Guarantee Program application round.

(iii) Further, for the sole purpose of participating as an Eligible CDFI in the CDFI Bond Guarantee Program, the provision of Financial Products, Development Services, and/or other similar financing by an Affiliate of a Controlling CDFI need not be arms-length if such transaction is by and between the Affiliate and the Controlling CDFI, pursuant to an operating agreement that includes management and ownership provisions and is in form and substance that is acceptable to the CDFI Fund.

* * * * *

Dated: April 7, 2015.

Mary Ann Donovan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2015–08356 Filed 4–9–15; 8:45 am]

BILLING CODE 4810–70–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1245

[Docket No: NASA–2015–0001]

RIN 2700–AE02

Patents and Other Intellectual Property Rights

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Direct final rule.

SUMMARY: NASA has adopted as final, without change, a proposed rule amending its patent waivers regulations to update citations and the patent waiver policy, and to clarify and update

the patent waiver procedures, so they are more in line with the National Aeronautics and Space Act (Space Act), the authorizing statute.

DATES: This rule is effective May 11, 2015. Comments due on or before April 27, 2015. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RIN 2700–AE02 and may be sent to NASA via the Federal E-Rulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Helen M. Galus, Office of the General Counsel, NASA Headquarters, telephone (202) 358–3437.

SUPPLEMENTARY INFORMATION:

I. Background

NASA published a proposed rule in the **Federal Register** at 79 FR 60119, on October 6, 2014, to amend its patent waiver regulations to update citations to the United States Code, to clarify the requirements and procedures for petitioning for a patent waiver so they follow more closely the terms of the Space Act, and to add grounds for denial of a petition for waiver of foreign rights. No comments were submitted on the proposed rule.

II. Discussion and Analysis

The NASA Office of the General Counsel had no comments to consider. NASA has adopted the proposed rule as final with one additional section update. After the proposed rule was published, an outdated citation was found in § 1245.108 License to contractor. In paragraphs (b) and (c), 14 CFR 1245.2 was updated to 37 CFR part 404. Also, ''Government-Owned'' was substituted for ''NASA'' in paragraph (b), and ''in accordance with applicable regulations in'' was substituted for ''under the Licensing of NASA Inventions'' in order to clarify the sentence in paragraph (c).

A. Summary of Significant Changes

No changes were made as a result of public comments.

B. Analysis of Public Comments

No public comments were submitted.

III. Direct Final Rule

NASA has determined this rulemaking meets the criteria for a direct final rule because it involves adopting a proposed rule amending its patent waivers regulations to update citations and the patent waiver policy, and to clarify and update the patent waiver procedures, so they are more in line with the National Aeronautics and Space Act (Space Act), the authorizing statute. This rule has one additional update to correct an outdated citation. No opposition to the changes and no significant adverse comments are expected. However, if NASA receives significant adverse comments, it will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

IV. Regulatory Analysis Section

Paperwork Reduction Act Statement

This rule does not contain an information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12866 and Executive Order 13563

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

Regulatory Flexibility Act

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. The rule sets forth policies and procedures for submitting and reviewing petitions for waiver of the Government's rights to certain inventions made under government funded contracts, pursuant to section 20135(b)(1) of the National Aeronautics and Space Act, 51 U.S.C. 20135(b)(1). The provisions do not apply to inventions made under any contract, grant, or cooperative agreement with a nonprofit organization or small business firm that are afforded the disposition of rights as provided in 35 U.S.C. 200–204 (Pub. L. 96–517, 94 Stat. 3019, 3020, 3022 and 3023; and Pub. L. 98–620, 98 Stat. 3364–3367). Therefore, the rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 1245

Inventions, Patents and waivers.

Accordingly, 14 CFR part 1245 is amended as follows:

PART 1245—PATENTS AND OTHER INTELLECTUAL PROPERTY RIGHTS

Subpart 1—Patent and Waiver Regulations

■ 1. The authority citation for Part 1245, Subpart 1, is revised to read as follows:

Authority: 51 U.S.C. 20135, 35 U.S.C. 200 *et seq.*

■ 2. Section 1245.100 is revised to read as follows:

§ 1245.100 Scope.

This subpart prescribes regulations for the waiver of rights of the Government of the United States to inventions made under NASA contract in conformity with section 20135 of the National Aeronautics and Space Act (51 U.S.C. Chapter 201).

■ 3. Section 1245.101 is revised to read as follows:

§ 1245.101 Applicability.

The provisions of the subpart apply to all inventions made or which may be made under conditions enabling the Administrator to determine that the rights therein reside in the Government of the United States under section 20135(b)(1) of the National Aeronautics and Space Act, 51 U.S.C. 20135(b)(1). The provisions do not apply to inventions made under any contract, grant, or cooperative agreement with a nonprofit organization or small business firm that are afforded the disposition of rights as provided in 35 U.S.C. 200–204 (Pub. L. 96–517, 94 Stat. 3019, 3020, 3022 and 3023; and Pub. L. 98–620, 98 Stat. 3364–3367).

■ 4. Section 1245.102 is amended by revising paragraph (c), redesignating paragraphs (d) through (j) as paragraphs (e) through (k), and adding new paragraph (d) to read as follows:

§ 1245.102 Definitions and terms.

* * * * *

(c) Invention means any, new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(d) Class of inventions means inventions directed to a particular process, machine, manufacture, or composition of matter, or to a narrowly drawn, focused area of technology.

* * * * *

■ 5. Section 1245.103 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1245.103 Policy.

(a) In implementing the provisions of section 20135(g) of the National Aeronautics and Space Act (51 U.S.C. Chapter 201), and in determining when the interests of the United States would be served by waiver of all or any part of the rights of the United States in an invention or class of inventions made in the performance of work under NASA contracts, the Administrator will be guided by the objectives set forth in the National Aeronautics and Space Act, by the basic policy of the Presidential Memorandum and Statement of Government Patent Policy to the Heads of the Executive Departments and agencies dated February 18, 1983, by the goals and objectives of its current Authorization Act, Strategic Plan, and other pertinent National policies or laws, such as the National Space Policy of the United States of America. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Among the most important goals are to provide incentives to foster inventiveness and encourage the reporting of inventions made under NASA contracts, to provide for the widest practicable dissemination of new technology resulting from NASA programs, and to promote early utilization, expeditious development, and continued availability of this new technology for commercial purposes and the public benefit. In applying this regulation, both the need for incentives to draw forth private initiatives and the need to promote healthy competition in industry must be weighed.

(b) Several different situations arise when waiver of all or any part of the rights of the United States with respect to an invention or class of invention may be requested and are prescribed in §§ 1245.104 through 1245.106. Under § 1245.104, advance waiver of any or all of the rights of the United States with respect to any invention or class of inventions which may be made under a contract may be requested prior to the execution of the contract, or within 30 days after execution of the contract. Waiver of rights to an identified invention made and reported under a contract are to be requested under § 1245.105, and may be requested under this provision even though a request under § 1245.104 was not made, or if made, was not granted. Waiver of foreign rights under § 1245.106 may be requested concurrently with domestic rights under § 1245.104 or § 1245.105, or may be made independently.

* * * * *

■ 6. Section 1245.104 is amended by:
■ a. Revising paragraphs (a), (b) introductory text, (b)(2), (b)(3) introductory text, (b)(3)(v), (c), and (d);
■ b. Removing paragraph (e); and
■ c. Redesignating paragraph (f) as paragraph (e).

The revisions read as follows:

§ 1245.104 Advance waivers.

(a) The provisions of this section apply to petitions for waiver of domestic rights of the United States with respect to any invention or class of inventions which may be made under a contract.

(b) The NASA Inventions and Contributions Board normally will recommend grant of a request for advance waiver of domestic rights submitted prior to execution of contract or within 30 days after execution of the contract unless the Board finds that the interests of the United States will be better served by restricting or denying all or part of the requested rights in one or more of the following situations:

* * * * *

(2) When a determination has been made by Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counter-intelligence activities that the restriction or denial of the requested rights to any inventions made in the performance of work under the contract is necessary to protect the security of such activities; or

(3) Where the Board finds that exceptional circumstances exist, such that restriction or denial of the requested rights will better promote one or more of the following objectives:

* * * * *

(v) Ensuring that the Government retains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions.

(c)(1) An advance waiver, when granted, will be subject to the reservations set forth in § 1245.107. Normally, the reservations of § 1245.107(a), License to the Government, and § 1245.107(b), March-in rights, will apply. However, should one or more of the situations set forth in paragraphs (b)(1) through (b)(3), of this section exist, rather than denying the advance waiver request, the Board may recommend granting to the contractor only part of the requested rights, to the extent necessary to address the particular situation, consistent with the policy and goals of § 1245.103. In that event, the waiver grant will be subject to additional reservations as provided for in § 1245.107(c).

(2) To meet the National Aeronautics and Space Act standard of ''any invention or class of inventions,'' for advance waivers, the petition shall identify the invention(s) and/or class(es) of inventions that the Contractor believes will be made under the contract and for which waiver of rights is being requested. Therefore, the petition must be directed to a specific invention(s) or to inventions directed to a particular process, machine, manufacture, or composition of matter, or to a narrowly drawn, focused area(s) of technology.

(3) An advance waiver, when granted, will apply only to inventions reported to NASA under the applicable terms of the contract and a designation made within 6 months of the time of reporting (or a reasonable time thereafter permitted for good cause shown) that the contractor elects title to the invention and intends to file or has filed a U.S. patent application. Such election will be made by notification in writing to the patent representative designated in the contract. Title to all other inventions made under the contract are subject to section 20135(b)(1) of the National Aeronautics and Space Act, 51 U.S.C. 20135(b)(1). The granting of the advance waiver does not otherwise relieve a contractor of any of the invention identification or reporting requirements set forth in the applicable patent rights clause in the contract.

(4) The advance waiver shall extend to the invention claimed in any patent application filed on the reported invention, including any subsequent divisional or continuation application thereof, provided the claims of the subsequent application do not substantially change the scope of the reported invention.

(d) When a petition for waiver is submitted under paragraph (b) of this section, prior to contract execution, it will be processed expeditiously so that a decision on the petition may be

reached prior to execution of the contract. However, if there is insufficient time or insufficient information is presented, or for other reasons which do not permit a recommendation to be made without unduly delaying execution of the contract, the Board will inform the contracting officer that no recommendation can be made prior to contract execution and the reasons therefor. The contracting officer will then notify the petitioner of the Board's action.

* * * * *

■ 7. Section 1245.106 is amended by revising paragraphs (c) and (d) to read as follows:

* * * * *

§ 1245.106 Waiver of foreign rights.

* * * * *

(c) The Board will normally recommend the waiver of foreign rights be granted under paragraph (a) or paragraph (b) of this section in any designated country unless:

(1) The Board finds that exceptional circumstances exist, such that restriction or denial of the requested foreign rights will better promote one or more of the objectives set forth in § 1245.104(b)(3)(i) through (v); or

(2) The Board finds that the economic interests of the United States will not be served thereby; or unless

(3) In the case of an individual identified invention under paragraph (b) of this section, NASA has determined, prior to the request, to file a patent application in the designated country.

(d) If, subsequent to the granting of the petition for foreign rights, the petitioner requests and designates additional countries in which it wishes to secure patents, the Chairperson may recommend such request, in whole or in part, without further action by the Board.

■ 8. Section 1245.107 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 1245.107 Reservations.

* * * * *

(b) *March-in rights.* For any invention for which waiver of rights has been granted under this subpart, NASA has the same right as set forth in 35 U.S.C. 203 and 210, with the procedures set forth in § 1245.117 and 37 CFR 401.6, to require the contractor, an assignee, or exclusive licensee of the invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the contractor, assignee, or exclusive licensee refuses such a request, NASA has the right to grant such a license itself if NASA determines that:

* * * * *

■ 9. Section 1245.108 is amended by revising the first sentence of paragraph (b) and the last sentence of paragraph (c).

§ 1245.108 License to contractor.

* * * * *

(b) The contractor's domestic license may be revoked or modified by the Administrator to the extent necessary to achieve expeditious practical application of the invention pursuant to an application for an exclusive license submitted in accordance with the Licensing of Government-Owned Inventions (37 CFR part 404). * * *

(c) * * * The contractor shall have the right to appeal, in accordance with applicable regulations in 37 CFR part 404, any decision concerning the revocation or modification of its license.

■ 10. Section 1245.110 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), and by adding new paragraph (b) to read as follows:

§ 1245.110 Content of petitions.

* * * * *

(b) Advance waiver petitions shall also identify the invention(s) and/or class(es) of inventions that the Contractor believes will be made under the contract and for which waiver of rights is being requested, in accordance with § 1245.104(c)(2).

* * * * *

■ 11. Section 1245.112 is amended by revising paragraph (a) to read as follows:

§ 1245.112 Notice of proposed Board action and reconsideration.

(a) *Notice.* Except as provided by § 1245.104(d), the Board will notify the petitioner, through the contracting officer, with respect to petitions for advance waiver prior to contract execution, and directly to the petitioner for all other petitions:

(1) When it proposes to recommend to the Administrator that the petition be:

(i) Granted in an extent different from that requested; or

(ii) Denied.

(2) Of the reasons for the recommended action adverse to or different from the waiver of rights requested by the petitioner.

* * * * *

■ 12. Section 1245.116 is amended by revising paragraph (b) to read as follows:

§ 1245.116 Miscellaneous provisions.

* * * * *

(b) *Statement of Government rights.* The waiver recipient shall include, within the specification of any United States patent application and any patent issuing thereon for a waived invention, the following statement:

The invention described herein was made in the performance of work under NASA Contract No. lll, and is subject to the provisions of Section 20135 of the National Aeronautics and Space Act (51 U.S.C. Chapter 201).

* * * * *

■ 13. Section 1245.117 is amended by revising paragraph (a) to read as follows:

§ 1245.117 March-in and waiver revocation procedures.

(a) The exercise of march-in procedures shall be in conformance with 35 U.S.C. 203 and the applicable provisions of 37 CFR 401.6, entitled ''Exercise of march-in rights for inventions made by nonprofit organizations and small business firms.''

* * * * *

Nanette Jennings,

Federal Register Liaison Officer.

[FR Doc. 2015–08145 Filed 4–9–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL LABOR RELATIONS BOARD

29 CFR Parts 101, 102, and 103

RIN 3142–AA08

Representation—Case Procedures

AGENCY: National Labor Relations Board.

ACTION: Final rule; correction.

SUMMARY: On Monday, December 15, 2014, the National Labor Relations Board issued a final rule regarding representation case procedures, 79 FR 74307. Since the publication of the rule, a number of minor errors have been noted throughout the Supplementary Information preceding the amendatory language. The errata sheet below corrects those errors.

DATES: These corrections will be effective on April 14, 2015.

FOR FURTHER INFORMATION CONTACT: Gary Shinners, Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Washington, DC 20570, (202) 273–3737 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

Errata

On *Monday, December 15, 2014*, the National Labor Relations Board issued a

final rule in the above-captioned proceeding. This errata sheet makes the following corrections to the supplementary information preceding the amendatory language of the final rule:

1. On p. 74308:

In the second column, first full paragraph, line 17, correct ''proceeding'' to read ''proceedings''.

2. On p. 74311:

In the third column, line 1, correct ''51735'' to read ''3822''.

In the third column, lines 2–3, correct ''[b]efore issuing a proposed regulation'' to read ''[b]efore issuing a notice of proposed rulemaking''.

In the third column, lines 13–14, correct ''76 FR 36829'' to read ''76 FR 36817, n.34''.

3. On page 74332:

In the third column, second full paragraph, line 12, add ''a'' before ''review''.

4. On page 74337:

In the first column, first full paragraph, line 49, add a period after ''representation''.

In the second column, first full paragraph, line 13, correct ''dissenting'' to read ''concurring in part, concurring in the judgment in part, and dissenting in part'', and in line 3 of the block quotation from *Denver Area Telecommunications Consortium, Inc.,* correct ''most'' to read ''more''.

5. On page 74346:

In the second column, first full paragraph, line 13, ''practice'' should be in internal quotation marks.

6. On page 74351:

In the second column, line 6, correct ''employees' workplace'' to read ''employee'', and in line 7 remove ''(emphasis added)''.

7. On page 74359:

In the third column, first full paragraph, line 11, correct ''8(b)(a)'' to read ''8(b)(1)''.

8. On page 74372:

In the first column, second paragraph, line 4, delete ''in any event''.

9. On page 74385:

In the third column, lines 19–20, correct ''rules'' to read ''Rules'' and correct ''Procedures'' to read ''Procedure''.

10. On page 74391:

In the second column, line 6, correct ''slip op. at 2'' to read ''slip op. at 1''.

In the second column, line 13, correct ''petition'' to read ''proceeding''.

11. On page 74402:

In the second column, line 29, add an open quotation mark before ''[a]rgument''.

12. On page 74423:

In the first column, in the continuation of footnote 513, line 10, add ''slip op. at 10'' after ''No. 76''.

In the first column, in the continuation of footnote 513, line 13, add ''slip op. at 8'' after ''No. 72''.

In the first column, in the continuation of footnote 513, line 14, correct ''purposes'' to read ''purpose''.

13. On page 74432:

In the second column, line 16 of footnote 542, remove ''National Labor Relations''.

14. On page 74433:

In the second column, line 9 of footnote 550, correct ''102–103'' to read ''102''.

In the second column, line 9 of footnote 550, correct ''[I]n'' to read ''In''.

15. On page 74440:

In the first column, line 6 of footnote 591, correct ''processses'' to read ''processes''.

16. On page 74446:

In the third column, line 10 of footnote 623, correct *''Hanover''* to read *''Hannover''.*

17. On page 74452:

In the second column, first full paragraph, line 22, add ''abstract'' before ''law''.

In the second column, first full paragraph, line 27, remove ''s'' from ''communication''.

In the second column, first full paragraph, line 28, correct ''Employer'' to read ''employer.''

In the second column, first full paragraph, line 30, correct ''363–64'' to read ''364''.

18. On page 74460:

In the second column, first full paragraph, line 12, add quotation mark after ''practice''.

19. On page 74461:

In the third column, second full paragraph, line 29, remove ''proposed'' before ''rule''.

In the third column, second full paragraph, line 35, correct ''5 U.S.C. 604(a)(4)'' to read ''5 U.S.C. 604(a)(5)''.

20. On p. 74465:

In the second column, first full paragraph, line 3, correct ''2480'' to read ''2823'' and correct ''2,777'' to read ''2,974''.

In the second column, first full paragraph, lines 4 and 8, correct ''89.3%'' to read ''94.9%''.

In the second column, first full paragraph, line 7, correct ''2,239'' to read ''2,379''.

21. On p. 74467:

In the second column, first full paragraph, line 14, correct ''29'' to read ''30''.

In the second column, line 4 of footnote 729, correct ''29'' to read ''30''.

By direction of the Board.

Dated: Washington, DC, April 6, 2015.

William B. Cowen,

Solicitor.

[FR Doc. 2015–08159 Filed 4–9–15; 8:45 am]

BILLING CODE 7545–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0122]

Drawbridge Operation Regulation; Curtis Creek, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the I–695 Bridge across Curtis Creek, mile 1.0, Baltimore, MD. This temporary deviation allows the drawbridge to remain in the closed to navigation position to facilitate an interim structural inspection and an in-depth electrical/mechanical inspection.

DATES: This deviation is effective from 8 a.m. on April 13, 2015 to 5 p.m. on May 8, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0122] 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. Kashanda Booker, Bridge Administration Branch, Fifth District, Coast Guard; telephone (757) 398–6227, email *Kashanda.l.booker@uscg.mil.* If you have questions on reviewing the docket, call Cheryl Collins, Program Manager, Docket Operations, 202–366–9826.

SUPPLEMENTARY INFORMATION: The Maryland Transportation Authority, who owns and operates this drawbridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.557 to facilitate an interim structural inspection and an in-depth electrical/mechanical inspection.

Under the regular operating schedule, the I–695 Bridge draw must open on signal if at least one hour notice is given. The bridge has a vertical clearance in the closed position to vessels of 58 feet above mean high water.

Under this temporary deviation, the drawbridge will be maintained in the closed to navigation position daily between 8 a.m. and 5 p.m. but will be able to open for navigation with a 2 hour advance notice by contacting (410) 354–1374 or utilizing VHF Channel 13/16.

The bridge will operate under the normal operating schedule at all other times. Emergency openings can be provided with advance notice by contacting (410) 354–1374 or utilizing VHF Channel 13/16. There are no alternate routes for vessels transiting this section of the Curtis Creek.

Curtis Creek is used by a variety of vessels including military, tugs, commercial, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with these waterway users. The Coast Guard will also inform additional waterway users through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation. Mariners able to pass under the bridge in the closed position may do so at any time. However, mariners are advised to proceed with caution.

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

Dated: March 30, 2015.

James L. Rousseau,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–08343 Filed 4–9–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0137]

RIN 1625–AA00

Safety Zone; Naval Helicopter Association (NHA) Red Bull Helicopter Demonstration; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of San Diego Bay for a helicopter aerial demonstration sponsored by the Naval Helicopter Association (NHA). This safety zone is established to ensure the safety of the helicopter aircrew, spectators, safety vessels, and other vessels and users of the waterway. Unauthorized persons and vessels are prohibited from entering into, transiting through or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative. The Coast Guard requests public comments on the temporary safety zone.

DATES: This rule is effective from 6:30 p.m. to 7:30 p.m. on May 12, 2015. Public comments must be received by May 11, 2015.

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

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

Documents mentioned in this preamble are part of docket [USCG–2015–0137]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Randolph Pahilanga, Waterways Management, U.S. Coast Guard Sector San Diego; telephone (619) 278–7656, email *D11-PF-MarineEventsSanDiego@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
TFR Temporary Final Rule

A. Public Participation and Comments

We encourage you to submit comments (or related material) on this temporary final rule. We will consider all submissions and may adjust our final action based on your comments. Comments should be marked with docket number USCG–2015–0137 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

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

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

B. Regulatory History and Information

The Coast Guard is issuing this temporary final rule safety zone for a planned fifteen minute air show over San Diego Bay without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable, because

immediate action is needed to minimize potential danger to the participants and the public during the event. Furthermore, the necessary information to determine whether the marine event poses a threat to persons and vessels was provided March 12, 2015, less than 60 days before the event, which is insufficient time to publish an NPRM. The Coast Guard requests new marine event permit applications at least 165 days in advance for proper environmental and administrative review of the event.

Nevertheless, we are providing an opportunity for subsequent public comment and, should public comment show the need for modifications to the safety zone during the event, we may make those modifications during the event and will provide actual notice of those modifications to the affected public.

C. Basis and Purpose

The legal basis and authorities for this temporary rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones.

The Coast Guard believes a temporary safety zone is needed on the navigable waters of the San Diego Bay to ensure public safety for the NHA Red Bull Helicopter Demonstration. This event involves a planned fifteen minute air show which flies over a portion of San Diego Bay. Because aerial stunt flying over busy waterways poses significant risk to public safety and property and the likely combination of large numbers of recreation vessels, congested waterways, and low flying could easily result in serious injuries or fatalities, a safety zone is necessary to safe guard spectators, vessels and the event pilots. For the safety concerns noted, it is important to have these regulations in effect during the event and impracticable to delay the regulations.

D. Discussion of the Final Rule

The Coast Guard is establishing a temporary safety zone that will be enforced from 6:30 p.m. to 7:30 p.m. on May 12, 2015. This safety zone is necessary to provide for the safety of the helicopter aircrew, event spectators, safety patrol craft and to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or their designated representative. Before the effective period, the Coast Guard will publish a local notice to mariners (LNM). Just prior to the event and during the enforcement of the event, the Coast Guard will issue a broadcast notice to mariners (BNM) alert via VHF Channel 16.

This temporary safety zone will be bound by the following coordinates (North American Datum of 1983, World Geodetic System, 1984): 32°43.05 N, 117°10.54 W, 32°43.05 N, 117°10.46 W, 32°43.33 N, 117°10.54 W, 32°43.33 N, 117°13.46 W.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size, location and limited duration of the safety zone. This zone impacts a small designated area of the San Diego bay for less than one hour. Furthermore, vessel traffic can safely transit around the safety zone.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of private and commercial vessels intending to transit or anchor in the impacted portion of the San Diego Bay from 6:30 p.m. through 7:30 p.m. on May 12, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic can pass safely around the zone. The Coast Guard will publish a local notice to mariners (LNM) and will issue broadcast notice to mariners (BNM) alerts via VHF Channel 16 before the safety zone is enforced.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters.

Protesters are asked to contact the person listed in the **FOR FURTHER INTFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone on the navigable waters of San Diego Bay. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.01.

■ 2. Add § 165.T11–689 to read as follows:

§ 165.T11–689 Safety zone; Naval Helicopter Association (NHA) Red Bull Helicopter Demonstration; San Diego Bay, San Diego, CA.

(a) *Location.* The safety zone will encompass the navigable waters encompassed by the following coordinates (North American Datum of 1983, World Geodetic System, 1984): 32°43.05 N, 117°10.54 W, 32°43.05 N, 117°10.46 W, 32°43.33 N, 117°10.54 W, 32°43.33 N, 117°10.46 W.

(b) *Enforcement period.* This section will be enforced from 6:30 p.m. to 7:30 p.m. on May 12, 2015. If the event concludes prior to the schedule termination time, the COTP will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *designated representative* means any commissioned, warrant, or petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, or local, state, or federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Under the general regulations in 33 CFR part 165, subpart C, entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(3) Upon being hailed by U.S. Coast Guard or designated patrol personnel by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(4) The Coast Guard may be assisted by other federal, state, or local agencies in patrol and notification of the regulation.

Dated: April 1, 2015.

J.A. Janszen,

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

[FR Doc. 2015–08347 Filed 4–9–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR PART 165

[Docket No. USCG–2015–0213]

RIN 1625–AA00

Safety Zone; Barge-Based Fireworks, Sturgeon Bay, Wisconsin

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Sturgeon Bay in Sturgeon Bay, Wisconsin. This safety zone is intended to restrict vessels from a portion of Sturgeon Bay due to a fireworks display. This temporary safety zone is necessary to protect the

surrounding public and vessels from the hazards associated with the fireworks display.

DATES: This rule is effective from 8:30 p.m. on May 15, 2015, until 9:30 p.m. on May 16, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2015–0213. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, contact or email MST1 Joseph McCollum, U.S. Coast Guard Sector Lake Michigan, at 414–747–7148 or *Joseph.P.McCollum@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Specifically, the Coast Guard did not receive the final details for this event until March 4, 2015. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public and vessels from the hazards associated with the barge-based fireworks display on May 15, 2015, which are discussed further below.

B. Basis and Purpose

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

On May 15, 2015, the Coast Guard anticipates that a tug and barge will be anchored in the vicinity of the Sturgeon Bay Yacht Harbor on the waters of Sturgeon Bay in Sturgeon Bay, Wisconsin for the purpose of launching a fireworks display. The Captain of the Port Lake Michigan has determined that this fireworks display will pose a significant risk to public safety and property. Such hazards include falling and/or flaming debris, and collisions among spectator vessels.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that this temporary safety zone is necessary to ensure the safety of persons and vessels during the barge-based fireworks display from the waters of Sturgeon Bay. This zone is effective from 8:30 p.m. on May 15, 2015, until 9:30 p.m. on May 16, 2015. This zone will be enforced from 8:30 p.m. until 9:30 p.m. on May 15, 2015. In the case that inclement weather forces a postponement of the fireworks display on May 15, 2015, this rule will be enforced from 8:30 p.m. until 9:30 p.m. on May 16, 2015. The safety zone will encompass all waters of Sturgeon Bay, in the vicinity of Sturgeon Bay Yacht Harbor, within the arc of a circle with a 420-foot radius from the fireworks launch site, located on a barge in approximate position 44°49.579′ N., 087°22.384′ W. (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or her designated on-scene representative. The Captain of the Port or her designated on-scene representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for only one day. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the affected portion of Sturgeon Bay on May 15 or May 16, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of this zone, we would issue local Broadcast Notice to Mariners so vessel owners and operators can plan accordingly.

3. Assistance for Small Entities

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

listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and, therefore it is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0213 to read as follows:

§ 165.T09–0213 Safety Zone; Barge-based Fireworks, Sturgeon Bay, Wisconsin.

(a) Location. All waters of Sturgeon Bay, in the vicinity of Sturgeon Bay Yacht Harbor, within the arc of a circle with a 420-foot radius from the fireworks launch site located on a barge in approximate position 44°49.579′ N., 087°22.384′ W. (NAD 83).

(b) Effective and enforcement period. This zone is effective from 8:30 p.m. on May 15, 2015, until 9:30 p.m. on May 16, 2015. This zone will be enforced from 8:30 p.m. until 9:30 p.m. on May 15, 2015. If the scheduled event is postponed due to inclement weather on May 15, 2015, this rule will be enforced from 8:30 p.m. until 9:30 p.m. on May 16, 2015.

(c) Regulations. (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or her designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or her designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Lake Michigan to act on her behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Lake

Michigan or her on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan or her on-scene representative.

Dated: March 30, 2015.

A.B. Cocanour,

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

[FR Doc. 2015–08345 Filed 4–9–15; 8:45 am]

BILLING CODE 9110–04–P

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Copyright Office

37 CFR Part 202

Preregistration and Registration of Claims to Copyright

CFR Correction

In Title 37 of the Code of Federal Regulations, revised as of July 1, 2014, on page 614, in § 202.2, in paragraph (b)(1), the second copyright symbol, following the words ''. . . or, in the case of a sound recording, the symbol'', is corrected to read ''℗''.

[FR Doc. 2015–08383 Filed 4–9–15; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0132; FRL–9925–27–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Washington, DC-MD-VA Moderate Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the attainment demonstration and associated contingency measures and motor vehicle emission budgets (MVEBs) for the Washington, DC-MD-VA, moderate ozone nonattainment area (Washington Area) for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) as submitted by the District of Columbia, the State of Maryland, and the Commonwealth of Virginia as revisions to each of their State Implementation Plans (SIPs). EPA has determined that each of the three SIP revisions including specifically the attainment demonstration, contingency measures and MVEBs meet the applicable requirements of the Clean Air Act (CAA or Act), and EPA is approving each revision.

DATES: This final rule is effective on May 11, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2013–0132. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.,* confidential business information (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 for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the District of Columbia. Department of the Environment, Air Quality Division, 1200 1st Street NE., 5th Floor, Washington, DC 20002; the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814–2179, or by email at *cripps.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The District of Columbia, the State of Maryland, and the Commonwealth of Virginia submitted formal SIP revisions on June 12, 2007, June 4, 2007, and June 12, 2007, respectively (hereafter the June 2007 SIP revisions). These June 2007 SIP revisions were submitted to address CAA requirements for the 1997 ozone NAAQS and included the 2002 base year emissions inventory, the 15 percent reasonable further progress plan (RFP) (15% RFP plan), RFP contingency measures, an attainment demonstration to show attainment of the 1997 ozone NAAQS by June 15, 2010, a reasonably available control measures (RACM) analysis, and contingency measures for failure to attain. In addition, the submission included the transportation conformity 2008, 2009, and 2010 year MVEBs associated with the RFP plan, the attainment demonstration and contingency measures, respectively. The District of Columbia Department of the Environment (DDOE), the Maryland Department of the Environment (MDE), and the Virginia Department of Environmental Quality (VADEQ) (hereafter referred to as the three States) jointly developed the June 2007 SIP revisions.[1]

These elements of the Washington Area 8-hour ozone plan were required for the Washington Area by sections 172(c), 182(a), and 182(b)(1) of the CAA due to the classification of the Washington Area as a moderate ozone nonattainment area under the 1997 ozone NAAQS. The boundaries of the Washington Area are defined in the tables for ''1997 8-Hour Ozone NAAQS (Primary and Secondary)'' in 40 CFR 81.309, 81.321 and 81.347.[2]

On September 11, 2011 (76 FR 58116), EPA approved portions of the June 2007 SIP revisions for the three States including the 2002 base year emissions inventory, 15% RFP plan and associated MVEBs for 2008, RFP contingency measures, and the RACM analysis. In this rulemaking action, EPA is approving the remaining portions of the June 2007 SIP revisions for the 1997 ozone NAAQS including the attainment demonstration, the contingency measures, and the associated 2009 and 2010 year MVEBs.[3] In a March 20, 2013 notice of proposed rulemaking (the March 20, 2013 NPR), EPA proposed to approve these remaining elements of the June 2007 SIP revisions. 78 FR 17161.

[1] The three States developed and submitted the ''Plan to Improve Air Quality in the Washington, DC-MD-VA Region, State Implementation Plan (SIP) for 8-Hour Ozone Standard, Moderate Area SIP'' (hereafter the Washington Area 8-hour ozone plan).

[2] Effective July 20, 2012 (77 FR 30088, May 21, 2012), EPA designated and classified nonattainment areas under the 2008 ozone NAAQS codified at 40 CFR 50.15 for most areas of the country including the Washington Area. The Washington Area was designated as nonattainment and classified as marginal nonattainment. The boundaries of the ozone nonattainment area classified as moderate under the 1997 ozone NAAQS are the same as those of the ozone nonattainment area classified as marginal under the 2008 ozone NAAQS. *See* 40 CFR 81.309, 81.321 and 81.347. Hereafter, when referring to the Washington Area in relation to SIP requirements required *solely* due to the 2008 ozone NAAQS, the term ''Washington 2008 Ozone Nonattainment Area'' will be used.

[3] The attainment demonstration was required under 40 CFR 51.908 to demonstrate attainment of the 1997 ozone NAAQS by the applicable attainment date of June 15, 2010 (the June 2010 attainment date).

The initial comment period closed on May 9, 2013 (78 FR 27160); however, EPA reopened the comment period until June 10, 2013. In this final rule, EPA is approving the portions of the June 2007 SIP revisions which we proposed for approval in the March 20, 2013 NPR: the attainment demonstration, contingency measures, and 2009 and 2010 year MVEBs.

II. Summary of SIP Revision

The June 2007 SIP revisions addressed the attainment demonstration required under 40 CFR 51.908, contingency measures, and the associated 2009 and 2010 year MVEBs for the 1997 ozone NAAQS for the Washington Area. Specific requirements for CAA attainment demonstrations, contingency measures and MVEBs for the 1997 ozone NAAQS and the rationale for EPA's proposed action were explained in the NPR and will not be restated here.

III. Attainment Status Based Upon Recent Air Quality Data

Since the March 20, 2013 NPR, the three States have submitted and certified complete ambient air quality monitoring (AQ data) for the entire 2013 ozone monitoring season. EPA has released the final 2011–2013 design values and posted these at *http://www.epa.gov/airtrends/values.html.* The 2011–2013 design values show the Washington Area continues to attain the 1997 ozone NAAQS. Table 1 shows these design values for monitors in the Washington Area in parts per billion (ppb) ozone. These design values in Table 1 demonstrate that the Washington Area continues to meet the 1997 ozone NAAQS.

TABLE 1—ACTUAL MONITORED DESIGN VALUES (DVS) FOR 2011 TO 2013 PERIOD

Site data			DV (ppb)	
AIRS ID	Site name	County/City	State	2011–2013
11–001–0041	River Terrace		DC	72
11–001–0043	McMillan		DC	79
24–009–0010	Calvert	Calvert Co	MD	77
24–017–0010	Southern MD	Charles Co	MD	77
24–021–0037	Frederick Municipal Airport	Frederick Co	MD	74
24–031–3001	Rockville	Montgomery Co	MD	74
24–033–0030	HU-Beltsville	Prince George's Co	MD	76
24–033–8003	PG Equestrian Center	Prince George's	MD	81
24–033–8003	Beltsville	Prince George's	MD	72
51–013–0020	Aurora Hills	Arlington County	VA	79
51–059–0030	Franconia	Fairfax County	VA	79
51–107–1005	Ashburn	Loudoun County	VA	71
51–153–0009	Long Park	Prince William County	VA	69

EPA has also examined available 2014 ozone season AQ data. EPA notes that this AQ data is preliminary. EPA examined the data entered into EPA's Air Quality System (AQS) available as of February 10, 2015. It has not undergone all the quality assurance/quality control review and certification necessary to be used for regulatory purposes, and as of February 10, 2015 may not cover the entire 2014 ozone season for the Washington Area which ended October 31, 2014. *See* Table D–3 ''Ozone Monitoring Season by State'' in appendix D to 40 CFR part 58.

The highest *preliminary* design value in the Washington Area for the 2012–2014 period is 76 ppb which is meeting the 1997 ozone NAAQS. Until the 2014 AQ data is quality assured and certified, this design value is preliminary and subject to change. However, the preliminary data indicates that the Washington Area continues to attain the 1997 ozone NAAQS. For the March 20, 2013 NPR, EPA prepared a technical support document (February 26, 2013 TSD) which is in the docket for this rulemaking and is available online at *www.regulations.gov* as document number EPA–R03–OAR–2013–0132–0006.

EPA has also prepared a supplement to the February 26, 2013 TSD, ''Supplement to Technical Support Document for Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland and Virginia; Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Washington, DC-MD-VA Moderate Nonattainment Area,'' dated February 12, 2015 (TSD Supplement);[4] this TSD Supplement provides additional analysis of the 2013 and 2014 AQ data. The TSD Supplement and other documents concerning the 2013 and 2014 AQ data have been added to the docket for this action and are available online at *www.regulations.gov* at docket number EPA–R03–OAR–2013–0132.

[4] The February 26, 2013 TSD is titled ''Technical Support Document for Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland and Virginia; Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Washington, DC-MD-VA Moderate Nonattainment Area,'' dated February 26, 2013 and is in the docket for this rulemaking as document number EPA–R03–OAR–2013–0132–0006.

IV. Comments Received on the 2010 Attainment Demonstration, MVEBs, and Contingency Measures and EPA's Responses

EPA received comments adverse to the proposed approval of the attainment demonstration, MVEBs and contingency measures from the June 2007 SIP revisions. A summary of these adverse comments and EPA responses follows.

Comment: EPA received comments asserting that EPA must disapprove the attainment demonstrations in the June 2007 SIP revisions because the 2010–2012 AQ data demonstrates that the Washington Area is not attaining the 1997 ozone NAAQS. The commenter asserts that 40 CFR 51.112(a) provides that attainment demonstrations should be done with air quality modeling and with ''data bases'' such as EPA's ambient air quality monitoring database, AQS. The commenter concludes that the three States' attainment demonstration SIPs are therefore not adequate to attain and maintain the 1997 ozone NAAQS. The commenter cites *Motor Vehicle Mfrs. Ass'n of U.S., Inc.* v. *State Farm Mut. Auto Ins. Co.,* 463 U.S. 29, 30–31 (1983) to support its claim that failure to consider the 2010–2012 AQ data would amount to a final rule that is arbitrary and capricious because ''[T]he

agency must . . . examine the relevant data and articulate a satisfactory explanation for its action.'' *Id.* Finally, a commenter stated that the weight of evidence demonstration in EPA's March 20, 2013 NPR is not rational because 2010–2012 AQ data is more representative of real world conditions.

Response: EPA disagrees with the commenter's assertion that EPA must disapprove the attainment demonstrations submitted in June 2007 based upon the results of the 2010–2012 AQ data. EPA did in fact consider some air quality data beyond the 1997 ozone NAAQS June 15, 2010 attainment date. EPA considered 2009–2011 air quality data when proposing approval of the three States' June 2007 SIP revisions which are the subject of this rulemaking. *See* Table 2 ''Modeled Predicted 2009 Design Values versus Actual Monitored Design Values'' and Table 3 ''Actual Monitored Design Values 2009 to 2011'' in the February 26, 2013 TSD in the docket for this action (Docket ID#: EPA–R03–OAR–2013–0132). EPA examined the actual monitored ozone design values through 2011 while evaluating the three States' attainment demonstrations and concluded that the overall trend of ozone air quality in the Washington Area was improving. Because EPA concluded the trend was improving and because the Washington Area attained the 1997 ozone NAAQS by the attainment date of June 15, 2010, EPA determined that the 3 States' June 2007 SIP revisions adequately demonstrated attainment of the ozone standard by the attainment date and EPA proposed to approve the demonstrations. 78 FR at 17165. As discussed in Section III of this rulemaking action, EPA has examined ozone design values for the Washington Area for 2011–2013 and has examined preliminary monitoring data from 2014 which demonstrate the Washington Area continues to attain the 1997 ozone NAAQS and demonstrate the overall ozone design value trend is decreasing from 2003 to 2014. *See also* the TSD Supplement. Thus, EPA has considered relevant data and disagrees with the commenter that EPA must disapprove the attainment demonstrations from the June 2007 SIP revisions due to the 2010–2012 data for the Washington Area.

The CAA is very prescriptive in section 110(k)(3) concerning under what conditions EPA must approve a SIP revision: ''[t]the Administrator *shall* approve such [SIP revision] submittal as a whole if it meets all of the *applicable* requirements of this chapter'' (with emphasis added). As relevant to the moderate area attainment plan for the Washington Area, section 182(b)(1)(A)(i) requires that: ''By no later than 3 years after November 15, 1990, the State shall submit a revision to the applicable implementation plan to . . . provide for such specific annual reductions in emissions of volatile organic compounds and oxides of nitrogen as necessary to attain the national primary ambient air quality standard for ozone *by the attainment date applicable under this chapter.''* (Emphasis added.)

The applicable attainment date for areas classified as moderate like the Washington Area for the 1997 ozone NAAQS was no later than June 15, 2010 pursuant to Table 1 of 40 CFR 51.903(a) (*i.e.,* six years after the June 15, 2004 effective date of nonattainment designation for 8-hour NAAQS). *See* 69 FR 23858 (April 30, 2004). Application of 40 CFR 51.908(d) results in a *de facto* attainment date by the close of calendar year 2009, which included the last complete ozone monitoring season prior to June 15, 2010. *See* 69 FR at 23951 and 23989 (stating that the determination of attainment for an area with an attainment date in May 2010 would be based on AQ data from 2007, 2008 and 2009). CAA sections 172 and 182 require the SIPs for the Washington Area to demonstrate attainment with the 1997 ozone NAAQS but do not require the plan to address continued maintenance of the standard after the attainment date. That requirement is specified as a component of redesignation in CAA section 107(d)(3)(E) and is detailed in section 175A(a). Thus, a state is not required to develop a plan to maintain the standard until such time as it has air quality meeting the NAAQS and is seeking redesignation to attainment.

The attainment demonstrations submitted by the three States addressed all of the applicable requirements for such plans in CAA sections 172 and 182 as explained in the March 20, 2013 NPR. In addition, the Washington Area did in fact attain the 1997 ozone NAAQS by its attainment date of June 15, 2010. *See* 77 FR 11739 (February 28, 2012). A violation of the NAAQS for the period 2010–2012, which is after the attainment date, is not determinative of whether the plan was adequate for showing that the standard would be met by the attainment date, and EPA disagrees with the commenter that the SIP must be disapproved now on the basis of that data. Because EPA based approval of the attainment demonstrations partially on the overall improving ozone air quality trends in addition to the fact that the Area attained by its attainment date, EPA notes that the area continued to meet the 1997 ozone NAAQS based on its design value for 2008–2010, 2009–2011, and 2011–2013. Preliminary data from 2014 also indicate that it is likely that the Washington Area is meeting the 1997 ozone NAAQS for the period of 2012–2014. Thus, EPA disagrees that EPA must disapprove the June 2007 SIP revisions after considering the 2010–2012 data suggested by commenter because the Washington Area's attainment by the attainment date plus overall trend of attaining the 1997 ozone NAAQS supports approval.

Comment: EPA received comments asserting that EPA should exercise caution in approving the attainment demonstrations from the June 2007 SIP revisions because the ambient air quality monitoring data through 2012 indicated that air quality has degraded over time as indicated by ozone concentrations in the DC area having steadily increased over time. The commenters assert that such degradation is not consistent with the goal in the CAA of moving towards redesignation to attainment of the 1997 ozone NAAQS. The comments state that the worsening air quality for the Washington Area after 2009 for the 1997 ozone NAAQS casts doubt about the improvement in air quality through 2009 being due to permanent and enforceable reductions from the implementation of the applicable implementation plan and applicable Federal air pollutant control regulations which the commenter asserts is necessary for redesignation of the Washington Area to attainment for the 1997 ozone NAAQS pursuant to section 107 of the CAA.[5] [6] One commenter noted that the design value for the Washington Area rose as follows: 0.080 parts per million (ppm) for 2007 to 2009, 0.081 ppm for 2008 to 2010, 0.082 ppm for 2009 to 2011, and 0.087 ppm for 2010 to 2012.

Response: The attainment demonstration provisions of the Act do not require the state to demonstrate that the measures adopted to attain the standard will ensure continued maintenance of the NAAQS. Also, as the commenter notes in the comments, the issue of whether reductions are due to permanent and enforceable emission reductions is aligned with redesignation for a specific standard and with one of

[5] The comments cite section 107(d)(3)(E)(iii) which is one of the prerequisites to redesignation to attainment from nonattainment.

[6] The comments assert that the violation based upon the 2010 to 2012 AQ data was recorded despite the implementation by the three States of all control programs and contingency measures committed to in the attainment SIP and full implementation of Clean Air Interstate Rule (CAIR).

the redesignation criteria in section 107(d)(3)(E). EPA does note, however, that increased ambient ozone levels are not necessarily associated with the measures in the SIP not being permanent and enforceable. Rather, air quality is based on a complicated mix of factors that include, but go beyond the level of emissions. Other factors include air temperature, wind patterns, and emissions from upwind sources outside of the nonattainment area. For that reason, it is not unusual that an area's design value can vary year-to-year and that for some years it may be higher than for an earlier year. The design value did show a slight increase between the 2009 design value and the 2011 design value and then had a more significant jump for the 2012 design value. However, the 2013 design value was lower than that for 2012 and met the 1997 NAAQS and preliminary data indicates that the 2014 design value will also be lower than that for 2012 and will also meet the 1997 ozone NAAQS.

If the states choose to submit a request to redesignate the Washington Area, they will need to demonstrate that they have met the requirements of section 107(d)(3)(E), including the requirement that the improvements in air quality are due to permanent and enforceable reductions in emissions; however, as EPA has explained, that issue is not relevant for determining whether the area demonstrated that it would attain the 1997 NAAQS by the applicable attainment date.

Comment: Another commenter asserts that EPA cannot approve the attainment demonstrations from the June 2007 SIP revisions because neither the SIP submittals nor EPA provide any analysis pursuant to CAA section 110(l). Specifically, the commenters claim there is no analysis of whether or not EPA's approval of the attainment demonstrations for the 1997 ozone NAAQS will interfere with any applicable requirements regarding the 2008 ozone NAAQS and the 2010 nitrogen dioxide (NO_2) NAAQS.[7] The commenter claims because the attainment demonstrations in the June 2007 SIP revisions do not require any additional emission reductions, the attainment demonstrations may interfere with attaining the 2008 ozone NAAQS as expeditiously as practicable;[8] the commenter specifically asserts that requiring additional nitrogen oxide (NO_X) emission reductions for the attainment demonstrations will result in more expeditious attainment of and in reasonable further progress for the 2008 ozone NAAQS and result in implementation of RACM. The commenter also asserts that EPA must conduct this analysis and provide the public with an opportunity to review and comment on this analysis.

Response: EPA disagrees that a CAA section 110(l) analysis is required for the purpose suggested by the commenter. Section 110(l) prohibits approval of a SIP revision ''if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress . . . and any other applicable requirement of this chapter.'' EPA notes that our approval of the June 2007 SIP revisions does not remove any SIP requirements nor reduce any requirements in the three States' SIPs. Thus, EPA disagrees that EPA cannot approve the 2007 SIP revisions without a section 110(l) analysis.

However, even though EPA believes a section 110(l) analysis is not required here as no applicable requirements are being removed or reduced, EPA does note that the volatile organic compounds (VOC) and NO_X reductions achieved to attain the 1997 ozone NAAQS for the Washington Area will also provide benefits for attaining and/or maintaining the 2008 ozone NAAQS, and NO_X reductions will provide benefits for attaining and/or maintaining the 2010 NO_2 NAAQS. Thus, EPA finds our approval of the June 2007 SIP revisions will not interfere with the requirements applicable for those other two NAAQS. EPA also disagrees with the commenter's assertion that the three States' attainment demonstrations may interfere with attaining the 2008 ozone NAAQS as no additional NO_X reductions are required because the pollutants reduced in the Washington Area in its attaining the 1997 ozone NAAQS are the same pollutants that need to be regulated for the 2008 ozone NAAQS.

The commenter does not make any specific claim regarding the analysis for the 2010 NO_2 NAAQS, but rather simply asserts that a section 110(l) analysis was not done. EPA notes that no part of the Washington Area has been designated as nonattainment for the 2010 NO_2 NAAQS. *See* 77 FR 9532 (February 17, 2012) and 40 CFR 81.309, 81.321 and 81.347. Therefore, no part of the Washington Area is subject to ''Part D'' planning requirements (such as sections 172(b), 172(c), 181 or 182) for the 2010 NO_2 NAAQS because these ''Part D'' requirements apply only to SIPs required for nonattainment areas. EPA notes that the affected States have all made SIP submissions to address the applicable requirements in section 110(a)(1) and (2) for the 2010 NO_2 NAAQS. The commenter does not suggest nor is EPA aware of anything in the attainment demonstration submissions for the 1997 ozone NAAQS that would undercut or undermine the requirements in the section 110 SIPs submitted for the 2010 NO_2 NAAQS.

The commenter's claim regarding interference with the 2008 ozone NAAQS also ignores the structure of the statute. Under the CAA, EPA is required to periodically review and revise as necessary the NAAQS. When EPA revises a NAAQS, a planning cycle begins for that new NAAQS. EPA is first required to designate areas and, for those areas designated nonattainment, a time clock for submission of plans to address nonattainment begins at the time of designation. EPA designated areas for the 2008 ozone NAAQS effective June 2012, and nonattainment area SIPs for that standard are generally due in June 2015. The interpretation set forth by the commenter ignores that structure and instead suggests that once a new NAAQS is promulgated, the state must demonstrate any time it revises its SIP that such revisions will also fulfill requirements applicable for the new standard (*e.g.,* demonstrate attainment, meet RACM). In other words, the commenter is reading section 110(l) to supersede the more prescriptive and descriptive provisions in Part D of title I of the CAA that govern nonattainment area planning. It is untenable to read that much detail and meaning into the word ''interfere.'' EPA's reasonable interpretation is that this provision means that a plan cannot undermine or impede applicable requirements for the same or other NAAQS.[9] And, in this circumstance, the reductions relied on for attainment of the 1997 ozone NAAQS will not undermine or impede progress toward meeting the newer NAAQS because it regulates the same pollutants that need to be regulated for

[7] These are codified at 40 CFR 50.15 and 40 CFR 50.11, respectively.

[8] The commenter cited section 172(a)(2) for the proposition that attainment dates are to be the date by which attainment can be achieved as expeditiously as practicable. Because EPA is implementing the 1997 and 2008 ozone NAAQS under ''subpart 2'' (sections 181 through 185B) by classifying all ozone nonattainment areas under both these NAAQS under section 181, EPA notes that the proper citation for this proposition should be section 181(a)(1) and 40 CFR 51.1103 (implementing the 2008 ozone NAAQS under section 181) which requires attainment of the ozone NAAQS be ''as expeditiously as practicable'' but no later than the date provided in Table 1 of 40 CFR 51.1103.

[9] *See also* Webster's Ninth New Collegiate Dictionary, defining ''interfere'' as ''to interpose in a way that hinders or impedes.''

the 2008 ozone NAAQS and the 2010 NO_2 NAAQS. Any further reductions needed for attaining the 2008 ozone NAAQS will be addressed through the attainment planning process provided in Part D of title I of the CAA for the 2008 ozone NAAQS.

Comment: Another commenter claims that because the air quality in the Washington Area does not meet either the 1997 and 2008 ozone NAAQS, one cost-effective and expeditious method to deal with this problem is to impose an emission limit of 0.07 pounds per million British thermal units (lb/mmbtu) on each coal-burning electric generating unit (EGU) and each coal fired unit at the Capitol Heat Plant in the Washington Area.[10] The commenter claims such a limit is a reasonably available control measure and cited court decisions, EPA preamble text and other documents to support this conclusion.[11] The commenter suggests various specifics related to such a limit such as applicability, prohibition of inter-unit averaging, averaging periods, compliance dates and other details. The commenter also suggested limits for ''ammonia slip'' because states need to assume that ammonia is a fine particulate matter ($PM_{2.5}$) precursor.

Response: As an initial matter, EPA does not have authority under the CAA to condition approval of the attainment demonstrations in the 2007 June SIP revisions upon adoption of a specific measure such as the NO_X limit suggested by the commenter for EGUs or any ammonia slip requirement. Under the cooperative federalism structure of the SIP program designed by Congress, the states have the authority to choose the measures needed for attainment of the NAAQS. *See Train* v. *Natural Resources Defense Council,* 421 U.S. 60, 79 (1975) (stating ''so long as the ultimate effect of a State's choice of emission limitations is compliance with the national standards for ambient air, the State is at liberty to adopt whatever mix of emission limitations it deems best suited to its particular situation''); *Union Electric Co.* v. *EPA,* 427 U.S. 246, 269 (1976) (finding Congress via section 110 ''plainly left to the states the power to determine which sources would be burdened by regulations and to what extent''). *See also Virginia* v. *EPA,* 108 F.3d 1397, 1407–08 (D.C. Cir. 1997) (stating EPA cannot question the wisdom of a state's choices of emission limitations for a SIP if the plan satisfies the standards of section 110(a)(2)).

The commenter appears to be claiming that the identified NO_X control measures for EGUs and the Capitol Power Plant and an ammonia slip requirement must be adopted by the states in order to meet the RACM requirement in CAA section 172. Because EPA previously approved the States' RACM portions of the June 2007 SIP revisions on September 20, 2011 (76 FR 58116), this issue as raised now by the commenter has not been timely raised and no further response is necessary. However, EPA further notes that EPA's longstanding interpretation of the RACM requirement in CAA section 172 involves an evaluation of whether the measures will advance the attainment date by one year. *See Sierra Club* v. *EPA,* 314 F.3d 735, 744–745 (5th Cir. 2002) and *Sierra Club* v. *EPA,* 294 F.3d, 155, 162 (D.C. Cir. 2002). *See also* 57 FR 13498, 13560 (April 16, 1992); 44 FR 20372, 20374 (April 4, 1979). Notably, the attainment date for the Washington Area (June 15, 2010) has passed and the Area is in fact attaining the 1997 ozone NAAQS as mentioned previously. Thus, at this juncture, the NO_X or ammonia control measures suggested by the commenter are not ones that could advance the attainment date of the Washington Area and would not qualify as RACM, even if EPA were evaluating RACM for the 1997 ozone NAAQS for the Area.

Comment: EPA received comments that assert EPA cannot approve the attainment demonstrations in the June 2007 SIP revisions because 40 CFR 51.112(a) provides that attainment demonstrations must demonstrate that the measures, rules, and regulations contained in it are adequate to provide for the timely attainment and maintenance of the national standard that it implements. The commenters also claim that 40 CFR 51.908(d) further supports the claim that the attainment demonstration SIP must provide for maintenance as part of attainment demonstrations because it requires implementation of all control measures needed for attainment no later than the beginning of the attainment year ozone season. The commenters assert that the language of ''no later than'' does not allow for this requirement to stop after the attainment year ozone season, and the plain language of this regulation provides for control measures needed for attainment after the attainment year.

Response: For the reasons provided in the March 20, 2013 NPR and in this final rule, EPA has determined that the modeled attainment demonstration in the June 2007 SIP revisions and supporting analyses show that measures, rules and regulations contained in the June 2007 SIP revisions provide for timely attainment of the 1997 ozone NAAQS. EPA disagrees with the commenter that EPA cannot approve the attainment demonstrations because the demonstrations do not provide for *maintenance* of the 1997 ozone NAAQS. The regulatory provision cited by the commenter, 40 CFR 51.112(a), was first promulgated in 1986, prior to enactment of the CAA Amendments of 1990. This provision establishes broad principles applicable to ''control strategy'' SIPs and both attainment demonstrations and maintenance plans are types of control strategy SIPs. Under the CAA, as amended in 1990, those two SIPs are addressed separately in the Act, and the Act establishes separate timeframes for submission of those two SIPs. Specifically, maintenance SIPs are now specifically required under CAA section 175A as a prerequisite to redesignation of an area to attainment with the NAAQS under section 107(d)(3) of the CAA and thus are to be submitted after an area has attained the NAAQS. Thus, EPA applies 40 CFR 51.112(a) in the context of the control strategy SIP under review and consistent with the structure of the Act. For example, maintenance plans need not project timely attainment because an area must have actually attained a NAAQS before a maintenance plan can support a redesignation request under section 107(d)(3)(E). Similarly, as discussed in an earlier response to comment, attainment demonstrations are due several years after designation as nonattainment and are for the purpose of demonstrating how an area will attain the NAAQS ''by'' a specific date but are not required to address air quality after the attainment date. In other words, consistent with the structure of the Act, EPA does not read 40 CFR 51.112(a) to require an attainment demonstration to demonstrate maintenance of a NAAQS nor to require a maintenance plan to demonstrate attainment of the NAAQS.

The commenter's interpretation that 40 CFR 51.908(d) supports a requirement that attainment demonstrations must include a demonstration of maintenance of the NAAQS beyond the attainment date is also misplaced. The sole purpose of this regulatory provision was to make clear

[10] EPA assumes the commenter is referring to the Capitol Power Plant which is located in Washington, DC which provides steam and chilled water used to heat and cool buildings throughout the U.S. Capitol campus.

[11] Regarding suggested NO_X control measures, the commenter cites for support generically to EPA's Cross State Air Pollution Rule, 76 FR 48208, 48282 (August 8, 2011), which addresses interstate transport of emissions for the 1997 ozone NAAQS and to *Appalachian Power* v. *EPA,* 135 F.3d 791, 819 (D.C. Cir. 1998) which addressed NO_X limits on EGUs under Title IV of the CAA. The commenter also cites to *NRDC* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013) (remanding $PM_{2.5}$ implementation rule) in support of the comment that EPA should require ammonia control measures.

to states the date by which all measures relied on for purpose of demonstrating attainment must be in place. Specifically, they must be implemented by the beginning of the final ozone season before the attainment date. The provision says or implies nothing beyond that simple requirement. This is further supported by the discussion in the preamble to the final rule promulgating this provision to implement the 1997 ozone NAAQS in which EPA consistently spoke only of the analysis needed to demonstrate timely attainment of the ozone NAAQS requirements and never of any need to demonstrate ''maintenance'' of the ozone NAAQS. *See* 70 FR 71612, 71615, 71626–71627 (November 29, 2005) (''Phase 2'' final rule for implementation of 1997 ozone NAAQS). EPA referenced sections 172(c), 182(b), and 182(c) as the applicable CAA provisions regarding attainment demonstrations for the 1997 ozone NAAQS and did not cite or discuss the maintenance plan provision in section 175A. *Id.*

Comment: EPA received comments asserting that the SIP for the Washington Area relies on CAIR to address the ''transport'' problem and note that CAIR was remanded after the June 2007 SIP revisions were submitted. The commenters assert that because reduction of transported emissions still depend on the remanded CAIR, key modeling assumptions made for the attainment demonstrations in the June 2007 SIP revisions are questionable. These comments assert that EPA's own modeling analysis for the Cross State Air Pollution Rule (CSAPR) indicates that transported pollution and ozone precursors from upwind jurisdictions play a significant role in the Washington region and that up to 75 percent of the ozone pollution in the Washington Area comes from states outside of the nonattainment area.[12] These commenters state that the three States relied on emissions reductions in upwind states to meet the 1997 ozone NAAQS. The commenters state that despite attempts by EPA, the full benefits of a replacement rule have not been realized and state it is premature to approve the attainment demonstrations without a viable transport strategy in place. The comments conclude that the burden remains on EPA to persevere to replace CAIR so that further reductions are made to minimize contributions from upwind states. The comments suggested EPA could use CAA section 110(k)(5) to initiate a SIP call to merge addressing transport for the 1997 ozone NAAQS with addressing transport for the 2008 ozone NAAQS. The commenters conclude that EPA's proposed action to fully approve the attainment demonstrations from the June 2007 SIP revisions without sufficiently addressing transport should not proceed and that a partial approval should be granted at most of such things as the MVEBs.

Response: EPA disagrees with the commenters that it is premature to approve the attainment demonstrations from the June 2007 SIP revisions for the 1997 ozone NAAQS due to concerns raised by the commenters regarding CAIR and transport of pollution. CAIR, as relied on for purposes of the attainment demonstration (and as described in more detail below) was being implemented through the attainment date. As provided in our earlier responses to comments, attainment demonstrations are required to demonstrate that an area will attain the NAAQS ''by'' a specific date, and EPA does not review such SIPs to determine whether they will show continued maintenance of the NAAQS. EPA is unclear about what the commenters are suggesting regarding a SIP Call—*i.e.,* whether they are suggesting that EPA issue a SIP Call for the SIPs for the Washington DC Area or whether they are make a broader suggestion that EPA issue a new SIP Call rule. In either case, the comment is not relevant to the present rule. The issue in this present rulemaking is whether EPA should approve specific SIP submissions pending before the Agency and not whether EPA should issue a SIP Call for the already-approved SIPs for the Washington DC area. Nor, does this rulemaking action purport to address the broader issue of whether EPA should issue a new ''SIP Call'' rule requiring upwind states to address transported pollution for any NAAQS.

Although not relevant for purposes of whether the attainment demonstration demonstrates attainment by the attainment date, EPA notes that EPA also disagrees with the characterization by the commenter that the transport rules are not reducing transported emissions. Despite the litigation regarding CAIR and CSAPR, the rules are providing a continuous mandate to states to address upwind transport as described in this response.

CAIR was promulgated May 12, 2005 (70 FR 25162) and required 28 states and the District of Columbia to adopt and submit revisions to their SIPs to eliminate sulfur dioxide (SO_2) and NO_X emissions from EGUs that contribute significantly to downwind nonattainment of the 1997 $PM_{2.5}$ and ozone NAAQS. The three States developed their attainment demonstrations for the June 2007 SIP revisions after CAIR was promulgated and being implemented in Maryland, Virginia, and the District of Columbia. CAIR was remanded to EPA in 2008, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008), but it was not vacated and implementation of the program continued for most areas. EPA subsequently promulgated CSAPR to replace CAIR and address transport for the 1997 ozone NAAQS. 76 FR 48208 (August 8, 2011). Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR would have superseded the CAIR program. However, numerous parties filed petitions for review of CSAPR, and on December 30, 2011, the D.C. Circuit issued an order staying CSAPR pending resolution of the petitions and directing EPA to continue to administer CAIR. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Dec. 30, 2011), Order at 2.

In 2012, the D.C. Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), vacating CSAPR and ordering EPA to continue administering CAIR pending the promulgation of a valid replacement. On April 29, 2014, the Supreme Court reversed the D.C. Circuit's decision on CSAPR and remanded the case to the D.C. Circuit for further proceedings. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). After the Supreme Court decision, EPA filed a motion to lift the stay on CSAPR and asked the D.C. Circuit to toll CSAPR's compliance deadlines by three years, so that the Phase 1 emissions budgets apply in 2015 and 2016 (instead of 2012 and 2013), and the Phase 2 emissions budgets apply in 2017 and beyond (instead of 2014 and beyond). On October 23, 2014, the D.C. Circuit granted EPA's motion. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Oct. 23, 2014), Order at 3. EPA issued an interim final rule to clarify how EPA will implement CSAPR consistent with the D.C. Circuit's order granting EPA's motion requesting lifting the stay and tolling the rule's deadlines. 79 FR 71663 (December 3, 2014) (interim final rulemaking).

Throughout the litigation described previously in this rulemaking action, EPA continued to implement CAIR

[12] CSAPR was issued by EPA to replace CAIR and to help states reduce air pollution and attain CAA standards. *See* 76 FR 48208 (August 8, 2011) (final rule). CSAPR requires substantial reductions of SO_2 and NO_X emissions from EGUs in 28 states in the Eastern United States that significantly contribute to downwind nonattainment of the 1997 $PM_{2.5}$ and ozone NAAQS and 2006 $PM_{2.5}$ NAAQS.

which led to significant reductions in emissions of SO_2 and NO_X from EGUs. However, on December 31, 2014, EPA sunset CAIR's provisions, and implementation of CSAPR began on January 1, 2015 in accordance with our interim final rule. 79 FR 71663. Now that implementation of CSAPR has begun, the emission reductions in SO_2 and NO_X from implementation of CAIR at EGUs will continue through CSAPR implementation. *See* 76 FR 48208.

Comment: One commenter asserts that EPA has changed its position on whether or not EPA could approve the attainment demonstrations from the June 2007 SIP revisions for the Washington Area as well as other ozone nonattainment areas under the 1997 ozone NAAQS. The commenter claims that at one time EPA stated that it could not approve the attainment demonstration portions of the June 2007 SIP revisions because the modeling was based on CAIR; the commenter links the uncertainty about CAIR to doubts about assurances that the 1997 ozone NAAQS would be attained. The commenter asserts that EPA's proposed approval relies upon the same modeling which continues to be based on CAIR (which was remanded to EPA) and claims the change in policy seems to be based on ambient air quality monitoring data which allowed EPA to declare that the Washington Area attained the 1997 ozone NAAQS. The commenter claims EPA should not approve an attainment demonstration that relies on modeling which was based in part on CAIR.

Response: As explained previously in response to a prior comment, EPA sunset its implementation of CAIR on December 31, 2014 and is now implementing CSAPR pursuant to the Supreme Court's upholding of CSAPR as a means to address transport of pollution for the 1997 ozone NAAQS, pursuant to the D.C. Circuit's lifting the stay on CSAPR, and pursuant to our interim final rule which provided clarification that CSAPR would be implemented as of January 1, 2015. During the litigation in the D.C. Circuit over CAIR and CSAPR, EPA continued to review and evaluate SIPs such as the June 2007 SIP revisions in accordance with CAA requirements. EPA disagrees that it ''changed its position'' on the approvability of the attainment demonstrations from the June 2007 SIP revisions. During the pendency of litigation concerning CAIR and CSAPR, EPA merely exercised caution in reviewing data which relied upon CAIR, and EPA proposed approval of the June 2007 SIP revisions when EPA concluded reliance upon data related to CAIR was appropriate given the litigation in the D.C. Circuit. However, as mentioned previously, EPA continued to implement CAIR during the litigation in the D.C. Circuit, and emission reductions of SO_2 and NO_X from EGUs occurred through CAIR. The States appropriately relied on CAIR and CAIR emission reductions in the June 2007 SIP revisions. EPA believes that continued and further reductions will occur with CSAPR. While the air quality data for the Washington Area has changed and improved generally over time, the air quality data presently indicates the Washington Area is attaining the 1997 ozone NAAQS and the Washington Area did attain by its attainment date of June 15, 2010 when EPA was implementing CAIR.

As explained in the March 20, 2013 NPR, in the February 26, 2013 TSD, in the TSD Supplement, and in response to prior comments, EPA based our decision to approve the attainment demonstrations upon the fact that the Washington Area did in fact attain the 1997 ozone NAAQS by the required June 15, 2010 attainment date and upon our evaluation that the Area continues to attain the 1997 ozone NAAQS. EPA believes the attainment demonstrations are in accordance with CAA requirements in sections 172 and 182 and believes the improving air quality data supports our decision to approve these attainment demonstrations for the 1997 ozone NAAQS. Thus, for the reasons detailed in the March 20, 2013 NPR and in this rulemaking action, EPA finds the attainment demonstration in accordance with CAA requirements, and EPA disagrees with commenters that any concerns with CAIR prevent our approval of these attainment demonstrations.

Comment: One commenter noted that although speedy approval of SIPs is desirable, at this juncture, approval of the attainment demonstrations from the June 2007 SIP revisions sends the wrong message to states and the public. The commenter claims that approval will not force state actions to address the 1997 and 2008 ozone NAAQS and therefore will result in continuation of unhealthy air for citizens of the Washington Area.

Response: EPA disagrees with the commenter that action on the SIP ''sends the wrong message'' to the public. Under the CAA, states are required to develop plans for each NAAQS and EPA is required to act on such submittals. Thus, to the extent the commenter is suggesting that EPA not act on the submission, such inaction is not allowed under the CAA. *See* CAA section 110(k)(1)–(3). The commenter's claim that action on an attainment SIP for the 1997 NAAQS will not force action by the state on a SIP for the 2008 NAAQS or will ''continue'' unhealthy air is misguided. The 2008 ozone NAAQS is a separate NAAQS with a separate statutory schedule for state adoption and submission of SIPs. EPA's action on a SIP required to address the 1997 ozone NAAQS has no effect on the obligation of the state to adopt rules and plans to meet the 2008 ozone NAAQS. In addition, SIPs for the 2008 ozone NAAQS are not yet due. Although, the attainment SIP for the 1997 ozone NAAQS is not intended to demonstrate how the state will meet the tighter 2008 ozone NAAQS, the reductions achieved by the attainment SIP will also provide benefits for that newer 2008 ozone standard.

Comment: One commenter asserted that if the proposed 2008 SIP Requirements Rule moves forward as currently written and the 1997 ozone NAAQS is entirely revoked, EPA could consider a process similar to that conducted during transition from the 1-hour standard to the 1997 8-hour standard. Under such process, the Washington Area's ''moderate'' area requirements under the 1997 standard could be continued under the 2008 standard, at least until the region is designated ''attainment'' for the 1997 standard, as suggested in CAA section 172(e).

Response: This comment addresses the substance of a separate rule for implementing the 2008 ozone NAAQS and is not related to whether EPA should approve the attainment demonstration addressed in this action rulemaking. EPA will address in the final action on that separate rule concerning implementation of the 2008 ozone NAAQS, the issue of how long the requirements applicable for the 1997 NAAQS remain in place as areas transition to implementation of the 2008 ozone NAAQS.

Comment: Several commenters noted that because of the determination of attainment by the attainment date and clean data determination for the Washington Area issued on February 28, 2012, EPA will not have to reclassify the Washington Area under the 1997 ozone NAAQS and that the three States are not required to submit any planning SIPs related to attainment of the 1997 ozone NAAQS standard unless a violation of the standard occurs. The commenters assert that violation of the 1997 ozone NAAQS has occurred and called for action by EPA. These commenters asserted that section 110(k)(5) requires EPA to issue a SIP call because the attainment demonstrations in the June 2007 SIP revisions are inadequate to

maintain the 1997 ozone NAAQS in the Washington Area. EPA received other comments that suggested EPA merge the SIP call requirement in section 110(k)(5) under the 1997 ozone NAAQS with requirements under the 2008 ozone NAAQS. One commenter asserted that in addition to section 110(k)(5), EPA could use section 110(k)(6) to correct prior actions when EPA finds a previously approved SIP inadequate. One commenter speculated that EPA has not moved with an action under section 110(k)(5) perhaps because the area has been designated nonattainment for the 2008 ozone standard.

Response: The comments do not address EPA's action on the attainment demonstration, but instead suggest that EPA take additional rulemaking pursuant to CAA section 110(k)(5) or 110(k)(6) and thus are outside the scope of this rulemaking action. EPA notes that although the 2012 design value was violating the 1997 ozone NAAQS, the area is attaining that NAAQS based on the 2013 design value and preliminary data from 2014 indicates that it is continuing to meet the 1997 ozone NAAQS.

Comment: EPA received comments claiming that EPA should promptly revoke the determination of attainment EPA issued for the Washington Area on February 28, 2012 (77 FR 11739) based on the 2010 to 2012 air quality data showing a violation of the 1997 ozone NAAQS.

Response: The comments do not address this action on the attainment demonstration, but instead suggest that EPA take additional rulemaking action to revoke our prior clean data determination for the Washington Area; thus the comments are outside the scope of this rulemaking action. As discussed previously, EPA notes that based on air quality data from 2011 to 2013 and on preliminary data from 2012 to 2014, the Washington Area is attaining the 1997 ozone NAAQS and thus currently has clean data for the 1997 ozone NAAQS.

Comment: EPA received comments claiming that EPA explained in its proposed approval of the Washington Area attainment demonstrations from the June 2007 SIP revisions that the actual monitored values from the attainment year confirm the model over-predicted ozone concentrations by 0.002 ppm (2 ppb) and also claiming that the actual design values upon which EPA based these findings of model over-prediction are from years that are not representative of the same kind of meteorology chosen for the modeling. The commenter claims that the attainment year period was cooler and wetter and would be expected to generate less ozone. The commenter asserts that the design values for the Washington Area have increased for four straight years now that data from 2009 is not included in the design value calculation. The commenter notes that the most recent air quality data indicates the model-predicted ozone values are just as likely to be correct rather than an over-prediction. In addition, the commenter notes that EPA also cited a descending trend in ozone values as weight of evidence that the modeling over-predicts ozone for the region. Now that design values no longer include 2009 ozone season data, the commenter claims design value trends are increasing and do not show continued attainment of the 1997 ozone NAAQS. These comments conclude that EPA must disapprove the attainment demonstration based on the current values.

Response: As EPA has explained previously, the issue for approving the attainment demonstration is not whether the area has continued to maintain the NAAQS several years following the attainment date, but rather whether the modeled attainment demonstration demonstrated that the area would attain by its attainment date. For the reasons provided in the proposed rule and this final rule, EPA has determined that the attainment demonstrations in the June 2007 SIP revisions show attainment by the Area's attainment date of June 15, 2010. Furthermore, monitored attainment, including the 2009 design value, support that the Washington Area attained the standard by its attainment date.

EPA notes that in the March 20, 2013 NPR, EPA stated that the modeling conducted by the three States for the June 2008 SIP revisions over predicted 2009 ozone design values relative to the actual monitored 2009 to 2011 design values for most cases and always for four monitors for which the modeled design values were in the range of 82 to 87 ppb. *See* 78 FR at 17164. EPA also stated in the March 20, 2013 NPR that the modeling in the three States' June 2007 SIP revisions over predicted 2009 predicted design values when compared to actual monitored design values since 2009. *Id.* EPA compared the modeled design values to the actual design values based upon air quality data in Table 2, ''Modeled Predicted 2009 Design Values versus Actual Monitored Design Values'' in the February 26, 2013 TSD. This comparison showed that the actual attainment year design values were below the model predicted values, but more significantly were below the 1997 ozone NAAQS of 84 ppb.[13]

At the time EPA issued the March 20, 2013 NPR, EPA did not have certified 2012 or 2013 data. When EPA proposed in 2013 to approve the attainment demonstrations in the June 2007 SIP revisions, EPA considered the overall downward trend in monitored ozone air quality in the Washington Area and that the Area attained the 1997 ozone NAAQS by the attainment date applicable under section 181 of the CAA. While the 2010–2012 air quality design value does show an increase over the design values EPA previously considered, EPA continues to believe the air quality data for the Washington Area supports our approval of the June 2007 SIP revisions as the 2011–2013 AQ data (and the 2012–2014 AQ data based upon the preliminary 2014 data) shows the Washington Area is attaining the 1997 ozone NAAQS.

EPA agrees with the commenters that weather plays an important role in ozone formation. However, EPA believes that these considerations do not require EPA to disapprove the attainment demonstrations in the June 2007 SIP revisions. None of the design values predicted in the modeling from the three States in the June 2007 SIP revisions were above 87 ppb. Therefore, as explained in the February 26, 2013 TSD, a weight of evidence demonstration could be considered and was considered by EPA. The three States presented downward trends in design values (through 2006 as the States submitted the SIP in 2007), in numbers of exceedances, in nitrogen dioxide and carbon monoxide levels, and in emissions levels, as well as a decrease in the spatial extent of nonattainment in the Washington area and a decrease in the number of days the 1997 ozone NAAQS was exceeded when the maximum temperature exceeded 90 degrees Fahrenheit. For the proposed approval in the March 20, 2013 NPR, EPA also considered monitored ozone design values for years after 2006 which declined from an area-wide maximum 91 ppb for the 2004–2006 period to 80 ppb for the 2007–2009 (the effective applicable attainment period). At best, EPA believes that a modeled attainment demonstration with a supporting weight of evidence demonstration is a prediction about future events. For attainment

[13] The 1997 ozone NAAQS as codified at 40 CFR 50.10 is 0.08 ppm, but EPA's interpretation (and under the interpretation in Appendix I to 40 CFR part 50) of the 1997 ozone NAAQS after considering the number of significant figures requires a design value equal to or greater than 0.085 ppm (85 ppb) to be a violation.

demonstrations, EPA has recommended using model predictions in a relative rather than absolute sense and using weight of evidence to lessen the problems posed by less than ideal model performance on individual days by anchoring the future predicted concentrations to real ambient values and to address associated uncertainties in model results and projections.[14] In addition, EPA believes that the form of the 1997 8-hour ozone NAAQS necessitates such an attainment test.[15]

In general, EPA does not consider the monitored ambient air quality data for periods after the attainment date to be particularly dispositive when acting on an attainment demonstration due under section 182(b). As explained previously in response to prior comments, EPA must approve a SIP submission such as an attainment SIP if the SIP submission meets applicable requirements in CAA sections 172 and 182. If an area does attain by its applicable attainment date, EPA has no authority to reclassify the area even if the area subsequently violates the ozone NAAQS.[16] EPA believes this evinces a preference for actual air quality results over modeled predictions, and we believe that EPA must place great weight upon monitored attainment by the statutorily required attainment date when evaluating an attainment demonstration for compliance with CAA requirements.

As noted in response to other comments, EPA believes that an attainment demonstration required under sections 172 and 182(b) need not demonstrate maintenance of the ozone NAAQS after the applicable attainment date and need only demonstrate timely attainment by the attainment date. While the commenters raise concerns for maintenance of the 1997 ozone NAAQS based on the 2010–2012 design value for the Washington Area, the 2011–2013 design values (and preliminary data for 2012–2014) show attainment with the 1997 ozone NAAQS as mentioned previously. EPA did not in the March 20, 2013 NPR propose any sort of finding regarding sufficiency of any state's SIP with regards to maintenance of the 1997 ozone NAAQS in the Washington Area. In addition, maintenance of the 1997 ozone NAAQS is not a requirement for our approval of an attainment SIP required by CAA sections 172 and 182 as discussed previously in response to a prior comment and will be addressed in a separate SIP if the Washington Area seeks redesignation.

Finally, EPA believes that section 110(k)(5) provides a separate remedy, outside the scope of this rulemaking action, via a ''SIP call'' which provides the necessary authority to require remedial action through additional measures for a SIP where an ozone nonattainment area attains the ozone NAAQS by the applicable attainment date under section 181 but later violates that ozone NAAQS. *See* 64 FR 70205, 70206 (December 16, 1999) (final SIP call rule for Birmingham, Alabama marginal 1-hour ozone nonattainment area to address inadequacy of a SIP) and 79 FR 27830, 27832 (May 15, 2014) (proposed SIP call for the New York-New Jersey-Long Island moderate 1997 8-hour ozone nonattainment area).

Comment: EPA received a comment that it is arbitrary and capricious for the attainment demonstration modeling to only model for design values at monitoring stations. The commenter states that the whole metropolitan DC area is designated nonattainment, not just the tiny area covered by the monitoring stations. The commenter states that the NAAQS apply everywhere and that people are located throughout the Washington Area, not just at the monitoring stations. The commenter claims the model is capable of having a receptor grid that provides design values for the entire Washington Area and that by looking at design values at the monitoring station, EPA is deliberately ignoring an important aspect of the problem, that is whether the SIP provides people throughout the Washington Area with air that contains ozone below the health-based limit in the NAAQS.

Response: EPA disagrees with the comment that it was arbitrary and capricious for the attainment demonstration modeling to only model for design values at monitoring stations and not for the entire Washington Area. The three States' attainment demonstration modeling was in accordance with EPA's 2007 Modeling Guidance for Ozone, $PM_{2.5}$, and Regional Haze and considered appropriate data. As an initial matter, the performance of the air quality model used in a SIP submission can only be assessed by comparison of the model predicted ozone concentrations for the baseline year in the vicinity of any air quality monitors in place with the actual monitored ozone concentrations recorded at air quality monitors in place during the baseline year. EPA's 2007 Modeling Guidance for Ozone, $PM_{2.5}$, and Regional Haze in section 2.0 provides for using the modeling results in a relative sense, that is, the ratio, called a ''relative response factor'' (RRF), of the model's future to current (baseline) predictions at monitors is used to determine if attainment is predicted.[17] In section 2.4 of that guidance, EPA explained its reasons for using the models in a relative sense. These RRFs are used to estimate concentrations at existing monitoring sites by multiplying a modeled RRF at locations ''near'' each monitor by the observation-based, monitor-specific, ''baseline'' design value. The resulting predicted ''future concentrations'' are compared to the NAAQS as part of the modeled attainment test and attainment demonstration.

While the 2007 Modeling Guidance for Ozone, $PM_{2.5}$, and Regional Haze recommends a test, the ''unmonitored area analysis,'' which provides estimates of future year values in unmonitored areas, the guidance notes this test is particularly needed in nonattainment areas where the ozone monitoring network just meets or minimally exceeds the size of the network required to report data to AQS. EPA asserts that the Washington Area's monitoring network is not such a network.

The air quality monitoring network in the Washington Area far exceeds the minimum required under 40 CFR part 58. The Washington Area is part of the larger Washington-Arlington-Alexandria (DC–VA–MD–WV) Metropolitan Statistical Area (MSA) (known as the Washington-A–A MSA). Under Table D–2 of appendix D of 40 CFR part 58, the absolute minimum monitoring network for the Washington-A–A MSA based upon its population would be 3 ozone monitors, but the Washington-A–A MSA in fact contains 15 ozone monitors of which 13 are in the designated nonattainment area. Consistent with the factors found in section 4.1(b) of appendix D of 40 CFR part 58, the additional monitors in the Washington Area are located based on a variety of reasons such as providing for more than one maximum concentration site within the MSA, characterizing

[14] *See* ''Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$ and Regional Haze,'' EPA–454/B–07–002, dated April 2007 (2007 Modeling Guidance for Ozone, $PM_{2.5}$ and Regional Haze), which is available at *http://www.epa.gov/scram001/guidance/guide/final-03-pm-rh-guidance.pdf* and is also included in the docket for this action and available online at *www.regulations.gov* in docket number EPA–R03–OAR–2013–0132.

[15] *See* 2007 Modeling Guidance for Ozone, $PM_{2.5}$, and Regional Haze.

[16] As noted previously, when an area does not attain by its applicable attainment date, the area is subject to reclassification or other provisions pursuant to section 182(b) of the CAA.

[17] The 2007 Modeling Guidance for Ozone, $PM_{2.5}$ and Regional Haze is included in the docket for this action as an attachment to docket item EPA–R03–OAR–2013–0132–0006.

population exposure, and addressing factors including geographic size, population density, and complexity of terrain and meteorology in the MSA as well as air pollution transport.[18] Given the extensive size and coverage of the Washington Area monitoring network and the factors considered for the size of the network, EPA disagrees with the comment that it was arbitrary and capricious for the attainment demonstration modeling to only model for design values at monitoring stations and not consider the entire Washington Area. The three States' attainment demonstration modeling considered appropriate data from monitors in the Washington Area, which EPA reviewed in accordance with the 2007 Modeling Guidance for Ozone, $PM_{2.5}$, and Regional Haze. EPA has explained in the March 20, 2013 NPR and in this rulemaking that the June 2007 SIP revisions including the attainment demonstration modeling meet CAA requirements for attainment plans in sections 172 and 182.

Comment: EPA received comments that it is arbitrary and capricious to approve the attainment demonstrations in the June 2007 SIP revisions because, the commenter claims, the Area actually attained because of the ''recession'' or weather. A commenter also stated that recent 2010 and 2012 AQ data shows that 2009 was perhaps an ''outlier year'' with regards to ozone formation and that the attainment demonstration must model 2012 meteorological conditions (and not 2002 conditions), or model even warmer meteorological conditions to demonstrate that the emission limits and other nonattainment SIP provisions will attain the NAAQS. The commenter also stated that the attainment demonstration must consider climate change.

Response: EPA disagrees that these comments provide a basis to disapprove the attainment demonstrations in the June 2007 SIP revisions. The overarching concerns that seem to be raised by the commenter are that meteorology less conducive to ozone formation in 2009 resulted in attainment and that the attainment demonstration did not adequately account for meteorological variability.[19]

First, meteorological variability is addressed in the form of the 1997 ozone NAAQS. In choosing the *form* of the 1997 ozone NAAQS as the 3-year average of the fourth highest daily maximum 8-hour average ozone concentration, the EPA Administrator adopted the Clean Air Scientific Advisory Committee's recommendation that ''a more robust, concentration-based form would minimize . . . instability and provide some insulation from the impacts of extreme meteorological events that are conducive to [ozone] formation.'' *See* 62 FR 38856, 38868 (July 18, 1997). The form of the 1997 ozone NAAQS is intended to minimize the effect of not only those years with more extreme meteorological events conducive to ozone formation but also those years with more meteorological events *not* conducive to ozone formation. Thus, EPA does not agree that meteorological conditions for any one year are the basis for an area meeting or not meeting the NAAQS.

Second, EPA notes that as an adjunct to the modeled attainment demonstration, the three States did assess for the June 2007 SIP revisions the potential effects of meteorological variations on the results of the modeled attainment test. The future year model-predicted ozone design value was determined by the three States by multiplying a baseline ozone design value derived from ambient air quality monitoring by the model-derived RRF.[20] [21] This future year model-predicted ozone design value therefore directly depends upon the value of the baseline design value. The three States assessed the performance of air quality modeling by inputting meteorological data such as wind patterns and temperatures for 2002 and relevant emissions for 2002 and comparing the results to the actual monitored ozone concentrations for each day modeled.

EPA believes that, in practice, the choice of the ''baseline design value'' can be critical to the determination of the estimated future year design values. EPA's 2007 Modeling Guidance for Ozone, $PM_{2.5}$, and Regional Haze noted several possible methods for computing a baseline design value and recommended using the average of the three design values for three successive three-year periods which include the baseline inventory year, which was 2002 for the Washington Area. According to information in the June 2007 SIP revisions, the three States were concerned that weighting the 2002 concentrations three times in the calculation could place too much (or too little) weight on that individual year's meteorology and would not necessarily reflect climate variability which has a significant impact on future design value projections. The three States used two additional methods for computing a baseline design value in order to assess the effect on future design value projections. These computations and the resulting future model-predicted attainment year design values are discussed in section 10.5.9 ''Alternative Design Value Calculation Techniques'' of the three States' 2007 attainment demonstration plan document dated May 23, 2007 (hereafter the May 23, 2007 plan document) and Section III. C. ''Weight of Evidence Demonstration'' and Appendix A of the February 26, 2013 TSD.[22] For most, but not all, monitoring sites, a baseline design value computed as the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration over the period 2001 to 2003 produced the highest baseline design value for each monitor and therefore the highest future year model-predicted design value.[23] [24] By considering these alternate baseline design values, the three States assessed meteorological variability as reflected in ozone design values or other averaged annual fourth-highest daily maximum 8-hour average ozone concentrations that included monitoring data for the 2002 baseline modeling year.

Thus, EPA concludes the three States considered meteorological variability in conducting its attainment demonstrations, and we assessed the

[18] Additionally, the monitors in the Washington Area are located to measure areas of expected highest concentration downwind of urban cores, to ''background'' concentrations entering an area, and to represent some spatial scale to reflect neighborhoods.

[19] The commenter also cites to ''climate change'' without any explanation, but EPA presumes it is being raised as part of the more general argument regarding meteorological variability.

[20] Attainment of the 1997 ozone NAAQS is determined using a design value, which is the 3-year annual fourth-highest daily maximum 8-hour average ozone concentrations at each monitoring location. For modeling for attainment demonstrations, EPA has concluded that modeled RRFs should be applied to an average of annual fourth-highest daily maximum 8-hour average ozone concentrations including those of the baseline modeling year, which is 2002 for the 1997 ozone NAAQS for the Washington Area.

[21] EPA discusses RRFs in the 2007 Modeling Guidance for Ozone, $PM_{2.5}$, and Regional Haze. EPA also discussed the use of RRFs in response to another comment in this rulemaking.

[22] The May 23, 2007 plan document and the February 26, 2013 TSD are included in the docket for this rulemaking action and are available online at *www.regulations.gov*.

[23] EPA used monitored design values based upon 2001 to 2003 monitoring data to classify the Washington Area as moderate ozone nonattainment for the 1997 ozone NAAQS. *See* 69 FR 23858, 23864 (April 30, 2004).

[24] EPA's recommended method for determining baseline design value was to average the monitored design values determined for three successive periods: 2000 to 2002; 2001 to 2003, and 2002 to 2004 which weights the 2002 data by a factor of 3, 2001 and 2003 data each by a factor of 2, and 2000 and 2004 data each by a factor of one. The last method computed a simple average of the annual fourth-highest daily maximum 8-hour average ozone concentrations over the period 2000 through 2004 (inclusive) which weights each year's value equally.

three States' modeling when reviewing and proposing to approve the June 2007 SIP revisions because the revisions meet CAA requirements. EPA therefore disagrees with the commenter that our approval of the attainment demonstrations is arbitrary or capricious because attainment of the 1997 ozone NAAQS may have occurred due to influences from meteorological variability not otherwise addressed by the standard and the attainment demonstrations.[25]

Furthermore, to the extent the commenters are suggesting that the modeled attainment demonstration is defective because it was based on 2002 meteorological conditions and not those from 2009 or a later year, EPA disagrees. Congress set explicit deadlines for submission of the attainment demonstration SIP due under section 182(b)(1), and the attainment demonstrations for the 1997 ozone NAAQS were required to be submitted by June 15, 2007. Thus, it was not feasible nor possible for the states to use meteorological conditions from future years for purposes of the attainment demonstration.

The States' choice of 2002 meteorological conditions was inherently reasonable and is well supported in Chapter 10 and Appendix G of the three States' May 23, 2007 plan document.[26] EPA designated nonattainment areas for the 1997 ozone NAAQS generally using 2001 to 2003 AQ data. *See* 69 FR 23858 (April 30, 2004).[27] Thus, the 2002 meteorological data represented meteorological conditions contemporaneous with the data used to designate and classify the Washington Area under the 1997 ozone NAAQS. Moreover, the 2007 attainment demonstration was based upon modeling the entire 2002 ozone season. For that reason alone, it was reasonable for the States to rely on the meteorological data for the same year.

However, the States supported their selection of 2002 meteorology based upon a qualitative analysis and a quantitative analysis.[28] The quantitative analysis analyzed the entire Ozone Transport Region (OTR) and considered ozone and meteorological data for a seven year period (1997–2003) to capture the full range of OTR ozone episode characteristics and to insure statistical significance of the recent episode characteristics.[29] The qualitative analysis describes each 2002 high ozone episode in terms of the weather patterns (movement of warm or cold fronts, air movement patterns—speed and direction of wind), cloud cover, temperature patterns, and locations of higher and lower ozone concentrations for each episode day. The analysis of regional ozone episode conditions over the OTR concluded that regional ozone episode conditions can be reasonably well described by a set of five different episode types each associated with a unique set of distinguishing characteristics. Data from the 2002 ozone season were analyzed within the framework of the five identified episode types with respect to frequencies of occurrence of each type and characteristics of the ozone and meteorological conditions within each type in 2002. The analysis noted one difference between 2002 and the other years in that the frequency of exceedances of the 1997 ozone NAAQS at one or more monitoring sites within the OTR occurred more frequently than the average of the other years, namely 1997–2001 plus 2003. There were 71 exceedance days during the May–September season in 2002 as compared to an average of 55 days per season during these other years. This analysis concluded that while ozone exceedances were more frequent during 2002, this higher than average exceedance rate in 2002 is by itself not an indication of any lack of representativeness of the 2002 exceedance events. In addition, not only did the 2002 ozone season have more days during which the 1997 ozone NAAQS was exceeded, but the fourth highest daily maximum values for the ozone monitors were higher during the 2002 ozone season than in any of the years 2000 through 2004, inclusive. In this time period, monitored fourth highest daily maximum concentrations exceeded 100 ppb (0.100 ppm) only during 2002. Such values over 100 ppb were recorded at nine of 17 monitors then in operation.[30] Such values of the fourth highest daily maximum concentrations have not been recorded since.[31] EPA finds the States' use of data from 2002 reasonable, well documented and supported. In contrast, the commenter has provided no support for the allegation that our approval of the attainment demonstrations is arbitrary or capricious based on the three States' use of 2002 data for the attainment demonstration instead of a subsequent year.

To the extent the commenters are suggesting that the States must remodel using meteorological conditions for years long after the 2007 submittal date (and after the attainment date), EPA notes that is neither mandated by the statute nor reasonable. Congress imposed deadlines on the States that clearly envisioned an end to the preparation of the attainment demonstration and did not establish any requirement for states to submit new, revised attainment demonstrations in the absence of a call from EPA pursuant to CAA section 110(k)(6) to do so or to submit a new attainment demonstration for a new, future attainment date based on a failure to attain by the attainment date.[32]

V. Final Action

EPA is approving the attainment demonstrations, contingency measures, and associated 2009 and 2010 year MVEBs for the Washington Area which were submitted to EPA as SIP revisions by the three States in the June 2007 SIP revisions based on a determination that they meet applicable requirements in the CAA.

[25] The commenter also claims that attainment is due to ''the recession,'' but provides no support for this claim and therefore EPA provides no further response to the unsupported claim.

[26] The May 23, 2007 plan document is included in the docket for this rulemaking action and is available online at *www.regulations.gov.*

[27] *See e.g.* 69 FR at 23860 (''In making designations and classifications, we use the most recent 3 years of monitoring data. Therefore, today's designations and classifications are generally based on monitoring data collected in 2001–2003 although other relevant years of data may have been used in certain circumstances'').

[28] These documents are provided in Appendix G of Attachment 2 of the May 23, 2007 plan document and docketed as document item ID# EPA–R03–OAR–2013–0132–0005 under ''state submittal: Appendix G Attainment Modeling Demonstration and Documentation (Part 1)'' in the docket for this rulemaking action.

[29] *See* Attachment 2 to Appendix G and Chapter 10 of the May 23, 2007 plan document which is docket item EPA–R03–OAR–2013–0132–0005 in the docket for this rulemaking action.

[30] *See* the ozone monitor value reports for 2000 through 2004 attached to the TSD Supplement or the column labeled ''Annual 4th Highest 8-Hour Ozone (ppm)'' in the table titled ''Design Value—BY 2002'' on page 1, Appendix G Attachment 11, of the May 23, 2007 plan document (the attachment titled ''state submittal: Appendix G Attainment Modeling Demonstration and Documentation (Part 4)'' under document ID EPA–R03–OAR–2013–0132–0005 in the docket available at *www.regulations.gov.*

[31] EPA believes that air quality monitoring data (number of exceedances or highest recorded values) cannot be used as a surrogate for meteorological conditions when comparing years after 2004 to years before 2004 because the NO_X SIP call drastically reduced NO_X emissions from EGUs in the years after 2004. *See* 75 FR 45210, 45214, columns 2 and 3 (August 2, 2010) (discussing the change in ozone air quality since the 2001–2003 time period used to designate and classify 1997 ozone nonattainment areas within the rulemaking for the NO_X SIP call).

[32] This does not preclude a State by *its own choice* from updating a previously submitted attainment demonstration.

VI. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the approved SIP, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

VII. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate

circuit by June 9, 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 approving the attainment demonstrations, contingency measures, and associated 2009 and 2010 year MVEBs for the Washington Area for the 1997 ozone NAAQS may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: March 13, 2015.

William C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart J—District of Columbia

■ 2. In § 52.470, the table in paragraph (e) is amended by adding the entries for Attainment Demonstration Contingency Measure Plan and 8-hour Ozone Modeled Demonstration of Attainment and Attainment Plan for the 1997 ozone national ambient air quality standards to reads as follows:

§ 52.470 Identification of plan.

* * * * *

(e)* * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	*	*	*	* *
Attainment Demonstration Contingency Measure Plan.	Washington, DC-MD-VA 1997 8-Hour Ozone Nonattainment Area.	June 12, 2007	4/10/15 [*Insert Federal Register citation*].	2010 motor vehicle emissions budgets of 144.3 tons per day (tpd) NO_X.
8-hour Ozone Modeled Demonstration of Attainment and Attainment Plan for the 1997 ozone national ambient air quality standards.	Washington, DC-MD-VA 1997 8-Hour Ozone Nonattainment Area.	June 12, 2007	4/10/15 [*Insert Federal Register citation*].	2009 motor vehicle emissions budgets of 66.5 tons per day (tpd) for VOC and 146.1 tpd of NO_X.

■ 3. Section 52.476 is amended by adding paragraphs (h) and (i) to read as follows:

§ 52.476 Control strategy: ozone.

* * * * *

(h) EPA approves revisions to the District of Columbia State Implementation Plan consisting of the attainment demonstration required under 40 CFR 51.908 demonstrating attainment of the 1997 ozone NAAQS by the applicable attainment date of June 15, 2010 and the failure to attain contingency measures for the Washington, DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Acting Director of the District of Columbia Department of the Environment on June 12, 2007.

(i) EPA approves the following 2009 attainment demonstration and 2010 motor vehicle emissions budgets (MVEBs) for the Washington, DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Acting Director of the District of Columbia Department of the Environment on June 12, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE WASHINGTON, DC-MD-VA AREA

Type of control strategy SIP	Year	VOC (TPD)	NO_X (TPD)	Effective date of adequacy determination or SIP approval
Attainment Demonstration	2009	66.5	146.1	February 22, 2013 (78 FR 9044), published February 7, 2013.
Contingency Measures Plan	2010	.....	144.3	February 22, 2013 (78 FR 9044), published February 7, 2013.

Subpart V—Maryland

■ 4. In § 52.1070, the table in paragraph (e) is amended by adding the entries for Attainment Demonstration Contingency Measure Plan and 8-hour Ozone Modeled Demonstration of Attainment and Attainment Plan for the 1997 ozone national ambient air quality standards . The added text reads as follows:

§ 52.1070 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA Approval date	Additional explanation
* *	*	*	*	* *
Attainment Demonstration Contingency Measure Plan.	Washington, DC-MD-VA 1997 8-Hour Ozone Nonattainment Area.	June 4, 2007	4/10/15 [Insert **Federal Register** citation].	2010 motor vehicle emissions budgets of 144.3 tons per day (tpd) NO_X.
8-hour Ozone Modeled Demonstration of Attainment and Attainment Plan for the 1997 ozone national ambient air quality standards.	Washington, DC-MD-VA 1997 8-Hour Ozone Nonattainment Area.	June 4, 2007	4/10/15 [Insert **Federal Register** citation].	2009 motor vehicle emissions budgets of 66.5 tons per day (tpd) for VOC and 146.1 tpd of NO_X.

■ 5. Section 52.1076 is amended by adding paragraphs (aa) and (bb) to read as follows:

§ 52.1076 Control strategy plans for attainment and rate-of-progress: Ozone.

* * * * *

(aa) EPA approves revisions to the Maryland State Implementation Plan consisting of the attainment demonstration required under 40 CFR 51.908 demonstrating attainment of the 1997 ozone NAAQS by the applicable attainment date of June 15, 2010 and the failure to attain contingency measures for the Washington, DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007.

(bb) EPA approves the following 2009 attainment demonstration and 2010 motor vehicle emissions budgets (MVEBs) for the Washington, DC–MDVA 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE WASHINGTON, DC-MD-VA AREA

Type of control strategy SIP	Year	VOC (TPD)	NO_X (TPD)	Effective date of adequacy determination or SIP approval
Attainment Demonstration	2009	66.5	146.1	February 22, 2013 (78 FR 9044), published February 7, 2013.
Contingency Measures Plan	2010	.....	144.3	February 22, 2013 (78 FR 9044), published February 7, 2013.

Subpart VV—Virginia

■ 6. In § 52.2420, the table in paragraph (e) is amended by adding the entries for Attainment Demonstration Contingency Measure Plan and 8-hour Ozone Modeled Demonstration of Attainment and Attainment Plan for the 1997 ozone national ambient air quality standards to reads as follows:

§ 52.2420 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA Approval date	Additional explanation
* *	*	*	*	* *
Attainment Demonstration Contingency Measure Plan.	Washington, DC-MD-VA 1997 8-Hour Ozone Nonattainment Area.	June 12, 2007	4/10/15 [Insert **Federal Register** citation].	2010 motor vehicle emissions budgets of 144.3 tons per day (tpd) NO_X.
8-hour Ozone Modeled Demonstration of Attainment and Attainment Plan for the 1997 ozone national ambient air quality standards.	Washington, DC-MD-VA 1997 8-Hour Ozone Nonattainment Area.	June 12, 2007	4/10/15 [Insert **Federal Register** citation].	2009 motor vehicle emissions budgets of 66.5 tons per day (tpd) for VOC and 146.1 tpd of NO_X.

■ 7. Section 52.2428 is amended by adding paragraphs (j) and (k) to read as follows:

§ 52.2428 Control Strategy: Carbon monoxide and ozone.

* * * * *

(j) EPA approves revisions to the Virginia State Implementation Plan consisting of the attainment demonstration required under 40 CFR 51.908 demonstrating attainment of the 1997 ozone NAAQS by the applicable attainment date of June 15, 2010 and the failure to attain contingency measures for the Washington, DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Director of the Virginia Department of Environment Quality on June 12, 2007.

(k) EPA approves the following 2009 attainment demonstration and 2010 motor vehicle emissions budgets (MVEBs) for the Washington, DC–MDVA 1997 8-hour ozone moderate

nonattainment area submitted by the Director of the Virginia Department of Environment Quality on June 12, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE WASHINGTON, DC-MD-VA AREA

Type of control strategy SIP	Year	VOC (TPD)	NO_X (TPD)	Effective date of adequacy determination or SIP approval
Attainment Demonstration	2009	66.5	146.1	February 22, 2013 (78 FR 9044), published February 7, 2013.
Contingency Measures Plan	2010	.....	144.3	February 22, 2013 (78 FR 9044), published February 7, 2013.

[FR Doc. 2015–07957 Filed 4–9–15; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0647; FRL–9923–88–Region 9]

Approval and Promulgation of Air Quality Implementation Plans; Arizona; Regional Haze State and Federal Implementation Plans; Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a source-specific revision to the Arizona State Implementation Plan (SIP) that establishes an alternative to best available retrofit technology (BART) for Steam Units 2 and 3 (ST2 and ST3) at Arizona Electric Power Cooperative's (AEPCO) Apache Generating Station (Apache). Under the BART Alternative, ST2 will be converted from a primarily coal-fired unit to a unit that combusts pipeline-quality natural gas, while ST3 will remain as a coal-fired unit and would be retrofitted with selective non-catalytic reduction (SNCR) control technology. The SIP revision also revises the emission limit for nitrogen oxides (NO_X) applicable to Apache Steam Unit 1 (ST1), when it is operated in combined-cycle mode with Gas Turbine 1 (GT1). EPA has determined that the BART Alternative for ST2 and ST3 would provide greater reasonable progress toward natural visibility conditions than BART, in accordance with the requirements of the Clean Air Act (CAA) and EPA's Regional Haze Rule (RHR). Accordingly, we are approving all elements of the SIP revision, with the exception of a provision pertaining to affirmative defenses for malfunctions. In conjunction with this final approval, we are withdrawing those portions of the Arizona Federal Implementation Plan (FIP) that address BART for Apache.

DATES: *Effective date:* This rule is effective May 11, 2015.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2014–0647 for this action. Generally, documents in the docket are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region 9, 75 Hawthorne Street, San Francisco, California. Please note that while many of the documents in the docket are listed at *http://www.regulations.gov,* some information may not be specifically listed in the index to the docket and may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports, or otherwise voluminous materials), and some may not be available at either locations (*e.g.,* confidential business information). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed directly below.

FOR FURTHER INFORMATION CONTACT: Thomas Webb, U.S. EPA, Region 9, Planning Office, Air Division, Air-2, 75 Hawthorne Street, San Francisco, CA 94105. Thomas Webb may be reached at telephone number (415) 947–4139 and via electronic mail at *webb.thomas@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- The initials *ADEQ* mean or refer to the Arizona Department of Environmental Quality.
- The initials *AEPCO* mean or refer to Arizona Electric Power Cooperative.
- The words *Arizona* and *State* mean the State of Arizona.
- The initials *BART* mean or refer to Best Available Retrofit Technology.
- The initials *CEMS* mean or refer to a continuous emissions monitoring system.
- The term *Class I area* refers to a mandatory Class I Federal area.
- The words *EPA, we, us,* or *our* mean or refer to the United States Environmental Protection Agency.
- The initials *FIP* mean or refer to Federal Implementation Plan.
- The initials *GT1* mean or refer to Gas Turbine Unit 1.
- The initials *IWAQM* mean or refer to Interagency Workgroup on Air Quality Modeling.
- The initials *LNB* mean or refer to low-NO_X burners.
- The initials *MMBtu* mean or refer to million British thermal units
- The initials *NO_X* mean or refer to nitrogen oxides.
- The initials *PM_{10}* mean or refer to particulate matter with an aerodynamic diameter of less than 10 micrometers.
- The initials *RHR* mean or refer to EPA's Regional Haze Rule.
- The initials *SNCR* mean or refer to Selective Non-Catalytic Reduction.
- The initials *SIP* mean or refer to State Implementation Plan.
- The initials *SO_2* mean or refer to sulfur dioxide.
- The initials *ST1* mean or refer to Steam Unit 1.
- The initials *ST2* mean or refer to Steam Unit 2.
- The initials *ST3* mean or refer to Steam Unit 3.

Table of Contents

I. Proposed Action

On September 19, 2014, EPA proposed to approve a revision to the Arizona Regional Haze SIP concerning Apache Generating Station (''Apache SIP Revision'').[1] As described in the proposal, the Apache SIP Revision consists of two components: a BART alternative for ST2 and ST3 (''Apache

[1] 79 FR 56322. Please refer to that notice of proposed rulemaking for background information concerning the CAA, the RHR and the Arizona Regional Haze SIP and FIP.

BART Alternative'') and a revised NO_X emission limit for ST1 and GT1 when operated in combined-cycle mode. The Apache BART Alternative was submitted pursuant to provisions of the RHR that allow states to adopt alternative measures in lieu of source-specific BART controls, if they can demonstrate that the alternative measures provide greater reasonable progress towards natural visibility conditions than BART.[2] Under the Apache BART Alternative, ST2 would be converted from a primarily coal-fired unit to a unit that combusts pipeline-quality natural gas, while ST3 would remain as a coal-fired unit and would be retrofitted with SNCR. Emission limits to implement the Apache BART Alternative and the revised limit for ST1 and GT1, as well as associated compliance deadlines and monitoring, recordkeeping, and reporting requirements, are incorporated into an addendum to Apache's Operating Permit, which was submitted as part of the Apache SIP Revision.[3] We proposed to approve each of these components because we proposed to determine that they complied with the relevant requirements of the CAA and EPA's implementing regulations. In particular, we proposed to find that the Apache BART Alternative would provide greater reasonable progress towards natural visibility conditions than BART.[4] We also proposed to withdraw the provisions of the Arizona Regional Haze FIP that apply to Apache and to find that withdrawal of the FIP would constitute our action on AEPCO's Petition for Reconsideration of the FIP.

II. Public Comments and EPA Responses

EPA's proposed action provided a 45-day public comment period. During this period, we received a comment letter from Earthjustice on behalf of National Parks Conservation Association and Sierra Club (collectively, the ''Conservation Organizations''). The comments and our responses are summarized below.

Comment: The Conservation Organizations asserted that the Apache BART Alternative fails the first prong of the test set forth at 40 CFR 51.308(e)(3) because it would result in greater total emissions than EPA's BART FIP. They also noted that there appeared to be confusion over whether the ''distribution of emissions'' under the Apache BART Alternative and EPA's BART FIP are different. In addition, they urged EPA to clarify that ''even if a BART alternative applies to the same facility as the underlying BART determination, the distribution of emissions is not the same if NO_X, SO_2, PM, and other visibility-impairing pollutants will be emitted in different amounts or different proportions.''

Response: We agree that, compared with BART, the Apache BART Alternative is expected to result in greater total emissions than EPA's BART FIP. In particular, the Alternative would result in greater NO_X emissions, but lower emissions of SO_2 and PM_{10}. In this situation, where BART and the BART Alternative result in reduced emissions of one pollutant but increased emissions of another, it is not appropriate to use the ''greater emissions reductions'' test under 40 CFR 51.308(e)(3). As explained below, Arizona chose not to apply the ''greater emission reductions'' test, but instead to employ a clear weight-of-evidence approach under 40 CFR 51.308(e)(2) in order to demonstrate that the alternative achieves greater reasonable progress than BART.

Comment: The Conservation Organizations asserted that the modeling underlying the Apache BART Alternative does not accurately reflect emissions under the Apache BART Alternative or BART. In particular, the commenters noted that the modeling results provided in EPA's proposal were based on AEPCO's petition for reconsideration from May 2013, but the emissions projections summarized in EPA's proposal differed from those in AEPCO's petition. Therefore, the Conservation Organizations asserted that the modeling EPA used to support its approval of the Apache BART Alternative does not accurately reflect visibility benefits of the alternative compared to BART.

Response: We agree with the commenter that the total annual emission projections summarized in Table 5 of our proposal differ from those reflected in AEPCO's May 2013 petition for reconsideration. However we do not agree that this difference affects the visibility modeling underlying the Apache BART Alternative because the modeling is based on projected maximum short-term (24-hour) emission rates, whereas the differences in annual emission projections are due to different assumptions concerning long-term heat rates and capacity factors. In particular, we note that the emission reduction projections included in AEPCO's May 2013 petition for reconsideration and shown in Table 1.6 of the SIP are based on maximum heat rates and conservative annual capacity factors and therefore represent conservative (high-end) emissions projections.[5] By contrast, the emission reductions shown in Table 5 of our proposal and Table 6 of the SIP Technical Support Document are calculated based on 2008–2010 continuous emissions monitoring system (CEMS) heat rates and annual average days of operation. Accordingly, they reflect lower annual emission projections, both for BART and the BART Alternative.

These differing assumptions concerning annual heat rates and capacity factors do not influence the visibility modeling, which is based on maximum 24-hour average emission rates.[6] In calculating the emission rates for modeling, AEPCO followed the approach set forth in the BART Guidelines, which provide that post-control 24-hour emission rates should be calculated as a percentage of pre-control 24-hour emission rates.[7] We find ADEQ's approach to calculating modeled emission rates is consistent with BART Guidelines and provides a sound technical basis to compare the expected visibility improvement from the BART Alternative to the expected improvement from BART.

Comment: The Conservation Organizations commented that the modeling underlying the Apache BART Alternative reflects an emission rate for Unit 2 (0.225 lbs/MMBtu) that is lower than the permitted emission limit for the unit (0.23 lbs/MMBtu) and therefore overestimates the Apache BART Alternative's visibility benefits relative to BART.

Response: AEPCO's petition for reconsideration included modeling for several different control scenarios.[8] In the Apache SIP Revision, ADEQ focused on control scenario 9bv2 PNGt, which

[2] 40 CFR 51.308(e)(2).

[3] Apache SIP Revision, Appendix B, Significant Revision No. 59195 to Air Quality Control Permit No. 55412 (''Apache Permit Revision''), issued May 13, 2014.

[4] For purposes of our evaluation, we considered BART for ST2 and ST3 to consist of a combination of (1) ADEQ's BART determinations for particulate matter with an aerodynamic diameter of less than 10 micrometers (PM_{10}) and sulfur dioxide (SO_2), which were approved into the applicable SIP, and (2) EPA's BART determination for NO_X in the Arizona RH FIP. *See* 79 FR 56326.

[5] *See* AEPCO Supplemental Petition for Reconsideration at 4–5 and Apache SIP Revision, Table 1.6 at 11.

[6] See, *e.g.* BART Guidelines, 40 CFR part 51, appendix Y, section IV.D.5. (''Use the 24-hour average actual emission rate from the highest emitting day of the meteorological period modeled (for the pre-control scenario). . .'').

[7] *Id.*

[8] Letter from Eric Hiser, Jorden, Bischoff and Hiser, to Robert Perciasepe and Jared Blumenfeld, EPA (AEPCO Supplemental Petition for Reconsideration) (May 29, 2013); Attachment, Memorandum from Ralph Morris and Lynsey Parker, Environ, to Michelle Freeark, AEPCO (May 10, 2013), Tables 1 and 2.

included a NO_X emission rate of 0.225 lb/MMBtu for ST3, reflecting use of SNCR. As noted by the commenter, this 0.225 lb/MMBtu emission rate is lower than the permitted NO_X emission limit for ST3 [9] of 0.23 lb/MMBtu. However, contrary to the commenter's assertion this difference does not result in an overestimation of the visibility benefits of the Apache BART Alternative. Rather, the difference reflects the fact that, under the BART Guidelines, emission rates for BART modeling are calculated in a different manner than BART emission limits.[10] In particular, the BART Guidelines recommend that modeling be performed using an average 24-hour emission rate,[11] excluding periods of startup and shutdown.[12] By contrast, emission limits for EGUs are established based on 30-day rolling averages and must be met on a continuous basis, including during periods of startup, shutdown, and malfunction.[13]

In this case, the SNCR system on ST3 will not be capable of operating during portions of startup and shutdown periods.[14] Therefore, the emission rate for startup and shutdown periods will be higher than 0.225 lb/MMBtu, the value that corresponds entirely to SNCR operation. Over a period of 30 days, the emissions from these periods of time could cause the 30-day average emission rate to exceed 0.225 lb/MMBtu. Accordingly, ADEQ set a 30-day emission rate of 0.23 lb/MMBtu to account for the emissions from startup and shutdown periods. The upward revision from 0.225 lb/MMBtu to 0.23 lb/MMBtu represents a difference of approximately two percent. We consider this degree of upward revision reasonable to account for startup and shutdown periods.

Furthermore, as explained by ADEQ in its response to comments from the Conservation Organizations, one of the other scenarios modeled by AEPCO and included in its May 2013 petition, a scenario known as 9b PNGt, used more conservative emission factors.[15] In particular, 9b PNGt included a NO_X emission factor of 0.230 lb/MMBtu for ST3, which is equivalent to the emission limit for this unit in the Apache SIP Revision. In its response to comments, ADEQ compared the results of this modeling run to the baseline results and the BART case. ADEQ found that the Apache BART Alternative (as represented by 9b PNGt) would result in improved visibility at all affected Class I areas compared to the baseline and would result in improved visibility, on average, across all affected Class I areas compared with BART.[16] Thus, the results of 9b PNGt confirm ADEQ's determination that the Apache BART Alternative would achieve greater reasonable progress than BART.

Comment: The Conservation Organizations noted that the modeling cited in EPA's proposal shows that visibility at two Class I areas—the Gila and Mt. Baldy Wilderness Areas—will be worse under the BART Alternative compared to BART. The commenters asserted that EPA should update its modeling to correct the alleged flaws identified by the commenters and confirm whether the BART Alternative will in fact result in less visibility improvement at these two Class I areas. They argued that ''EPA's failure to consider measures to improve visibility at every Class I area impacted by Apache is contrary to the intent of the regional haze regulations.''

Response: We agree that modeling indicates that visibility at two Class I areas—the Gila and Mt. Baldy Wilderness Areas—will be slightly worse under the BART Alternative compared to BART. However, this does not preclude approval of the Apache BART Alternative because, as explained in our proposal, the BART Alternative will result in improved visibility at all affected Class I areas compared with baseline conditions [17] and will result in improved visibility, on average, across all Class I Areas, compared with BART. As EPA explained in the preamble to the final BART Alternative Rule:

> . . . within a regional haze context, not every measure taken is required to achieve a visibility improvement at every class I area. BART is one component of long term strategies to make reasonable progress, but it is not the only component. The requirement that the alternative achieves greater progress based on the average improvement at all Class I areas assures that, by definition, the alternative will achieve greater progress overall. Though there may be cases where BART could produce greater improvement at one or more class I areas, the no-degradation prong assures that the alternative will not result in worsened conditions anywhere than would otherwise exist. . . .[18]

Thus, in promulgating the BART Alternative requirements, EPA clearly contemplated that there could be instances where a BART alternative would result in less progress at a particular Class I area, yet ensure overall greater reasonable progress than BART. This is the case with the Apache BART Alternative.

Comment: The Conservation Organizations argued that EPA's modeling is flawed because it only considered visibility impacts at Class I areas within 300 kilometers (km) of Apache. Citing a recent evaluation of CALPUFF by EPA,[19] they commented that ''the model is more accurate at farther distances than previously assumed.'' Therefore, they asserted that EPA should have considered Apache's visibility impacts at a radius of 500 km.

Response: We do not agree that we should have considered visibility impacts at Class I areas greater than 300 km from Apache. The report cited by the Conservation Organizations does not support the regulatory use of CALPUFF beyond 300 km, nor does it refute the 1998 Interagency Workgroup on Air Quality Modeling (IWAQM) Phase 2 report, which states that ''use of CALPUFF for characterizing transport beyond 200 to 300 km should be done cautiously with an awareness of the likely problems involved.'' [20] Consistent with this recommendation, our BART analysis in the Arizona Regional Haze FIP evaluated visibility impacts and improvements at the nine Class I areas within 300 km of Apache.[21] It was reasonable for ADEQ and EPA to

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[9] The comment referred to ''Unit 2.'' However, this appears to be a typographical error, as 0.23 lb/MMBtu is the permitted emission limit for ST3, not ST2.

[10] Use of the BART Guidelines is required only for BART determinations at fossil-fuel fired generating stations with a capacity greater than 750 MW. See 40 CFR 51.308(e)(1)(ii)(B). The Apache Generating Station has a total capacity less than 750 MW. However, because the BART Guidelines are a useful resource for performing BART determinations, both ADEQ and EPA have adhered to the requirements of the BART Guidelines in evaluating this better-than-BART alternative.

[11] See 40 CFR part 51, appendix Y, section IV.D.5 (''Use the 24-hour average actual emission rate from the highest emitting day of the meteorological period modeled (for the pre-control scenario).

[12] Id. section III.A.3 (recommending that ''emissions reflecting periods of start-up, shutdown, and malfunction'' not be used for modeling).

[13] See CAA section 302(k).

[14] The SNCR system requires the boiler exhaust gas to be above a certain minimum temperature in order to properly function. During portions of the startup period, the exhaust gas will be below this temperature while the boiler heats up, precluding operation of SNCR controls during these portions of the startup period.

[15] Apache SIP Revision, Responsiveness Summary at 13.

[16] *Id.* at 13–14.

[17] Here ''baseline'' refers to controls in place at Apache as of 2013. See 79 FR 56326, footnote 30.

[18] 71 FR 60612, 60621–22.

[19] ''Documentation of the Evaluation of CALPUFF and Other Long Range Transport Models Using Tracer Field Experiment Data'' (2012), is available at *http://www.epa.gov/ttn/scram/reports/EPA-454_R-12-003.pdf.*

[20] ''IWAQM Phase 2 Summary Report and Recommendations for Modeling Long Range Transport Impacts,'' available at: *http://www.epa.gov/scram001/7thconf/calpuff/phase2.pdf,* at 18.

[21] *See* 77 FR 42834, 42857 (''The nine Class I areas within 300 km of Apache were modeled'').

consider these same Class I areas when assessing the Apache BART Alternative.

Comment: Citing the preambles to EPA's proposed and final revisions to the RHR concerning BART alternatives, the Conservation Organizations asserted that the weight-of-evidence alternative to the two-part test is generally appropriate only when a state cannot conduct the two-part test, or when the state has significant confidence that a BART alternative will have greater visibility benefits than BART. They argued that Arizona's weight-of-evidence approach was inappropriate here because the state had sufficient data to conduct the two-part test and ''could not have had confidence that the alternative would result in superior visibility benefits.''

Response: We do not agree with this comment. Nothing in the RHR or in the preamble language cited by the commenters indicates that the weight-of-evidence test is appropriate only when a state cannot conduct the two-part test, or when the state has significant confidence that a BART alternative will have greater visibility benefits than BART. In the preamble to the 2006 final revisions to the RHR, EPA explained that we were adopting a weight of evidence test ''as an alternative to the methodology set forth in section 51.308(e)(3).'' [22] EPA described the factors that could be considered as part of such test and suggested specific circumstances where a weight of evidence comparison ''may be warranted.'' [23] However, EPA did not indicate that these were the only circumstances in which this approach could be employed.

In this instance, ADEQ found that the two-prong test as described in 40 CFR 51.308(e)(3) was not appropriate and therefore chose to apply the clear weight of evidence test. Nonetheless, as explained in our proposal, we applied a modified version of the two-prong test, using the 98th percentile impacts (averaged across three years), rather than the best twenty-percent days and worst twenty-percent days, as provided for in 40 CFR 51.308(e)(3).[24] The Apache BART Alternative meets both prongs of this modified test, which strongly supports the conclusion that the Apache BART Alternative would achieve greater reasonable progress than BART.

Comment: The Conservation Organizations asserted that the Apache BART Alternative could be improved to achieve additional emissions reductions. In particular, the commenters suggested that EPA could require AEPCO to install SNCR at ST2 and switch ST3 to gas, rather than switching ST2 to gas and installing SNCR at ST3. They also encouraged EPA to consider capacity limitations or other operational limits to improve the alternative.

Response: We do not agree that we can amend the Apache BART Alternative to provide greater emission reductions. Under the CAA, if EPA determines that a SIP meets the requirements of the CAA and EPA's implementing regulations, we are obligated to approve the SIP.[25] For the reasons described in our proposal and elsewhere in this document, we have determined that the Apache SIP revision meets the applicable requirements of the CAA and EPA's regulations, and we are therefore required to approve it.

III. Final Action

As explained in our proposal and this document, we have determined that the Apache SIP Revision would provide for greater reasonable progress toward natural visibility conditions than BART. We have also determined that the Apache SIP Revision meets all other requirements of the CAA and EPA's implementing regulations with one exception: the Apache Permit Revision incorporates by reference certain state regulations that establish an affirmative defense for malfunctions (R–18–2–101, paragraph 65; R18–2–310, sections (A), (B), (D) and (E); and R18–2–310.01).[26] In a letter dated February 19, 2015, ADEQ requested that EPA not act on these provisions of the Apache SIP Revision at this time.[27] Accordingly, we are taking final action to approve the Apache SIP Revision except for the affirmative defense provisions contained in the Apache Permit Revision. We are also taking final action to revise the Arizona Regional Haze FIP to remove those portions that apply to Apache. The withdrawal of the FIP, as it applies to Apache, also constitutes our final action on AEPCO's petition for reconsideration of the FIP.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the ADEQ permit revision described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review 13563

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). This rule applies to only one facility and is therefore not a rule of general applicability.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. Firms primarily engaged in the generation, transmission, and/or distribution of electric energy for sale are small if, including affiliates, the total electric output for the preceding fiscal year did not exceed 4 million megawatt hours. AEPCO sold under 3 million megawatt hours in 2013 and is therefore a small entity.

[22] 71 FR 60612, 60621–22.

[23] *Id.* at 60622.

[24] 79 FR 56328.

[25] *See* CAA section 110(k)(3).

[26] See Apache Permit Revision section V.D.

[27] See Letter from Eric Massey, ADEQ, to Jared Blumenfeld, EPA (February 19, 2015).

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The approval of the SIP, if finalized, merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. *See Mid-Tex Electric Cooperative, Inc.* v. *FERC,* 773 F.2d 327 (D.C. Cir. 1985). The FIP withdrawal would alleviate economic impacts on AEPCO and therefore would not have a significant adverse impact on any small entity.

D. Unfunded Mandates Reform Act (UMRA)

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, requires Federal agencies, unless otherwise prohibited by law, to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Federal agencies must also develop a plan to provide notice to small governments that might be significantly or uniquely affected by any regulatory requirements. The plan must enable officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates and must inform, educate, and advise small governments on compliance with the regulatory requirements.

This rule does not contain a Federal mandate that may result in expenditures of $100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This rule does not impose regulatory requirements on any government entity.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or in the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13175 (65 FR 67249, November 9, 2000), EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement.

This rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. Thus, Executive Order 13175 does not apply to this rule. The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This action addresses regional haze and visibility protection.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is exempt under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12 (10) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (*e.g.,* materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by the VCS bodies. The NTTAA directs EPA to provide Congress, through annual reports to OMB, with explanations when the Agency decides not to use available and applicable VCS.

EPA believes that VCS are inapplicable to this action. This action does not require the public to perform activities conducive to the use of VCS.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994), establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population, at a lower cost than the FIP.

K. Congressional Review Act

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. Section 804 exempts from section 801 the following types of rules: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability that only applies to a single named facility.

L. Petitions for Judicial Review

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 June 9, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

In addition, pursuant to section 307(d)(1)(B) and (V) of the CAA, the Administrator determines that this action is subject to the provisions of section 307(d). Section 307(d) establishes procedural requirements specific to certain rulemaking actions under the CAA. Pursuant to CAA section 307(d)(1)(B), the withdrawal of the provisions of the Arizona Regional Haze FIP that apply to Apache is subject to the requirements of CAA section 307(d), as it constitutes a revision to a FIP under CAA section 110(c). Furthermore, CAA section 307(d)(1)(V) provides that the provisions of section 307(d) apply to ''such other actions as the Administrator may determine.'' The Administrator determines that the SIP approval portion of this action is also subject to 307(d). While the Administrator did not explicitly make this determination earlier, all of the procedural requirements, *e.g.,* docketing, hearing and comment periods, of section 307(d) have been complied with during the course of this rulemaking.

List of Subjects in 40 CFR Part 52

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

Dated: February 27, 2015.

Gina McCarthy,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart D—Arizona

■ 2. Section 52.120 is amended by adding paragraph (c)(165) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(165) The following plan was submitted May 13, 2014, by the Governor's designee:

(i) *Incorporation by reference.*

(A) Arizona Department of Environmental Quality.

(*1*) Significant Revision No. 59195 to Air Quality Control Permit No. 55412, excluding section V.D., issued May 13, 2014.

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) Arizona State Implementation Plan, Revision to the Arizona Regional Haze Plan for Arizona Electric Power Cooperative, Incorporated, Apache Generating Station, excluding the appendices.

■ 3. Section 52.145 is amended by revising paragraphs (f) introductory text, (f)(1), (f)(2), (f)(3)(i), (f)(4)(ii), and (f)(5)(i)(A) and (B) and removing and reserving paragraph (f)(5)(ii)(B) to read as follows:

§ 52.145 Visibility protection.

* * * * *

(f) *Source-specific federal implementation plan for regional haze at Cholla Power Plant and Coronado Generating Station*—(1) *Applicability.* This paragraph (f) applies to each owner/operator of the following coal-fired electricity generating units (EGUs) in the state of Arizona: Cholla Power Plant, Units 2, 3, and 4 and Coronado Generating Station, Units 1 and 2. The provisions of this paragraph (f) are severable, and if any provision of this paragraph (f), or the application of any provision of this paragraph (f) to any owner/operator or circumstance, is held invalid, the application of such provision to other owner/operators and other circumstances, and the remainder of this paragraph (f), shall not be affected thereby.

(2) *Definitions.* Terms not defined below shall have the meaning given to them in the Clean Air Act or EPA's regulations implementing the Clean Air Act. For purposes of this paragraph (f):

ADEQ means the Arizona Department of Environmental Quality.

Boiler-operating day means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit.

Coal-fired unit means any of the EGUs identified in paragraph (f)(1) of this section.

Continuous emission monitoring system or CEMS means the equipment required by 40 CFR part 75 and this paragraph (f).

Emissions limitation or emissions limit means any of the Federal Emission Limitations required by this paragraph (f) or any of the applicable PM_{10} and SO_2 emissions limits for Cholla Power Plant and Coronado Generating Station submitted to EPA as part of the Arizona Regional Haze SIP in a letter dated February 28, 2011, and approved into the Arizona State Implementation Plan on December 5, 2012.

Flue Gas Desulfurization System or FGD means a pollution control device that employs flue gas desulfurization technology, including an absorber utilizing lime, fly ash, or limestone slurry, for the reduction of sulfur dioxide emissions.

Group of coal-fired units mean Units 1 and 2 for Coronado Generating Station and Units 2, 3, and 4 for Cholla Power Plant.

lb means pound(s).

NO_X means nitrogen oxides expressed as nitrogen dioxide (NO_2).

Owner(s)/operator(s) means any person(s) who own(s) or who operate(s), control(s), or supervise(s) one or more of the units identified in paragraph (f)(1) of this section.

MMBtu means million British thermal unit(s).

Operating hour means any hour that fossil fuel is fired in the unit.

PM_{10} means filterable total particulate matter less than 10 microns and the condensable material in the impingers as measured by Methods 201A and 202 in 40 CFR part 51, appendix M.

Regional Administrator means the Regional Administrator of EPA Region IX or his/her authorized representative.

SO_2 means sulfur dioxide.

SO_2 removal efficiency means the quantity of SO_2 removed as calculated by the procedure in paragraph (f)(5)(iii)(B) of this section.

Unit means any of the EGUs identified in paragraph (f)(1) of this section.

Valid data means data recorded when the CEMS is not out-of-control as defined by 40 CFR part 75.

(3) * * *

(i) *NO_X emission limitations.* The owner/operator of each coal-fired unit subject to this paragraph (f) shall not emit or cause to be emitted NO_X in excess of the following limitations, in pounds per million British thermal units (lb/MMBtu) from any group of coal-fired units. Each emission limit shall be based on a rolling 30-boiler-

operating-day average, unless otherwise indicated in specific paragraphs.

Group of coal-fired units	Federal emission limitation
Cholla Power Plant Units 2, 3, and 4	0.055
Coronado Generating Station Units 1 and 2	0.065

* * * * *

(4) * * *

(ii) The owners/operators of each unit subject to this paragraph (f) shall comply with the applicable PM_{10} and SO_2 emissions limits submitted to EPA as part of the Arizona Regional Haze SIP in a letter dated February 28, 2011, and approved into the Arizona State Implementation Plan on December 5, 2012, as well as the related compliance, recordkeeping and reporting of this paragraph (f) no later than the following dates:

Unit	Compliance date	
	PM_{10}	SO_2
Cholla Power Plant, Unit 2	April 1, 2016	April 1, 2016.
Cholla Power Plant, Unit 3	June 3, 2013	June 3, 2013.
Cholla Power Plant, Unit 4	June 3, 2013	June 3, 2013.
Coronado Generating Station, Unit 1	June 3, 2013	June 3, 2013.
Coronado Generating Station, Unit 2	June 3, 2013	June 3, 2013.

* * * * *

(5) * * *

(i) * * *

(A) At all times after the compliance date specified in paragraph (f)(4) of this section, the owner/operator of each coal-fired unit shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO_2, NO_X, diluent, and stack gas volumetric flow rate from each unit. In addition, the owner/operator of Cholla Units 2, 3, and 4 shall calibrate, maintain, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO_2 emissions and diluent at the inlet of the sulfur dioxide control device. All valid CEMS hourly data shall be used to determine compliance with the emission limitations for NO_X and SO_2 in paragraph (f)(3) of this section for each unit. When the CEMS is out-of-control as defined by 40 CFR part 75, that CEMs data shall be treated as missing data, and not used to calculate the emission average. Each required CEMS must obtain valid data for at least 90 percent of the unit operating hours, on an annual basis.

(B) The owner/operator of each unit shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. In addition to these 40 CFR part 75 requirements, relative accuracy test audits shall be calculated for both the NO_X and SO_2 pounds per hour measurement and the heat input measurement. The CEMs monitoring data shall not be bias adjusted. The inlet SO_2 and diluent monitors required by this rule shall also meet the Quality Assurance/Quality Control (QA/QC) requirements of 40 CFR part 75. The testing and evaluation of the inlet monitors and the calculations of relative accuracy for lb/hr of NO_X, SO_2 and heat input shall be performed each time the 40 CFR part 75 CEMS undergo relative accuracy testing. In addition, relative accuracy test audits shall be performed in the units of lb/MMBtu for the inlet and outlet SO_2 monitors at Cholla Units 2, 3, and 4.

(ii) * * *

* * * * *

(B) [Reserved]

* * * * *

[FR Doc. 2015–07987 Filed 4–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0756; FRL–9923–64]

Secondary (C_{13}-C_{17}) Alkane Sulfonates; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of two secondary alkane (C_{13}-C_{17}) sulfonates (CAS Reg. Nos. 85711–69–9 and 97489–15–1) when used as inert ingredients (surfactant) in pesticide formulations applied to growing crops at a maximum concentration not to exceed 40% by weight. Exponent, on behalf of Clariant Corporation, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of secondary alkane (C_{13}-C_{17}) sulfonates.

DATES: This regulation is effective April 10, 2015. Objections and requests for hearings must be received on or before June 9, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0756, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following

list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*. To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0756 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 9, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0756, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

II. Petition for Exemption

In the **Federal Register** of February 21, 2014 (79 FR 9870) (FRL–9904–98), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10630) by Exponent, 1150 Connecticut Ave. NW., Washington, DC 20036 on behalf of Clariant Corporation, 4000 Monroe Rd., Charlotte, NC 28205. The petition requested that 40 CFR 180.920 be amended by establishing an exemption from the requirement of a tolerance for residues of two inert ingredients, collectively referred to as secondary alkane (C_{13}-C_{17}) sulfonates (SAS): Sulfonic acids, C_{13}-$_{17}$-sec-alkane, sodium salts (CAS Reg. No. 85711–69–9) and sulfonic acids, C_{14}-$_{17}$-sec-alkane, sodium salts (CAS Reg. No. 97489–15–1) when used as surfactants in pesticide formulations applied to growing crops. That document referenced a summary of the petition prepared by Exponent, the petitioner, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA is limiting the tolerance exemption to pesticide formulations in which the maximum concentration of the secondary alkane sulfonates is 40% by weight. This limitation is based on the Agency's risk assessment which can be found at *http://www.regulations.gov* in document ''Secondary Alkane (C_{13}-C_{17}) Sulfonates (SAS); Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pre-harvest Pesticide Products Under 40 CFR 180.920'' in docket ID number EPA–HQ–OPP–2013–0756.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will

result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for secondary alkane (C_{13}-C_{17}) sulfonates including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with secondary alkane (C_{13}-C_{17}) sulfonates follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by secondary alkane (C_{13}-C_{17}) sulfonates (also referred to as SAS) as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The Agency relied on data on CAS Reg. No. 85711–69–9 (sulfonic acids (C_{13}-C_{17} secondary alkane) to assess both inert ingredients. Bridging data in this manner is appropriate because CAS Reg. No. 97489–15–1 (sulfonic acids, C_{14}-C_{17} secondary alkane) has an alkyl carbon chain length that falls within the carbon chain length range of CAS Reg. No. 85711–69–9 (sulfonic acids, C_{13}-C_{17} secondary alkane) and toxic effects attributable to the C_{14}-C_{17} secondary alkane sulfonate would be observed in toxicity testing of the C_{13}-C_{17} secondary alkane sulfonate.

The acute oral lethal dose (LD_{50}) for SAS in rats is >500 milligram/kilogram (mg/kg). The acute dermal LD_{50} in mice is >200 mg/kg. Secondary alkane (C_{13}-C_{17}) sulfonate is not a dermal irritant based on primary skin irritation study in rabbits and it is not a dermal sensitizer in guinea pigs.

A chronic toxicity study was conducted on SAS in rats and demonstrated a NOAEL of 4,000 parts per million (ppm) (equivalent to 168 milligram/kilogram body weight/day (mg/kg bw/day) in males and 227 mg/kg bw/day in females), and a LOAEL of 20,000 ppm (equivalent to 920 mg/kg bw/day in males and 1,281 mg/kg bw/day in females) based on reduced body weight, body weight gain, and the clinical signs of reduced grooming in males and females.

In a 2-generation reproduction study in rats dosed with SAS, there was no indication that offspring were more susceptible than the parental adults. The parental systemic LOAEL was 3,000 ppm (equivalent to 177 mg/kg bw/day in males and 181 mg/kg bw/day in females), based on decreased body weight gain during premating and on reduced organ weight. The parental NOAEL was 1,000 ppm (equivalent to 58.2 mg/kg bw/day for males and 66 mg/kg bw/day for females). The offspring LOAEL was 3,000 ppm (equivalent to 177 mg/kg bw/day) based on decreased pre- and post-implantation loss and decreased weight gain in offspring. The offspring NOAEL was 1,000 ppm (equivalent to 58.2 mg/kg bw/day).

Secondary alkane (C_{13}-C_{17}) sulfonates were not mutagenic when tested in the *in vitro* mammalian cell gene mutation assay and in the *Salmonella typhimurium* reverse mutation assay.

In a combined oral (dietary) chronic toxicity/carcinogenicity study of SAS in rats, there were no treatment-related neoplastic or non-neoplastic microscopic findings observed up to 2.0% (equivalent to 805 mg/kg bw/day in males and 1,032 mg/kg bw/day in females), the highest dose tested. A LOAEL was not identified. Although body weight of high-dose males and females were lower by about 20% relative to controls throughout most of the study, decreased body weight was not viewed as an adverse effect since higher survival rates were observed in this group compared to controls.

In a dermal carcinogenicity study of SAS in mice, no indication of increased incidence relative to controls of malignant neoplasms was observed. No LOAEL was demonstrated. The NOAEL was 1.0% (equivalent to 0.6 mg/treatment), the highest concentration applied to the skin.

Secondary alkane (C_{13}-C_{17}) sulfonates are rapidly absorbed and excreted in the urine and feces. Secondary alkane (C_{13}-C_{17}) sulfonates have a low potential for dermal absorption based on a dermal penetration study in rats.

Although no immunotoxicity or neurotoxicity studies on SAS were available in the database, no evidence of immunotoxicity or neurotoxicity was observed in the submitted studies.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/safety factors (UF) are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm*.

A summary of the toxicological endpoints for secondary alkane (C_{13}-C_{17}) sulfonates used for human risk assessment is shown in Table 1 of this unit.

The 2-generation reproductive toxicity study in rats was selected for oral, dietary, dermal, and inhalation exposure scenarios (all durations) for this risk assessment. The parental systemic NOAEL in this study was 1,000 ppm (equivalent to 58.2 mg/kg bw/day for males) based on reduced body weight gain during premating and on reduced organ weight seen at the LOAEL of 3,000 ppm (equivalent to 177 mg/kg bw/day). The rationale for selecting this study for the dietary, dermal, and inhalation exposure scenario is based on the fact that this study provided the lowest and most conservative toxicity endpoint and route-specific studies are available.

A default 100% inhalation absorption will be used for inhalation exposure scenarios. A 50% dermal absorption rate will be used for dermal exposure scenarios based on the toxicokinetic dermal absorption study.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SECONDARY ALKANE (C_{13}-C_{17}) SULFONATES FOR USE IN HUMAN RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Chronic dietary (All populations)	NOAEL = 58.2 mg/ kg bw/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.582 mg/kg bw/day. cPAD = 0.58 mg/kg bw/day.	Rat reproductive toxicity study. LOAEL = 177 mg/kg bw/day based on decreased weight gain during premating and reduced organ weight.
Cancer (Oral, dermal, inhalation).	Based on the lack of increased incidence of tumor formation compared to controls in multiple carcinogenicity studies and the lack of mutagenicity, SAS is considered not likely to be carcinogenic.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to secondary alkane (C_{13}-C_{17}) sulfonates, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from secondary alkane (C_{13}-C_{17}) sulfonates in food as follows:

i. *Acute Exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide chemical, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for SAS; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* The chronic dietary exposure assessment for this inert ingredient utilizes the Dietary Exposure Evaluation Model Food Commodity Intake Database (DEEM–FCID), Version 3.16, EPA, which includes food consumption information from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, ''What We Eat In America'', (NHANES/ WWEIA). This dietary survey was conducted from 2003 to 2008. In the absence of actual residue data, the inert ingredient evaluation is based on a highly conservative model which assumes that the residue level of the inert ingredient would be no higher than the highest established tolerance for an active ingredient on a given commodity. Implicit in this assumption is that there would be similar rates of degradation between the active and inert ingredient (if any) and that the concentration of inert ingredient in the scenarios leading to these highest of tolerances would be no higher than the concentration of the active ingredient. The model assumes 100 percent crop treated (PCT) for all crops and that every food eaten by a person each day has tolerance-level residues. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled ''Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts'' (D361707, S. Piper, 2/25/09) and can be found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2008–0738.

iii *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that SAS does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

2. *Dietary exposure from drinking water.* For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for secondary alkane (C_{13}-C_{17}) sulfonates, a conservative drinking water concentration value of 100 parts per billion (ppb) based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.*, textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Based on the use pattern for pesticide products containing SAS as an inert ingredient, there are no residential uses and thus no residential exposures are expected.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found secondary alkane (C_{13}-C_{17}) sulfonates to share a common mechanism of toxicity with any other substances, and secondary alkane (C_{13}-C_{17}) sulfonates do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that secondary alkane (C_{13}-C_{17}) sulfonates do not have a common mechanism of toxicity with other

substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* In a 2-generation reproduction toxicity study, there was no evidence of susceptibility of infants and children to SAS. In this study, the offspring and parental toxicity NOAEL was 1,000 ppm (equivalent to 58.2 mg/kg bw/day) based decreased pre- and post-implantation loss and decreased weight gain in offspring and decreased body weight gain during premating and on reduced organ weight in parental animals seen at the LOAEL was 3,000 ppm (equivalent to 177 mg/kg bw/day).

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for secondary alkane (C_{13}-C_{17}) sulfonates includes a subchronic toxicity study, a 2-generation reproduction study, chronic/carcinogenicity studies, several mutagenicity studies, and two toxicokinetic studies. The Agency concludes that for this ingredient, the results of these studies provide a reliable basis for assessing the range of potential effects to infants and children, such that the Agency has determined that no additional data are necessary at this time to evaluate effects to infants and children.

ii. There is no indication that SAS is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence of increased susceptibility due to pre-or post-natal exposure to SAS in infants and children.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 percent crop treated (PCT) and tolerance-level residues. EPA made conservative (protective) assumptions utilizing a 100 ppb default value in the ground and surface water modeling used to assess exposure to secondary alkane (C_{13}-C_{17}) sulfonates in drinking water. These assessments will not underestimate the exposure and risks posed by secondary alkane (C_{13}-C_{17}) sulfonates.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified, therefore, an acute dietary exposure assessment was not conducted.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to SAS from food and water will utilize 97.1% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short-term/intermediate-term adverse effect was identified; however, SAS is not used as inert ingredient in any pesticide product registered for any use patterns that would result in short-term or intermediate-term residential exposure. Because there is no short-term or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-term risk for SAS.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two rodent carcinogenicity studies, secondary alkane (C_{13}-C_{17}) sulfonates are not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to secondary alkane (C_{13}-C_{17}) sulfonates residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Although EPA is establishing a limitation on the amount of SAS that may be used in pesticide formulations, an analytical enforcement methodology is not necessary for this exemption. The limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq*. EPA will not register any pesticide for sale or distribution for use on growing crops with concentrations of SAS exceeding 40% by weight of the formulation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nation Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for secondary alkane (C_{13}-C_{17}) sulfonates.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established

under 40 CFR 180.920 for sulfonic acids, C_{13-17}-sec-alkane, sodium salts (CAS Reg. No. 85711–69–9) and sulfonic acids, C_{14-17}-sec-alkane, sodium salts (CAS Reg. No. 97489–15–1) when used as inert ingredients (surfactant) in pesticide formulations applied to growing crops at not more than 40% by weight of the pesticide formulation.

VII. Statutory and Executive Order Reviews

This action establishes an exemption from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 10, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.920, add alphabetically the following inert ingredients to the table to read as follows:

§ 180.920 Inert ingredients used pre-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * *	* * *	*
Sulfonic acids, C_{13-17}-sec-alkane, sodium salts (CAS Reg. No. 85711–69–9).	Not to exceed 40% by weight in non-residential use pesticide formulation only.	Surfactant.
Sulfonic acids, C_{14-17}-sec-alkane, sodium salts (CAS Reg. No. 97489–15–1).	Not to exceed 40% by weight in non-residential pesticide formulation only.	Surfactant.
* * *	* * *	*

[FR Doc. 2015–08218 Filed 4–9–15; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0798; FRL–9925–02]

Pyraclostrobin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pyraclostrobin in or on the herb subgroup 19A, dill seed, the stone fruit group 12–12, and the tree nut group 14–12, except pistachio. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 10, 2015. Objections and requests for hearings must be received on or before

June 9, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0798, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0798 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 9, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0798, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 25, 2014 (79 FR 10458) (FRL–9906–77), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3E8216) by IR–4, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide pyraclostrobin, carbamic acid, [2-[[[1-(4-chlorophenyl)-1*H*-pyrazol-3-yl]oxy]methyl]phenyl]methoxy-, methyl ester and its desmethoxy metabolite (methyl-*N*-[[[1-(4-chlorophenyl)-1*H*-pyrazol-3-yl]oxy]methyl]phenylcarbamate) (BF 500–3), expressed as parent compound, in or on herb, subgroup 19A at 85 ppm; and dill, seed at 100 ppm and by changing the existing entries for ''fruit, stone, group 12'' at 2.5 ppm to ''fruit, stone, group 12–12'' at 2.5 ppm; and ''nut, tree, group 14'' at 0.04 ppm to ''nut, tree, group 14–12, except pistachio'' at 0.04 ppm. That document referenced a summary of the petition prepared by BASF, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the levels at which tolerances are being established for some commodities. The reason for these changes is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pyraclostrobin including exposure resulting from the tolerances established by this action.

EPA's assessment of exposures and risks associated with pyraclostrobin follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

There are no concerns for reproductive susceptibility, neurotoxicity, mutagenicity, genotoxicity, or immunotoxicity. The most consistently observed effects resulting from pyraclostrobin exposure across species, genders, and treatment durations were diarrhea and decreased body weight, body weight gain, and food consumption. Pyraclostrobin also causes intestinal disturbances, as indicated by increased incidence of diarrhea or duodenum mucosal thickening. These intestinal effects appeared to be related to the irritating action on the mucus membranes as demonstrated by irritation seen in the primary eye irritation study. In the rat acute and subchronic neurotoxicity studies, neuropathology and behavior changes were not observed.

In the rat developmental toxicity study, developmental toxicity including an increased incidence of dilated renal pelvis and cervical ribs occurred at a dose greater than the dose causing maternal toxicity (including decreased body weights and body weight gains and reduced food consumption and reduced food efficiency). The rabbit developmental toxicity study indicates qualitative evidence of increased developmental susceptibility based on increased resorptions per litter, increased post-implantation loss and dams with total resorptions, in the presence of maternal toxicity (reduced body weight gain, food consumption, and food efficiency). In a dose range-finding 1-generation reproduction study, systemic toxicity was manifested as decreased body weight and body weight gain in both the parents and offspring. The effects occurred at the same dose levels for both parental and the offspring, but the decrease in pup weight was more than that in the parental animals. However, the body weight effect was not found in the guideline 2-generation reproduction study in either parental or offspring animals at similar dose level. No reproductive toxicity was seen.

Pyraclostrobin has been classified as not likely to be carcinogenic to humans based on the lack of treated related increase in tumor incidence in adequately conducted carcinogenicity studies in rats and mice. Pyraclostrobin did not cause mutagenicity or genotoxicity in the *in vivo* and *in vitro* assays, nor did it cause immunotoxicity in T-cell dependent antibody response assays in mice with preliminary review.

Specific information on the studies received and the nature of the adverse effects caused by pyraclostrobin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Pyraclostrobin—Human Health Risk Assessment for a Section 3 Registration of New Uses on Herb Subgroup 19A and Dill Seed, Plus Crop Group Conversions on Stone Fruit Group 12–12 and Tree Nut Group 14–12'' at page 29 in docket ID number EPA–HQ–OPP–2013–0798.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for pyraclostrobin used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR PYRACLOSTROBIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age).	NOAEL = 5.0 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.05 mg/kg/day. aPAD = 0.05 mg/kg/day	*Developmental Toxicity—Rabbit* LOAEL = 10.0 mg/kg/day based on developmental toxicity findings of increased resorptions.
Acute dietary (General population including infants and children).	NOAEL = 300 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 3.0 mg/kg/day. aPAD = 3.0 mg/kg/day	*Acute Neurotoxicity—Rat* LOAEL = 1,000 mg/kg/day based on decreased body weight gain in males.
Chronic dietary (All populations)	NOAEL = 3.4 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.034 mg/kg/day. cPAD = 0.034 mg/kg/day	*Carcinogenicity—Rat* LOAEL = 9.2 mg/kg/day based on decreased body weight, kidney tubular casts and atrophy in both sexes; increased incidence of liver necrosis and erosion/ulceration of the glandular-stomach and fore-stomach in males.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR PYRACLOSTROBIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Incidental oral short-term (1 to 30 days) and intermediate-term (1 to 6 months).	NOAEL = 5.8 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	*Subchronic Toxicity—Dog* LOAEL = 12.9 mg/kg/day based on increased incidence of diarrhea, clinical chemistry changes, duodenum mucosal hypertrophy, and decreased body weight and food efficiency.
Dermal short-term (1 to 30 days) and intermediate-term (1 to 6 months).	Oral study NOAEL = 5.0 mg/kg/day (dermal absorption rate = 14%). UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	*Developmental Toxicity—Rabbit* LOAEL = 10.0 mg/kg/day based on developmental toxicity findings of increased resorptions and maternal toxicity based on decreased food efficiency.
Inhalation short-term (1 to 30 days) and intermediate-term (1 to 6 months).	Inhalation study NOAEL = 0.010 mg/kg/day. UF_A = 3x UF_H = 10x FQPA SF = 1x $f_{Handler}$ = 16.7 L/min $HEC_{Handler}$ = 0.00131 mg/L $HEC_{Bystander}$ = 0.00023 mg/L $HED_{Handler}$ = 0.038 mg/kg/day	LOC for MOE = 30 ..	*Inhalation Toxicity—Rat* LOAEL = 6.9 mg/kg/day (air concentration = 0.03 mg/L) based on duodenum mucosal hyperplasia and respiratory system findings including alveolar histiocytosis and olfactory atrophy/ necrosis in nasal tissue.
Cancer (Oral, dermal, inhalation).	Classification: ''Not Likely to be Carcinogenic to Humans'' based on the absence of significant tumor increases in two adequate rodent carcinogenicity studies.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). HEC = Human Equivalent Concentration. HED = Human Equivalent Dose. f = Respiratory frequency.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to pyraclostrobin, EPA considered exposure under the petitioned-for tolerances as well as all existing pyraclostrobin tolerances in 40 CFR 180.582. EPA assessed dietary exposures from pyraclostrobin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for pyraclostrobin.

In estimating acute dietary exposure, EPA used Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 3.16, which uses food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA) from 2003 through 2008. As to residue levels in food, EPA used tolerance-level residues or highest field trial residues, 100 percent crop treated (PCT), and empirical or default processing factors. Experimentally-derived processing factors were used for fruit juices, tomato, sugarcane, and wheat commodities. For all other processed commodities, DEEM default processing factors were assumed.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA's 2003–2008 NHANES/WWEIA. As to residue levels in food, EPA included tolerance-level or average field trial residues, average PCT estimates when available, and empirical processing factors. Experimentally-derived processing factors were used for fruit juices, tomato, sugar cane, and wheat commodities. For all other processed commodities, DEEM default processing factors were assumed.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that pyraclostrobin does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to

show what percentage of the food derived from such crop is likely to contain the pesticide residue.

- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for existing uses as follows:

Almonds 40%; apples 15%; apricots 25%; barley 10%; green beans <2.5%; blueberries 45%; broccoli 5%; cabbage 10%; caneberries 50%; cantaloupes 15%; carrots 35%; cauliflower <2.5%; celery <2.5%; cherries 50%; corn 10%; cotton <2.5%; cotton (seed treatment) 10%; cucumber 10%; dry beans/peas 10%; garlic 10%; grapefruit 30%; grapes 30%; hazelnuts (filberts) 20%; lemons <2.5%; lettuce 5%; nectarines 10%; onions 25%; oranges 5%; peaches 20%; peanuts 25%; pears 15%; green peas 5%; pecans <2.5%; peppers 10%; pistachios 30%; plums/prunes 5%; potatoes 20%; pumpkins 20%; rice <1%; soybeans 5%; soybeans (seed treatment) 5%; spinach 5%; squash 15%; strawberries 65%; sugar beets 45%; sweet corn 5%; tangelos 15%; tangerines 10%; tomatoes 25%; walnuts <1%; watermelons 30%; wheat 5%; wheat (seed treatment) <1%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which pyraclostrobin may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for pyraclostrobin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of pyraclostrobin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Pesticide Root Zone Model for Groundwater (PRZM–GW) models, the estimated drinking water concentrations (EDWCs) of pyraclostrobin for acute exposures are estimated to be 35.6 parts per billion (ppb) for surface water and 0.02 ppb for ground water. Chronic exposures for non-cancer assessments are estimated to be 2.3 ppb for surface water and 0.02 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 35.6 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 2.3 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Pyraclostrobin is currently registered for the following uses that could result in residential handler and post-application exposures: Treated gardens, fruit or nut trees, tomato transplants, and turf. EPA assessed residential exposure using the following assumptions: Short-term adult handler exposures via the dermal and inhalation routes resulting from application of pyraclostrobin to gardens, trees, and turf. Short-term dermal post-application exposures were assessed for adults, youth 11 to 16 years old, and children 6 to 11 years old. Short-term dermal and incidental oral exposures were assessed for children 1 to <2 years old. Based on the registered uses of pyraclostrobin on residential and golf course turf, intermediate-term post-application exposures are possible. However, since the short- and intermediate-term endpoints and PODs for dermal and oral routes are the same, the short-term exposure and risk estimates are considered to be protective of potential intermediate-term exposure and risk.

For the aggregate assessment, inhalation and dermal exposures were not aggregated together because the toxicity effect from the inhalation route of exposure was different than the effect from the dermal route of exposure. The scenarios with the highest residential exposures that were used in the short-term aggregate assessment for pyraclostrobin are as follows:

- Adult short-term aggregate assessment—residential dermal post-application exposure via activities on treated turf.
- Youth (11–16 years old) short-term aggregate assessment—residential dermal exposure from post-application golfing on treated turf.
- Children (6–11 years old) short-term aggregate assessment—residential dermal exposures from post-application activities in treated gardens.
- Children (1<2 years old) short-term aggregate assessment—residential dermal and hand-to-mouth exposures from post-application exposure to treated turf.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA

requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found pyraclostrobin to share a common mechanism of toxicity with any other substances, and pyraclostrobin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that pyraclostrobin does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence that pyraclostrobin results in increased susceptibility in rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study. Although there is qualitative evidence of increased susceptibility in the prenatal development study in rabbits, the Agency did not identify any residual uncertainties after establishing toxicity endpoints and traditional UFs to be used in the risk assessment of pyraclostrobin. The degree of concern for prenatal and/or postnatal toxicity is low.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for pyraclostrobin is complete.

ii. There is no indication that pyraclostrobin is a neurotoxic chemical. Effects seen in the acute and subchronic neurotoxicity studies in rats are considered to reflect perturbations in mitochondrial respiration leading to effects on energy production rather than signs of neurotoxicity; therefore, there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that pyraclostrobin results in increased susceptibility in rats in the prenatal developmental study or in young rats in the 2-generation reproduction study. The prenatal rabbit developmental toxicity study showed qualitative evidence of increased susceptibility to prenatal rabbits; however, this study was chosen for endpoint selection for the acute dietary (females 13–49) and short-term dermal exposure scenarios. This study has a clearly defined NOAEL of 5.0 mg/kg/day. EPA did not identify any residual uncertainties after establishing toxicity endpoints and traditional UFs to be used in the risk assessment of pyraclostrobin. The degree of concern for prenatal and/or postnatal toxicity is low.

iv. There are no residual uncertainties identified in the exposure databases. The acute dietary exposure assessments were performed assuming 100 PCT and tolerance-level or highest field trial residues. The chronic dietary exposure assessments were performed using average PCT estimates, when available, and tolerance-level or highest field trial residues. These data are reliable and are not expected to underestimate risks to adults or children. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to pyraclostrobin in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by pyraclostrobin.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to pyraclostrobin will occupy 87% of the aPAD for females 13–49 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to pyraclostrobin from food and water will utilize 27% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of pyraclostrobin is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Pyraclostrobin is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to pyraclostrobin.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 110 for children 1–2 years old, 380 for children 6–11 years old, 1,600 for youth 11–16 years old, and 230 for adults from post-application exposures. Because EPA's level of concern for pyraclostrobin is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Pyraclostrobin is currently registered for uses that could result in intermediate-term residential exposure; however, since the short- and intermediate-term endpoints and PODs for dermal and oral routes are the same, the short-term exposure and risk estimates are considered to be protective of potential intermediate-term exposure and risk and an intermediate-term aggregate assessment was not performed.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, pyraclostrobin is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to pyraclostrobin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Two adequate methods are available to enforce the tolerance expression for residues of pyraclostrobin and the metabolite BF 500–3 in or on plant commodities: A liquid chromatography with tandem mass spectrometry (LC/MS/MS) method, BASF Method D9908; and a high-performance LC with ultraviolet detection (HPLC/UV) method, Method D9904. The methods may be found in the *Pesticide Analytical Manual,* Volume I.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex and U.S. residue definitions for pyraclostrobin residues on plant commodities are different. The Codex definition is pyraclostrobin, whereas the U.S. definition is pyraclostrobin and its desmethoxy metabolite. Codex has not established MRLs for pyraclostrobin on herbs or dill seed, and therefore there are no harmonization issues for those commodities. Codex has established MRLs for some members of the stone fruit group, *i.e.,* cherries (3 mg/kg), peach/nectarine (0.3 mg/kg), and plums (0.8 ppm), but does not have a group tolerance. EPA has decided to issue a single group tolerance as requested for the stone fruit crop group, rather than harmonize with the individual MRLs for cherry, peach/nectarine, and plum, because adequate data supports the crop group tolerance. Codex has established a tree nut group tolerance at 0.02 mg/kg. The U.S. tolerance cannot be lowered, as it includes parent and a metabolite, each at 0.02 ppm, or 0.04 ppm total.

C. Revisions to Petitioned-for Tolerances

The tolerances being established for the herb subgroup 19A (40 ppm) and dill seed (40 ppm) are different than what the petitioner requested (85 ppm and 100 ppm, respectively). The requested tolerance levels for the herb subgroup 19A and dill seed were based on the use of field trial data without adjustment for the exaggerated application rate (2.7X) represented by those trials. Each of the two applications of pyraclostrobin were conducted at 2.7X the label rate, and the total seasonal rate was 2.7X the label rate. Using the assumption of proportionality, *i.e.,* that the residue levels are proportional to the rate of application, the residue results may be adjusted to the concentrations expected at the 1X rate. The tolerance estimates at the 1X rate are 40 ppm for herb subgroup 19A and 40 ppm for dill seed.

V. Conclusion

Therefore, tolerances are established for residues of pyraclostrobin, carbamic acid, [2-[[[1-(4-chlorophenyl)-1*H*-pyrazol-3-yl]oxy]methyl]phenyl]methoxy-, methyl ester and its desmethoxy metabolite (methyl-*N*-[[[1-(4-chlorophenyl)-1*H*-pyrazol-3-yl]oxy]methyl]phenylcarbamate) (BF 500–3), expressed as parent compound, in or on herb, subgroup 19A at 40 ppm; and dill, seed at 40 ppm. Additionally, the existing entries for ''fruit, stone, group 12'' at 2.5 ppm is modified to read ''fruit, stone, group 12–12'' at 2.5 ppm; and ''nut, tree, group 14'' at 0.04 ppm is modified to read ''nut, tree, group 14–12, except pistachio'' at 0.04 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 1, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.582:

■ a. Add alphabetically the entries for ''Dill, seed'', ''Fruit, stone, group 12–12'', ''Herb subgroup19A'', and ''Nut, tree, group 14–12, except pistachio'' to the table in paragraph (a)(1).

■ b. Remove the entries for ''Fruit, stone, group 12'', and ''Nut, tree, group 14'' in the table in paragraph (a)(1).

The amendments read as follows:

§ 180.582 Pyraclostrobin; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Dill, seed	40
* * * * *	
Fruit, stone, group 12–12	2.5
* * * * *	
Herb subgroup 19A	40
* * * * *	
Nut, tree, group 14–12, except pistachio	0.04
* * * * *	

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[FR Doc. 2015–08079 Filed 4–9–15; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 300–3

[FTR Amendment 2015–02; FTR Case 2014–301; Docket No. 2014–0012; Sequence No. 1]

RIN 3090–AJ44

Federal Travel Regulation (FTR); Terms and Definitions for ''Marriage'', ''Spouse'', and ''Domestic Partnership''

AGENCY: Office of Government-wide Policy, U.S. General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending the Federal Travel Regulation (FTR) by adding terms and definitions for ''Marriage'' and ''Spouse'', and by revising the definition of ''Domestic Partnership''.

DATES: This rule is effective April 10, 2015, subject to retroactivity principles as discussed herein.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Rick Miller, Office of Government-wide Policy (MA), Travel and Relocation Policy Division, U.S. General Services Administration, at 202–501–3822 or email at *rodney.miller@gsa.gov*. Contact the U.S. General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405–0001, 202–501–4755, for information pertaining to status or publication schedules. Please cite FTR Amendment 2015–02, FTR Case 2014–301.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3 of the Defense of Marriage Act (DOMA), codified at 1 U.S.C. 7, provided that, when used in Federal law, the term ''marriage'' would mean only a legal union between one man and one woman as husband and wife, and that the term ''spouse'' referred only to a person of the opposite sex who is a husband or a wife. Because of DOMA, the Federal Government had been prohibited from recognizing marriages of same-sex couples for all Federal purposes, including travel and relocation entitlements.

On June 17, 2009, President Obama signed a Presidential Memorandum on Federal Benefits and Non-Discrimination stating that ''[t]he heads of all other executive departments and agencies, in consultation with the Office of Personnel Management, shall conduct a review of the benefits provided by their respective departments and agencies to determine what authority they have to extend such benefits to same-sex domestic partners of Federal employees.'' As part of its review, GSA identified a number of changes to the Federal Travel Regulation (FTR) that could be made. Subsequently, on June 2, 2010, President Obama signed a Presidential Memorandum directing agencies to immediately take actions, consistent with existing law, to extend certain benefits, including travel and relocation benefits, to same-sex domestic partners of Federal employees, and where applicable, to the children of same-sex domestic partners of Federal employees.

GSA published an interim rule and a final rule, respectively in the **Federal Register** on November 3, 2010, and on September 28, 2011 (75 FR 67629 and 76 FR 59914), that fulfilled the Presidential Memorandum by, among other things, amending the definition of ''immediate family'' in the FTR to include same-sex domestic partners and their dependents.

On June 26, 2013, in *United States* v. *Windsor,* 570 U.S. 12, 133 S. Ct. 2675 (2013), the Supreme Court of the United States (Supreme Court) held Section 3 of DOMA unconstitutional. As a result of this decision, GSA is now able to extend travel and relocation entitlements to Federal employees who are legally married to spouses of the same sex. Pursuant to 5 U.S.C. 5707, the Administrator of General Services is authorized to prescribe necessary regulations to implement laws regarding Federal employees who are traveling while in the performance of official business away from their official stations. Similarly, 5 U.S.C. 5738 mandates that the Administrator of General Services prescribe regulations relating to official relocation. The overall implementing authority is the Federal Travel Regulation (FTR), codified in Title 41 of the Code of Federal Regulations, Chapters 300–304 (41 CFR Chapters 300–304).

GSA published a proposed rule in the **Federal Register** on June 26, 2014 (79 FR 36279). The proposed rule recommended adding a definition for the terms ''Marriage'' and ''Spouse'', and revising the definition of the term ''Domestic Partnership''.

B. Summary of Comments Received

In response to the proposed rule, GSA received comments from six different entities (one Federal agency, one Federal employee, two individuals, and two associations). Some comments received were generally supportive as to

the implementation of the changes to the FTR and some comments opposed the changes as written. All comments were carefully considered in the development of this final rule.

Two commenters supported the proposed rule without any additional changes made. One commenter requested a minor editorial change in section 300–3.1 in the revised definition for ''Domestic Partner'', noting that the parenthetical ''or foreign country'' is not used in the term ''Domestic Partnership''. The parenthetical ''or foreign country'' was used in the proposed rule for Supplementary Information under ''A. Background'' in explaining ''Domestic Partnership'', and is used in the new term ''Marriage''. They recommended further amending the term ''Domestic Partnership'' to add the term ''or foreign country'' after the word ''state'' in proposed paragraph 10 of the definition. GSA made the minor editorial change.

One commenter suggested that the effective date of the final rule be retroactive prior to the date of the *Windsor* decision (June 26, 2013). The comment stated this would allow employees who relocated prior to the *Windsor* decision, and who were legally married in states that recognized same-sex marriages, to be allowed to claim relocation entitlements for their same-sex spouses. This rule is effective from the date of publication, subject to retroactivity principles as discussed herein. As to retroactive application, if an employee or former employee amends a claim for reimbursement based upon application of the *Windsor* decision for expenses incurred prior to the effective date of this rule or prior to the date of the *Windsor* decision, the agency that authorized the travel or relocation should make a determination based upon the relevant circumstances of each individual case, in light of governing legal principles and agency regulations.

The two associations submitted comments opposing the changes in the proposed rule as written. Those comments are addressed herein together. One comment opposed adding to the definition of domestic partnership in section 300–3.1, the requirement that employees ''certify that they would marry but for the failure of their state of residence to permit same-sex marriage'' for those employees who reside in a state or other jurisdiction (or foreign country) whose laws do not permit same-sex marriage. In the same comment, the association also opposed requiring domestic partners, who reside in states or jurisdictions (or foreign countries) that authorize the marriage of two individuals of the same sex, to marry to be eligible for relocation entitlements as an immediate family member, if the employee is relocating to a foreign country.

The commenters stated that the changes would apply to Americans officially assigned to, or in transit to, foreign locations, and these individuals and their families would be at risk of losing existing legal protections and support provided to legally recognized partners. They also stated that by requiring employees to marry or certify their intent to do so, may put these employees and their partners and families at risk of persecution, incarceration, and execution while assigned abroad.

GSA recognizes that the legal landscape is rapidly changing, and certain states and other jurisdictions, as well as foreign countries, currently do not allow same-sex marriages. However, the proposed definition for the term ''domestic partnership'' in the FTR is in accordance with the definition used for other Federal employees benefit programs, and therefore, will not be changed. Employees with same-sex domestic partners living in states or other jurisdictions (or foreign countries) that allow them to marry have access to many, if not all, of the protections that married opposite-sex couples enjoy. Therefore, a separate category under the FTR's term ''immediate family member'' will not be created for employees and their domestic partners who live in states or other jurisdictions (or foreign countries) that allow them to marry but choose not to marry.

One comment suggested that GSA should make clear that agencies retain the authority to assign personnel abroad and afford staff and family assigned abroad the protections and support that will best promote the safety, efficiency, and effectiveness of their operation overseas. Since recruitment and assignment procedures are outside of the scope of the FTR, GSA did not address this issue.

Another comment suggested that the proposed changes would promote illegal discrimination and invidious state or other jurisdiction practices towards same-sex couples with regard to marriage, divorce, adoption, inheritance, property, tax filing, and spousal benefits. The changing of state or other jurisdiction benefit laws for marriage and/or domestic partners is outside the scope of the FTR, and therefore, is not addressed by GSA.

The associations strongly opposed GSA ''abolishing'' domestic partner benefits already extended. The associations stated that, given the limited access to marriage and other forms of non-marital relationship recognition for same-sex couples, along with the aforementioned issues associated with requiring couples to marry or certify an intent to marry, the proposed change would add further burdens for same-sex couples. Therefore, they suggested GSA should expand the terms for ''spouse'', ''marriage'', and ''domestic partnership'' to apply to both same-sex and opposite-sex domestic partners, thus extending travel and relocation benefits to partners in all relationships.

GSA is not abolishing already extended travel and relocation benefits. Rather, GSA is limiting benefits moving forward for same-sex domestic partners who choose not to marry, despite residing in states or other jurisdictions (or foreign countries) whose laws authorize same-sex marriage. Same-sex domestic partners who reside in states or other jurisdictions (or foreign countries) whose laws do not authorize same-sex marriage will still be permitted to claim travel and relocation benefits based upon the FTR and agency procedures for immediate family members. At this time, GSA is not including opposite-sex domestic partners as part of an employee's immediate family.

C. Major Changes in This Final Rule

Based upon the comments received and suggested changes, the final rule updates the FTR by adding the definitions ''Marriage'' and ''Spouse'', and revises the definition of ''Domestic partnership''.

The term ''marriage'' is added to include any marriage, including a marriage between individuals of the same sex, that was entered into in a state or other jurisdiction (or foreign country) whose laws authorize the marriage, even if the married couple is domiciled in a state or other jurisdiction (or foreign country) that does not recognize the validity of the marriage. The term also includes common law marriage in states or other jurisdictions where such marriages are recognized, so long as they are proven according to the applicable state/jurisdiction laws. The term ''spouse'' is added to include any individual who has entered into such a marriage.

The term ''marriage'' will not include registered domestic partnerships, civil unions, or other similar formal relationships recognized under state or other jurisdiction (or foreign) law that are not denominated as a marriage under that state's or other jurisdiction's (or foreign country's) law, and the terms ''spouse'', ''husband and wife'',

''husband'', and ''wife'' do not include individuals who have entered into such a relationship. This conclusion will apply regardless of whether individuals who have entered into such relationships are of the opposite sex or the same sex.

At the time the definition of ''immediate family'' in the FTR was amended to include same-sex domestic partners and their dependents, Section 3 of DOMA prohibited GSA from recognizing same-sex marriages. Thus, the availability of same-sex marriage in a particular state or other jurisdiction was not relevant to the determination of coverage eligibility for travel and relocation benefits. Now that FTR coverage is available to the same-sex spouses of Federal employees, pursuant to *Windsor* and the amendments finalized by this rule, GSA has reconsidered the need and scope of the extension of FTR coverage to same-sex domestic partners. When the proposed rule was published on June 26, 2014, only a minority of states recognized same-sex marriages. However since then, a majority of states currently permit same-sex marriage; therefore many same-sex couples have the same access to marriage that is available to opposite-sex couples. However, until marriage is available to same-sex couples in all fifty states and other jurisdictions, the extension of benefits to same-sex domestic partners will continue to play an important role in bridging the gap in legal treatment between same-sex and opposite-sex couples. Therefore, GSA is tailoring FTR coverage to those same-sex couples who would marry, but live in states or other jurisdictions (or foreign countries) where same-sex marriage is prohibited.

Same-sex couples living in states or other jurisdictions that allow them to marry have access to many, if not all, of the protections that married opposite-sex couples enjoy. Therefore, for employees living in states or other jurisdictions where they are able to marry, there is less need to create a separate path by which same-sex domestic partners are eligible for FTR benefits. For those employees unable to marry under the laws of the states or other jurisdictions in which they live, however, it is appropriate to extend FTR coverage to same-sex domestic partners in the form described in this regulation.

The term ''domestic partnership'' is updated to read that same-sex domestic partners that have a documented domestic partnership, and reside in a state or other jurisdiction (or foreign country) whose laws do not permit same-sex marriage or recognize their validity, will still be considered an immediate family member, under the FTR and agency policy, only if they certify that they would marry but for the failure of their state or other jurisdiction (or foreign country) of residence to permit same-sex marriage. For those individuals who reside in states or other jurisdictions (or foreign countries) that authorize the marriage of two individuals of the same sex, the individuals will no longer be considered domestic partners or immediate family members due to the certification requirement.

Due to current statutory restrictions, however, this final rule does not apply to the relocation income tax allowance or the income tax reimbursement allowance for state taxes when the applicable state law does not recognize same-sex marriage.

This case is included in GSA's retrospective review of existing regulations under Executive Order 13563. Additional information is located in GSA's retrospective review (2015), available at *www.gsa.gov/improvingregulations.*

D. Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives, and if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a ''significant regulatory action,'' and therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. Accordingly, the final rule has been reviewed by the Office of Management and Budget. This final rule is not a major rule under 5 U.S.C. 804.

E. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This final rule is also exempt from Administrative Procedure Act per 5 U.S.C. 553(a)(2), because it applies to agency management or personnel.

F. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the Federal Travel Regulation do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

G. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 300–3

Government employees, Relocation, Travel, and Transportation expenses.

Dated: April 3, 2015.

Denise Turner Roth,

Acting Administrator of General Services.

For the reasons set forth in the Preamble, under 5 U.S.C. 5701–5709, 5721–5738, and 5741–5742, GSA amends 41 CFR part 300–3, as set forth below:

PART 300–3—GLOSSARY OF TERMS

■ 1. The authority citation for 41 CFR part 300–3 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; E.O. 11609, as amended; 3 CFR, 1971–1975 Comp., p. 586, OMB Circular No. A–126, revised May 22, 1992.

■ 2. Amend § 300–3.1 by—

■ a. In the definition ''Domestic partnership'' by—

■ 1. Removing from paragraph (8) the word ''and'' at the end of the sentence;

■ 2. Removing from paragraph (9) the period at the end of the sentence and adding ''; and'' in its place; and

■ 3. Adding paragraph (10); and

■ b. Adding, in alphabetical order, the definitions ''Marriage'' and ''Spouse''.

The additions read as follows:

§ 300–3.1 What do the following terms mean?

* * * * *

Domestic Partnership— * * *

(10) Certify that they would marry but for the failure of their state or other jurisdiction (or foreign country) of residence to permit same-sex marriage.

* * * * *

Marriage—A legal union between individuals that was entered into in a state or other jurisdiction (or foreign country) whose laws authorize the marriage, even if the married couple is domiciled in a state or other jurisdiction (or foreign country) that does not recognize the validity of the marriage. The term also includes common law marriage in a state or other jurisdiction (or foreign country) where such

marriages are recognized, so long as they are proven according to the applicable state, other jurisdiction, or foreign laws. The term marriage does not include registered domestic partnerships, civil unions, or other similar formal relationships recognized under state or other jurisdiction (or foreign country) law that are not denominated as a marriage under that state's or other jurisdiction (or foreign country's) law.

* * * * *

Spouse—Any individual who is lawfully married (unless legally separated), including an individual married to a person of the same sex who was legally married in a state or other jurisdiction (including a foreign county), that recognizes such marriages, regardless of whether or not the individual's state of residency recognizes such marriages. The term ''spouse'' does not include individuals in a formal relationship recognized by a state, which is other than lawful marriage; it also does not include individuals in a marriage in a jurisdiction outside the United States that is not recognized as a lawful marriage under United States law.

* * * * *

[FR Doc. 2015–08193 Filed 4–9–15; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–8377]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Bret Gates, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4133.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the

Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Maryland:				
Cecil County, Unincorporated Areas	240019	June 15, 1973, Emerg; April 4, 1983, Reg; May 4, 2015, Susp.	May 4, 2015	May 4, 2015.
Charles County, Unincorporated Areas	240089	March 30, 1973, Emerg; June 5, 1985, Reg; May 4, 2015, Susp.	.....do *	Do.
Charlestown, Town of, Cecil County	240021	February 20, 1975, Emerg; November 17, 1982, Reg; May 4, 2015, Susp.	.....do	Do.
Chesapeake City, Town of, Cecil County.	240099	December 5, 1974, Emerg; October 15, 1981, Reg; May 4, 2015, Susp.	.....do	Do.
Elkton, Town of, Cecil County	240022	November 7, 1973, Emerg; March 18, 1980, Reg; May 4, 2015, Susp.	.....do	Do.
Indian Head, Town of, Charles County	240091	January 28, 1974, Emerg; October 15, 1985, Reg; May 4, 2015, Susp.	.....do	Do.
La Plata, Town of, Charles County	240092	January 21, 1974, Emerg; April 17, 1985, Reg; May 4, 2015, Susp.	.....do	Do.
North East, Town of, Cecil County	240023	July 24, 1975, Emerg; October 15, 1981, Reg; May 4, 2015, Susp.	.....do	Do.
Perryville, Town of, Cecil County	240024	April 23, 1974, Emerg; March 1, 1977, Reg; May 4, 2015, Susp.	.....do	Do.
Port Deposit, Town of, Cecil County	240025	March 16, 1973, Emerg; February 16, 1977, Reg; May 4, 2015, Susp.	.....do	Do.
Rising Sun, Town of, Cecil County	240158	September 17, 1975, Emerg; May 15, 1986, Reg; May 4, 2015, Susp.	.....do	Do.
Virginia:				
Claremont, Town of, Surry County	510158	February 26, 1975, Emerg; October 16, 1990, Reg; May 4, 2015, Susp.	.....do	Do.
Essex County, Unincorporated Areas ...	510048	March 15, 1974, Emerg; December 16, 1988, Reg; May 4, 2015, Susp.	.....do	Do.
Surry County, Unincorporated Areas	510157	March 25, 1974, Emerg; November 2, 1990, Reg; May 4, 2015, Susp.	.....do	Do.
Tappahannock, Town of, Essex County	510049	June 3, 1974, Emerg; August 4, 1987, Reg; May 4, 2015, Susp.	.....do	Do.
Region V				
Indiana:				
Columbia City, City of, Whitley County	180300	July 29, 1975, Emerg; January 5, 1979, Reg; May 4, 2015, Susp.	.....do	Do.
South Whitley, Town of, Whitley County	180301	October 2, 1975, Emerg; August 19, 1985, Reg; May 4, 2015, Susp.	.....do	Do.
Whitley County, Unincorporated Areas	180298	December 29, 1975, Emerg; April 1, 1988, Reg; May 4, 2015, Susp.	.....do	Do.
Region VI				
Texas:				
Anahuac, City of, Chambers County	480120	June 27, 1975, Emerg; July 16, 1981, Reg; May 4, 2015, Susp.	.....do	Do.
Baytown, City of, Chambers and Harris Counties.	485456	July 17, 1970, Emerg; July 1, 1974, Reg; May 4, 2015, Susp.	.....do	Do.
Beach City, City of, Chambers County	480121	August 8, 1979, Emerg; January 19, 1983, Reg; May 4, 2015, Susp.	.....do	Do.
Chambers County, Unincorporated Areas.	480119	July 10, 1975, Emerg; June 15, 1983, Reg; May 4, 2015, Susp.	.....do	Do.
Cove, City of, Chambers County	481510	N/A, Emerg; August 11, 2006, Reg; May 4, 2015, Susp.	.....do	Do.
Mont Belvieu, City of, Chambers and Liberty Counties.	480122	August 1, 1979, Emerg; August 16, 1982, Reg; May 4, 2015, Susp.	.....do	Do.
Old River-Winfree, City of, Chambers County.	481637	N/A, Emerg; August 10, 1999, Reg; May 4, 2015, Susp.	.....do	Do.

*.....do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 16, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–08320 Filed 4–9–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235–3658–02]

RIN 0648–XD734

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the commercial sector for vermilion snapper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects that commercial landings for vermilion snapper will reach the commercial annual catch limit (ACL) for the January 1 through June 30, 2015, fishing period on April 15, 2015. Therefore, NMFS closes the commercial sector for vermilion snapper in the South Atlantic EEZ on April 15, 2015, and it will remain closed until the start of the July 1 through December 31, 2015, fishing period. This closure is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, April 15, 2015, until 12:01 a.m., local time, July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Britni LaVine, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *britni.lavine@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes vermilion snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial quota for vermilion snapper in the South Atlantic is divided into separate quotas for two 6-month time periods, January through June and July through December. For the January 1 through June 30, 2015, fishing season, the commercial quota is 394,829 lb (179,091 kg), gutted weight (438,260 lb (198,791 kg), round weight), as specified in 50 CFR 622.190(a)(4)(i)(C).

On February 26, 2015, NMFS published a temporary rule in the **Federal Register** to reduce the commercial trip limit for vermilion snapper in or from the EEZ of the South Atlantic to 500 lb (227 kg), gutted weight, effective 12:01 a.m., local time, March 2, 2015, until July 1, 2015, or until the quota is reached and the commercial sector closes, whichever occurs first (80 FR 10392).

In accordance with regulations at 50 CFR 622.193(f)(1), NMFS is required to close the commercial sector for vermilion snapper when the commercial quota for that portion of the fishing year has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial quota for South Atlantic vermilion snapper for the January-June fishing period will have been reached by April 15, 2015. Accordingly, the commercial sector for South Atlantic vermilion snapper is closed effective 12:01 a.m., local time, April 15, 2015, until 12:01 a.m., local time, July 1, 2015. The commercial quota for vermilion snapper in the South Atlantic is 394,829 lb (179,091 kg), gutted weight (438,260 lb (198,791 kg), round weight), for the July 1 through December 31, 2015, fishing period, as specified in 50 CFR 622.190(a)(4)(ii)(C).

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having vermilion snapper onboard must have landed and bartered, traded, or sold such vermilion snapper prior to 12:01 a.m., local time, April 15, 2015. During the closure, the bag limit specified in 50 CFR 622.187(b)(5) and the possession limits specified in 50 CFR 622.187(c)(1), apply to all harvest or possession of vermilion snapper in or from the South Atlantic EEZ. During the closure, the sale or purchase of vermilion snapper taken from the EEZ is prohibited. As specified in 50 CFR 622.190(c)(1)(i), the prohibition on sale or purchase does not apply to the sale or purchase of vermilion snapper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, April 15, 2015, and were held in cold storage by a dealer or processor. For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the bag and possession limits and the sale and purchase provisions of the commercial closure for vermilion snapper would apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1)(ii).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic vermilion snapper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(f)(1) and is exempt from review under Executive Order 12866.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for vermilion snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect vermilion snapper since the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and would likely result in a harvest well in excess of the established commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: April 6, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–08174 Filed 4–6–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 69
Friday, April 10, 2015

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0482; Directorate Identifier 2015–NE–06–AD]

RIN 2120–AA64

Airworthiness Directives; GE Aviation Czech s.r.o. Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain serial number GE Aviation Czech s.r.o. M601E–11, M601E–11A, and M601F turboprop engines. This proposed AD was prompted by the determination that wear or cracking, and subsequent misalignment of the quill shaft of the engine and the power turbine (PT) shaft, may lead to rupture of the quill shaft, overspeed of the PT, and uncontained engine failure. This proposed AD would require inspection of the reduction gearbox and supporting cone. We are proposing this AD to prevent misalignment and rupture of the quill shaft, which could lead to overspeed of the PT, uncontained engine failure, and damage to the airplane.

DATES: We must receive comments on this proposed AD by June 9, 2015.

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

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

For service information identified in this proposed AD, contact GE Aviation Czech s.r.o., Beranových 65, 199 02 Praha 9—Letňany, Czech Republic; phone: +420 222 538 111; fax: +420 222 538 222. 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0482.

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–2015–0482; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0482; Directorate Identifier 2015–NE–06–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2015–0014, dated January 30, 2015 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It has been identified that misalignment between the quill shaft of the engine and the Power Turbine (PT) shaft may lead to a rupture of the quill shaft.
>
> This condition, if not detected and corrected, could lead to overspeed of the PT and consequent uncontained engine failure, possibly resulting in damage to the aeroplane and injury to occupants and/or persons on the ground.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0482.

Related Service Information Under 1 CFR Part 51

We reviewed GE Aviation Czech s.r.o. Alert Service Bulletin (ASB) No. M601E–11/28, M601E–11A/15, M601F/26, Revision 2, dated January 23, 2015. This service information describes procedures for inspecting the M601 reduction gearbox and supporting cone. This service information is reasonably available because the interested parties have access to it through their normal course of business or see **ADDRESSES** for other ways to access this service information.

FAA's Determination and Requirements of This Proposed AD

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

of the reduction gearbox and supporting cone.

Costs of Compliance

We estimate that this proposed AD affects 16 engines installed on airplanes of U.S. registry. We also estimate that it would take about 112 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. Required parts cost about $21,376 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $494,336. Our cost estimate is exclusive of possible warranty coverage.

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):

GE Aviation Czech s.r.o. (Type Certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.): Docket No. FAA–2015–0482; Directorate Identifier 2015–NE–06–AD.

(a) Comments Due Date

We must receive comments by June 9, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to certain serial number (S/N) GE Aviation Czech s.r.o. M601E–11, M601E–11A, and M601F turboprop engines, as follows:

(1) Model M601E–11: S/N 833244, 841289, 852239, 861007, 881217, 884021, 892046, 892219, 894018, 903028, 913038, and 912023.

(2) Model M601E–11A: S/N 902004 and 883046.

(3) Model M601F: S/N 912001 and 924002.

(d) Reason

This AD was prompted by the determination that wear or cracking, and subsequent misalignment of the quill shaft of the engine and the power turbine (PT) shaft, may lead to rupture of the quill shaft, overspeed of the PT, and uncontained engine failure. We are issuing this AD to prevent misalignment and rupture of the quill shaft, which could lead to overspeed of the PT, uncontained engine failure, and damage to the airplane.

(e) Actions and Compliance

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

(1) Within 300 flight hours, or six months after the effective date of this AD, whichever occurs first, inspect the reduction gearbox and supporting cone. Use Appendix 2, paragraph 4., Inspection, of GE Aviation Czech s.r.o. Alert Service Bulletin (ASB) No. M601E–11/28, M601E–11A/15, M601F/26, Revision 2, dated January 23, 2015, to do your inspection.

(2) If any crack is detected on the quill shaft, PT shaft, or the supporting cone, or if the quill shaft or PT shaft involute spline wear exceeds 0.12 mm, then before further flight, replace each cracked or worn part with a part eligible for installation.

(f) Credit for Previous Actions

If you performed the actions of paragraphs (e)(1) and (e)(2) of this AD before the effective date of this AD using GE Aviation Czech s.r.o. ASB No. M601E–11/28, M601E–11A/15, M601F/26, Revision 1, dated December 23, 2014, or Initial Issue, dated June 27, 2014, you have met the requirements of this AD.

(g) Alternative Methods of Compliance (AMOCs)

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

(h) Related Information

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

(2) Refer to MCAI European Aviation Safety Agency AD 2015–0014, dated January 30, 2015, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–0482.

(3) GE Aviation Czech s.r.o. ASB No. M601E–11/28, M601E–11A/15, M601F/26, Revision 2, dated January 23, 2015, is co-published as one document with M601D/44, M601D–1/29, M601D–11NZ/18, M601E/59, and M601E–21/26, which are not incorporated by reference in this AD, can be obtained from GE Aviation Czech s.r.o., using the contact information in paragraph (h)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact GE Aviation Czech s.r.o., Beranových 65, 199 02 Praha 9—Letňany, Czech Republic; phone: +420 222 538 111; fax: +420 222 538 222.

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

Issued in Burlington, Massachusetts, on March 27, 2015.

Thomas A. Boudreau,

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

[FR Doc. 2015–07865 Filed 4–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0682; Directorate Identifier 2014–NM–074–AD]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all ATR—GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. This proposed AD was prompted by new occurrences of certain cracked main landing gear (MLG) rear hinge pins. This proposed AD would require identifying the serial number and part number of the MLG rear hinge pins, and replacement of pins or the MLG if necessary. We are proposing this AD to detect and correct cracked rear hinge pins, which could lead to MLG structural failure, possibly resulting in collapse of the MLG and consequent injury to the occupants of the airplane.

DATES: We must receive comments on this proposed AD by May 26, 2015.

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

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

For Messier-Bugatti-Dowty service information identified in this proposed AD, contact ATR–GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr.fr;* Internet *http://www.aerochain.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–2015–0682; 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; 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–2015–0682; Directorate Identifier 2014–NM–074–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0074, dated March 21, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all ATR–GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. The MCAI states:

> Prompted by cases of rupture of Main Landing Gear (MLG) rear hinge pin part number (P/N) D61000 encountered in service in 1994 and 1996, DGAC France issued [an] AD * * * for ATR 42 aeroplanes and [another] AD * * * for ATR 72 aeroplanes to require inspection and, depending on findings, corrective action.
>
> Since those [French] ADs were issued, new occurrences of cracked rear hinge pin P/N D61000 were reported on ATR72 MLG.
>
> The result of subsequent investigation revealed that the affected pins were subjected to a non-detected thermal abuse done in production during grinding process. Analysis also showed that other MLG pin P/N's could be affected by the same nonconformity.
>
> This condition, if not detected and corrected, could lead to MLG structural failure, possibly resulting in collapse of the MLG and consequently injury to the occupants of the aeroplane.
>
> For the reasons described above, this [EASA] AD requires inspection and, depending on findings, replacement of affected pins.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0682.

Related Service Information Under 1 CFR Part 51

Messier-Bugatti-Dowty has issued the following service information.

- Service Bulletin 631–32–213, dated December 16, 2013, which describes procedures for inspecting the MLG hinge pin.
- Service Bulletin 631–32–214, dated January 13, 2014, which describes procedures for inspecting the MLG pins.
- Service Bulletin 631–32–215, dated January 13, 2014, which describes procedures for inspecting the MLG pins.
- Service Bulletin 631–32–216, Revision 1, December 17, 2013, which describes procedures for inspecting the MLG hinge pin.
- Service Bulletin 631–32–219, dated March 3, 2014, which describes procedures for inspecting the MLG hinge pin.
- Service Bulletin 631–32–220, dated March 3, 2014, which describes procedures for inspecting the MLG hinge pin.

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.

Service Information Correction

Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014, has a typo for the issue month listed in the service bulletin. The month listed for Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014, should read ''January'' instead of ''Juanary.''

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 81 airplanes of U.S. registry.

We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $16,000 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,351,080, or $16,680 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

ATR–GIE Avions de Transport Régional: Docket No. FAA–2015–0682; Directorate Identifier 2014–NM–074–AD.

(a) Comments Due Date

We must receive comments by May 26, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR42–200, –300, –320, and –500 airplanes; and Model ATR72–101, –201, –102, –202, –211, –212, and –212A airplanes; certificated in any category; all certified models; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by new occurrences of certain cracked main landing gear (MLG) rear hinge pins. We are issuing this AD to detect and correct cracked rear hinge pins, which could lead to MLG structural failure, possibly resulting in collapse of the MLG and consequent injury to the occupants of the airplane.

(f) Compliance

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

(g) Hinge Pin Identification and Replacement for Model ATR72 Airplanes

For Model ATR72 airplanes: Within 12 months after the effective date of this AD, inspect for the serial number of the left-hand (LH) and right-hand (RH) MLG rear hinge pins having part number (P/N) D61000. A review of airplane maintenance records is acceptable in lieu of this identification if the part number and serial number of the LH and RH MLG rear hinge pins can be conclusively determined from that review. If a rear hinge pin having P/N D61000 has a serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, December 17, 2013; as applicable: Within 12 months after the effective date of this AD, replace the pin with a serviceable part as identified in paragraph (h) of this AD, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable.

(h) Definition of Serviceable Hinge Pin for Model ATR72 Airplanes

For Model ATR72 airplanes: For purposes of paragraph (g) of this AD, a serviceable MLG rear hinge pin is a pin that is specified in paragraph (h)(1) or (h)(2) of this AD.

(1) A hinge pin that is not identified in Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable.

(2) A hinge pin that has been inspected and reconditioned, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable.

(i) MLG Pin Identification and Replacement for Model ATR72 Airplanes

For Model ATR72 airplanes: At the earlier of the times specified in paragraphs (i)(1) and (i)(2) of this AD, inspect all LH and RH MLG pins for a part number and serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the LH and RH MLG pin can be conclusively determined from that review. If any affected MLG pin is found: At the earlier of the compliance times specified in paragraphs (i)(1) and (i)(2) of this AD, replace

the MLG with a serviceable MLG as identified in paragraph (j) of this AD, using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA).

(1) No later than the next MLG overhaul scheduled after the effective date of this AD.

(2) Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since installation of the MLG on an airplane since new or since last overhaul, as applicable.

(j) Definition of Serviceable MLG for Model ATR72 Airplanes

For Model ATR72 airplanes: For purposes of paragraph (i) of this AD, a serviceable MLG is one that incorporates pins specified in paragraph (j)(1) or (j)(2) of this AD.

(1) Pins that are not identified in Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable.

(2) Pins that have been inspected and reconditioned in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable.

(k) MLG Pin Identification and Replacement for Model ATR42 Airplanes

(1) For Model ATR42 airplanes: Within the compliance time identified in paragraph (k)(1)(i) or (k)(1)(ii) of this AD, whichever occurs first, inspect for any LH and RH MLG pins having a part number and serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable. A review of airplane maintenance records is acceptable in lieu of this identification if the part number and serial number of the LH and RH MLG pin can be conclusively determined from that review.

(i) No later than the next MLG overhaul scheduled after the effective date of this AD.

(ii) Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since installation of the MLG on an airplane since new or since last overhaul, as applicable.

(2) If the MLG pin having a part number and serial number listed in Messier- Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable; is found to be installed during the identification required by paragraph (k)(1) of this AD, within the compliance time identified in paragraph (k)(1) of this AD, replace the MLG with a serviceable MLG, using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or ATR–GIE Avions de Transport Régional's EASA DOA. A serviceable MLG is a part that has pins as identified in paragraph (k)(2)(i) or (k)(2)(ii) of this AD.

(i) Pins that are not listed in Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable.

(ii) Pins that have been inspected and reconditioned, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable.

(l) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Messier-Bugatti-Dowty Service Bulletin 631–32–216, dated October 30, 2013, which is not incorporated by reference in this AD.

(m) 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0074, dated March 21, 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–2015–0682.

(2) For Messier-Bugatti-Dowty service information identified in this AD, contact ATR–GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr.fr;* Internet *http://www.aerochain.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 25, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–07801 Filed 4–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0683; Directorate Identifier 2014–NM–196–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 767–200, –300, and –300F series airplanes. This proposed AD was prompted by a finding that certain barrel nuts installed at the vertical fin may be subject to stress corrosion and cracking. This proposed AD would require either repetitive inspections of vertical fin barrel nuts for corrosion or a magnetic check to identify certain barrel nuts, and corrective actions if necessary. We are proposing this AD to detect and correct corroded and loose barrel nuts that attach the vertical fin to body section 48, which could result in reduced structural integrity of the vertical fin attachment joint, loss of the vertical fin, and consequent loss of controllability of the airplane.

DATES: We must receive comments on this proposed AD by May 26, 2015.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA 2015–0683.

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–2015–0683; 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: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *berhane.alazar@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0683; Directorate Identifier 2014–NM–196–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On May 16, 2003, we issued AD 2003–10–11, Amendment 39–13156 (68 FR 28703, May 27, 2003), to require replacement of H–11 steel barrel nuts with new Inconel barrel nuts, because of possible corrosion and cracking. AD 2003–10–11 applied to Model 767–200 and –300 airplanes, line numbers 1 through 574 inclusive.

We have received a report of H–11 steel barrel nuts installed on an airplane not included in the applicability of AD 2003–10–11, Amendment 39–13156 (68 FR 28703, May 27, 2003). Further investigation has revealed that airplanes with line numbers 575 through 681 had either H–11 steel or Inconel barrel nuts installed at the 16 vertical fin attachment points. Galvanic corrosion can occur on H–11 steel barrel nuts if moisture is present. This condition, if not corrected, could result in failure of the H–11 steel barrel nuts that attach the vertical fin to body section 48, which could result in reduced structural integrity of the vertical fin attachment joint, loss of the vertical fin, and consequent loss of controllability of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 767–53A0261, dated August 12, 2014. The service information describes procedures for repetitive inspections of vertical fin barrel nuts for corrosion or a magnetic check to identify certain barrel nuts, and corrective actions if necessary. Refer to this service information for information on the procedures and compliance times. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information identified previously.

Explanation of ''RC (Required for Compliance)'' Steps in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement was a new process for annotating which steps in the service information are required for compliance with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The actions specified in the service information identified previously include steps that are identified as RC because these steps have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

Steps that are identified as RC in any service information must be done to comply with the proposed AD. However, steps that are not identified as RC are recommended. Those steps that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an alternative method of compliance (AMOC), provided the steps identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps identified as RC will require approval of an AMOC.

Costs of Compliance

We estimate that this proposed AD affects 38 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Option 1: Detailed inspections and torque check.	4 work-hours × $85 per hour = $340 per inspection cycle.	[1]	Up to $482,661 per inspection cycle.	Up to $18,341,118.

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Option 2: Magnetic check	4 work-hours × $85 per hour = $340	$0	$340	Up to $12,920.

[1] For the torque check, operators may choose to rent a special tool, with rental costs up to $482,321.

We estimate that replacing any barrel nut would take 1 work-hour, at an average labor rate of $85 per work-hour. We have received no definitive data that would enable us to provide cost estimates for the cost of replacement parts. We have no way of determining the number of aircraft that might need these replacements.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2015–0683; Directorate Identifier 2014–NM–196–AD.

(a) Comments Due Date

We must receive comments by May 26, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 767–200, –300, and –300F series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a finding that certain barrel nuts installed at the vertical fin may be subject to stress corrosion and cracking. We are issuing this AD to detect and correct cracked, corroded, or broken barrel nuts that attach the vertical fin to body section 48, which could result in reduced structural integrity of the vertical fin attachment joint, loss of the vertical fin, and consequent loss of controllability of the airplane.

(f) Compliance

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

(g) Inspection

For airplanes identified in Boeing Alert Service Bulletin 767–53A0261, dated August 12, 2014: Do the actions specified in paragraph (g)(1) or (g)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–53A0261, dated August 12, 2014. Signs of corrosion include, but are not limited to, sealant cracks, sealant bulging, powder residue, and cracked barrel nuts.

(1) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–53A0261, dated August 12, 2014, except as provided by paragraph (h) of this AD: Do internal and external detailed inspections of the barrel nuts and sealant for signs of corrosion, and do a torque check of the vertical stabilizer attachment bolts for loose barrel nuts.

(i) If corrosion or any loose barrel nut is found at any attachment point location, before further flight, replace the barrel nut with a new Inconel barrel nut.

(ii) If no corrosion or loose barrel nut is found at any attachment point location, do the actions specified in paragraphs (g)(1)(ii)(A) and (g)(1)(ii)(B) of this AD.

(A) Repeat the inspections and torque check thereafter at intervals not to exceed 18 months until the replacement specified in paragraph (g)(1)(ii)(B) of this AD is done at that attachment point location.

(B) Within 36 months after the effective date of this AD, replace all barrel nuts with new Inconel barrel nuts.

(2) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–53A0261, dated August 12, 2014, except as provided by paragraph (h) of this AD: Do a magnetic check to identify H–11 steel barrel nuts.

(i) If any H–11 steel barrel nut is found at any attachment point location, before further flight, do an internal and external detailed inspection of the barrel nut holes and sealant for signs of corrosion, and do a torque check of the vertical stabilizer attachment bolts for loose barrel nuts.

(A) If corrosion or any loose barrel nut is found, before further flight, replace the barrel nut with a new Inconel barrel nut.

(B) If no corrosion or loose barrel nut is found, do the actions specified in paragraphs (g)(2)(i)(B)(*1*) and (g)(2)(i)(B)(*2*) of this AD.

(*1*) Repeat the inspections and torque check thereafter at intervals not to exceed 18 months until the replacement specified in paragraph (g)(2)(i)(B)(*2*) of this AD is done at that attachment point location.

(*2*) Within 36 months after the effective date of this AD, replace all H–11 steel barrel nuts with new Inconel barrel nuts.

(ii) If no H–11 steel barrel nut is found at all attachment point locations, no further work is required by this paragraph.

(h) Exception to Service Information Specifications

Where Boeing Alert Service Bulletin 767–53A0261, dated August 12, 2014, specifies a compliance time ''after the Original Issue date of this Service Bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install an H–11 steel barrel nut on the vertical stabilizer of any airplane.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) If any service information contains steps that are identified as RC, those steps must be done to comply with this AD; any steps that are not identified as RC are recommended. Those steps that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the steps identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps identified as RC require approval of an AMOC.

(k) Related Information

(1) For more information about this AD, contact Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *berhane.alazar@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on March 24, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–08072 Filed 4–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. FAA–2015–0881]

Interpretation of the Flight Time Limitations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Interpretation

SUMMARY: This action proposes to interpret our regulations to not apply to flight segments that are flown by a flightcrew consisting of only two pilots and no other flight crewmembers.

DATES: Comments must be received on or before May 11, 2015.

ADDRESSES: You may send comments identified by docket number FAA–2015–0881 using any of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Alex Zektser, Attorney, Regulations Division, Office of Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8018; email: *Alex.Zektser@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to submit written comments, data, or views concerning this proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written comments, or if you are filing comments electronically, please submit your comments only one time.

The FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposal. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments and any late-filed comments if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of comments received.

Availability of This Proposed Interpretation

You can get an electronic copy using the Internet by—

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

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Publishing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number or notice number of this proposal.

Background

The FAA has been asked to provide two legal interpretations regarding the application of 14 CFR 121.521. Specifically, both interpretation requests present scenarios involving supplemental all-cargo part 121 operations that contain at least one international segment and make an election, under 14 CFR 121.513, to operate under the flight time limitations of § 121.515 and §§ 121.521 through 121.525.

Both scenarios involve, in part, at least one segment in which the aircraft would be flown by a flightcrew consisting solely of two pilots and no other flight crewmembers. Both

interpretation requests then ask the FAA to determine which specific flight, duty, and rest regulations would apply to these scenarios. Accordingly, the FAA must determine whether 14 CFR 121.521 applies to a flightcrew consisting solely of two pilots. For the reasons discussed below, the FAA proposes to find that § 121.521 does not apply to any flight segment that is flown by a flightcrew consisting only of two pilots and no other flight crewmembers.

Discussion of the Proposal

Normally, air carriers conducting all-cargo supplemental operations under part 121 must operate pursuant to the flight, duty, and rest provisions of §§ 121.503 through 121.509. However, supplemental air carriers conducting overseas and international all-cargo operations may elect, pursuant to § 121.513, to comply with the flight time limitations of § 121.515 and §§ 121.521 through 121.525 (commonly referred to as the ''international rules'').[1]

Section 121.521 governs the smallest-size flightcrew that can operate under these international rules. The regulatory text of § 121.521 unambiguously states that this section applies only to a ''crew of two pilots *and* at least one additional flight crewmember.'' [2] Thus, the plain text of § 121.521 states that there must be at least three flight crewmembers in order for § 121.521 to apply: (1) two pilots; and (2) at least one additional flight crewmember. The FAA reaffirmed this plain-text reading of § 121.521 in a 2012 interpretation in which it found that a flightcrew consisting of three pilots would be subject to the provisions of § 121.521.[3]

Because § 121.521 governs the smallest-size flightcrew that can operate under the international part 121 flight, duty, and rest rules for supplemental all-cargo operations and because § 121.521 only applies to a flightcrew that has at least three flight crewmembers, the FAA proposes to find that § 121.521 does not apply to a flightcrew of only two pilots and no other flight crewmembers. Under the proposed interpretation and consistent with the FAA's precedent, a flightcrew of only two pilots in a supplemental part 121 all-cargo operation would be subject to the provisions of § 121.503 and § 121.505, which, among other things, apply to a flightcrew consisting solely of two pilots.

[1] 14 CFR 121.513.

[2] 14 CFR 121.521(a) (emphasis added).

[3] Letter to Timothy Slater from Rebecca MacPherson, Assistant Chief Counsel for Regulations (Sept. 7, 2012) (answer to Question 1).

Issued in Washington, DC on April 1, 2015.

Mark W. Bury,

Assistant Chief Counsel for Regulations, AGC–200.

[FR Doc. 2015–07991 Filed 4–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0358]

RIN 1625–AA09

Drawbridge Operation Regulation; Missouri River, Atchison, KS

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to change the operating schedule that governs the Atchison Railroad Drawbridge, Mile 422.5, across the Missouri River at Atchison, KS. Under the proposed rule, the drawbridge will open on signal if at least a two-hour notification is given. This proposed rule allows the bridge to operate under the customary schedule that has been adopted by the waterway users.

DATES: Comments and related material must reach the Coast Guard on or before May 11, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0358 using any one of the following methods:

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

(2) Fax: 202–493–2251.

(3) Mail or Delivery: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Eric Washburn, Bridge Administrator, Western Rivers, Bridge Branch, the Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section Symbol
U.S.C. United States Code

A. Public Participation and Request for Comments

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

1. Submitting comments

If you submit a comment, please include the docket number for this proposed rulemaking (USCG–2014–0358), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–0358] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received

during the comment period and may change the rule based on your comments.

2. Viewing comments and documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0358) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC, 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

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

B. Regulatory History and Information

The Missouri River drawbridge operation regulations contained in 33 CFR 117.411 and 117.687 state that the draws of the bridges across the Missouri River shall open on signal; except during the winter season between the date of closure and the date of opening of the commercial navigation season as published by the Army Corp of Engineers, the draw need not open unless at least 24 hours advance notice is given.

The Union Pacific Railroad on April 29, 2009 requested the current operation regulations be changed from the open on signal requirement to a three-hour advance notice for drawspan openings for the Atchison Railroad Drawbridge, mile 422.5, in Atchison, KS. The request was denied by the Coast Guard because inconsistencies would be created with other drawbridges on the Missouri River resulting in an adverse effect to the waterway users.

On April 29, 2014 the Union Pacific Railroad requested to change the operation regulations on the Atchison Railroad Drawbridge, mile 422.5, across the Missouri River to a two-hour advance notice to open the drawspan. The Coast Guard was still concerned that a two-hour advance notice may still create an inconsistency with the other drawbridge openings on the Missouri River.

The Coast Guard and the Union Pacific Railroad further reviewed the request, along with the opening schedules for the other drawbridges on the Missouri River and concluded that a two-hour advance notice on drawspan openings of the Atchison Railroad Drawbridge would not create a consistency issue or not adversely affect navigation.

C. Basis and Purpose

The Atchison Railroad Drawbridge crosses the Missouri River at mile 422.5 in Atchison, Kansas. Due to very limited drawspan openings and to codify the operating schedule that has been adopted by the waterway users, the Union Pacific Railroad requested a two-hour advance notice of opening the bridge's drawspan during the commercial navigation season.

The Union Pacific Railroad has documented the limited number of vessel openings per year at this bridge. This information is available at the Coast Guard Western Rivers, Bridge Branch; see the aforementioned contact information.

D. Discussion of Proposed Rule

This rule proposes to add special operating requirements codifying the customary advance notice for openings of the Atchison Railroad Bridge under 33 CFR 117, Subpart B as required under 33 CFR 117.8. The proposed change will add a paragraph (b) to 33 CFR 117.411, a reference to this paragraph in 33 CFR 117.687, and allow for bridge drawspan openings to take place provided at least a two-hour advance notice is given. This change is based on the very limited requests for openings during the commercial navigation season.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

This proposed rule is not a significant regulatory action and does not require a full assessment. As a matter of custom in the area, commercial mariners already provide advance notice; therefore this rule proposes little, if any, impact on current navigation. Additionally, all vessels will be able to transit the bridge with advance notification.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule is neutral to all business entities operating on the waterway. As proposed, the rule simply requires a two-hour advance notice to open the bridge. As stated above, it is custom in the area to provide advance notice for a requested opening. This rule simply proposed to codify such notice already given as a customary practice. Therefore, this action will not have a significant impact on small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under Section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the

rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Revise § 117.411 to read as follows:

§ 117.411 Missouri River.

(a) The draws of the bridges across the Missouri River shall open on signal; except during the winter season between the date of closure and the date of opening of the commercial navigation season as published by the Army Corps of Engineers, the draw need not open unless at least 24 hours advance notice is given.

(b) The draw of the Atchison Railroad Bridge, Mile 422.5, Missouri River need not open unless a two-hour advance notice is given during the commercial navigation season.

■ 3. Revise § 117.687 to read as follows:

§ 117.687 Missouri River.

The draws of the bridges, except for the Atchison Railroad Bridge, Mile 422.5, see § 117.411(b) for further details, across the Missouri River shall open on signal; except during the winter season between the date of closure and date of opening of the commercial navigation season as published by the Army Corps of Engineers, the draws need not open unless at least 24-hours advance notice is given.

Dated: March 17, 2015.

Kevin S. Cook,

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

[FR Doc. 2015–08328 Filed 4–9–15; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Part 201

[Docket No. 2014–07]

Notice of Public Hearings: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of public hearings.

SUMMARY: The United States Copyright Office will be holding public hearings as part of the sixth triennial rulemaking proceeding under the Digital Millennium Copyright Act (''DMCA'') concerning possible exemptions to the DMCA's prohibition against circumvention of technological measures that control access to copyrighted works. The public hearings will be held in May 2014 in Los Angeles, California and Washington, DC. Parties interested in testifying at the public hearings are invited to submit requests to testify pursuant to the instructions set forth below.

DATES: The public hearings in Los Angeles are scheduled for May 19, 20 and 21, 2015, on each day from 9:00 a.m. to 5:00 p.m. The public hearings in Washington, DC are scheduled for May 26, 27, 28 and 29, 2015, on each day from 9:00 a.m. to 5:00 p.m. Requests to testify must be received by Monday, April 20, 2015. Once the schedule of hearing witnesses is finalized, the Office will notify all participants and post the times and dates of the hearings at *http://www.copyright.gov/1201/.*

ADDRESSES: The Los Angeles hearings will be held in Room 1314 of the UCLA School of Law, 385 Charles E. Young Drive East, Los Angeles, CA 90095. The Washington, DC hearings will be held in the Mumford Room of the James Madison Building of the Library of Congress, 101 Independence Ave. SE., Washington, DC 20540. Requests to testify should be submitted through the request form available at *http://www.copyright.gov/1201/hearing-request/.* Any person who is unable to send a request via the Web site should contact the Office using the contact information below to make an alternative arrangement for submission of a request to testify. The **SUPPLEMENTARY INFORMATION** section below includes additional instructions on submitting requests to testify.

FOR FURTHER INFORMATION CONTACT: Sarang V. Damle, Deputy General Counsel, at *sdam@loc.gov* or by telephone at 202–707–8350; or Stephen Ruwe, Assistant General Counsel, by email at *sruwe@loc.gov* or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: On September 17, 2014, the Copyright Office published a Notice of Inquiry in the **Federal Register** to initiate the sixth triennial rulemaking proceeding under 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress, upon recommendation of the Register of Copyrights, may exempt certain classes of copyrighted works from the prohibition against circumventing a technological measure that controls access to a copyrighted work. 79 FR 55687 (Sept. 17, 2014). On December 14, 2014, the Office published a Notice of Proposed Rulemaking setting forth proposed exemptions for twenty-seven classes of works and requesting responsive comments. 79 FR 73857 (Dec. 14, 2014). The responsive comments received thus far have been posted on the Office's Web site. *See http://www.copyright.gov/1201/.*

At this time, the Office is announcing public hearings to be held in Los Angeles and Washington, DC to further consider the exemptions. The Office plans to convene panels of witnesses for the proposals to be considered, and may combine certain panels if the witnesses and/or key issues substantially overlap. The Office will schedule panels for particular exemptions in *either* Los Angeles or Washington, DC unless compelling circumstances require that a proposed class be considered in both cities. Limiting the discussion of each proposed class to one city or another will better ensure that witnesses can respond to the points made by others and avoid duplicative discussion. If no request to testify is received for a proposed exemption, the Office will consider the class based on the written submissions.

Submitting requests to testify: A request to testify should be submitted to the Copyright Office using the form on the Office's Web site indicated in the **ADDRESSES** section above. Anyone wishing to testify with respect to more than one proposed class must submit a separate form for each request. If multiple people from the same organization wish to testify on *different* panels, each should submit a separate request for each panel. If multiple people from the same organization wish to testify on the *same* panel, each should submit a request for that panel, and explain the need for multiple witnesses in the comment field of the request form.

Depending upon the number and nature of the requests to testify, and in light of the limited time and space available for the public hearings, the Office may not be able to accommodate all requests to testify. The Office will give preference to those who have submitted substantive evidentiary submissions in support of or opposition to a proposal. To the extent feasible, the Office encourages parties with similar interests to select a common representative to testify on their behalf.

All requests to testify must clearly identify:

- The name of the person desiring to serve as a witness.
- The organization or organizations represented, if any.
- Contact information (address, telephone, and email).
- The proposed class about which the person wishes to testify.
- A two- to three-sentence explanation of the testimony the witness expects to present.
- If the party is requesting the ability to demonstrate a use or a technology at the hearing, a description of the demonstration, including whether it will be prepared in advance or presented live, the approximate time required for such demonstration, and any presentation equipment that the person desires to use and/or bring to the hearing.
- The city in which the person prefers to testify (Los Angeles or Washington, DC). The Office will try to take this preference into account in scheduling the hearings, but cannot guarantee that the relevant panel will be convened in the preferred city. Participants who are unable to testify in a particular city or on a particular date should so indicate in the comment field of the request form.

To facilitate the process of scheduling panels, it is essential that all of the required information listed above be included in a request to testify.

Following receipt of the requests to testify, the Office will prepare agendas for the hearings listing the panels and witnesses, which will be circulated to hearing participants and posted at *http://www.copyright.gov/1201/.* Although the Office currently anticipates three days of hearings in Los Angeles and four days of hearings in Washington, DC, the Office may adjust this schedule depending upon the number and nature of requests to testify.

Format of public hearings: There will be time limits for each panel, which will be established after receiving all requests to testify. The Copyright Office plans to allot approximately one to two hours for each proposed class.

Witnesses should expect the Office to have carefully studied all written comments, and the Office will expect witnesses to have done the same with respect to the classes for which they will be presenting. Witnesses will be given an opportunity to provide a brief (three- to five-minute) overview of their position at the outset of the panel. After that, the hearings will focus on legal or factual issues that are unclear or underdeveloped in the written record, as identified by the Office, as well as demonstrative evidence.

The Office stresses that factual information is critical to the rulemaking process, and encourages witnesses to provide real-world examples to support their arguments. In some cases, the best way to do this may be to provide a demonstration of a claimed noninfringing use or the technologies pertinent to a proposal. As noted above, a person wishing to make such a demonstration must include a request to do so with his or her request to testify, using the appropriate space on the form described above. To ensure proper documentation of the hearings, the Office will require that a copy of any audio, visual, or audiovisual materials that have been prepared in advance (*e.g.,* slideshows and videos) be provided to the Office at the hearing. Live demonstrations will be recorded by a videographer provided by the Office. The Office may contact witnesses individually ahead of time to ensure that demonstrations can be preserved for the record in an appropriate form.

In addition to videography equipment, the Office expects to have a PC, projector, and screen in the hearing room to accommodate demonstrations. Beyond this equipment, witnesses are responsible for supplying and operating any other equipment needed for their demonstrations. Persons planning to bring additional electronic or audiovisual equipment must notify the Office at least five days in advance of their scheduled hearing date by emailing Stephen Ruwe, Assistant General Counsel, at *sruwe@loc.gov.*

All hearings will be open to the public, but seating will be limited and will be provided on a first-come, first-serve basis. Witnesses and persons accompanying witnesses will be given priority in seating.

Dated: April 7, 2015.

Jacqueline C. Charlesworth,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2015–08255 Filed 4–9–15; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1511 and 1552

[EPA–HQ–OARM–2012–0478; FRL–9925–99–OARM]

EPAAR Clause for Level of Effort—Cost-Reimbursement Contract

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) amends the EPA Acquisition Regulation (EPAAR) to update policy, procedures, and contract clauses. The proposed rule updates the EPAAR clause *Level of Effort—Cost-Reimbursement Term Contract,* modifies the clause title, and updates the corresponding EPAAR clause prescription.

DATES: Comments must be received on or before May 11, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OARM–2012–0478, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Email: *valentino.thomas@ epa.gov*
- Mail: EPA–HQ–OARM–2012–0478, OEI Docket, Environmental Protection Agency, 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of three (3) copies.
- Hand Delivery: EPA Docket Center-Attention OEI Docket, EPA West, Room B102, 1301 Constitution Ave. NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OARM–2012–0478. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket, and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment, and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http:// www.epa.gov/ epahome/ dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov,* or in hard copy at the Office of Environmental Information (OEI) Docket, EPA/ DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1752. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas Valentino, Policy, Training, and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–4522; email address: *valentino.thomas@ epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

1. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the

disk or CD ROM as CBI, and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Background

The EPA reviewed EPAAR clause 1552.211–73, *Level of Effort—Cost-Reimbursement Term Contract,* to make the clause more prescriptive in describing the EPA's responsibilities when the Agency orders less level of effort (LOE) than the maximum LOE specified in the subject clause; *e.g.,* if the clause specifies 100,000 hours for a given period of performance but the contractor only provides 70,000 hours. The clause provides that a downward equitable adjustment will be made to reduce the fixed fee by the percentage by which the total expended LOE is less than 100% of that specified in the LOE clause; *e.g.,* the fixed fee amount will be reduced by 30% using the same 100,000/ 70,000 hours example. The clause title is also modified so that the clause is now applicable to EPA LOE cost-reimbursement contracts. The EPAAR 1511.011–73 clause prescription is also being updated accordingly.

III. Proposed Rule

This proposed rule amends the EPAAR to revise the following:

1. The EPAAR 1511.011–73 clause prescription is updated.
2. The clause title is revised as follows: *Level of Effort—Cost-Reimbursement Contract.*
3. Paragraph (a) has been revised.
4. An expositional statement has been added to paragraph (c).

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order (EO)12866 (58 FR 51735, October 4, 1993) and therefore, not subject to review under the EO.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* No information is collected under this action.

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et. seq.

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute; unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of today's final rule on small entities, ''small entity'' is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action revises a current EPAAR provision and does not impose requirements involving capital investment, implementing procedures, or record keeping. This rule will not have a significant economic impact on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on State, Local, and Tribal governments and the private sector.

This rule contains no federal mandates (under the regulatory provisions of the Title II of the UMRA) for State, Local, and Tribal governments or the private sector. The rule imposes no enforceable duty on any State, Local or Tribal governments or the private sector. Thus, the rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and Local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government as specified in Executive Order 13132.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This rule does not have

tribal implications as specified in Executive Order 13175.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045, entitled ''Protection of Children from Environmental Health and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be economically significant as defined under Executive Order 12886, and (2) concerns an environmental health or safety risk that may have a proportionate effect on children. This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution of Use'' (66 FR 28335 (MAY 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) (15 U.S.C 272 note) of NTTA, Public Law 104–113, directs EPA to use voluntary consensus standards in it's regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This proposed rulemaking does not involve human health or environmental affects.

List of Subjects in 48 CFR Parts 1511 and 1552

Describing Agency Needs; Solicitation Provisions and Contract Clauses.

Dated: April 3, 2015.

John R. Bashista,

Director, Office of Acquisition Management.

Therefore, 48 CFR Chapter 15 is proposed to be amended as set forth below:

PART 1511—DESCRIBING AGENCY NEEDS

■ 1. The authority citation for part 1511 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

■ 2. Revise 1511.011–73 to read as follows:

1511.011–73 Level of effort

The Contracting Officer shall insert the clause at 1552.211–73, Level of Effort—Cost Reimbursement Contract, in cost-reimbursement contracts including cost contracts without fee, cost-sharing contracts, cost-plus-fixed-fee (CPFF) contracts, cost-plus-incentive-fee contracts (CPIF), and cost-plus-award-fee contracts (CPAF).

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 1552 continues to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

■ 4. Revise 1552.211–73 to read as follows:

1552.211–73 Level of effort—cost-reimbursement contract.

As prescribed in 1511.011–73, the contracting officer shall insert the following contract clause in cost-reimbursement contracts including cost contracts without fee, cost-sharing contracts, cost-plus-fixed-fee (CPFF) contracts, cost-plus-incentive-fee contracts (CPIF), and cost-plus-award-fee contracts (CPAF).

Level of Effort—Cost-Reimbursement Contract (____2015)

(a) The Contractor shall perform all work and provide all required reports within the level of effort specified below. The Contractor shall provide ____ direct labor hours for the base period, which represents the Government's best estimate of the level of effort to fulfill these requirements, and is provided for advisory and estimating purposes. The Government is only obligated to pay for direct labor hours used and corresponding fixed fee for labor hours completed.

(b) Direct labor includes personnel such as engineers, scientists, draftsmen, technicians, statisticians, and programmers, and not support personnel such as company management or data entry/word processing/accounting personnel even though such support personnel are normally treated as direct labor by the Contractor. The level of effort specified in paragraph (a) includes Contractor, subcontractor, and consultant non-support labor hours.

(c) If the Contractor provides less than 90 percent of the level of effort specified for the base period or any optional period exercised, an equitable downward adjustment of the fixed fee, if any, for that period will be made. The downward adjustment will reduce the fixed fee by the percentage by which the total expended level of effort is less than 100% of that specified in paragraph (a). (For instance, if a hypothetical base-period LOE of 100,000 hours is being reduced to 70,000, the fixed fee shall also be reduced by the same 30%. Using a corresponding hypothetical base-period fixed fee pool of $300,000, the reduced fixed-fee amount is calculated as: $300,000 × (70,000 hours/100,000 hours) = $210,000.)

(d) The Government may require the Contractor to provide additional effort up to 110 percent of the level of effort for any period until the estimated cost for that period has been reached. However, this additional effort shall not result in any increase in the fixed fee, if any. If this is a cost-plus-incentive-fee (CPIF) contract, the term ''fee'' in this paragraph means ''base fee and incentive fee.'' If this is a cost-plus-award-fee (CPAF) contract, the term ''fee'' in this paragraph means ''base fee and award fee.''

(e) If the level of effort specified to be ordered during a given base or option period is not ordered during that period, that level of effort may not be accumulated and ordered during a subsequent period.

(f) These terms and conditions do not supersede the requirements of either the ''Limitation of Cost'' or ''Limitation of Funds'' clauses.

(End of clause)

[FR Doc. 2015–08183 Filed 4–9–15; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket Nos. FWS–R8–ES–2015–0017, FWS–HQ–ES–2015–0018, FWS–HQ–ES–2015–0019, FWS–HQ–ES–2015–0020, FWS–R8–ES–2015–0021, FWS–R1–ES–2014–0061, FWS–R8–ES–2015–0022, FWS–R8–ES–2015–0023, FWS–R8–ES–2015–0024, FWS–R7–ES–2015–0025;4500030115]

Endangered and Threatened Wildlife and Plants; 90-Day Findings on 10 Petitions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and initiation of status reviews.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on various petitions to list eight species, reclassify one species, and delist one species under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that these 10 petitions present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, with the publication of this document, we are initiating a review of the status of each of these species to determine if the petitioned actions are warranted. The status reviews for two species, the golden conure (which appears in the List of Endangered and Threatened Wildlife as the golden parakeet) and the northern spotted owl, will also serve as 5-year reviews for those species. To ensure that these status reviews are comprehensive, we are requesting scientific and commercial data and other information regarding these species. Based on the status reviews, we will issue 12-month findings on the petitions, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

DATES: To allow us adequate time to conduct the status reviews, we request that we receive information on or before June 9, 2015. Information submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES,** below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: You may submit information on species for which a status review is being initiated by one of the following methods:

(1) Electronically: Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter the appropriate docket number (see table below). Then click the Search button. You may submit information by clicking on ''Comment Now!'' If your information will fit in the provided comment box, please use this feature of *http://www.regulations.gov,* as it is most compatible with our information review procedures. If you attach your information as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: [Insert appropriate docket number; see table below]; U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We request that you send information only by the methods described above. We will post all information received on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Request for Information section, below, for more details).

Species	Docket No.
Clear Lake hitch	FWS–R8–ES–2015–0017
Egyptian tortoise	FWS–HQ–ES–2015–0018
Golden conure	FWS–HQ–ES–2015–0019
Long-tailed chinchilla	FWS–HQ–ES–2015–0020
Mojave shoulderband snail.	FWS–R8–ES–2015–0021
Northern spotted owl	FWS–R1–ES–2014–0061
Relict dace	FWS–R8–ES–2015–0022
San Joaquin Valley giant flower-loving fly.	FWS–R8–ES–2015–0023
Western pond turtle	FWS–R8–ES–2015–0024
Yellow-cedar	FWS–R7–ES–2015–0025

FOR FURTHER INFORMATION CONTACT:

Species	Contact information
Clear Lake hitch.	Jennifer Norris, telephone (916)-414–6600.
Egyptian tortoise.	Janine Van Norman, telephone (703) 358–2171.
Golden conure	Janine Van Norman, telephone (703) 358–2171.
Long-tailed chinchilla.	Janine Van Norman, telephone (703) 358–2171.
Mojave shoulderband snail.	Mendel Stewart, telephone (760) 431–9440.
Northern spotted owl.	Paul Henson, telephone (503) 231–6179.
Relict dace	Edward D. Koch, telephone (775) 861–6300.
San Joaquin Valley giant flower-loving fly.	Jennifer Norris, telephone (916) 414–6600.
Western pond turtle.	Jennifer Norris, telephone (916) 414–6600.
Yellow-cedar	Steve Brockmann, telephone (907) 780–1181.

If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Request for Information

When we make a finding that a petition presents substantial information indicating that listing, reclassification, or delisting a species may be warranted, we are required to promptly review the status of the species (status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on these species from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

(1) The species' biology, range, and population trends, including:

(a) Habitat requirements;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) The factors that are the basis for making a listing, reclassification, or delisting determination for a species under section 4(a)(1) of the Act (16 U.S.C. 1531 *et seq.*), which are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range (Factor A);

(b) Overutilization for commercial, recreational, scientific, or educational purposes (Factor B);

(c) Disease or predation (Factor C);

(d) The inadequacy of existing regulatory mechanisms (Factor D); or

(e) Other natural or manmade factors affecting its continued existence (Factor E).

(3) The potential effects of climate change on the species and its habitat.

(4) For the northern spotted owl, we specifically request information on:

(a) Evidence that any of the factors identified under Factor A are having

population-level effects on the northern spotted owl, either singularly or in combination;

(b) Evidence that the West Nile virus or predation by barred owls have caused population-level impacts on northern spotted owls;

(c) Identification of shortcoming in existing regulations that are having population-level effects on the northern spotted owl;

(d) Evidence that competition with barred owls is having population-level effects on the northern spotted owl; and

(e) Evidence that global climate change is having population-level effects on the northern spotted owl.

(5) For those domestic (U.S.) species that are not listed, if, after the status review, we determine that listing is warranted, we will propose critical habitat (see definition in section 3(5)(A) of the Act) under section 4 of the Act for those species that fall within the jurisdiction of the United States, to the maximum extent prudent and determinable at the time we propose to list the species. Therefore, we also specifically request data and information for Clear Lake hitch, Mojave shoulderband snail, relict dace, San Joaquin Valley giant flower-loving fly, western pond turtle, and yellow-cedar on:

(a) What may constitute ''physical or biological features essential to the conservation of the species,'' within the geographical range occupied by the species;

(b) Where these features are currently found;

(c) Whether any of these features may require special management considerations or protection;

(d) Specific areas outside the geographical area occupied by the species that are ''essential for the conservation of the species''; and

(e) What, if any, critical habitat you think we should propose for designation if the species is proposed for listing, and why such habitat meets the requirements of section 4 of the Act.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Submissions merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your information concerning these status reviews by one of the methods listed in the **ADDRESSES** section. If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Information and supporting documentation that we received and used in preparing this finding will be available for you to review at *http://www.regulations.gov,* or you may make an appointment during normal business hours at the appropriate lead U.S. Fish and Wildlife Service Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Background

Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notice of the finding promptly in the **Federal Register**.

Our standard for substantial scientific or commercial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial scientific or commercial information was presented, we are required to promptly commence a review of the status of the species, which we will subsequently summarize in our 12-month finding.

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations at 50 CFR 424 set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act (see (2) under Request For Information, above).

We may delist a species according to 50 CFR 424.11(d) if the best available scientific and commercial data indicate that the species is neither an endangered nor threatened species for one or more of the following reasons:

(1) The species is extinct;

(2) The species has recovered and is no longer an endangered or threatened species; or

(3) The original scientific or commercial data used at the time the species was classified, or the interpretation of such data, were in error.

In considering what factors might constitute threats, we must look beyond the exposure of the species to a factor to evaluate whether the species may respond to the factor in a way that causes actual impacts to the species. If there is exposure to a factor and the species responds negatively, the factor may be a threat, and, during the subsequent status review, we attempt to determine how significant a threat it is. The threat is significant if it drives, or contributes to, the risk of extinction of the species such that the species may warrant listing as an ''endangered species'' or a ''threatened species,'' as those terms are defined in the Act. However, the identification of factors that could affect a species negatively may not be sufficient for us to find that the information in the petition and our files is substantial. The information must include evidence sufficient to suggest that these factors may be operative threats that act on the species to the point that the species may meet the definition of an ''endangered species'' or ''threatened species'' under the Act.

Evaluation of a Petition To List the Clear Lake Hitch as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0017 under the Supporting Documents section.

Species and Range

Clear Lake hitch (*Lavinia exilicauda chi*); California

Petition History

On January 13, 2013, the California Department of Fish and Wildlife drafted a recommendation to the California Fish and Game Commission to list the Clear Lake hitch as threatened species under the California Endangered Species Act. On September 25, 2014, we received a petition dated September 25, 2014, from the Center for Biological Diversity, requesting that Clear Lake hitch be listed as a endangered or threatened species under the Act. The petition clearly identified itself as such and

included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the Clear Lake hitch (*Lavinia exilicauda chi*) based on Factors A, B, C, and E.

Thus, for the Clear Lake hitch, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information, above).

Evaluation of a Petition To List the Egyptian Tortoise as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–HQ–ES–2015–0018 under the Supporting Documents section.

Species and Range

Egyptian tortoise (*Testudo kleinmanni*); Egypt, Libya, Israel

Petition History

On June 9, 2014, we received a petition dated May 2014, from Friends of Animals, requesting that the Egyptian tortoise be listed as an endangered or threatened species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In a letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the species warranted emergency listing. This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the Egyptian tortoise (*Testudo kleinmanni*) based on Factors A, B, C, D, and E.

Thus, for the Egyptian tortoise, the Service requests information on the five listing factors under section 4(a)(1) of the Act (see Request for Information, above).

Evaluation of a Petition To Delist the Golden Conure Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–HQ–ES–2015–0019 under the Supporting Documents section.

Species and Range

Golden conure (*Guaruba guarouba* or *Aratinga guarouba*); Brazil. (Note: The species is listed as ''golden parakeet'' (*Aratinga guarouba*) in the List of Endangered and Threatened Wildlife at 50 CFR 17.11(h). However, we refer to the species by the common name ''golden conure'' in this document.)

Petition History

On August 21, 2014, we received a petition dated August 20, 2014, from the American Federation of Aviculture, Inc., requesting that the golden conure be removed from the Federal List of Endangered and Threatened Wildlife (*i.e.,* ''delisted'') pursuant to the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the golden conure (*Guaruba guarouba* or *Aratinga guarouba*) based on new population estimates and Fnew information relating to actors A, B, and D.

Thus, for the golden conure, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information, above).

Evaluation of a Petition To List the Long-Tailed Chinchilla as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–HQ–ES–2015–0020 under the Supporting Documents section.

Species and Range

Long-tailed chinchilla (*Chinchilla lanigera*); Chile

Petition History

On October 14, 2014, we received a petition dated October 7, 2014, from Friends of Animals, requesting that the long-tailed chinchilla be listed as a endangered or threatened species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In a November 17, 2014, letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the species warranted emergency listing. This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the long-tailed chinchilla (*Chinchilla lanigera*) based on Factors A, B, D, and E.

Thus, for the long-tailed chinchilla, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information, above).

Evaluation of a Petition To List Mojave Shoulderband Snail as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0021 under the Supporting Documents section.

Species and Range

Mohave shoulderband snail (*Helminthoglypta* (coyote) *greggi*); California

Petition History

On January 31, 2014, we received a petition dated January 31, 2014, from the Center for Biological Diversity, requesting that Mohave shoulderband snail be listed as a endangered or threatened species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In an April 4, 2014, letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the species warranted emergency listing. This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the Mohave shoulderband snail (*Helminthoglypta* (coyote) *greggi*)) based on Factors A, C, and E.

Thus, for the Mojave shoulderband snail, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information, above).

Evaluation of a Petition To Reclassify the Northern Spotted Owl as an Endangered Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R1–ES–2014–0061 under the Supporting Documents section.

Species and Range

Northern spotted owl (*Strix occidentalis caurina*); California, Oregon, and Washington, U.S.A.; British Columbia, Canada.

Petition History

On August 21, 2012, we received a petition dated August 15, 2012, from Environmental Protection Information Center, requesting that the northern spotted owl (*Strix occidentalis caurina*) be listed as an endangered species under the Act. We published a final rule to list the northern spotted owl as a threatened species under the Act on June 26, 1990 (55 FR 28114); the effective date of that rule was July 23, 1990. The petition clearly identified itself as such and included the requisite identification information for the petitioner, as required by 50 CFR 424.14(a). In a September 27, 2012, letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the species warranted emergency uplisting. We also issued a letter to the petitioner on April 17, 2014, informing them of our anticipated timeline for publication of the 90-day and 12-month findings. This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial information that the petitioned action may be warranted for the northern spotted owl (*Strix occidentalis caurina)* based on Factors A, C, D, and E.

Thus, for the northern spotted owl, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information, above).

Evaluation of a Petition To List the Relict Dace as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0022 under the Supporting Documents section.

Species and Range

Relict dace (*Relictus solitarius*); Nevada

Petition History

On June 27, 2014, we received a petition dated June 27, 2014, from Forest Service Employees for Environmental Ethics, requesting that relict dace be listed as an endangered species under the Act on an emergency basis. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In an August 25, 2014, letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the species warranted emergency listing. This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the relict dace (*Relictus solitarius*) based on Factors A, D, and E.

Thus, for the relict dace, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information, above).

Evaluation of a Petition To List the San Joaquin Valley Giant Flower-Loving Fly as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0023 under the Supporting Documents section.

Species and Range

San Joaquin Valley giant flower-loving fly (*Rhaphiomidas trochilus*); California.

Petition History

On June 26, 2014, we received a petition dated June 26, 2014, from Gregory R. Ballmer and Kendall H. Osborne, requesting that San Joaquin Valley giant flower-loving fly be listed as an endangered species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). In a September 12, 2014, letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the species warranted emergency listing. This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the San Joaquin Valley giant flower-loving fly (*Rhaphiomidas trochilus*) based on Factors A and E.

Thus, for the San Joaquin Valley giant flower-loving fly, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information, above).

Evaluation of a Petition To List the Western Pond Turtle as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2015–0024 under the Supporting Documents section.

Species and Range

Western pond turtle or Pacific pond turtle (*Actinemys marmorata;* formerly *Clemmys marmorata*); California and Washington

Petition History

On July 11, 2012, we were petitioned by the Center for Biological Diversity to list 53 amphibian and reptile species across the United States. The western pond turtle was one of the species petitioned for listing.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents

substantial scientific or commercial information indicating that the petitioned action may be warranted for the western pond turtle *(Actinemys marmorata)* based on Factor A.

Thus, for the western pond turtle, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factor identified in this finding (see Request for Information, above).

Evaluation of a Petition To List Yellow-cedar as an Endangered or Threatened Species Under the Act

Additional information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R7–ES–2015–0025 under the Supporting Documents section.

Species and Range

YellowYellow-cedar (*Callitropsis nootkatensis);* Alaska, California, Oregon, Washington, U.S.A.; Canada

Petition History

On June 24, 2014, we received a petition dated June 24, 2014, from Center for Biological Diversity, The Boat Company, Greater Southeast Alaska Conservation Community, and Greenpeace, requesting that yellow-cedar be listed as a endangered or threatenedspecies under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for yellow-cedar (*Callitropsis nootkatensis)* based on Factors A, B, and E.

Thus, for yellow-cedar, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see Request for Information, above).

Conclusion

On the basis of our evaluation of the information presented under section 4(b)(3)(A) of the Act, we have determined that the petitions summarized above for Clear Lake hitch, Egyptian tortoise, golden conure, long-tailed chinchilla, Mojave shoulderband snail, northern spotted owl, relict dace, San Joaquin Valley giant flower-loving fly, western pond turtle, and yellow-cedar present substantial scientific or commercial information indicating that the requested actions may be warranted. Because we have found that the petitions present substantial information indicating that the petitioned actions may be warranted, we are initiating status reviews to determine whether these actions under the Act are warranted. At the conclusion of the status reviews, we will issue a 12-month finding in accordance with section 4(b)(3)(B) of the Act, as to whether or not the Service believes listing, reclassification, or delisting, as appropriate, is warranted.

It is important to note that the ''substantial information'' standard for a 90-day finding as to whether the petitioned action may be warranted differs from the Act's ''best scientific and commercial data'' standard that applies to the Service's determination in a 12-month finding as to whether a petitioned action is in fact warranted. A 90-day finding is not based on a status review. In a 12-month finding, we will determine whether a petitioned action is warranted after we have completed a thorough status review of the species, which is conducted following a substantial 90-day finding. Because the Act's standards for 90-day and 12-month findings are different, as described above, a substantial 90-day finding does not mean that the 12-month finding will result in a warranted finding.

5-Year Review

The status reviews of golden conure and northern spotted owl will also serve as the 5-year reviews for thesetheses species. Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review. For additional information about 5-year reviews, go to *http://www.fws.gov/endangered/what-we-do/recovery-overview.html,* scroll down to ''Learn More about 5-Year Reviews,'' and click on our factsheet.

References Cited

A complete list of references cited is available on the Internet at *http://www.regulations.gov* and upon request from the appropriate lead field offices (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this document are the staff members of the Branch of Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service.

Authority

The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 30, 2015.

Robert Dreher,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2015–07837 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R6–ES–2015–0013; FXES11130900000C6–145–FF09E42000]

RIN 1018–BA42

Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in Wyoming

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), in coordination with the State of Wyoming and other partners, propose to reestablish additional populations of the black-footed ferret (*Mustela nigripes*), a federally listed endangered mammal, into occupied prairie dog (*Cynomys* spp.) habitat in Wyoming. We propose to reestablish the black-footed ferret under section 10(j) of the Endangered Species Act of 1973, as amended (Act), and to classify any reestablished population as a nonessential experimental population (NEP). This approach would provide relaxed management rules to facilitate reintroductions. We are seeking comments on this proposal and on our draft environmental assessment, prepared pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), which analyzes the potential environmental impacts associated with the proposed reintroduction.

We are also notifying the public that we are amending the List of Endangered and Threatened Wildlife (List) to reflect the scientifically accepted historical range of the black-footed ferret. The revised historical range description includes Mexico. The historical range information in the List is informational, not regulatory.

DATES: We will accept comments received or postmarked on or before

June 9, 2015. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES**), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on this date.

ADDRESSES: *Written Comments:* You may submit comments by one of the following methods:

• *Electronically:* Go to the Federal eRulemaking Portal: *http:// www.regulations.gov.* In the Search box, enter Docket No. FWS–R6–ES–2015–0013, which is the docket number for this rulemaking. Then, click the Search button. In the Search panel on the left side of the screen, under the Document Type heading, click on the box next to Proposed Rules to locate this document. You may submit a comment by clicking on ''Comment Now!''

• *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R6–ES–2015–0013; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We will post all comments on *http:// www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section, below, for more information).

Copies of Documents: The proposed rule and draft environmental assessment are available on *http:// www.regulations.gov.* In addition, the supporting file for this proposed rule will be available for public inspection, by appointment, during normal business hours, at the Wyoming Ecological Services Field Office, 5353 Yellowstone Road, Suite 308A, Cheyenne, WY 82009; telephone 307–772–2374. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Services (FIRS) at 1–800–877–8339.

FOR FURTHER INFORMATION CONTACT: Mark Sattelberg, Field Supervisor, Telephone: 307–772–2374. Direct all questions or requests for additional information to: BLACK–FOOTED FERRET QUESTIONS, U.S. Fish and Wildlife Service, Wyoming Ecological Services Field Office, 5353 Yellowstone Road, Suite 308A, Cheyenne, WY 82009. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at 1–800–877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Public Comments

We want any final rule resulting from this proposal to be as effective as possible. Therefore, we invite Tribal and governmental agencies, the scientific community, industry, and other interested parties to submit comments or recommendations concerning any aspect of this proposed rule. Comments should be as specific as possible.

To issue a final rule to implement this proposed action, we will take into consideration all comments and any additional information we receive. Such communications may lead to a final rule that differs from this proposal. All comments, including commenters' names and addresses, if provided to us, will become part of the supporting record.

You may submit your comments and materials concerning the proposed rule by one of the methods listed in the **ADDRESSES** section. Comments must be submitted to *http://www.regulations.gov* before 11:59 p.m. (Eastern Time) on the date specified in the **DATES** section. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post your entire comment—including your personal identifying information—on *http:// www.regulations.gov.* If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as some of the supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http:// www.regulations.gov,* or by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Wyoming Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

We are specifically seeking comments concerning:

• The appropriateness of designating reintroduced populations of black-footed ferrets in Wyoming as NEPs;

• Threats to black-footed ferrets in the proposed NEP area that have not been considered in this proposed rule and that might affect a reintroduced population;

• The suitability of the proposed boundaries for this NEP;

• The effects of reintroducing black-footed ferrets on public and private land management activities such as ranching, recreation, energy development, and residential development; and

• The compatibility of this proposal and ongoing efforts to implement the black-footed ferret safe harbor agreement (SHA) in cooperation with non-federal landowners.

Peer Review

In accordance with our Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities, which was published on July 1, 1994 (59 FR 34270), we will seek the expert opinion of at least three appropriate and independent specialists regarding scientific data and interpretations contained in this proposed rule. We will send copies of this proposed rule to the peer reviewers immediately following publication in the **Federal Register**. The purpose of such review is to ensure that our decisions are based on scientifically sound data, assumptions, and analysis. Accordingly, the final decision may differ from this proposal.

Background

Statutory and Regulatory Framework

The black-footed ferret was listed as endangered throughout its range on March 11, 1967 (32 FR 4001), and again on June 2, 1970 (35 FR 8491), under early endangered species legislation and was ''grandfathered'' under the Act (16 U.S.C. 1531 *et seq.*) without critical habitat. The Act provides that species listed as endangered are afforded protection primarily through section 9 prohibitions and the consultation requirements of section 7. Section 9 of the Act, among other things, prohibits the taking of endangered wildlife. ''Take'' is defined by the Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. Section 7 of the Act outlines the procedures for Federal interagency cooperation to conserve federally listed species and protect designated critical habitat. It mandates that all Federal agencies use their existing authorities to further the purposes of the Act by carrying out programs for the conservation of listed species. It also states that Federal agencies must, in consultation with the Service, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Section 7 of the Act does not affect activities undertaken on private land unless they are authorized, funded, or carried out by a Federal agency.

Congress amended the Act in 1982, because species' reintroductions were difficult to achieve due to concerns over the rigid protection and prohibitions surrounding listed species (U.S. Fish and Wildlife Service 2010). Although the Secretary of the U.S. Department of the Interior (Secretary) already had authority to conserve a species by

introducing it in areas outside its current range, Congress enacted the provisions of section 10(j) to mitigate fears that reintroduced populations would negatively impact landowners and other private parties. Congress recognized that more flexible reintroduction rules could encourage recovery partners to host such populations on their lands (H.R. Rep. No. 97–567, at 8 (1982)). Congress designed section 10(j) to provide the Secretary regulatory flexibility and discretion in managing the reintroduction of endangered species. This flexibility allows the Secretary to better conserve and recover endangered species (H.R. Rep. No. 97–567, at 33 (1982)).

Under section 10(j) of the Act and our regulations at 50 CFR 17.81, the Service may designate as an experimental population a population of endangered or threatened species that has been or will be released into suitable natural habitat outside the species' current natural range (but within its probable historical range, absent a finding by the Director of the Service in the extreme case that the primary habitat of the species has been unsuitable and irreversibly altered or destroyed). With the experimental population designation, the relevant population is treated as threatened for purposes of section 9 of the Act, regardless of the species' designation elsewhere in its range. This approach allows us to develop tailored take prohibitions under section 4(d) of the Act that are necessary and advisable to provide for the conservation of the species. In these situations, the general regulations that extend most section 9 prohibitions to threatened species do not apply to that species, and the 10(j) rule that already exists for the black-footed ferret contains the prohibitions and exemptions necessary and appropriate to conserve that species.

Authorities under section 10(j) of the Act have been successfully used to reintroduce black-footed ferrets in other portions of their range, which historically included portions of Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming, as well as Saskatchewan, Canada, and Chihuahua, Mexico. Eleven of 24 reintroduction efforts, including the first ferret reintroduction at Shirley Basin, Wyoming, were established pursuant to section 10(j); seven reintroduction efforts were authorized via scientific recovery permits issued by the Service under section 10(a)(1)(A); and four sites were established via the SHA. Ferrets reintroduced at sites in Canada and Mexico are regulated under other authorities by their respective governments.

Before authorizing the release as an experimental population of any population (including eggs, propagules, or individuals) of an endangered or threatened species, and before authorizing any necessary transportation to conduct the release, the Service must find, by regulation, that such release will further the conservation of the species. In making such a finding, the Service will use the best scientific and commercial data available to consider the following factors (see 49 FR 33893, August 27, 1984).

(1) Any Possible Adverse Effects on Extant Populations of a Species as a Result of Removal of Individuals, Eggs, or Propagules for Introduction Elsewhere

The captive-breeding population of black-footed ferrets is the primary repository of genetic diversity for the species. Ferrets are dispersed among six facilities, protecting the species from a single catastrophic event. Approximately 250 juvenile ferrets are produced annually through the captive breeding program; approximately 80 juveniles are retained annually for future captive breeding purposes, and the remaining juveniles are considered excess and are allocated for reintroduction or occasionally for research (U.S. Fish and Wildlife Service 2013a, p. 81). Ferrets selected for reintroduction under this proposed rule will be genetically redundant to animals maintained for captive-breeding; hence any loss of reintroduced animals will not impact the genetic diversity of the species. Only ferrets that are surplus to the needs of the captive-breeding program are used for reintroduction into the wild. Therefore, any loss of an experimental population in the wild will not threaten the survival of the species as a whole.

(2) The Likelihood That Any Such Experimental Population Will Become Established and Survive in the Foreseeable Future

The best available data indicate that reintroduction of black-footed ferrets into occupied prairie dog habitat in Wyoming is biologically feasible and will promote conservation of the species. Currently, we estimate a minimum of 102 breeding adult ferrets at Shirley Basin, Wyoming (U.S. Fish and Wildlife Service 2013a, Table 2). Shirley Basin is one of four currently successful ferret reintroduction sites (U.S. Fish and Wildlife Service 2013a, pp. 22 and 73). We are confident that Wyoming can support additional successful reintroduction sites, based on the amount of available habitat and a history of successful ferret management at Shirley Basin since 1991.

(3) The Relative Effects That Establishment of an Experimental Population Will Have on the Recovery of the Species

Participation by as many of the States and Tribes within the black-footed ferret's historical range as possible is important to achieving recovery of the species. We consider occupied prairie dog habitat to be potential habitat for ferrets. Tribes have played an important role in ferret recovery in several areas of the species' historical range. However, we are not aware of any prairie dog complexes suitable for ferret reintroduction on or adjacent to Tribal lands in Wyoming. The nearest potential reintroduction sites are two white-tailed prairie dog complexes—Fifteen-mile Complex near Worland in Hot Springs County and Sweetwater Complex near Sweetwater Station in Fremont County (Luce 2008, pp. 29–30). Both sites are of intermediate potential for ferret reintroduction and are located approximately 19 miles (30 kilometers) from reservation boundaries. Wyoming currently contains more than 3 million acres (ac) (1,215,000 hectares (ha)) of prairie dog occupied habitat (Van Pelt 2013, pp. 8 and 14). Consequently, Wyoming has the potential to play a significant role in recovery of the ferret.

(4) The Extent To Which the Introduced Population May Be Affected by Existing or Anticipated Federal or State Actions or Private Activities Within or Adjacent to the Experimental Population Area

We conclude that the effects of Federal, State, and private actions will not pose a substantial threat to black-footed ferret establishment and persistence in Wyoming because the best available information, including the past history of ferret reintroductions at other sites rangewide, indicates that activities currently occurring or likely to occur at prospective reintroduction sites in occupied prairie dog habitat within the proposed NEP area are compatible with ferret recovery (see subsequent discussion on management).

As set forth in 50 CFR 17.81(c), all regulations designating experimental populations under section 10(j) must provide: (1) Appropriate means to identify the experimental population, including, but not limited to, its actual or proposed location, actual or anticipated migration, number of specimens released or to be released,

and other criteria appropriate to identify the experimental population(s); (2) a finding, based solely on the best scientific and commercial data available, and the supporting factual basis, on whether the experimental population is, or is not, essential to the continued existence of the species in the wild; (3) management restrictions, protective measures, or other special management concerns of that population, which may include but are not limited to, measures to isolate and/or contain the experimental population designated in the regulation from natural populations; and (4) a process for periodic review and evaluation of the success or failure of the release and the effect of the release on the conservation and recovery of the species. Detailed information on each of these required elements is provided in the following sections.

Under 50 CFR 17.81(d), the Service must consult with appropriate State fish and wildlife agencies, Tribes, local governmental entities, affected Federal agencies, and affected private landowners in developing and implementing experimental population rules. To the maximum extent practicable, section 10(j) rules represent an agreement between the Service; the affected State, Tribal, and Federal agencies; and persons holding any interest in land which may be affected by the establishment of an experimental population.

Based on the best scientific and commercial data available, we must determine whether the experimental population is *essential* or *nonessential* to the continued existence of the species. The regulations (50 CFR 17.80(b)) state that an experimental population is considered essential if its loss would be likely to appreciably reduce the likelihood of survival of that species in the wild. All other populations are considered nonessential. We have determined that this proposed experimental population would not be essential to survival of the black-footed ferret in the wild because loss of an experimental population in Wyoming will not affect the 23 reintroduction sites outside of Wyoming in Arizona, Colorado, Kansas, Montana, New Mexico, South Dakota, and Utah; in Chihuahua, Mexico; and in Saskatchewan, Canada. Therefore, loss of an experimental population in Wyoming will not appreciably reduce the likelihood of future survival of the ferret rangewide.

All reintroduction efforts are undertaken to move a species toward recovery. Recovery of the black-footed ferret will require participation by at least 9 of the 12 States within the species' historical range (U.S. Fish and Wildlife Service 2013a, p. 6). Wyoming contains 10 percent of the species' historical range in the United States (Ernst *et al.* 2006, table 1) and an even higher percentage of habitat that is currently available—more than 3 million ac (1,215,000 ha) of prairie dog occupied habitat (Van Pelt 2013, pp. 8 and 14). Therefore, the State could play a significant role in the species' recovery. However, this does not mean that ferret populations in Wyoming are ''essential'' under section 10(j) of the Act.

The potential future loss of black-footed ferrets from Wyoming would not affect the species' survival throughout the remaining 90 percent of its range in the wild, or in captivity. We estimate that there are approximately 418 breeding adult ferrets in the wild, including approximately 102 breeding adults in the reintroduced population at Shirley Basin, Wyoming (24 percent of ferrets in the wild); there are a minimum of 280 breeding adults in captivity (U.S. Fish and Wildlife Service 2013a, pp. 22 and 68). Animals lost during reintroduction efforts can be readily replaced through captive-breeding, which produces juvenile ferrets in excess of the numbers needed to maintain the captive-breeding population. Captive-breeding and reintroduction of surplus ferrets have occurred since 1991, with no apparent loss of reproductive capability in the wild observed to date. The loss of an experimental population in Wyoming will not appreciably reduce the likelihood of future survival of the ferret rangewide. Therefore, the Service is proposing to designate an NEP for the ferret throughout Wyoming.

For the purposes of section 7 of the Act, we treat an NEP as a threatened species when the NEP is located within a National Wildlife Refuge or unit of the National Park Service, and Federal agency conservation requirements under section 7(a)(1) and Federal agency consultation requirements of section 7(a)(2) of the Act apply. Section 7(a)(1) requires all Federal agencies to use their authorities to carry out programs for the conservation of listed species. Section 7(a)(2) requires that Federal agencies, in consultation with the Service, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or adversely modify its critical habitat.

When NEPs are located outside a National Wildlife Refuge or National Park Service unit, then, for the purposes of section 7, we treat the population as proposed for listing and only section 7(a)(1) and section 7(a)(4) apply. In these instances, NEPs provide additional flexibility because Federal agencies are not required to consult with us under section 7(a)(2). Section 7(a)(4) requires Federal agencies to confer (rather than consult) with the Service on actions that are likely to jeopardize the continued existence of a species proposed to be listed. The results of a conference are in the form of conservation recommendations that are optional as the agencies carry out, fund, or authorize activities. Because the NEP is, by definition, not essential to the continued existence of the species, the effects of proposed actions affecting the NEP will generally not rise to the level of jeopardizing the continued existence of the species. As a result, a formal conference will likely not be required for black-footed ferrets established within the proposed NEP area in Wyoming. Nonetheless, some agencies voluntarily confer with the Service on actions that may affect a species proposed for listing. Activities that are not carried out, funded, or authorized by Federal agencies are not subject to provisions or requirements in section 7.

Section 10(j)(2)(C)(ii) of the Act states that critical habitat shall not be designated for any experimental population that is determined to be nonessential. Accordingly, we cannot designate critical habitat for a reintroduced species in areas where we establish an NEP.

Biological Information

The endangered black-footed ferret is the only ferret species native to the Americas (Anderson *et al.* 1986, p. 24). It is a medium-sized mustelid, typically weighing 1.4–2.5 pounds (645–1125 grams) and measuring 19–24 inches (479–600 millimeters) in total length; upper body parts are yellowish buff, occasionally whitish, feet and tail tip are black, and a black ''mask'' occurs across the eyes (Hillman and Clark 1980, p. 30).

The black-footed ferret depends almost exclusively on prairie dogs for food and on prairie dog burrows for shelter (Hillman 1968, p. 438; Biggins 2006, p. 3). Historical habitat of the ferret coincided with the ranges of the black-tailed prairie dog (*Cynomys ludovicianus*), white-tailed prairie dog (*C. leucurus*), and Gunnison's prairie dog (*C. gunnisoni*), which collectively occupied approximately 100 million ac (40 million ha) of intermountain and prairie grasslands extending from Canada to Mexico (Anderson *et al.* 1986, pp. 25–50; Biggins *et al.* 1997, p. 420). This amount of prairie dog habitat could

have supported 500,000–1,000,000 ferrets historically (Anderson *et al.* 1986, p. 58). Since the late 1800s, ferret specimens have been collected from Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming in the United States and Saskatchewan and Alberta in Canada (Anderson *et al.* 1986, pp. 25–50). We conclude that the ferret's historical range included Mexico, which is within the contiguous range of the black-tailed prairie dog as previously noted (Biggins *et al.* 1997, p. 420). This inclusion of Mexico in the ferret's historical range is described in more detail in the recovery plan and resulted in a ferret reintroduction initiated in 2001 (U.S. Fish and Wildlife Service 2013a, pp. 16–17).

Black-footed ferrets historically occurred throughout Wyoming (except for the extreme northwest corner of the State) within black-tailed prairie dog habitat in the eastern portion of the State and white-tailed prairie dog habitat in the west (Anderson *et al.* 1986, p. 48). The last wild population of ferrets was discovered near Meeteetse, Wyoming, in 1981, after the species was presumed extinct (Clark *et al.* 1986, p. 8; Lockhart *et al.* 2006, p. 8). Following disease outbreaks at Meeteetse, all surviving wild ferrets were removed from the wild between 1985 and 1987, to initiate a captive-breeding program (Lockhart *et al.* 2006, p. 8). No wild populations have been found since the capture of the last Meeteetse ferret despite extensive and intensive rangewide searches; it is unlikely that any undiscovered wild populations remain. Therefore, the Service considers the State of Wyoming unoccupied by wild ferrets, with the exception of reintroduced populations, which alleviates the requirement for project proponents to conduct presence/absence surveys for ferrets under section 7 of the Act prior to developing projects (U.S. Fish and Wildlife Service 2013c). In Shirley Basin, Wyoming, a reintroduced population of ferrets was established as an NEP in accordance with section 10(j) of the Act. The Wolf Creek, Colorado, reintroduction site was also established as an NEP under section 10(j), and includes a small portion of Sweetwater County, Wyoming, in the experimental population area. However, no evidence of ferrets from this reintroduction effort has been found in Sweetwater County or elsewhere in Wyoming. The map at the conclusion of this proposed rule identifies the existing NEPs in Wyoming.

Relationship of the Experimental Population to Recovery Efforts

All currently known black-footed ferrets in the wild are the result of reintroduction efforts. As previously discussed, only ferrets that are surplus to the needs of the captive-breeding program are used for reintroduction into the wild. There have been 24 ferret reintroduction projects, beginning in 1991, at Shirley Basin in the southeastern portion of Wyoming. Shirley Basin contains the only ferret population in Wyoming.

The downlisting criteria for the black-footed ferret include establishing at least 1,500 free-ranging breeding adults in 10 or more populations, in at least 6 of 12 States within the historical range of the species, with no fewer than 30 breeding adult ferrets in any population; delisting criteria include establishing at least 3,000 free-ranging breeding adults in 30 or more populations, in at least 9 of 12 States within the historical range of the species, with no fewer than 30 breeding adults in any population (U.S. Fish and Wildlife Service 2013a, pp. 61–62). In our recovery plan for the ferret, we suggest recovery guidelines for the States that are proportional to the amount of prairie dog habitat historically present. A proportional share for Wyoming would include approximately 171 free-ranging breeding adult ferrets to meet their portion of the rangewide numerical goal for downlisting and 341 breeding adults to meet their portion of the rangewide numerical goal for delisting; each ferret population should contain at least 30 breeding adults to be considered viable (U.S. Fish and Wildlife Service 2013a, Table 8).

Currently, we estimate a minimum of 102 breeding adult black-footed ferrets at Shirley Basin, Wyoming (U.S. Fish and Wildlife Service 2013a, Table 2). Shirley Basin is one of four currently successful ferret reintroduction sites—other successful sites include two in South Dakota and one in Arizona (U.S. Fish and Wildlife Service 2013a, p. 73). We are confident that Wyoming can support additional successful reintroduction sites, based on the amount of available habitat (see the following section) and a history of successful ferret management at Shirley Basin since 1991. Additional viable ferret populations within Wyoming will aid recovery of the species.

In 2013, the Service developed a programmatic SHA to encourage non-federal landowners to voluntarily undertake conservation activities on their properties that would benefit the black-footed ferret (U.S. Fish and Wildlife Service 2013b). This SHA is applicable across the 12 States in the ferret's historical range, including Wyoming. Landowners are provided assurances that additional restrictions will not be required, as long as the landowner complies with provisions outlined in the SHA and detailed in a Reintroduction Plan developed for the enrolled lands. The goals of the SHA and the proposed 10(j) are similar—achieve recovery of the ferret. However, conservation activities are more tailored to the specific site under the SHA. There are also differences between SHA and 10(j) regarding regulations under the Act (statutory and regulatory framework are discussed in the Background section, above). The decision of whether to use 10(j) or the SHA is at the landowner's discretion.

Location of the Proposed Nonessential Experimental Population

The proposed NEP for Wyoming would be Statewide, with the exception of the two areas where an NEP designation for black-footed ferret already exists (see below). Furthermore, suitable habitat for black-footed ferret reintroduction in the proposed NEP would likely be limited to Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Uinta, Washakie, and Weston Counties because these counties have sufficient prairie dog habitat to support viable ferret populations. If this rule is finalized as proposed, any ferrets found in Wyoming would be considered part of an NEP. There are many historical records of ferrets within the proposed NEP (Anderson *et al.* 1986, pp. 36–37). However, the species has been extirpated throughout the State since 1987, with the exception of a reintroduced ferret population in the Shirley Basin. A 10(j) designation already exists for the Shirley Basin ferret population in Albany County and portions of Carbon and Natrona Counties that are east of the North Platte River. A 10(j) designation also exists for the Wolf Creek, Colorado, ferret reintroduction site and includes a very small portion of Sweetwater County in Wyoming. Both of these NEPs would remain outside the boundary of the proposed NEP under 10(j) of the Act, and would continue to operate under their respective management plans. Any new reintroduction sites within the proposed NEP would require development of a management plan specific to that site.

Several sites in Wyoming are suitable for reintroduction of black-footed ferrets

in addition to the Shirley Basin site. The main requirements for ferret reintroduction are: (1) An area of occupied prairie dog habitat that is purposefully managed and of sufficient size to support a viable population of ferrets (a minimum of 1,500 ac (608 ha) of black-tailed prairie dog occupied habitat or 3,000 ac (1,215 ha) of white-tailed or Gunnison's prairie dog occupied habitat); (2) a willing landowner; and (3) a management plan that addresses sylvatic plague. Recent estimates of prairie dog occupied habitat in Wyoming include 2,893,487 ac (1,171,862 ha) in the white-tailed prairie dog range and 229,607 ac (92,991 ha) in the black-tailed prairie dog range (Van Pelt 2013, pp. 8 and 14). Luce (2008, pp. 28–31) identified several sites in Wyoming with potential for ferret reintroduction including one site with potential for reintroduction within less than 3 years, 24 sites with potential for reintroduction within 3–10 years, and two sites with long-term potential for reintroduction.

Likelihood of Population Establishment and Survival

The Service and its partners have initiated 24 black-footed ferret reintroduction projects since 1991. These projects have experienced varying degrees of success. However, all reintroduction efforts have contributed to our understanding of the species' needs. Recovery of the species is a dynamic process that requires adaptive management.

Some transfers of individual black-footed ferrets between populations will likely be necessary in perpetuity to maintain genetic diversity in the face of habitat fragmentation and as a management tool for sylvatic plague (until additional plague vaccines can be adapted for field use). Nevertheless, we believe that recovery can be achieved through a combination of expansion of ferret populations at existing reintroduction sites and reintroduction of ferrets at new sites, both of which are possible if conservation of prairie dog occupied habitat and disease management are aggressively pursued.

Participation by all States within the historical range of the black-footed ferret is important to maximize resilience of ferret populations in the wild and to allow for an equitable distribution of the responsibility for achieving recovery goals. Federal, State, and local agencies in Wyoming have been active participants in ferret recovery since the last wild population was found at Meeteetse in 1981. With an estimated 102 breeding adult ferrets already established at Shirley Basin, suggested numerical recovery guidelines for Wyoming of 171 breeding adults to support rangewide downlisting and 341 breeding adults to support rangewide delisting are achievable. Meeting their portion of the rangewide numerical goal for downlisting would require establishing one additional large reintroduction site similar to Shirley Basin or two to three smaller sites. Meeting their portion of the rangewide numerical goal for delisting would require establishing two large sites, six small sites, or a combination of large, medium, and small sites in addition to the sites previously established for meeting their portion of the rangewide numerical goal for downlisting. The Recovery Plan estimates that 35,000 ac (14,000 ha) of purposefully managed prairie dog occupied habitat will be needed to meet Wyoming's portion of the rangewide habitat goal for downlisting and 70,000 ac (28,000 ha) to meet their portion of the rangewide habitat goal for delisting (U.S. Fish and Wildlife Service 2013a, Table 8). This equates to purposeful management of approximately 2 percent of prairie dog occupied habitat in Wyoming to meet their portion of the rangewide habitat goal for delisting.

Sustaining black-footed ferret numbers during periodic outbreaks of sylvatic plague will require ongoing management, potentially including dusting prairie dog burrows with flea control powder and vaccinating ferrets prior to release. Additionally, research is currently underway investigating the potential of supporting ferrets at reintroduction sites by providing vaccine to wild prairie dogs via oral bait.

The Service, the Wyoming Game and Fish Department (WGFD), and other partners propose to reintroduce the black-footed ferret at one or more additional sites within the species' historical range in Wyoming. These reintroduced populations would be managed as a NEP. If this proposed rule is finalized, the WGFD, in cooperation with the Service, would have primary management responsibilities for ferret reintroductions in Wyoming. Based upon the past history of successful management at Shirley Basin, Wyoming, and the substantial amount of occupied prairie dog habitat available for additional reintroduction of ferrets, we believe there is a high likelihood of population establishment and survival in Wyoming.

Addressing Causes of Extirpation

The black-footed ferret rangewide population declined for three principal reasons: (1) A major conversion of native rangeland to cropland, particularly in the eastern portion of the species' range, beginning in the late 1800s; (2) poisoning of prairie dogs to reduce competition with domestic livestock for forage, beginning in the early 1900s; and (3) the inadvertent introduction of sylvatic plague, which causes mortality to both ferrets and prairie dogs, beginning in the 1930s. The combined effects of these three factors resulted in a rangewide decrease in the amount of habitat occupied by prairie dogs from approximately 100 million ac (40.5 million ha) historically to 1.4 million ac (570,000 ha) in the 1960s (U.S. Fish and Wildlife Service 2013a, pp. 23–24). This habitat loss and fragmentation resulted in a corresponding decrease in ferrets, which require relatively large areas of prairie dog occupied habitat to maintain viable populations. By the 1960s, only two remnant ferret populations remained—in Mellette County, South Dakota, and Meeteetse, Wyoming (Lockhart *et al.* 2006, pp. 7–8).

Wyoming has had less rangeland converted to cropland than most other States within the historical range of the black-footed ferret (U.S. Department of Agriculture 2005, Table 1). Consequently, prairie dog poisoning and sylvatic plague are likely the two primary reasons for the extirpation of ferrets from the State. Extensive poisoning of prairie dogs had begun in Wyoming by 1916 (Clark 1973, p. 89), and plague was present in Wyoming by 1936 (Eskey and Haas 1940, p. 4). Occupied prairie dog habitat reached a low in Wyoming in the early 1960s, when approximately 64,336 ac (26,056 ha) were reported (U.S. Bureau of Sport Fisheries and Wildlife 1961, Table 1). However, large-scale poisoning of prairie dogs no longer occurs, and poisoning is more closely regulated than it was historically. Improved plague management, including dusting prairie dog burrows with insecticide to control fleas (the primary vector for plague transmission) and the development of vaccines that prevent plague in prairie dogs and black-footed ferrets, is also being used.

The most recent surveys estimate 3,123,094 ac (1,264,853 ha) of occupied prairie dog habitat in Wyoming (Van Pelt 2013, pp. 8 and 14). This considerable increase over the past 50 years indicates that there has been a reduction in threats and improved management of prairie dogs. This increases the likelihood of successful reintroduction of ferrets in Wyoming.

Release Procedures

The Service will cooperate with other Federal agencies, WGFD, Tribes, landowners, and other stakeholders to develop, implement, and maintain long-term site management before, during, and after releases. Partners will collect habitat data for site evaluation and documentation of baseline conditions and develop management plans for prairie dogs and plague prior to any release of black-footed ferrets. All applicable laws regulating the protection of ferrets will be followed (see *Management,* below). Partners will develop annual site-specific reintroduction plans and submit them to the Service by mid-March as part of an annual ferret allocation process (which allocates available captive ferrets for release in specific numbers for specific sites). Reintroduction plans will include current estimates of prairie dog numbers and density, disease prevalence and management, proposed reintroduction and monitoring methods, and predator management. If the reintroduction plan covers years subsequent to the initial releases, it will also include a recent description of the status of ferrets on the site.

All reintroduction efforts will follow techniques described in Roelle *et al.* (2006) as appropriate, which presents recommendations for managing captive populations, evaluating potential habitat, reestablishing populations, and managing disease. Captive-reared black-footed ferrets exposed to prairie dog burrows and natural prey in outdoor preconditioning pens prior to their release survive in the wild at significantly higher rates than cage-reared, non-preconditioned ferrets (Biggins *et al.* 1998, pp. 651–652; Vargas *et al.* 1998, p. 77). Therefore, all captive-reared ferrets released within the proposed Wyoming NEP will receive adequate preconditioning in outdoor pens at the National Black-footed Ferret Conservation Center or at another facility approved by the Service. We will vaccinate all ferrets for canine distemper and sylvatic plague and mark them with passive integrated transponder tags prior to release. We will transport ferrets to the reintroduction site and release them directly from transport cages into prairie dog burrows. In conformance with standard ferret reintroduction protocol, no fewer than 20 captive-raised or wild-translocated ferrets will be released at any reintroduction site in Wyoming during the first year of the project. Twenty or more additional animals will be released annually for the next 2–4 years. Released ferrets will be excess to the needs of the captive-breeding program.

Donor Stock Assessment and Effects on Donor Populations

Eighteen black-footed ferrets were captured from the last wild population at Meeteetse, Wyoming, in 1985–1987, and used to initiate a captive-breeding program (Lockhart *et al.* 2006, pp. 11–12). Of the 18 captured ferrets, 15 individuals, representing the genetic equivalent of 7 distinct founders, produced a captive population that is the foundation of present recovery efforts (Garelle *et al.* 2006, p. 4). Extant ferret populations, both captive and reintroduced, descend from these seven founders. The purpose of the captive-breeding program is to provide animals for reintroduction to achieve recovery of the species, while maintaining maximum genetic diversity in the captive population (U.S. Fish and Wildlife Service 2013a, p. 81).

Black-footed ferrets used to establish any experimental population in the proposed Wyoming NEP will either be translocated wild-born kits from another self-sustaining reintroduced population (such as Shirley Basin) or come from one of six captive-breeding populations currently housed at the U.S. Fish and Wildlife Service National Black-footed Ferret Conservation Center near Wellington, Colorado; the Cheyenne Mountain Zoological Park, Colorado Springs, Colorado; the Louisville Zoological Garden, Louisville, Kentucky; the Smithsonian Biology Conservation Institute, Front Royal, Virginia; the Phoenix Zoo, Phoenix, Arizona; or the Toronto Zoo, Toronto, Ontario.

The Service and its partners maintain a captive-breeding population of approximately 280 breeding adult black-footed ferrets in order to provide a sustainable source of ferrets for reintroduction. The captive-breeding facilities produce approximately 250 juvenile ferrets annually. Currently, approximately 80 juveniles are retained annually at these facilities for future captive-breeding purposes. The remaining juveniles are allocated annually for reintroduction, or occasionally for research (U.S. Fish and Wildlife Service 2013a, p. 81). Therefore, there will be no effects on donor populations beyond those which are intended and accounted for in the management of wild or captive populations.

Status of Proposed Population

Additional successful reintroductions of black-footed ferrets are necessary for recovery of the species. We propose that any future releases of ferrets in Wyoming be designated as part of an NEP because of the need for increased management flexibility, which will encourage landowner participation and alleviate concerns regarding possible land use restrictions. The existing 10(j) rules for the ferret exempt from the section 9 take prohibitions any take of ferrets that is accidental and incidental to otherwise lawful activities. We provide this exemption to this proposed 10(j) because we believe, based upon experience at previous reintroduction sites, that incidental take associated with otherwise lawful activities such as ranching and energy development will be low. Poisoning of prairie dogs can occur in black-tailed prairie dog habitat and could result in incidental take of ferrets. However, economic constraints have typically minimized the extent of poisoning in recent years compared to what occurred historically. We will ensure, as confirmed through our section 10 permitting authority and the section 7 consultation process, that the use of ferrets from the donor population (either the captive-breeding population or a self-sustaining wild population) for release into the proposed Wyoming NEP is not likely to jeopardize the continued existence of the species in the wild.

This NEP designation is justified because no adverse effects to extant wild or captive black-footed ferret populations will result from release of progeny from either a wild or captive population onto a new reintroduction site. The only potential adverse effect would be to ferrets at a new reintroduction site, if a ferret population proves difficult to establish. However, we expect that reintroduction efforts into the proposed Wyoming NEP will result in the successful establishment of one or more self-sustaining populations, which will contribute to the recovery of the species.

Management

If this rule is finalized as proposed, the Service will coordinate closely with WGFD and other partners in the management of any black-footed ferrets in Wyoming that are reintroduced under section 10(j) authorities. Management of ferret populations in the proposed Wyoming NEP area would be guided by provisions in management plans developed in cooperation with partners (WGFD) and stakeholders such as U.S. Department of Agriculture's Animal and Plant Health Inspection Service, U.S. Bureau of Land Management (BLM), U.S. Forest Service (USFS), Natural Resources Conservation Service, Wyoming Department of Agriculture, or potentially affected Tribes.

We conclude that the effects of Federal, State, and private actions will not pose a substantial threat to black-footed ferret establishment and persistence in Wyoming because management activities—primarily ranching and energy development—currently occurring at prospective reintroduction sites in occupied prairie dog habitat within the proposed NEP area are compatible with ferret recovery, provided lethal control of prairie dogs does not reduce prairie dog occupied habitat to the extent that the viability of any potential ferret population is compromised (a minimum of 1,500 ac (608 ha) of black-tailed prairie dog occupied habitat or 3,000 ac (1,215 ha) of white-tailed or Gunnison's prairie dog occupied habitat). This conclusion is based upon our past experience at ferret reintroduction sites in Wyoming and elsewhere throughout the species' range. The best available information indicates that future ranching activities and energy development also would be compatible with ferret recovery. Most of the area containing suitable release sites with high potential for ferret establishment is managed by the BLM, the USFS, or private landowners and is currently protected through the following mechanisms:

(1) Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*)—The BLM's mission is set forth under the Federal Land Policy and Management Act, which mandates that BLM manage public land resources for a variety of uses, such as energy development, livestock grazing, recreation, and timber harvesting, while protecting the natural, cultural, and historical resources on those lands. The BLM manages listed and sensitive species under guidance provided in the BLM MS–6840 Manual—Special Status Species Management. The Manual directs BLM to proactively conserve species listed under the Act and the ecosystems upon which they depend, ensure that all actions authorized or carried out by BLM are in compliance with the Act, and cooperate with the planning and recovery of listed species. The BLM has experience in managing the black-footed ferret at four reintroduction sites in four States that occur at least in part on its lands, including Shirley Basin, Wyoming, and Wolf Creek, Colorado, which includes a small portion of Sweetwater County, Wyoming. Therefore, we anticipate appropriate management by BLM on any future ferret reintroduction sites that include BLM lands.

(2) National Forest Management Act of 1976, as amended (16 U.S.C. 1600 *et seq.*)—The National Forest Management Act instructs the USFS to strive to provide for a diversity of plant and animal communities when managing national forest lands. The USFS identifies species listed as endangered or threatened under the Act, including the black-footed ferret, as Category 1 species at risk based on rangewide and national imperilment. The USFS has experience in managing the black-footed ferret at one reintroduction site in South Dakota that occurs at least in part on USFS lands. Therefore, we anticipate appropriate management by the USFS on any future ferret reintroduction sites that include USFS lands.

(3) Wyoming State Law—The responsibilities of WGFD are defined in Wyoming Statute section 23–1–103, which instructs the WGFD to provide an adequate and flexible system for the control, management, protection, and regulation of all Wyoming wildlife. The Statute defines the black-footed ferret as a protected animal. The WGFD also defines the ferret as a ''species of greatest conservation need'' (Wyoming Game and Fish Department 2010, pp. IV–2–10–IV–2–13). The Wyoming State Wildlife Action Plan states that the current legal designation for the ferret (endangered) precludes the ability to initiate additional reintroduction attempts outside of the existing 10(j) at Shirley Basin; however, cooperative approaches to eliminate legal hurdles that preclude additional reintroduction sites should be developed (Wyoming Game and Fish Department 2010, pp. IV–2–10—IV–2–11). This proposed rule is being developed in cooperation with the State to address those legal barriers and initiate additional ferret reintroductions in Wyoming. The WGFD has experience in managing the ferret at the Shirley Basin Reintroduction site. Therefore, we anticipate appropriate management by WGFD on any future ferret reintroduction sites in Wyoming.

Management issues related to the black-footed ferret proposed Wyoming NEP that have been considered include:

(a) *Incidental take:* The regulations implementing the Act define ''incidental take'' as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity (50 CFR 17.3), such as agricultural activities and other rural development, and other activities that are in accordance with Federal, State, Tribal, and local laws and regulations. Experimental population rules contain specific prohibitions and exceptions regarding the taking of individual animals that are developed under section 4(d) of the Act. If this 10(j) rule is finalized, incidental take of black-footed ferrets within the proposed NEP area would not be prohibited, provided that the take is unintentional and is in accordance with the existing 10(j) regulation. However, if there is evidence of intentional take of this species within the proposed NEP area, we would refer the matter to the appropriate law enforcement entities for investigation. This would be consistent with how we currently manage lands enrolled in the SHA where intentional take is also not allowed.

(b) *Special handling:* In accordance with 50 CFR 17.21(c)(3), any employee or agent of the Service or of a State wildlife agency may in the course of their official duties, handle black-footed ferrets to aid sick or injured ferrets, or to salvage dead ferrets. Employees or agents of other Federal, Tribal, or State agencies would need to acquire the necessary permits from the Service for these activities.

(c) *Coordination with landowners and land managers:* This proposed NEP designation under section 10(j) of the Act was discussed with potentially affected State and Federal agencies, Tribes, local governments, and other stakeholders within the expected reestablishment area. These agencies, landowners, and land managers have either indicated support for, or no opposition to, the proposed population establishment, provided an NEP is designated and a 10(j) rule is promulgated to allow incidental take under the section 9 take prohibitions.

(d) *Public awareness and cooperation:* We will inform the general public of the importance of this reintroduction project for the overall recovery of the black-footed ferret through this proposed rule and associated public meetings, if requested. Designation of the NEP under a 10(j) for Wyoming would increase reintroduction opportunities and provide greater flexibility in the management of the reintroduced ferret. The NEP designation is necessary to secure needed cooperation of the State, landowners, and other interests in the affected area.

(e) *Potential impacts to other federally listed species:* There are several federally listed, proposed for listing (any species of fish, wildlife, or plant that is proposed in the **Federal Register** to be listed), and candidate (the Service has concluded that they should be proposed for listing) species in Wyoming. These species are identified in the following table.

TABLE 1—FEDERALLY LISTED, PROPOSED FOR LISTING, AND CANDIDATE SPECIES IN WYOMING

Species	Current status in Wyoming under the Act
Black-footed ferret (*Mustela nigripes*)	Shirley Basin NEP.
Gray wolf (*Canis lupus*)	NEP in Wyoming.
Whooping crane (*Grus americana*)	Endangered.
Interior least tern (*Sterna antillarum*)	Endangered.
Piping plover (*Charadrius melodus*)	Endangered.
Wyoming toad (*Anaxyrus baxteri*)	Endangered.
Bonytail chub (*Gila elegans*)	Endangered.
Colorado pikeminnow (*Ptychocheilus lucius*)	Endangered.
Humpback chub (*Gila cypha*)	Endangered.
Razorback sucker (*Xyrauchen texanus*)	Endangered.
Kendall Warm Springs dace (*Rhinichthys osculus thermalis*)	Endangered.
Pallid sturgeon (*Scaphirhynchus albus*)	Endangered.
Blowout penstemon (*Penstemon haydenii*)	Endangered.
Canada lynx (*Lynx canadensis*)	Threatened, with critical habitat.
Grizzly bear (*Ursus arctos horribilis*)	Threatened.
Preble's meadow jumping mouse (*Zapus hudsonius preblei*)	Threatened.
Yellow-billed cuckoo (*Coccyzus americanus*)	Threatened, with critical habitat proposed.
Colorado butterfly plant (*Gaura neomexicana coloradensis*)	Threatened, with critical habitat.
Desert yellowhead (*Yermo xanthocephalus*)	Threatened, with critical habitat.
Western prairie fringed orchid (*Platanthera praeclara*)	Threatened.
Ute Ladies'-tresses (*Spiranthes diluvialis*)	Threatened.
Northern long-eared bat (*Myotis septentrionalis*)	Proposed endangered.
Greater sage-grouse (*Centrocercus urophasianus*)	Candidate.
Fremont County rockcress (*Boechera pusilla*)	Candidate.
Whitebark pine (*Pinus albicaulis*)	Candidate.

Nearly all of the aforementioned species have habitat requirements such as forests, dunes, wetlands, or river systems that differ from the grassland prairie habitat requirements for the black-footed ferret. The only species that may be affected by reintroduction projects for the ferret in the proposed Wyoming NEP, other than the ferret, is the greater sage-grouse. The greater sage-grouse requires large, interconnected expanses of sagebrush (Connelly *et al.* 2004, p. 3–2; Stiver *et al.* 2006, p. I–2; Knick and Connelly 2011, p. 1). Habitat loss, degradation, and fragmentation are the primary threats to the greater sage-grouse. A detailed description of the species' natural history, seasonal habitats, threats, and population trends can be found in the Service's 12-month finding (75 FR 13910, March 23, 2010). The ferret also requires large expanses of intact habitat; although it is dependent on prairie dogs, not sagebrush. However, some prairie dog habitat, particularly white-tailed prairie dog habitat, contains sagebrush. Prairie dogs may clip shrubs, including sagebrush, within their colonies (Johnson-Nistler *et al.* 2004, p. 644). Ferrets prey upon prairie dogs; however, in the large prairie dog colonies required to maintain a viable ferret population we do not expect the predator-prey relationship between ferrets and prairie dogs to be altered inasmuch as predators do not limit their prey in a functioning ecosystem. Therefore, we do not expect the ecological dynamics between prairie dogs and sagebrush to be altered. Consequently, we do not expect ferret reintroduction efforts to adversely impact greater sage-grouse.

(f) *Monitoring and evaluation:* Monitoring is a required element of all black-footed ferret reintroduction projects. The following types of monitoring will be conducted.

Reintroduction Effectiveness Monitoring—Partners will monitor population demographics and potential sources of mortality, including plague, annually for 5 years following the last release using spotlight surveys, snow tracking, other visual survey techniques, and possibly radio-telemetry of some individuals. Thereafter, demographic and genetic surveys will be completed periodically to track population status. Surveys will incorporate methods to monitor breeding success and long-term survival rates. In general, the Service anticipates that monitoring will be conducted by the lead for each reintroduction site, which in Wyoming will be the WGFD and participating partners. The WGFD will present monitoring results in their annual reports.

Donor Population Monitoring—Ferrets used for reintroduction will either be from the captive-breeding population or translocated from another viable reintroduction site. Ferrets in the captive-breeding population are managed and monitored in accordance with the Association of Zoos and Aquariums (AZA) Black-footed Ferret Species Survival Plan (SSP®). A breeding population of 280 animals will be maintained to provide a sustainable source of ferrets for reintroduction. The AZA SSP® Husbandry Manual provides up-to-date protocols for the care, propagation, preconditioning, and transportation of captive ferrets and is used at all participating captive-breeding facilities. Ferrets may also be translocated from other reintroduction sites (which also originated from captive sources), provided their removal will not create adverse impacts upon the donor population and provided appropriate permits are issued in accordance with our regulations (50 CFR 17.22) prior to their removal. Population monitoring will be conducted at all donor sites.

Monitoring Impacts to Other Listed Species—We do not expect impacts to other federally listed species (see section (e) discussion, above). The greater sage-grouse, a candidate species, is the only species with habitat that might overlap with the black-footed ferret. However, we do not expect ferret reintroduction efforts to adversely impact greater sage-grouse for the reasons previously discussed. The WGFD conducts annual monitoring of the greater sage-grouse Statewide. Additional monitoring will occur on non-federal lands enrolled in the Wyoming Candidate Conservation Agreement with Assurances for the greater sage-grouse and on Federal lands enrolled in the Wyoming Candidate

Conservation Agreement for the greater sage-grouse.

Findings

Based on the above information, and using the best scientific and commercial data available (in accordance with 50 CFR 17.81), we find that releasing black-footed ferrets into the proposed Wyoming NEP will further the conservation of the species, but that this population is not essential to the continued existence of the species in the wild.

Peer Review

In accordance with our policy on peer review, published on July 1, 1994 (59 FR 34270), we will provide copies of this proposed rule to three or more appropriate and independent specialists in order to solicit comments on the scientific data and assumptions relating to the supportive biological and ecological information for this proposed NEP designation. The purpose of such review is to ensure that the proposed NEP designation is based on the best scientific information available. We will invite these peer reviewers to comment during the public comment period and will consider their comments and information on this proposed rule during preparation of a final determination.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5. U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare, and make available for public comment, a regulatory flexibility analysis that describes the effect of the rule on small entities (small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We are certifying that this rule will not have a significant economic effect on a substantial number of small entities. The following discussion explains our rationale.

The area that would be affected if this proposed rule is adopted includes release sites in Wyoming and adjacent areas in Wyoming into which black-footed ferrets may disperse. Because of the regulatory flexibility for Federal agency actions provided by the NEP designation and the exemption for incidental take, we do not expect this rule to have significant effects on any activities on Federal, State, Tribal, or private lands within the NEP. In regard to section 7(a)(2), the population is treated as proposed for listing, and Federal action agencies are not required to consult on their activities, unless the ferret is located within a National Wildlife Refuge or unit of the National Park Service. Section 7(a)(4) requires Federal agencies to confer (rather than consult) with the Service on actions that are likely to jeopardize the continued existence of a proposed species. However, because the proposed NEP is, by definition, not essential to the survival of the species, conferring will likely not be required for ferret populations within the NEP area. Furthermore, the results of a conference are advisory in nature and do not restrict agencies from carrying out, funding, or authorizing activities. In addition, section 7(a)(1) requires Federal agencies to use their authorities to carry out programs to further the conservation of listed species, which would apply on any lands within the NEP area. As a result, and in accordance with these regulations, some modifications to proposed Federal actions within the NEP area may occur to benefit the ferret, but we do not expect projects to be halted or substantially modified as a result of these regulations.

If adopted, this proposal would broadly authorize incidental take of the black-footed ferret within the NEP area. The regulations implementing the Act define ''incidental take'' as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity such as agricultural activities and other rural development, camping, hiking, hunting, vehicle use of roads and highways, and other activities in the NEP area that are in accordance with Federal, State, Tribal, and local laws and regulations. Intentional take for purposes other than authorized data collection or recovery purposes would not be permitted. Intentional take for research or recovery purposes would require a section 10(a)(1)(A) recovery permit under the Act.

The principal activities on private property near the NEP area are ranching and energy development. We believe the presence of the black-footed ferret would not affect the use of lands for these purposes because there would be no new or additional economic or regulatory restrictions imposed upon States, non-Federal entities, or members of the public due to the presence of the ferret, and Federal agencies would only have to comply with sections 7(a)(1) and 7(a)(4) of the Act in these areas. Therefore, this rulemaking is not expected to have any significant adverse impacts to activities on private lands within the NEP area.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(1) If adopted, this proposal would not ''significantly or uniquely'' affect small governments. We have determined and certify under the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this proposed rulemaking would not impose a cost of $100 million or more in any given year on local or State governments or private entities. A Small Government Agency Plan is not required. As explained above, small governments would not be affected because the proposed NEP designation would not place additional requirements on any city, county, or other local municipalities.

(2) This rule would not produce a Federal mandate of $100 million or greater in any year (*i.e.,* it is not a

''significant regulatory action'' under the Unfunded Mandates Reform Act). This proposed NEP designation for the black-footed ferret would not impose any additional management or protection requirements on the State or other entities.

Takings (E.O. 12630)

In accordance with Executive Order 12630, the proposed rule does not have significant takings implications. This rule would allow for the take of reintroduced black-footed ferrets when such take is incidental to an otherwise legal activity, such as recreation (*e.g.,* hiking, hunting, bird watching), forestry, agriculture, hydroelectric power generation, and other activities that are in accordance with Federal, State, and local laws and regulations. Therefore, we do not believe that establishment of this NEP would conflict with existing or proposed human activities or hinder public use of ferret habitat in Wyoming.

A takings implication assessment is not required because this rule (1) will not effectively compel a property owner to suffer a physical invasion of property and (2) will not deny all economically beneficial or productive use of the land or aquatic resources. This rule would substantially advance a legitimate government interest (conservation and recovery of a listed species) and would not present a barrier to all reasonable and expected beneficial use of private property.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, we have considered whether this proposed rule has significant Federalism effects and have determined that a federalism summary impact statement is not required. This rule would not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. In keeping with Department of the Interior policy, we requested information from and coordinated development of this proposed rule with the affected resource agencies in Wyoming. Achieving the recovery goals for this species would contribute to its eventual delisting and its return to State management. No intrusion on State policy or administration is expected; roles or responsibilities of Federal or State governments would not change; and fiscal capacity would not be substantially directly affected. The proposed rule operates to maintain the existing relationship between the State and the Federal Government and is being undertaken in coordination with the State of Wyoming. Therefore, this rule does not have significant Federalism effects or implications to warrant the preparation of a federalism summary impact statement under the provisions of Executive Order 13132.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule would not unduly burden the judicial system and would meet the requirements of sections (3)(a) and (3)(b)(2) of the Order.

Paperwork Reduction Act

Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), require that Federal agencies obtain approval from OMB before collecting information from the public. This proposed rule does not contain any new information collections that require approval. OMB has approved our collection of information associated with reporting the taking of experimental populations (50 CFR 17.84) and assigned OMB Control Number 1018–0095, which expires on October 31, 2017. We may not collect or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

In compliance with all provisions of NEPA, we have prepared a draft environmental assessment on this action, which is available for public review: (1) in person at the Wyoming Ecological Services Field Office (see ADDRESSES) and (2) online at *http://www.regulations*.gov under Docket No. FWS–R6–ES–2015–0013, or at *http://www.fws.gov/wyominges/.*

Government-to-Government Relationship With Tribes

In accordance with the presidential memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 229511), Executive Order 13175 (65 FR 67249), and the Department of the Interior Manual Chapter 512 DM 2, we have considered possible effects on federally recognized Indian Tribes and have determined that Tribal lands overlap the proposed Wyoming NEP in portions of Fremont and Hot Springs Counties. However, participation in black-footed ferret recovery is entirely voluntary. If suitable habitat for ferret recovery is available, non-Federal landowners, including Tribes, may choose to either not participate, or to participate through authorities under 10(j), 10(a)(1)(A), or the SHA (U.S. Fish and Wildlife Service 2013b). If ferrets were reintroduced on non-tribal lands adjacent to Tribal lands and subsequently dispersed onto Tribal lands, the aforementioned authorities would provide a more relaxed regulatory situation under the Act through allowances for incidental take. However, as stated previously, we are not aware of any prairie dog complexes suitable for ferret reintroduction on or adjacent to Tribal lands. The nearest potential reintroduction sites are two white-tailed prairie dog complexes—Fifteen-mile Complex near Worland in Hot Springs County and Sweetwater Complex near Sweetwater Station in Fremont County (Luce 2008, pp. 29–30). Both sites are of intermediate potential for ferret reintroduction and are located approximately 19 miles (30 kilometers) from reservation boundaries. We have communicated this information to the Northern Arapaho and Eastern Shoshone Tribes in Wyoming in letters offering government-to-government consultation.

Energy Supply, Distribution, or Use (E.O. 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not expected to significantly affect energy supplies, distribution, or use because energy development is compatible with black-footed ferret recovery. Because this action is not a significant energy action, no Statement of Energy Effects is required.

Clarity of This Rule

We are required by E.O. 12866, E.O. 12988, and the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections and paragraphs that are

unclearly written, which sections or sentences are too long, or the sections where you feel lists and tables would be useful.

References Cited

A complete list of all references cited in this final rule is available at *http://www.regulations.gov* at Docket No. FWS–R6–ES–2015–0013, or upon request from the Wyoming Ecological Services Field Office (see **ADDRESSES**).

Authors

The authors of this proposed rule are staff members of the Service's Mountain-Prairie Region and the Wyoming Ecological Services Field Office (see **ADDRESSES**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by revising the entry for ''Ferret, black-footed'' under MAMMALS in the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*		*
Ferret, black-footed.	*Mustela nigripes* ..	Western U.S.A., Western Canada, Mexico.	Entire, except where listed as an experimental population.	E	1, 3, 433, 545, 546, 582, 646, 703, 737	NA	NA
Ferret, black-footed.	*Mustela nigripes* ..	Western U.S.A., Western Canada, Mexico.	U.S.A. (WY and specified portions of AZ, CO, MT, SD, and UT, see 17.84(g)(9)).	XN	433, 545, 546, 582, 646, 703, 737	NA	17.84(g)
*	*	*	*	*	*		*

■ 3. Amend § 17.84(g) by:

■ a. Revising paragraphs (g)(1) and (g)(6)(i);

■ b. By adding paragraph (g)(9)(viii); and

■ c. By adding a map entitled ''Wyoming Black-footed Ferret NEP'' immediately following the map entitled ''Rosebud Sioux Tribe ITOPA SAPA KIN (Black-footed Ferret) Experimental Population Area—South Dakota.''

The revisions and additions read as follows:

§ 17.84 Special rules—vertebrates.

* * * * *

(g) * * *

(1) The black-footed ferret populations identified in paragraphs (g)(9)(i) through (viii) of this section are nonessential experimental populations. We will manage each of these populations, and each reintroduction site within the Wyoming NEP, in accordance with their respective management plans.

* * * * *

(6) * * *

(i) Report such taking in Wyoming, including the Shirley Basin/Medicine Bow experimental population area, to the Field Supervisor, Ecological Services, Fish and Wildlife Service, Cheyenne, Wyoming (telephone: 307/772–2374).

* * * * *

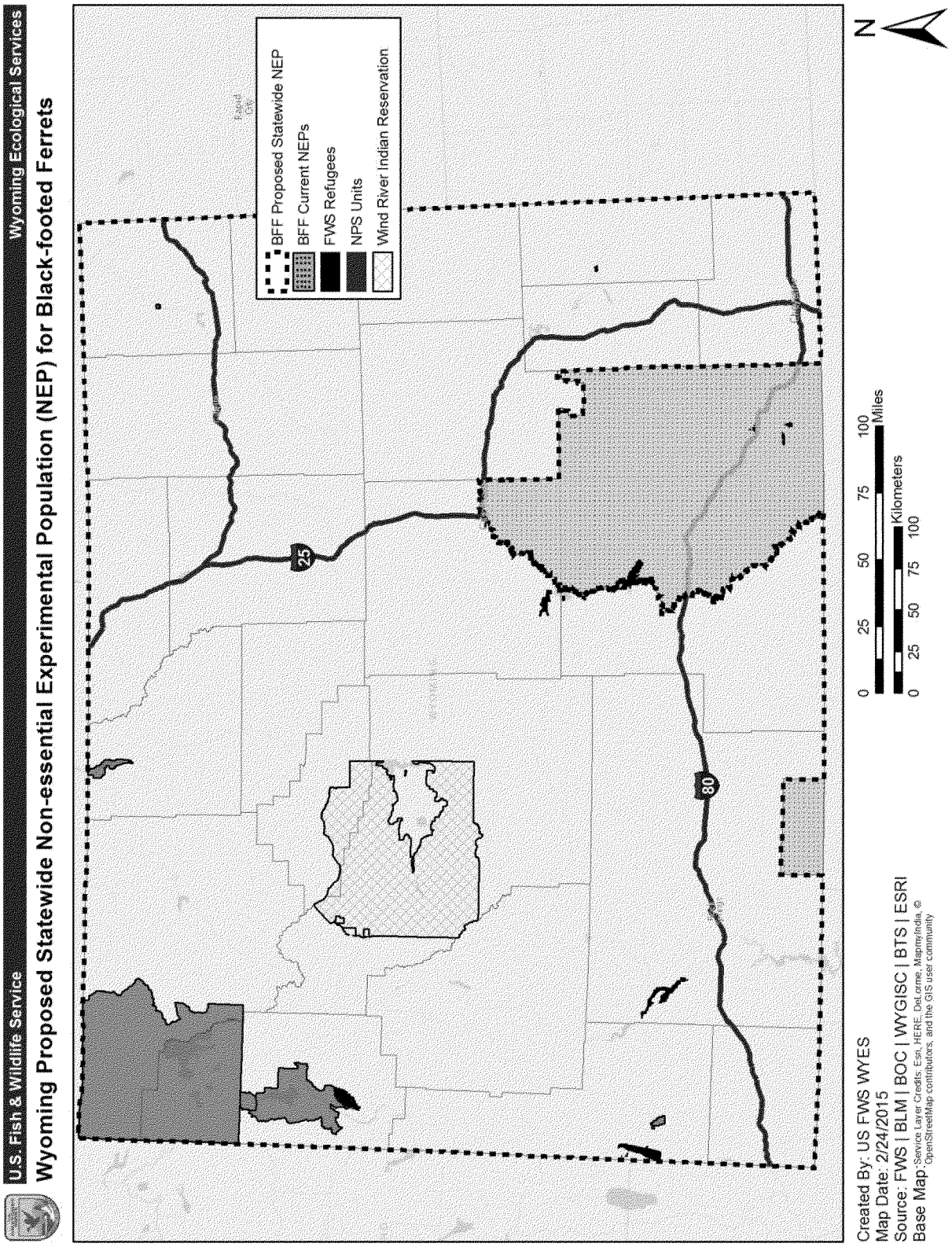
(9) * * *

(viii) The Wyoming Experimental Population Area encompasses most of the State of Wyoming. The boundaries of the nonessential experimental population include all areas in the State of Wyoming outside of the Shirley Basin/Medicine Bow Management Area (see paragraph (g)(9)(i)) and the small portion of Wyoming included as part of the Northwestern Colorado/Northeastern Utah Experimental Population Area (see paragraph (g)(9)(v)). Any black-footed ferret found within the Wyoming Experimental Population Area will be considered part of the nonessential experimental population after the first breeding season following the first year of black-footed ferret release. A black-footed ferret occurring outside of the State of Wyoming would initially be considered as endangered, but may be captured for genetic testing. If necessary, disposition of the captured animal may occur in the following ways:

(A) If an animal is genetically determined to have originated from the experimental population, we may return it to the reintroduction area or to a captive-breeding facility.

(B) If an animal is determined to be genetically unrelated to the experimental population, we will place it in captivity under an existing contingency plan.

* * * * *



* * * * *

Dated: April 2, 2015.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–08271 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 80, No. 69
Friday, April 10, 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

Foreign Agricultural Service

Agricultural Policy Advisory Committee; and the Agricultural Technical Advisory Committees for Trade; Renewal and Nominations; Correction

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Foreign Agricultural Service published a notice on April 6, 2015 that gave notice of the intent to renew the Agricultural Policy Advisory Committee for Trade and the six Agricultural Technical Advisory Committees for Trade. Nominations for persons to serve on these seven committees were requested. The document contained four minor errors.

FOR FURTHER INFORMATION CONTACT: Josephine Liu, 202–720–9292.

Corrections

In the **Federal Register** of April 6, 2015, in FR DOC 2015–07499:

—On page 18352, first column, correct the ''DATES'' caption by removing the parenthetical phrase ''(*i.e.,* CY 2016)'';

—On page 18352, second column, correct the second paragraph under ''Re-Chartering of Existing Committees'' by deleting the phrase ''Show citation box'';

—On page 3 delete this sentence ''1974, Congress established a private sector advisory committee system to ensure that U.S. trade policy and negotiation objectives adequately reflect U.S. commercial and economic interests.'';

—On page 18353, second column, in the paragraph titled ''Nominations,'' replace the sentence ''If applicable, a sponsor letter on the non-Federal governmental entity's letterhead that contains a brief description of the manner in which international trade affects the entity and why the applicant should be considered for membership.'' and with the following: ''If applicable, the application should include a sponsor letter on the non-Federal governmental entity's letterhead containing a brief description of the manner in which international trade affects the entity and why the applicant should be considered for membership.''

Dated: April 6, 2015.

Josephine Liu,

Federal Register Liaison.

[FR Doc. 2015–08158 Filed 4–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–19–2015]

Notification of Proposed Production Activity, Polaris Industries, Inc., Subzone 167B (Spark-Ignition Internal Combustion Engines); Osceola, Wisconsin

Polaris Industries, Inc. (Polaris), operator of Subzone 167B, submitted a notification of proposed production activity to the FTZ Board for its facility located in Osceola, Wisconsin. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 30, 2015.

Polaris already has authority to produce spark-ignition internal combustion engines (up to 1,050 cc's) for snowmobiles, personal watercraft and all-terrain vehicles, as well as authority to produce engines for motorcycles. The current request would add certain foreign-status components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Polaris from customs duty payments on the foreign status components used in export production. On its domestic sales, Polaris would be able to choose the duty rate during customs entry procedures that applies to spark-ignition internal combustion engines (free) for the foreign status components and materials noted below and in the existing scope of authority.

Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: Steel pins; input shafts; cylinder heads; cannonball heads; spring retainers; shift forks; compensators; pulleys; gears; metal gaskets; voltage regulators; position crank sensors; engine control units and bases; wiring harnesses; roller followers; gears for engines; shafts for engines; sleeves; sliders; counter shafts; shift forks; main shafts; output shafts; ratchet shifters; retainers; shift drums; pinions; water temperature sensors; and, thermostats (duty rate ranges from free to 2.8%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is May 20, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* (202) 482–1378.

Dated: April 3, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–08333 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1970]

Reorganization of Foreign-Trade Zone 23 Under Alternative Site Framework Buffalo, New York

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15

CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the County of Erie, grantee of Foreign-Trade Zone 23, submitted an application to the Board (FTZ Docket B–82–2014, docketed 11–13–2014) for authority to reorganize under the ASF with a service area of Erie County, New York, in and adjacent to the Buffalo Customs and Border Protection port of entry, FTZ 23's existing Site 1 would be categorized as a magnet site, existing Sites 5, 6, 9, 10 and 11 would be categorized as usage-driven sites, and existing Sites 2, 3, 7 and 8 would be removed from the zone;

Whereas, notice inviting public comment was given in the **Federal Register** (79 FR 68854, 11–19–2014) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 23 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for usage-driven sites that would terminate authority for Sites 5, 6, 9, 10 and 11 if no foreign-status merchandise is admitted for a *bona fide* customs purpose within three years from the month of approval.

Signed at Washington, DC, this 3rd day of April 2015.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2015–08330 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet and Strip From the United Arab Emirates: Partial Rescission of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* April 10, 2015.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, Office VII, Antidumping and Countervailing Duty Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261.

Background

On November 3, 2014, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet and strip from the United Arab Emirates covering the period November 1, 2013, through October 31, 2014.[1] The Department received a timely request from Petitioners [2] for an AD administrative review of two companies: JBF RAK LLC (JBF) and Flex Middle East FZE (Flex).[3] In addition, JBF submitted a timely request for an AD review of itself.[4] On December 23, 2014, pursuant to the requests from interested parties, the Department published a notice of initiation of administrative review with respect to Flex and JBF.[5] On March 23, 2015, Petitioners withdrew their requests for review of JBF and Flex.[6]

Rescission in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. The Department initiated the instant review on December 23, 2014 and Petitioners withdrew their request on March 23, 2015, which is within the 90-day period and thus is timely. Because Petitioners' withdrawal of their requests for review is timely and because no other party requested a review of Flex, we are rescinding this review, in part, with respect to Flex, in accordance with 19 CFR 351.213(d)(1). JBF's request for a review of itself has not been withdrawn. As such, the instant review will continue with respect to JBF.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess ADs on all appropriate entries. Subject merchandise of Flex will be assessed ADs at rates equal to the cash deposit of estimated ADs required at the time of entry, or withdrawal from warehouse, for consumption, during the period November 1, 2013, through October 31, 2014, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this notice.

Notification to Importers

This notice serves as a reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of ADs 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 ADs occurred and the subsequent increase in the amount of ADs assessed.

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: April 3, 2015.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–08327 Filed 4–10–15; 8:45 am]

BILLING CODE 3510–DS–P

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[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 79 FR 65176, 65177 (November 3, 2014).

[2] Petitioners are DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc.

[3] *See* Petitioners' letter, ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from United Arab Emirates: Request for Antidumping Duty Administrative Review,'' dated December 1, 2014.

[4] *See* JBF's letter, ''JBF RAK LLC/Request for A/D Administrative Review: Polyethylene Terephthalate (PET) Film, Sheet, and Strip from United Arab Emirates,'' dated November 24, 2014.

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 76956 (December 23, 2014).

[6] *See* Petitioners' letter ''Withdrawal of Request for Antidumping Duty Administrative Review,'' dated March 23, 2015.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–843]

Certain Lined Paper Products From India: Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 7, 2014, the Department of Commerce (the Department) published the *Preliminary Results* of the antidumping duty administrative review of certain lined paper products (CLPP) from India, and provided interested parties an opportunity to comment on the *Preliminary Results.*[1] The review covers one mandatory respondent, Super Impex. The period of review (POR) is September 1, 2012, through August 31, 2013. Based on our analysis of the comments received, we have made certain changes in the margin calculation for Super Impex. The final results, consequently, differ from the *Preliminary Results.* The final weighted-average dumping margin for Super Impex is listed below in the section entitled ''Final Results of Review.'' In addition, we continue to find that A.R. Printing & Packaging (India) Pvt. Ltd. (AR Printing) had no shipments of subject merchandise to the United States during the POR.

DATES: *Effective Date:* April 10, 2015.

FOR FURTHER INFORMATION CONTACT: Cindy Robinson or Eric Greynolds, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–3797 or (202) 482–6071, respectively.

Background

On October 7, 2014, the Department published the *Preliminary Results.* In accordance with 19 CFR 351.309(c)(1)(ii), we invited parties to comment on our *Preliminary Results.*

On November 4, 2014, Super Impex submitted its case brief. On November 7, 2014, Petitioners submitted their case brief.[2] On November 12, 2014, Super Impex and Petitioners submitted their rebuttal briefs.

On January 22, 2015, the Department issued a memorandum extending the time period for issuing the final results of this administrative review to April 6, 2015.[3]

Scope of the Order

The merchandise covered by the *CLPP Order*[4] is certain lined paper products. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4811.90.9035, 4811.90.9080, 4820.30.0040, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[5]

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 that parties raised and to which we responded is attached to this notice as 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).[6] ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit (CRU), 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://trade.gov/enforcement.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

No Shipment Claim by AR Printing

Based on AR Printing's assertion of no shipments and no information received to the contrary from CBP, we preliminarily determined that AR Printing had no shipments to the United States during the POR.[7] We received no information or arguments from interested parties that warrants a different finding in these final results. Therefore, for these final results, we continue to find that AR Printing had no shipments to the United States during the POR.

In our *Assessment Clarification* notice, we explained that, where respondents in an administrative review demonstrate that they had no knowledge of sales through resellers to the United States, we would instruct CBP to liquidate such entries at the all-others rate applicable to the proceeding.[8] In accordance with the *Assessment Clarification,* we have taken this approach with regard to any subject merchandise produced by AR Printing that entered the United States during the POR *via* resellers without the knowledge of AR Printing. For further information, see the ''Assessment'' section of this notice below.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we recalculated Super Impex's weighted-average dumping margin for these final results. Specifically, we revised the constructed value profit and selling expense ratios based on a different source of surrogate financial data. Additionally, we imputed an interest expense with regard to certain interest-free loans that Super Impex received from an affiliate that were outstanding during the POR using interest rate information on prime lending rates from the State Bank of India. We also recalculated the factory

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[1] *See Certain Lined Paper Products From India: Notice of Partial Rescission and Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 60450 (October 7, 2014) (*Preliminary Results*).

[2] Petitioners are the Association of American School Paper Suppliers (AASPS) and its individual members, which consists of the following companies: ACCO Brands USA LLC, Norcom Inc., and Top Flight, Inc. *See, e.g.,* Petitioners' letter dated September 24, 2014.

[3] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Certain Lined Paper Products From India: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review; 2012–2013,'' (January 22, 2015).

[4] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products From India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products From India and Indonesia,* 71 FR 56949 (September 28, 2006) (*CLPP Order*).

[5] For a complete description of the scope of the order, *see* ''Certain Lined Paper Products From India: Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review; 2012–2013,'' (Issues and Decision Memorandum), dated concurrently with and hereby adopted by this notice.

[6] 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).

[7] *See Preliminary Results,* 79 FR at 60451.

[8] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Clarification*).

rent that Super Impex paid to one of its affiliates using market rental rates provided by Petitioners, and using market rental rates provided by Petitioners we assigned a rental expense with regard to rent-free office space provided to Super Impex during the POR by an affiliate.

Final Results of the Review

As a result of this review, the Department determines the following dumping margin for Super Impex during the POR:

Producer/exporter	Weighted-average dumping margin (percent)
Super Impex	0.00

Disclosure

We will disclose calculation memoranda used in our analysis to parties to these proceedings within five days of the date of publication of this notice.[9]

Assessment

In accordance with 19 CFR 351.212 and the *Final Modification,*[10] the Department will instruct U.S. Customs and Border Protection (CBP) to liquidate all appropriate entries for Super Impex without regard to antidumping duties.

Consistent with the Department's refinement to its assessment practice, for entries of subject merchandise during the POR produced by Super Impex for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[11] Similarly, with regard to any subject merchandise produced by AR Printing that entered the United States during the POR *via* resellers without the knowledge of AR Printing, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[12]

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Super Impex will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 3.91 percent, the all-others rate established in the original antidumping investigation.[13] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: April 3, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

APPENDIX

[FR Doc. 2015–08331 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Request for Applicants for the Appointment to the United States-India CEO Forum

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: In 2005, the Governments of the United States and India established the U.S.-India CEO Forum. This notice announces membership opportunities for appointment or reappointment as representatives to the U.S. Section of the Forum's private sector Committee.

DATES: Applications should be received no later than 30 days after publication of this Notice.

ADDRESSES: Please send requests for consideration to Valerie Dees, Noor Sclafani, and Jed Diemond at the Office of South Asia, U.S. Department of

[9] *See* 19 CFR 351.224(b).

[10] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification*).

[11] *See Assessment Clarification.*

[12] *Id.*

[13] *See CLPP Order.*

Commerce, either by email at *valerie.dees@trade.gov, noor.sclafani@trade.gov,* and *jed.diemond@trade.gov* or by mail to U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 2310, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Valerie Dees, Director, Office of South Asia, U.S. Department of Commerce, telephone: (202) 482–0477.

SUPPLEMENTARY INFORMATION: The U.S.-India CEO Forum, consisting of both private and public sector members, brings together leaders of the respective business communities of the United States and India to discuss issues of mutual interest, particularly ways to strengthen the economic and commercial ties between the two countries, and to communicate their joint recommendations to the U.S. and Indian governments. The Forum will have U.S. and Indian co-chairs; the Secretary of Commerce and the Deputy National Security Advisor for International Economic Affairs will co-chair the Forum on the U.S. side. The Forum will include a Committee comprising private sector members. The Committee will be composed of two Sections, with the U.S. section consisting of up to 17 members from the private sector representing the views and interests of the private sector business community in the United States. Each government will appoint the members to its respective Section. The Committee will provide recommendations to the two governments and their senior officials that reflect private sector views, needs, and concerns about the creation of an environment in which their respective private sectors can partner, thrive, and enhance bilateral commercial ties to expand trade and economic links between the United States and India. The Committee will work in tandem with, and provide input to, the U.S.-India Strategic and Commercial Dialogue.

Candidates are currently being sought for membership on the U.S. Section of the Committee. Each candidate must be the Chief Executive Officer or President (or have a comparable level of responsibility) of a U.S.-owned or controlled company that is incorporated in and has its main headquarters located in the United States and is currently doing business in both India and the United States. Each candidate also must be a U.S. citizen or otherwise legally authorized to work in the United States and be able to travel to India and locations in the United States to attend official Forum meetings as well as U.S. Section meetings. In addition, the candidate may not be a registered foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Evaluation of applications for membership in the U.S. Section by eligible individuals will be based on the following criteria:

- A demonstrated commitment by the individual's company to the Indian market either through exports or investment.
- A demonstrated strong interest in India and its economic development.
- The ability to offer a broad perspective and business experience to the discussions.
- The ability to address cross-cutting issues that affect the entire business community.
- The ability to initiate and be responsible for activities in which the Forum will be active.
- Prior work by the applicant on the U.S. Section of the Committee.

The evaluation of applications for membership in the U.S. Section will be undertaken by a committee of staff from multiple U.S. Government agencies. Members will be selected on the basis of who best will carry out the objectives of the Forum as stated in the first paragraph under Supplementary Information, above. The U.S. Section of the Committee should also include members who represent a diversity of business sectors and geographic locations. To the extent possible, Section members also should include representation from small, medium, and large firms.

U.S. Section members will receive no compensation for their participation in Forum-related activities. Individual members will be responsible for all travel and related expenses associated with their participation in the Forum, including attendance at Committee and Section meetings. It is anticipated that the next Forum meeting will be held later in 2015. The U.S. and Indian Sections should be prepared to work together ahead of that time to prepare recommendations to the U.S. and Indian governments. Only appointed members may participate in official Forum meetings; substitutes and alternates will not be designated. U.S. Section members will normally serve for two-year terms but may be reappointed. In the event of a vacancy after members of the U.S. Section are appointed, candidates not previously selected may be considered to fill the vacancy based on material submitted in response to this notice.

To be considered for membership in the U.S. Section, please submit the following information as instructed in the **ADDRESSES** and **DATES** captions above: Name and title of the individual requesting consideration; name and address of company's headquarters; location of incorporation; size of the company; size of company's export trade, investment, and nature of operations or interest in India; and a brief statement of why the candidate should be considered, including information about the candidate's ability to initiate and be responsible for activities in which the Forum will be active. Candidates that have previously been members of the U.S. Section need only provide a letter expressing their interest in re-applying and indicating any changes to the application materials previously supplied. All candidates will be notified of whether they have been selected.

Dated: April 7, 2015.

Valerie Dees,

Director of the Office of South Asia.

[FR Doc. 2015–08304 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 02–1A003]

Export Trade Certificate of Review

ACTION: Notice of Application for Amendment of the Export Trade Certificate of Review for the Corn Refiners Association; Application No. 02–1A003.

SUMMARY: The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, has received an application for an Amendment of an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed application and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov*.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the

Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 22027–F, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 02–1A003.''

A summary of the current application follows.

Summary of the Application

Applicant: Corn Refiners Association (CRA); 1701 Pennsylvania Ave. NW., Suite 950; Washington, DC 20006.

Contact: David E. Bond, White & Case LLP, (202) 729–2307.

Application No.: 02–1A003.

Date Deemed Submitted: March 26, 2015.

Summary: The Corn Refiners Association (''CRA'') seeks an amended Certificate of Review to remove a Certificate Member, Roquette America, Inc., which was originally a member of CRA but is no longer a member of CRA as of January 1, 2015. With the amended Certificate, CRA seeks to continue to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets:

Export Trade

Products: High fructose com syrup (''HFCS'') in the following two forms: 42 percent fructose and 55 percent fructose and enriched HFCS (greater than 55 percent fructose).

Export Markets

HFCS for which tariff-rate quota (TRQ) rights are allocated will be exported only to Mexico.

Export Trade Activities and Methods of Operations

Purpose

The CRA will manage the system as set forth below for allocating rights to ship under tariff-rate quotas (TRQs) permitting duty-free entry of U.S. HFCS into Mexico. The CRA shall permit any producer of HFCS in the United States to become a member of the association for purposes of receiving TRQ rights under this system and shall seek an amendment of this Certificate to make such a producer a Member under this Certificate.

TRQ Administrator

The CRA will contract with an independent third-party Administrator who will bear responsibility for administering the TRQ System, subject to general oversight and supervision by the Board of Directors of the CRA. The Administrator may not be otherwise related to the CRA or any Member or in any way engaged in the production, distribution or sale of HFCS.

TRQ System

The Administrator shall allocate TRQ rights based on the share each Member's U.S. HFCS production capacity represents of total U.S. HFCS production capacity. The Administrator may advise each Member individually of the quantity of TRQ rights allocated to that Member. In accordance with those allocations, the Administrator shall, upon the request of a Member, issue to the Member evidence of TRQ rights to ship a specified quantity of U.S. HFCS duty-free to Mexico up to the outstanding total of the Member's allocation. Evidence of TRQ rights issued by the Administrator shall be freely transferable. Transfers of TRQ rights are subject to the normal application of the antitrust laws.

Confidential Information

Each Member may provide to the Administrator information regarding its capacity to produce HFCS in the United States for the purpose of calculating the Member's allocation of TRQ rights. Any non-public, company-specific business information or data submitted by an applicant for membership, by a Member, or by any other person in connection with the TRQ System shall be marked ''confidential'' and submitted to the Administrator, who shall maintain its confidentiality. The Administrator shall not disclose such confidential information to any Member other than the submitter, or to any officers, agents, or employees of any Member other than the submitter, and shall not disclose such confidential information to any other person except to another neutral third party as necessary to make the determination for which the information was submitted, to allocate TRQ quantities, or in connection with reports to the U.S. Department of Commerce as required by the Certificate or the arbitration of a dispute.

Cooperation With the U.S. and Mexican Governments

The CRA will provide to the U.S. Government and the Government of Mexico whatever information and consultations may be useful in order to facilitate cooperation between the governments concerning the implementation and operation of the TRQ System. Furthermore, directly or through the U.S. Government, the CRA will endeavor to accommodate any information requests from the Government of Mexico (while protecting confidential information entrusted to the Administrator), and will consult with the Government of Mexico as appropriate. All such information and consultations shall be subject to the provision on Confidential Information (above) and the Terms and Conditions described in the Certificate.

The members of CRA that will be Members under the Certificate within the meaning of 15 CFR 325.2(1) after the amendment:

1. Archer Daniels Midland Company

2. Cargill, Incorporated

3. Ingredion, Incorporated (Ingredion acquired Penford Corporation, which was a Member. Ingredion was formerly known as Corn Products International, Inc., which was a Member and which acquired National Starch and Chemical Company, which was a Member.)

4. Tate & Lyle Ingredients Americas, Inc.

Definition

Neutral third-party, as used in this Certificate of Review, means a party not related to CRA or any Member and who is not engaged in the production, distribution or sale of HFCS.

Dated: April 6, 2015.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration.

[FR Doc. 2015–08240 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–944]

Certain Oil Country Tubular Goods From the People's Republic of China: Final Results of Expedited First Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) finds that revocation of the countervailing duty (CVD) order on certain oil country tubular goods (OCTG) from the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: *Effective Date:* April 10, 2015.

FOR FURTHER INFORMATION CONTACT: Shane Subler, 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) 482–0189.

SUPPLEMENTARY INFORMATION:

Background

On January 20, 2010, the Department published the CVD order on OCTG from the PRC.[1] On December 1, 2014, the Department published a notice of initiation of the first sunset review of the *CVD Order* on OCTG from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2]

On December 3, 2014, Maverick Tube Corporation (Maverick) timely notified the Department of its intent to participate.[3] On December 10, 2014, Boomerang Tube (Boomerang), Energex Tube, a division of JMC Steel Group (Energex Tube), EVRAZ Rocky Mountain Steel (''EVRAZ''), IPSCO Tubulars, Inc. (IPSCO), Tejas Tubular Products, Inc. (Tejas Tubular), Vallourec Star, L.P. (Vallourec), and Welded Tube USA Inc. (Welded Tube) filed their intent to participate.[4]

On December 15, 2014, United States Steel Corporation (U.S. Steel) likewise timely notified the Department of its intent to participate.[5] On December 31, 2014, the Department received an adequate substantive response from Boomerang, Energex Tube, EVRAZ, IPSCO, Maverick, Tejas Tubular, U.S. Steel, Vallourec, and Welded Tube within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[6] The Department did not receive substantive responses from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the CVD order on OCTG from the PRC.

Scope of the Order

This order covers OCTG. The Issues and Decision Memorandum, which is hereby adopted by this notice, provides a full description of the scope of the order.[7]

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).[8] ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Analysis of Comments Received

In the Issues and Decision Memorandum, we have addressed all issues that parties raised in this review. The issues include the likelihood of continuation or recurrence of countervailable subsidies and the net countervailable subsidies likely to prevail if the Department revoked the order.

Final Results of Sunset Review

Pursuant to sections 752(b)(1) and (3) of the Act, we determine that revocation of the *CVD Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Exporter/manufacturer	Net subsidy rate (percent)
Jiangsu Changbao Steel Tube Co. and Jiangsu Changbao Precision Steel Tube Co., Ltd	22.87
Tianjin Pipe (Group) Co., Tianjin Pipe Iron Manufacturing Co., Ltd., Tianguan Yuantong Pipe Product Co., Ltd., Tianjin Pipe International Economic and Trading Co., Ltd., and TPCO Charging Development Co., Ltd	20.90
Wuxi Seamless Pipe Co, Ltd., Jiangsu Fanli Steel Pipe Co, Ltd., and Tuoketuo County Mengfeng Special Steel Co., Ltd	25.36
Zhejiang Jianli Enterprise Co., Ltd., Zhejiang Jianli Steel Tube Co., Ltd., Zhuji Jiansheng Machinery Co., Ltd., and Zhejiang Jianli Industry Group Co., Ltd	26.19
All Others	23.82

[1] *See Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 75 FR 3203 (January 20, 2010) (*CVD Order*).

[2] *See Initiation of Five-Year* (''*Sunset*'') *Review,* 79 FR 71091 (December 1, 2014).

[3] *See* Letter to the Department from Maverick, dated December 3, 2014.

[4] *See* Letter to the Department from Boomerang, Energex Tube, EVRAZ, IPSCO, Tejas Tubular, Vallourec, and Welded Tube, dated December 10, 2014.

[5] *See* Letter to the Department from U.S. Steel, dated December 15, 2014.

[6] *See* Letter from domestic interested parties to the Department, entitled ''Oil Country Tubular Goods From China, First Sunset Review: Substantive Response to Notice of Initiation,'' dated December 31, 2014.

[7] *See* ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Oil Country Tubular Goods from the People's Republic of China,'' from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (Issues and Decision Memorandum).

[8] 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).

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. History of the Order
5. Discussion of the Issues
   a. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
   b. Net Countervailable Subsidy Likely To Prevail
6. Nature of the Subsidies
7. Final Results of Sunset Review
8. Recommendation

[FR Doc. 2015–07979 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD838

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (SAFMC) will hold a meeting of its Scientific and Statistical Committee (SSC) and the SSC Socio-Economic Panel. See **SUPPLEMENTARY INFORMATION.**

DATES: The SSC Socio-Economic Panel will meet from 8 a.m. until 12 noon on Tuesday, April 28, 2015. The SSC will meet from 1:30 p.m. to 5:30 p.m., Tuesday, April 28, 2015; from 8:30 a.m. to 5:30 p.m., Wednesday, April 29, 2015; and from 8:30 a.m. to 3 p.m., Thursday, April 30, 2015.

ADDRESSES: The meeting will be held at the Crowne Plaza Airport Hotel, 4831 Tanger Outlet Boulevard, North Charleston, SC 29418; telephone: (800) 503–5762 or (843) 744–4422; fax: (843) 744–4472.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The following items will be discussed and considered by the SSC Socio-Economic Panel and the SSC during this meeting:

SSC Socio-Economic Panel Meeting—Tuesday, April 28, 2015, 8 a.m. Until 12 Noon

1. Regulatory Amendment 16 to the Snapper Grouper Fishery Management Plan (FMP) addressing modifications to the current seasonal closure and gear modifications for the black sea bass pot fishery
2. Regulatory Amendment 23 to the Snapper Grouper FMP addressing management measures for the commercial golden tilefish fishery
3. The SAFMC System Management Plan for Marine Protected Areas
4. The SAFMC Vision Blueprint outlining a long-term plan for the snapper grouper fishery
5. An update/overview of recent and developing SAFMC actions
6. Administrative issues including term limits for SEP members and upcoming SEP meetings

SSC Meeting—Tuesday, April 28—Thursday, April 30, 2015

1. Report from the SSC Socio-Economic Panel
2. Marine Recreational Information Program (MRIP) calibration and transition efforts
3. 2014 South Atlantic landings and Annual Catch Limits (ACLs)
4. Spiny lobster review panel recommendations
5. Southeast Reef Fish Survey update
6. Geographic range of the Southeast Data, Assessment and Review (SEDAR) 32 blueline tilefish assessment
7. SEDAR projects update, and recommendations addressing the SEDAR 41 schedule (South Atlantic red snapper and gray triggerfish), red grouper Terms of Reference (TORs), and black grouper approach.
8. Southeast Fisheries Science Center (SEFSC) headboat data evaluation efforts and assessment program review
9. Review assessment of mutton snapper and provide fishing level recommendations
10. Right whale monitoring and biological opinion approach
11. Regulatory Amendment 16 to the Snapper Grouper FMP
12. Amendment 36 to the Snapper Grouper FMP addressing Spawning Special Management Zones
13. National Marine Fisheries Service stock status determination process
14. Revised hogfish stock projections
15. Use of stock triggers or rumble strips
16. Draft report of the SSC Acceptable Biological Catch Control Rule Workshop of October 2014
17. 2015 National SSC Workshop
18. National Standards revisions
19. SAFMC Visioning Project and Blueprint
20. Oculina Team Evaluation Report
21. SAFMC annual research and monitoring plan
22. Updates and progress reports on other ongoing FMPs and amendments.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Written comment on SSC agenda topics is to be distributed to the Committee through the Council office, similar to all other briefing materials. Written comment to be considered by the SSC shall be provided to the Council office no later than one week prior to an SSC meeting. For this meeting, the deadline for submission of written comment is 12 p.m. Tuesday, April 21, 2015. Two opportunities for comment on agenda items will be provided during SSC meetings and noted on the agenda. The first will be at the beginning of the meeting, and the second near the conclusion, when the SSC reviews its recommendations.

Special Accommodations

The meetings are accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC

office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 7, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–08267 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD890

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a Stock Assessment Review (STAR) Panel meeting to review the Pacific mackerel stock assessment.

DATES: The STAR Panel meeting will be held Monday, April 27 through Wednesday, April 29, 2015. That meeting will begin the first day at 9 a.m. and at 8 a.m. each subsequent day. The meeting will conclude each day at 5 p.m. or when business for the day has been completed.

ADDRESSES: The meetings will be held in the Pacific Conference Room of the NOAA Southwest Fisheries Science Center, 8901 La Jolla Shores Dr., La Jolla, CA 92037–1508.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to review a full stock assessment for Pacific mackerel. The review panel will consist of two members of the Council's Scientific and Statistical Committee's Subcommittee on Coastal Pelagic Species, plus two independent experts. The Council will use the 2015 assessment to establish Pacific mackerel fishery management measures and harvest specifications for both the 2015–16 and the 2016–17 fishing years. The Pacific mackerel fishing year begins July 1 and ends the following June 30 each year. Representatives of the Council's CPS Management Team and the CPS Advisory Subpanel will also participate in the review, as advisers.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Dale Sweetnam, (858) 546–7170, at least 5 days prior to the meeting date.

Dated: April 6, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–08172 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD863

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a workshop in conjunction with a joint meeting of the Council's Mackerel, Squid, and Butterfish Advisory Panel and Ecosystems and Ocean Planning Advisory Panel. The purpose of the workshop is to refine spatial alternatives for deep sea coral protection zones for inclusion the Council's Deep Sea Corals Amendment.

DATES: The meeting will be held on Wednesday, April 29, 2015 through Thursday, April 30, 2015. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held at: Doubletree by Hilton BWI, 890 Elkridge Landing Road, Linthicum, MD 21090; telephone: (410) 859–8060.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's Web site, *www.mafmc.org* also has details on the meeting location, proposed agenda, and briefing materials.

SUPPLEMENTARY INFORMATION: This workshop will address spatial options for discrete coral protection zones proposed under the Council's Deep Sea Corals Amendment to the Mackerel, Squid, and Butterfish Fishery Management Plan. The Council is developing this amendment to address the potential impacts of fishing activity on deep sea corals in the Mid-Atlantic. The Council will solicit the input of the Mackerel, Squid, and Butterfish Advisory Panel, the Ecosystems and Ocean Planning Advisory Panel, members of the Fishery Management Action Team (FMAT), additional deep sea coral experts, and additional fishing industry participants in order to refine the current proposed boundaries and review alternative boundary proposals.

The workshop will consist of a half-day meeting on Wednesday, April 29, from 1 p.m. to 5 p.m., and continue on Thursday, April 30, from 9 a.m. to 3 p.m. Prior to the meeting, a detailed agenda and briefing materials will be posted on the Council's Web site at: *http://www.mafmc.org/.* Background information and documents for the amendment can be found at: *http://www.mafmc.org/actions/msb/am16.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: April 7, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–08268 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD894

Mid-Atlantic Fishery Management Council (MAFMC); Fisheries of the Northeastern United States; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Atlantic Mackerel, Squid, and Butterfish (MSB) Advisory Panel (AP) will meet to review recent fishery performance and develop Fishery Performance Reports and/or other recommendations for the Atlantic Mackerel, Squid, and Butterfish fisheries in preparation for the Council's setting of MSB specifications at the June 2015 Council meeting.

DATES: The meeting will be Monday, April 27, 2015 at 12:30 p.m.

ADDRESSES: The meeting will be held via webinar, but anyone can also attend at the Council office address (see below). The webinar link is: *http://mafmc.adobeconnect.com/2015msbap/*. Please call the Council at least 24 hours in advance if you wish to attend at the Council office.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's Web site, *www.mafmc.org* will also have details on webinar access and any background materials.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to create Fishery Performance Reports by the Council's Atlantic Mackerel, Squid, and Butterfish (MSB) Advisory Panel (AP). The intent of these reports is to facilitate structured input from the Advisory Panel members into the Atlantic Mackerel, Squid, and Butterfish specifications process.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: April 6, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–08181 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD893

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Fixed Gear Electronic Monitoring (EM) workgroup will meet by teleconference.

DATES: The meeting will be held on April 27, 2015, from 8 a.m. to 4 p.m. Alaska time.

ADDRESSES: The meeting will be held at the North Pacific Fishery Management Council, 605 W 4th Avenue, Suite 205, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The agenda is to discuss 2015 fieldwork and data review, and discuss progress on 2016 pre-implementation including developing a strawman deployment plan and establishing funding sources.

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/*.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: April 6, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–08180 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD889

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Ecosystem Workgroup (EWG) will hold a webinar, which is open to the public.

DATES: The webinar will begin at 1:30 p.m. on Wednesday, April 29, 2015, and is expected to last about two hours.

ADDRESSES: To join the webinar visit this link: *http://www.gotomeeting.com/online/webinar/join-webinar*. Enter the Webinar ID: 159–133–291. Enter your name and email address (required). Once you have joined the webinar, choose either your computer's audio or select ''Use Telephone.'' If you do not select ''Use Telephone'' you will be connected to audio using your computer's microphone and speakers (VolP). If you do not have a headset and speakers, you may use your telephone for the audio portion of the meeting by dialing this TOLL number +1 (646) 307–1720 (not a toll-free number); then enter the Attendee phone audio access code 956–534–270, then enter your audio phone pin (shown after joining the webinar). A public listening station will also be provided at the Pacific Council office.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Dr. Kit Dahl, Pacific Council; telephone: (503) 820–2422.

SUPPLEMENTARY INFORMATION: The primary purpose of the webinar is for

the Workgroup to plan development of a new initiative pursuant to the Council's Fishery Ecosystem Plan. The Council adopted this initiative, the *Coordinated Ecosystem Indicator Review Initiative,* at its March 2015 meeting. The Council requested the EWG, in concert with the Scientific and Statistical Committee's Ecosystem-Based Fishery Management Subcommittee and NMFS's Integrated Ecosystem Assessment Team, to evaluate ecosystem indicators presented in the Annual State of the California Current Ecosystem Report, identify potential new indicators, and coordinate review of indicators by the Pacific Council's other advisory bodies. The EWG is expected to report back to the Pacific Council with a workload assessment and timeline later this year. Related matters stemming from the Pacific Council's assignment also may be discussed. Public comment will be taken at the discretion of the EWG Chair.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: April 7, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–08269 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 9, 2015.

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

- *Email: InformationCollection@uspto.gov*. Include ''0651–New: Generic Clearance comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov*.
- *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8123; or by email to *Marcie.Lovett@uspto.gov* with ''Paperwork'' in the subject line.

Additional information about this collection can be found at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Executive Order 12862 (*http://www.archives.gov/federal-register/executive-orders/pdf/12862.pdf*) directs Federal agencies to provide services to the public that matches or exceeds the best services available in the private sector. In order to work continuously to ensure that its programs are effective and meet its customers' needs, the United States Patent and Trademark Office (hereafter ''USPTO'' or ''the Agency'') seeks to obtain OMB approval of a generic clearance to collect qualitative feedback on its service delivery. Qualitative feedback refers to information that provides useful insights on perceptions and opinions, but is not in the form of statistical surveys which yield quantitative results that can be generalized to the population of study.

Collecting feedback will allow for the Agency to have a pulse on customer satisfaction and adjust where necessary to meet and exceed expectations. This feedback collection will provide for ongoing, collaborative, and actionable communication between the Agency and its customers and stakeholders. It also will enable the Agency to garner customer and stakeholder feedback in an efficient and timely manner, in accordance with the USPTO's commitment to improving services. The information collected from Agency customers and stakeholders will help ensure users have an opportunity to convey their experience with USPTO programs. This collection will also provide insights into customer or stakeholder perceptions, experiences, and expectations, which will allow the Agency to focus attention on areas where communication, training, or changes in operations may be necessary.

Improving Agency programs requires ongoing assessment. The Agency will collect, analyze, and interpret information gathered to identify strengths and weaknesses of current services. Based on feedback received, the Agency will identify operational changes needed to improve programs and services. The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. The Agency is committed to hearing feedback from its customers. Responses will be assessed to identify service areas in need of improvement. If this information is not collected, then the Agency will miss opportunities to obtain vital feedback from its customers and stakeholders on ways to improve their program and services.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is 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 collection is noncontroversial and does 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 only be used internally for general program and service improvement as well as program

administrative purposes, and is not intended for release outside 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 are not designed or expected to yield statistically reliable results nor used as though the results are generalizable to the population of study.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature.

II. Method of Collection

The USPTO uses surveys, focus groups, interviews, questionnaires, and usability testing to collect feedback from its customers. These may be conducted via telephone, through electronic means, or in person. The USPTO expects customers will respond to the questionnaires and surveys primarily through electronic means, and to the focus groups, interviews, and usability testing primarily in person.

III. Data

OMB Number: 0651—New.

IC Instruments and Forms: The individual instruments in this collection, as well as their associated forms, are listed in the table below.

Type of Review: New.

Affected Public: Individuals and households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 27,900 responses per year.

Estimated Time per Response: Between 5 minutes (0.08 hours) and 120 minutes (2 hours), depending on the instruments used and the item being completed.

Estimated Total Annual Respondent Burden Hours: 5,059 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $917,348.47. The USPTO expects that attorneys, paralegals and *pro se* applicants will complete these applications. The professional hourly rate for attorneys is $389, and the hourly rates for paralegals and *pro se* applicants are $125 and $30, respectively. The average of the combined respondent rate is $181.33. Using this blended hourly rate, the USPTO estimates that the total respondent cost burden for this collection is $917,348.47 per year.

IC Number	Information collection item	Estimated time for response (minutes) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) x (b) = (c)	Rate (S/hr)
1	Customer Surveys	5	20,000	1,667	$181.33
2	Questionnaires/Customer Comment Cards/Complaint Forms.	5	300	25	181.33
3	Focus Groups/Interviews	15	6,000	1,500	181.33
4	Small Discussion Groups	120	600	1,200	181.33
5	Usability Tests (In-person observation (i.e., Website/Software).	40	1,000	667	181.33
Total (Three –Year Period)			27,900 (83,700)	5,059 (15,177)	

Estimated Total Annual (Non-hour) Respondent Cost Burden: There are no capital start-up, maintenance, postage, or recordkeeping costs associated with this information collection.

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, *e.g.,* the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 1, 2015.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2015–08262 Filed 4–9–15; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0031]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to alter a system of records, DMDC 12 DoD, entitled ''Joint Personnel Adjudication System (JPAS)'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system is a DoD enterprise automated system for personnel security, providing a common, comprehensive medium to record, document, and identify personnel security actions within the Department including submitting adverse information, verification of clearance status (to include grants of interim clearances), requesting investigations, and supporting Continuous Evaluation activities.

DATES: Comments will be accepted on or before May 11, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

* Mail: Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and

Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in the **FOR FURTHER INFORMATION CONTACT** section or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

The proposed system report, as required by U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 1, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 6, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DMDC 12 DoD

Joint Personnel Adjudication System (JPAS), (May 3, 2011, 76 FR 24863).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''All Armed Forces personnel; DoD and U.S. Coast Guard civilian, contractor employees, and applicants; other federal personnel with authorized access to JPAS or for reciprocity purposes; ''affiliated'' personnel (*e.g.,* Non-Appropriated Fund employees, Red Cross volunteers and staff, USO personnel, and congressional staff members); industry personnel requiring JPAS access for personnel security purposes; and foreign nationals requiring fitness determination, Homeland Security Presidential Directive 12 (HSPD–12) access, access to National Security Information (NSI), Sensitive Compartmented Information and/or assignment to a sensitive position.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name (current, former and alternate names); Social Security Number (SSN); DoD Identification Number (DoD ID Number); date of birth; place of birth; country of citizenship; type of DoD affiliation; employing activity; current employment status; position sensitivity; personnel security investigative basis; status of current adjudicative action; security clearance eligibility status and access status; whether eligibility determination was based on a condition, deviation from prescribed investigative standards, or waiver of adjudication guidelines; reports of security-related incidents, to include issue files and information identified through continuous evaluation which may require additional adjudication; foreign travel and contacts; self-reported information; eligibility recommendations or decisions made by an appellate authority; non-disclosure execution dates; indoctrination date(s); level(s) of access granted; debriefing date(s) and reasons for debriefing. Entries documenting the outcomes of investigations and adjudications conducted by Federal investigative organizations (*e.g.,* U.S. Office of Personnel Management (OPM), Federal Bureau of Investigation (FBI), National Aeronautics and Space Administration (NASA), etc.) or by DoD agencies for continuous evaluation and locator references to such investigations. Entries documenting fitness determinations, HSPD–12 access, and continuous evaluation adverse information flags of the subject.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 9101, Access to Criminal History Information for National Security and Other Purposes; 10 U.S.C. 137, Under Secretary of Defense for Intelligence; DoD Directive 1145.02E, United States Military Entrance Processing Command (USMEPCOM); DoD 5200.2R, DoD Personnel Security Program (PSP); DoD 5105.21, Sensitive Compartment Information Administrative Security Manual; DoD Instruction (DoDI) 1304.26, Qualification Standards for Enlistment, Appointment and Induction; DoDI 5200.02, DoD Personnel Security Program (PSP); DoDD 5220.6, Defense Industrial Personnel Security Clearance Review Program; DoDI 5220.22, National Industrial Security Program (NISP); Homeland Security Presidential Directive (HSPD) 12, Policy for Common Identification Standard for Federal Employees and Contractors; and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''JPAS is a DoD enterprise automated system for personnel security, providing a common, comprehensive medium to record, document, and identify personnel security actions within the Department including submitting adverse information, verification of clearance status (to include grants of interim clearances), requesting investigations, and supporting Continuous Evaluation activities.

JPAS consists of two applications, the Joint Adjudication Management System (JAMS) and the Joint Clearance and Access Verification System (JCAVS). JAMS, primarily used by the DoD Adjudicative Community, has the primary purpose of recording eligibility determinations. JCAVS, primarily used by DoD Security Managers and Industry Facility Security Officers, has the primary purpose of verifying eligibility, record access determinations, submitting incidents for subsequent adjudication, and visit requests from the field (worldwide).

These records may also be used as a management tool for statistical analyses, tracking, reporting, evaluating program effectiveness and conducting research.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as follows:

To the White House to obtain approval of the President of the United States regarding certain military personnel office actions as provided for in DoD Instruction 1320.4, Military Officer Actions Requiring Approval of the Secretary of Defense or the President, or Confirmation by the Senate.

To the U.S. Citizenship and Immigration Services for use in alien admission and naturalization inquiries.

To a Federal agency and its employees who are eligible to have a

security clearance and/or have access to classified national security information in order to ensure that the agency is informed about information that relates to and/or impacts its employees' eligibility to have a security clearance and/or access to classified national security information.

To a Federal agency with contractor personnel who are eligible to have a security clearance and/or have access to classified national security information in order to ensure that the agency is informed about information that relates to and/or may impact the contractor's eligibility to have a security clearance and/or access to classified national security information.

To a contractor with employees who are eligible to have a security clearance and/or have access to classified national security information in order to ensure that the employer is informed about information that relates to and/or may impact its employees eligibility to have a security clearance and/or access to classified national security information.

LAW ENFORCEMENT ROUTINE USE:

If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE:

A record from a system of records maintained by a DoD Component may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a DoD Component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE:

A record from a system of records maintained by a DoD Component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES DISCLOSURE ROUTINE USE:

Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE:

A record from a system of records subject to the Privacy Act and maintained by a DoD Component may be disclosed to the Office of Personnel Management (OPM) concerning information on pay and leave, benefits, retirement deduction, and any other information necessary for the OPM to carry out its legally authorized government-wide personnel management functions and studies.

COUNTERINTELLIGENCE PURPOSE ROUTINE USE:

A record from a system of records maintained by a DoD Component may be disclosed as a routine use outside the DoD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary, DoD/Joint Staff compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx''*

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Information is generally retrieved by SSN. However, access to certain functions may require a combination of SSN, DoD ID number, name, date of birth, and/or state and/or country of birth.''

SAFEGUARDS:

Delete entry and replace with ''Access to personal information is restricted to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of Personal Identity Verification (PIV) cards. Physical entry is restricted by the use of locks, guards, and administrative procedures. All individuals granted access to this system of records are to have taken annual Information Assurance and Privacy Act training; and all have been through the vetting process.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records are destroyed no later than 15 continuous years after termination of affiliation with the DoD.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director, Defense Manpower Data Center, 4800 Mark Center, Alexandria, VA 22350–4000.

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.''

* * * * *

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking information about themselves contained in this system should address written inquiries to the Defense Manpower Data Center (DMDC) Boyers, ATTN: Privacy Act Office, P.O. Box 168, Boyers, PA 16020–0168.

Individuals should provide their full name (and any alias and/or alternate names used), SSN, and date and place of birth.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for their representative to act on their behalf.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Information contained in this system is

obtained from the individual; DoD personnel systems; Consolidated Adjudication Tracking System (CATS); Continuous Evaluation Records; DoD and federal adjudicative facilities/organizations; DoD and Non-DoD agencies; and security managers, security officers, or other officials requesting and/or sponsoring the security eligibility or suitability determination or visitation of facility. Additional information may be obtained from other sources such as personnel security investigations, security representatives, subject's personal financial records, military service records, medical records, and unsolicited sources.''

* * * * *

[FR Doc. 2015–08220 Filed 4–9–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0032]

Notice of Availability (NOA) of an Environmental Assessment (EA) Addressing the Upgrade and Storage of Beryllium Metal at the DLA Strategic Materials Hammond, IN

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice of Availability (NOA) of an Environmental Assessment (EA) Addressing the Upgrade and Storage of Beryllium Metal at the DLA Strategic Materials Hammond, IN.

SUMMARY: The Defense Logistics Agency (DLA) announces the availability of an environmental assessment (EA) for the potential environmental impacts associated with the Proposed Action to upgrade and store beryllium at the DLA Strategic Materials Hammond, IN depot. The EA has been prepared as required under the National Environmental Policy Act (NEPA), (1969). In addition, the EA complies with DLA Regulation 1000.22. DLA has determined that the Proposed Action would not have a significant impact on the human environment within the context of NEPA. Therefore, the preparation of an environmental impact statement is not required.

DATES: Public comments will be accepted on or before May 11, 2015. Comments received by the end of the 30-day period will be considered when preparing the final version of the document. The EA is available electronically at *http://www.dla.mil/InstallationSupport/Documents/EA-UpgradeAndStorageOfBeryllium-20141119.pdf.*

ADDRESSES: You may submit comments to one of the following:

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

• *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

FOR FURTHER INFORMATION CONTACT: Ira Silverberg at 703–767–0705 during normal business hours Monday through Friday, from 8:00 a.m. to 4:30 p.m. (EST) or by email: *ira.silverberg@dla.mil*.

Dated: April 7, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–08280 Filed 4–9–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0029]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to alter a system of records, DPR 30 DoD, entitled ''Department of Defense Readiness Reporting System (DRRS) Records'' in its inventory of record systems subject to the Privacy Act of 1974, as amended.

The Defense Readiness Reporting System (DRRS) provides the means to manage and report the readiness of the Department of Defense and its subordinate Components to execute the National Military Strategy as assigned by the Secretary of Defense in the Defense Planning Guidance, Contingency Planning Guidance, Theater Security Cooperation Guidance, and the Unified Command Plan. DRRS builds upon the processes and readiness assessment tools used in the Department of Defense to establish a capabilities-based, adaptive, near real-time readiness reporting system.

All DoD components will use the DRRS information to identify critical readiness deficiencies, develop strategies for rectifying these deficiencies, and ensure they are addressed in appropriate program/budget planning or other DoD management systems. DRRS will permit commanders to obtain pertinent readiness data on personnel assigned/attached to their units.''

DATES: Comments will be accepted on or before May 11, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

* Mail: Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in the **FOR FURTHER INFORMATION CONTACT** section or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

The proposed system report, as required by U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 1, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 6, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DPR 30 DoD

SYSTEM NAME:

Department of Defense Readiness Reporting System (DRRS) Records (March 18, 2010, 75 FR 13091).

* * * * *

Changes:

SYSTEM LOCATION:

Delete entry and replace with ''Defense Readiness Reporting System Implementation Office, Office of the Secretary of Defense, Office of the Under Secretary of Defense for Personnel and Readiness, 4800 Mark Center Drive, Alexandria, VA 22350–1400.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''All active duty, National Guard, and Reserve military service members of the Air Force, Navy, Army, and Marine Corps, including DoD Civilian Expeditionary Workforce personnel.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name, date of birth, gender, Social Security Number (SSN), rank/grade, duty status, skill specialty, deployability, related reason codes for readiness posture, unit of assignment, security clearance, occupational skill codes, and linguistic capabilities.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 117, Readiness Reporting System: Establishment; Reporting to Congressional Committees; 10 U.S.C. 113, Secretary of Defense; DoD Directive 5149.02, Senior Readiness Oversight Council (SROC); DoD Directive 7730.65, Department of Defense Readiness Reporting System (DRRS); and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''The Defense Readiness Reporting System (DRRS) provides the means to manage and report the readiness of the Department of Defense and its subordinate Components to execute the National Military Strategy as assigned by the Secretary of Defense in the Defense Planning Guidance, Contingency Planning Guidance, Theater Security Cooperation Guidance, and the Unified Command Plan. DRRS builds upon the processes and readiness assessment tools used in the Department of Defense to establish a capabilities-based, adaptive, near real-time readiness reporting system.

All DoD components will use the DRRS information to identify critical readiness deficiencies, develop strategies for rectifying these deficiencies, and ensure they are addressed in appropriate program/budget planning or other DoD management systems. DRRS will permit commanders to obtain pertinent readiness data on personnel assigned/attached to their units.''

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

LAW ENFORCEMENT ROUTINE USE:

If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

CONGRESSIONAL INQUIRIES DISCLOSURE ROUTINE USE:

Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE:

A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE:

A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DATA BREACH REMEDIATION PURPOSES ROUTINE USE:

A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component 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 Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.''

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary, DoD/Joint Staff compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Individual's name, unit of assignment, occupational skill codes, and linguistic capabilities.''

SAFEGUARDS:

Delete entry and replace with ''Access is limited to authorized and appropriately cleared personnel as determined by the system manager. Access is limited to person(s) responsible for servicing the record in performance of their official duties, which are properly screened and cleared for need-to-know. System users cannot view Social Security Numbers (SSN). Records are maintained in a controlled facility. Physical entry is restricted by use of identification

badges, cipher locks, combination locks, security guards, and is accessible only to authorized or cleared personnel. All data is protected in accordance with appropriate procedures and processes and is further protected with additional encryption. Technical controls include passwords, intrusion detection system (IDS), encryption, firewall, virtual private network (VPN), and DoD Public Key Infrastructure Certificates. Administrative controls include periodic security audits, regular monitoring of users' security practices, methods to ensure only authorized personnel access to PII, encryption of backups containing sensitive data, backups are secured off-site.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director, Defense Readiness Reporting System Implementation Office, Office of the Secretary of Defense, Office of the Under Secretary of Defense for Personnel and Readiness, 4800 Mark Center Drive, Alexandria, VA 22350–1400.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local commander. For a complete list of mailing addresses, contact the system manager.

Signed, written requests should include individual's full name and unit.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should include the individual's full name and unit, and the name and number of this system of records notice.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Information is obtained from the Enlisted Personnel Management Information System (EPMIS), Officer Personnel Management Information System (OPMIS), Marine Corps Total Force System (MCTFS), Medical Readiness Reporting System (MRRS), Military Personnel Data System, Medical Readiness Reporting System—Marine, Medical Readiness Reporting System—Navy, Defense Manpower Data System, Defense Readiness Reporting System Army, Defense Readiness Reporting System Marine Corps, Defense Readiness Reporting System Navy, Global Combat Support System Air Force, Manpower Programming and Execution System, Aeromedical Services Information Management System, Aerospace Expeditionary Force Reporting Tool, Electronic Joint Manpower and Personnel System, Medical Protection System, Military Personnel and Accounting System, Navy Readiness Reporting Enterprise, Defense Civilian Personnel Data System, Global Force Management Navy Org Server, Integrated Total Army Personnel Database, Global Status of Resources and Training System, Joint Training Information Management System, Aviation Resource Management System, Operational Data Store Enterprise/Marine Corps total Force System.''

* * * * *

[FR Doc. 2015–08170 Filed 4–9–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Threat Reduction Advisory Committee; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense.

ACTION: Federal Advisory Committee Meeting Notice.

SUMMARY: The Department of Defense announces the following Federal advisory committee meeting of the Threat Reduction Advisory Committee (TRAC). This meeting will be closed to the public.

DATES: Tuesday, April 21, from 9:00 a.m. to 4:30 p.m. and Wednesday, April 22, 2015, from 8:30 a.m. to 2:15 p.m.

ADDRESSES: CENTRA Technology Inc., Ballston, Virginia on April 21 and CENTRA Technology Inc., Ballston, Virginia and the Pentagon, Arlington, Virginia on April 22.

FOR FURTHER INFORMATION CONTACT: Mr. William Hostyn, DoD, Defense Threat Reduction Agency J2/5/8R–AC, 8725 John J. Kingman Road, MS 6201, Fort Belvoir, VA 22060–6201. Email: *william.p.hostyn.civ@mail.mil.* Phone: (703) 767–4453. Fax: (703) 767–4206.

SUPPLEMENTARY INFORMATION: Due to difficulties beyond the control of the Designated Federal Officer, the Department of Defense was unable to finalize the meeting announcement for the scheduled meeting of the Threat Reduction Advisory Committee on April 21–22, 2015, to ensure compliance with 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose of Meeting: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The TRAC will obtain, review and evaluate classified information related to the TRAC's mission to advise on technology security, combating weapons of mass destruction (CWMD), counterterrorism, and counterproliferation.

Agenda: On Tuesday, April 21, the meeting will open with classified opening remarks from the TRAC Chairperson. The TRAC will then receive a classified intelligence briefing from the Defense Intelligence Agency and the Central Intelligence Agency focused on Russian actions and current events as related to weapons of mass destruction. Following the intelligence update, the TRAC will have a working lunch and the group will discuss classified WMD issues as related to North Korea. The TRAC will then discuss two current TRAC taskings, at the classified level. These taskings include recommended changes to the current DoD role in the Global Health Security Agenda (GHSA) using the DoD response to the Ebola crisis in West Africa and Nuclear Strategic Stability (NSS) in light of current world events. Following the current taskings, the TRAC will discuss, at the classified level, emerging issues facing the Defense Threat Reduction Agency and U.S. Strategic Command Center for Combating Weapons of Mass Destruction at the request of the Under Secretary of Defense for Acquisition, Technology and Logistics. To conclude the day, the TRAC will deliberate on information received about the GHSA and NSS efforts.

The TRAC will continue to meet on April 22, 2015. The TRAC Chairperson will summarize the previous day's information and discuss the way forward. Subsequently, the group will receive a classified brief from Ambassador Linton Brooks on Russian actions and implications of these actions on U.S./Russian future activities. Following Ambassador Brooks' presentation, the TRAC will

hear from experts on the situation in Ukraine, at the classified level. The TRAC will continue discussion over a working lunch where they will review the topics they intend to brief senior leaders at the Pentagon later that afternoon.

The TRAC will then transition to the Pentagon where the members will provide the DoD senior leaders with an out brief from the meeting.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.155, the Department of Defense has determined that the meeting of the TRAC on April 21–22, 2015, shall be closed to the public. The Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the DoD FACA Attorney, has determined in writing that the public interest requires all sessions of this meeting be closed to the public because the discussions and sharing of information will be concerned with classified information and matters covered by 5 U.S.C. 552b(c)(1). Such classified matters are inextricably intertwined with the unclassified material and cannot reasonably be segregated into separate discussions without disclosing secret material.

Advisory Committee's Designated Federal Officer or Point of Contact:

Mr. William Hostyn, DoD, Defense Threat Reduction Agency J2/5/8R–ACP, 8725 John J. Kingman Road, MS 6201, Fort Belvoir, VA 22060–6201. Email: *william.p.hostyn.civ@mail.mil.* Phone: (703) 767–4453. Fax: (703) 767–4206.

Written Statements: Pursuant to section 10(a)(3) of FACA and 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the membership of the TRAC at any time regarding its mission or in response to the stated agenda of a planned meeting. Written statements should be submitted to the TRAC's Designated Federal Officer. The Designated Federal Officer's contact information is listed in the section immediately above or it can be obtained from the General Services Administration's FACA Database: *http://www.facadatabase.gov/committee/committee.aspx?cid=1663&aid=41.*

Written statements that do not pertain to a scheduled meeting of the TRAC may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all TRAC members.

Dated: April 6, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–08212 Filed 4–9–15; 08:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0030]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to alter a system of records, DWHS E04, entitled ''Privacy Act Case Files'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. Information is being collected and maintained for the purpose of processing Privacy Act requests and administrative appeals; for participating in litigation regarding agency action on such requests and appeals; and for assisting the Department of Defense in carrying out any other responsibilities under the Privacy Act of 1974, as amended.

DATES: Comments will be accepted on or before May 11, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

* Mail: Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in the **FOR FURTHER INFORMATION CONTACT** section or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

The proposed system report, as required by U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 1, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 6, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DWHS E04

SYSTEM NAME:

Privacy Act Case Files (October 29, 2012, 77 FR 65539)

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 4800 Mark Center Drive, Alexandria, VA 22350–3100.

Office of the Secretary of Defense/Joint Staff (OSD/JS) Privacy Office, Executive Services Directorate, Washington Headquarters Services, 4800 Mark Center Drive, Alexandria, VA 22350–3100.

Department of Defense Education Activity (DODEA), Privacy Act Office, Executive Services Office, Office of the Chief of Staff, 4800 Mark Center Drive, Alexandria, VA 22350–1400.

Defense Manpower Data Center (DMDC) Boyers, 1137 Branchton Road, Boyers, PA 16016–0001.

DoD Consolidated Adjudication Facility (DoD CAF), 600 10th Street, Ft. Meade, MD 20755–5615.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Individuals (and attorneys representing individuals) who have requested documents and/or submitted appeals for denial of access or amendment under the provisions of the Privacy Act (PA) from the OSD/JS, the DODEA, the DMDC (personnel security records), and the DoD CAF.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Records created or compiled in response to Privacy Act requests and administrative appeals, individual's name, request number, original and copies of requests and administrative appeals; responses to such requests and administrative appeals; all related memoranda, correspondence, notes, and other related or supporting documentation.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 552a, The Privacy Act of 1974, as amended; 10 U.S.C. 113, Secretary of Defense; 32 CFR part 310, DoD Privacy Program; 32 CFR part 311, OSD Privacy Program; DoD 5400.11–R, Department of Defense Privacy Program; and Administrative Instruction 81, OSD/Joint Staff Privacy Program.''

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to the Department of Justice for Litigation Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee, or member of the Department in pending or potential litigation to which the record is pertinent.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component 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 Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.''*

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties. Access to electronic records requires use of Common Access Card (CAC) login and role-based access by individuals who have a demonstrated need-to-know.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Responses granting access to all the requested records, responses to requests for nonexistent records, to requesters who provide inadequate descriptions, or to those who fail to pay agency reproduction fees: Records are destroyed 2 years after the date of reply.

Responses denying access to all or part of the records requested which are not appealed are destroyed 5 years after date of reply.

Appellate files are destroyed/deleted 4 years after final determination by OSD appellate authority.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''OSD/JS initial requests case files: Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 4800 Mark Center Drive, Alexandria, VA 22350–3100.

OSD/JS access and amendment appellate files: Chief, OSD/JS Privacy Office, Executive Services Directorate, Washington Headquarters Services, 4800 Mark Center Drive, Alexandria, VA 22350–3100.

DoDEA case files: Chief, Department of Defense Education Activity, Privacy Office, Executive Services Office, Office of the Chief of Staff, 4800 Mark Center Drive, Alexandria, VA 22350–1400.

DMDC personnel security case files: Defense Manpower Data Center (DMDC) Boyers, ATTN: Privacy Act Office, P.O. Box 168, Boyers, PA 16020–0168.

DoD CAF case files: Privacy Officer, DoD Consolidated Adjudication Facility, 600 10th Street, Ft. Meade, MD 20755–5615.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to:

OSD/JS initial request and appellate case files: Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 4800 Mark Center Drive, Alexandria, VA 22350–3100.

OSD/JS access and amendment appellate files: Chief, OSD/JS Privacy

Office, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

DoDEA case files: Chief, Department of Defense Education Activity, Privacy Act Office, Executive Services Office, Office of the Chief of Staff, 4800 Mark Center Drive, Alexandria, VA 22350–1400.

DMDC personnel security case files: Defense Manpower Data Center (DMDC) Boyers, ATTN: Privacy Act Office, P.O. Box 168, Boyers, PA 16020–0168.

DoD CAF case files: Privacy Access Requests, DoD Consolidated Adjudications Facility, 600 10th Street, Ft. Meade, MD 20755–5615.

Signed, written requests must include the individual's name and address, and this system of records notice name and number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking to access their record should address written inquiries to:

OSD/JS initial request and appellate case files: Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 4800 Mark Center Drive, Alexandria, VA 22350–3100.

DoDEA case files: Chief, Department of Defense Education Activity, Privacy Act Office, Executive Services Office, Office of the Chief of Staff, 4800 Mark Center Drive, Alexandria, VA 22350–1400.

DMDC personnel security case files: Defense Manpower Data Center (DMDC) Boyers, ATTN: Privacy Act Office, P.O. Box 168, Boyers, PA 16020–0168, Boyers, PA 16020–0168.

DoD CAF case files: Privacy Officer, DoD Consolidated Adjudication Facility, 600 10th Street, Ft. Meade, MD 20755–5615.

Signed, written requests must include the individual's name and/or request number, and this system of records notice name and number.

Additional information for DoDEA records: If a parent or legal guardian is requesting records pertaining to his or her minor child or ward, he/she must also provide evidence of that relationship. The parent may provide one of the following: A copy of the child's school enrollment form signed by the parent, a copy of a divorce decree or travel order that includes the child's name, an order of guardianship, or a declaration stating that he/she is the parent or legal guardian of the minor or incapacitated child.

Additional information for DMDC personnel security and DoD CAF records: When requesting these records, the requester must also provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed without the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for their representative to act on their behalf.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.''

* * * * *

[FR Doc. 2015–08195 Filed 4–9–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0039]

Agency Information Collection Activities; Comment Request; College Assistance Migrant Program (CAMP)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before June 9, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0039 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Lisa Gillette, (202)260–1426.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: College Assistance Migrant Program (CAMP).

OMB Control Number: 1810–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, Tribal Governments.

Total Estimated Number of Annual Responses: 37.

Total Estimated Number of Annual Burden Hours: 1,184.

Abstract: The College Assistance Migrant Program (CAMP) office staff collects information for the CAMP Annual Performance Report (APR) the

data being collected is in compliance with Higher Education Act of 1965, as amended, Title IV, Sec. 418A; 20 U.S.C. 1070d–2 (special programs for students whose families are engaged in migrant and seasonal farm work) (shown in appendix A), the Government Performance Results Act (GPRA) of 1993, Section 4 (1115), and the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.253. EDGAR states that recipients of multi-year discretionary grants must submit an APR demonstrating that substantial progress has been made towards meeting the approved objectives of the project. In addition, EDGAR requires discretionary grantees to report on their progress toward meeting the performance measures established for the ED grant program. The CAMP office staff requests a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform GPRA, to improve the overall quality of data collected, and to increase the quality of data that can be used to inform policy decisions.

Dated: April 6, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–08237 Filed 4–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0146]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; State Plan To Ensure Equitable Access to Excellent Educators; Frequently Asked Questions

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before May 11, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0146 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Danielle Smith, (202) 453–5546.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: State Plan to Ensure Equitable Access to Excellent Educators; Frequently Asked Questions.

OMB Control Number: 1810–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local or Tribal Government.

Total Estimated Number of Annual Responses: 52.

Total Estimated Number of Annual Burden Hours: 116.

Abstract: In order to move America toward the goal of ensuring that every student in every public school has equitable access to excellent educators, the U.S. Department of Education (Department) asks each State educational agency (SEAA) to submit a plan describing the steps it will take to ensure that ''poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers,'' as required by section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965 (ESEA).

Dated: April 6, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–08238 Filed 4–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0010]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; College Assistance Migrant Program (CAMP)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 11, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0010 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov*

site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Lisa Gillette, (202) 260–1426.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: College Assistance Migrant Program (CAMP).

OMB Control Number: 1810–0689.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, Tribal Governments.

Total Estimated Number of Annual Responses: 37.

Total Estimated Number of Annual Burden Hours: 1,184.

Abstract: The College Assistance Migrant Program (CAMP) office staff collects information for the CAMP Annual Performance Report (APR) the data being collected is in compliance with Higher Education Act of 1965, as amended, Title IV, Sec. 418A; 20 U.S.C. 1070d–2 (special programs for students whose families are engaged in migrant and seasonal farm work) (shown in appendix A), the Government Performance Results Act (GPRA) of 1993, Section 4 (1115), and the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.253. EDGAR states that recipients of multi-year discretionary grants must submit an APR demonstrating that substantial progress has been made towards meeting the approved objectives of the project. In addition, EDGAR requires discretionary grantees to report on their progress toward meeting the performance measures established for the ED grant program. The CAMP office staff requests a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform GPRA, to improve the overall quality of data collected, and to increase the quality of data that can be used to inform policy decisions.

Dated: April 6, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–08236 Filed 4–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0040]

Agency Information Collection Activities; Comment Request; School Leadership Grant Program Annual Performance Report

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq*.), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 9, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0040 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tyra Stewart, (202) 260–1847.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: School Leadership Grant Program Annual Performance Report.

OMB Control Number: 1855–0019.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 21.

Total Estimated Number of Annual Burden Hours: 840.

Abstract: Information in the SLP Annual Performance Report (APR) is

being collected in compliance with the Elementary and Secondary Education Act of 1965, as amended, Title II, Part A, Subpart 5; 20 U.S.C. 2151(b) (shown in appendix A), the Government Performance Results Act (GPRA) of 1993, Section 4 (1115) (shown in appendix B), and the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.253. EDGAR states that recipients of multi-year discretionary grants must submit an APR demonstrating that substantial progress has been made toward meeting the approved objectives of the project. In addition, discretionary grantees are required to report on their progress toward meeting the performance measures established for the U.S. Department of Education (ED) grant program.

Dated: April 6, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–08239 Filed 4–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0041]

Agency Information Collection Activities; Comment Request; An Impact Evaluation of Support for Principals

AGENCY: Institute of Educations Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before June 9, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0041 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Elizabeth Warner, (202) 208–7169.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: An Impact Evaluation of Support for Principals.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 1,880.

Total Estimated Number of Annual Burden Hours: 745.

Abstract: This submission requests approval of data collection activities that will be used to support An Impact Evaluation of Support for Principals. The evaluation will estimate the impact of offering professional development to principals that emphasizes instructional leadership strategies in addition to supporting some aspects of improving organizational and human and capital management.

Dated: April 7, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–08274 Filed 4–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Alaska Native-Serving and Native Hawaiian-Serving Institutions Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information: Alaska Native-Serving and Native Hawaiian-Serving Institutions (ANNH) Program, Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.031N and 84.031W.

DATES:

Applications Available: April 10, 2015.

Deadline for Transmittal of Applications: June 9, 2015.

Deadline for Intergovernmental Review: August 10, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The ANNH Program is authorized under section 317 of the Higher Education Act of 1965, as amended (HEA), to provide grants to eligible institutions of higher education (IHEs) to enable them to improve and expand their capacity to serve Alaska Natives and Native Hawaiians. Institutions may use these grants to plan, develop, or implement activities that strengthen the institution.

Background: We encourage applicants to read carefully the *Selection Criteria* section of this notice. Consistent with the Department's increasing emphasis in recent years on promoting evidence-based practices through our grant competitions, the Secretary will evaluate applications on the extent to which the proposed project is supported by a logic model that meets the evidence standard of ''strong theory'' (as defined in this notice). Resources to assist applicants in creating a logic model can be found here: *http://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014007.pdf.*

Priorities: This notice contains one absolute priority, two competitive preference priorities, and one invitational priority. The absolute priority is from the Department's notice of final supplemental priorities and definitions for discretionary grant programs (Supplemental Priorities), published in the **Federal Register** on December 10, 2014 (79 FR 73425). Competitive Preference Priority 1 is from section 320(c)(2)(H) of the HEA. Competitive Preference Priority 2 is from the Supplemental Priorities.

Absolute Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Projects that are designed to increase the number and proportion of high-need students (as defined in this notice) who are academically prepared for, enroll in, or complete on time college, other postsecondary education, or other career and technical education.

Competitive Preference Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an application up to three additional points for each priority, for a total of up to six additional points, depending on how well the application meets each of these priorities.

These priorities are:

Competitive Preference Priority 1 (up to three additional points).

Academic tutoring and counseling programs and student support services.

Competitive Preference Priority 2 (up to three additional points).

Projects that are designed to leverage technology through implementing high-quality, accessible online courses, online learning communities, or online simulations, such as those for which educators could earn professional development credit or continuing education units through digital credentials (as defined in this notice) based on demonstrated mastery of competencies and performance-based outcomes, instead of traditional time-based metrics.

Invitational Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Projects that support activities that strengthen Native language preservation and revitalization.

Definitions: The following definitions are from the Supplemental Priorities and from 34 CFR 77.1 and apply to the priorities and selection criteria in this notice:

Digital credentials means evidence of mastery of specific competencies or performance-based abilities, provided in digital rather than physical medium (such as through digital badges). These digital credentials may then be used to supplement or satisfy continuing education or professional development requirements.

High-minority school means a school as that term is defined by a local educational agency, which must define the term in a manner consistent with its State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965. The applicant must provide the definition(s) of high-minority schools used in its application.

High-need students means students who are at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend high-minority schools, who are far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.*, the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Note: In developing logic models, applicants may want to use resources such as the Pacific Education Laboratory's Education Logic Model Application (*www.relpacific.mcrel.org/PERR.html* or *http://files.eric.ed.gov/fulltext/ED544779.pdf*) to help design their logic models.

Regular high school diploma means the standard high school diploma that is awarded to students in the State and that is fully aligned with the State's academic content standards or a higher diploma and does not include a General Education Development credential, certificate of attendance, or any alternative award.

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Program Authority: 20 U.S.C. 1059d.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) The regulations for this program in 34 CFR 607. (e) The Supplemental Priorities.

II. Award Information

Type of Award: Discretionary grants—Individual Development Grants and Cooperative Arrangement Development Grants.

Estimated Available Funds: $10,535,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

Estimated Range of Awards:

Individual Development Grants: $600,000–$800,000 per year.

Cooperative Arrangement Development Grants: $600,000–$900,000 per year.

Estimated Average Size of Awards:

Individual Development Grants: $686,000 per year.

Cooperative Arrangement Development Grants: $800,000 per year.

Maximum Award: We will reject any application for an Individual Development Grant that proposes a budget exceeding $800,000 for a single budget period of 12 months and we will reject any application for a Cooperative Arrangement Development Grant that proposes a budget exceeding $900,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amounts through a notice published in the **Federal Register**.

Estimated Number of Awards: 16–17.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* (a) An IHE is eligible to receive funds under the ANNH Program if it qualifies as an Alaska Native or Native Hawaiian-Serving Institution. At the time of application: An Alaska Native-Serving Institution must have an enrollment of undergraduate students that is at least 20 percent Alaska Native (34 CFR 607.2(e)); and a Native Hawaiian-Serving Institution must have an enrollment of undergraduate students that is at least 10 percent Native Hawaiian (34 CFR 607.2(f)).

To qualify as an eligible institution under the ANNH Program, an institution must also be—

(i) Accredited or preaccredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered;

(ii) Legally authorized by the State in which it is located to be a junior or community college or to provide an educational program for which it awards a bachelor's degree; and

(ii) Designated as an ''eligible institution'' by demonstrating that it has: (A) An enrollment of needy students as described in 34 CFR 607.3; and (B) has low average educational and general expenditures per full-time equivalent (FTE) undergraduate student, as described in 34 CFR 607.4.

Note: The notice for applying for designation as an eligible institution was published in the **Federal Register** on November 3, 2014 (79 FR 65197) and applications were due on December 22, 2014. Only institutions that submitted applications by the deadline date and that the Department determined are eligible may apply for a grant.

(b) A grantee under the Developing Hispanic-Serving Institutions (HSI) Program, which is authorized under title V, part A of the HEA, may not receive a grant under any HEA, title III, part A program, including the ANNH Program.

(c) A current grantee under the Strengthening Institutions Program (SIP), Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI) Program, Native American-Serving Nontribal Institutions (NASNTI) Program, and the ANNH Program authorized by section 317 of the HEA may not receive a grant authorized under any other title III, part A program.

(d) A current grantee under the AANAPISI, NASNTI, Hispanic Serving Institutions–STEM and Articulation (HSI–STEM), Predominantly Black Institutions (PBI), and the ANNH programs authorized by title III, part F, section 371 of the HEA, may receive a grant authorized under any title III, part A program.

(e) An eligible IHE that submits applications for an Individual Development Grant and a Cooperative Arrangement Development Grant in this competition may be awarded both in the same fiscal year. However, we will not award a second Cooperative Arrangement Development Grant to an otherwise eligible IHE for an award year for which the IHE already has a Cooperative Arrangement Development Grant award under the ANNH Program. A grantee with an Individual Development Grant or a Cooperative Arrangement Development Grant may be a subgrantee in one or more Cooperative Arrangement Development Grants. The lead institution in a Cooperative Arrangement Development Grant must be an eligible institution. Partners or subgrantees are not required to be eligible institutions.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Grant funds must be used to supplement and, to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant and in no case supplant those funds (34 CFR 607.30 (b)).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application via the Internet using the following address: *www.Grants.gov*. If you do not have access to the Internet, please contact Bora Mpinja, for CFDA number 84.031N, or Robyn Wood, for CFDA number 84.031W, U.S. Department of Education, 1990 K Street NW., 6th floor, Washington, DC 20006–8513. You may contact these individuals at the following email addresses or telephone numbers: *Bora.Mpinja@ed.gov*; (202) 502–7629; *Robyn.Wood@ed.gov*; (202) 502–7437.

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.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.*, braille, large print, audiotape, or compact disc) by contacting the applicable program contact person listed in this section.

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 program.

Page Limits: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria, the absolute priority, the competitive preference priorities and the invitational priority that reviewers use to evaluate your application. We have established mandatory page limits for Individual Development Grant and Cooperative Arrangement Development Grant applications.

You must limit the section of the application narrative that addresses:

- The selection criteria to no more than 50 pages for an Individual Development Grant and 70 pages for a Cooperative Arrangement Grant.
- The absolute priority to no more than three pages.
- A competitive preference priority, if you are addressing one or both, to no more than three pages (for a total of six pages if you address both).
- The invitational priority to no more than two pages, if you address it.

Accordingly, under no circumstances may the application narrative exceed 61 pages for the Development Grant and 81 pages for the Cooperative Arrangement Grant.

Please address the priorities in the section of the application narrative titled ''Other'' and include a separate heading for the absolute priority and for each competitive preference priority and invitational priority that you address.

For the purpose of determining compliance with the page limits, each page on which there are words will be counted as one full page. Applicants must use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides. Page numbers and an identifier may be within the 1″ margin.
- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, quotations, references, and captions and all text in charts, tables, figures, and graphs. These items may be single spaced. Charts, tables, figures, and graphs in the application narrative count toward the page limit.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times

Roman and Arial Narrow) will not be accepted.

The page limit applies to all of the application narrative section, including your complete response to the selection criteria (including the budget narrative), the absolute priority, the competitive preference priorities, and the invitational priority. However, the page limit does not apply to Part I, the Application for Federal Assistance (SF 424); the Supplemental Information for SF 424 Form; Part II, the Budget section and the Budget Information—Non-Construction Programs (ED 524); Part IV, the assurances and certifications; or the one-page program abstract, the resumes, the bibliography, or the letters of support.

If you include any attachments or appendices not specifically requested in the application package, these items will be counted as part of the application narrative for the purpose of the page-limit requirement.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: April 10, 2015.

Deadline for Transmittal of Applications: June 9, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 10, 2015.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* (a) *General.* We specify unallowable costs in 34 CFR 607.30. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

(b) *Applicability of Executive Order 13202.* Applicants that apply for construction funds under the title III, part A, HEA programs must comply with Executive Order 13202, as amended on April 6, 2001. This Executive order provides that recipients of Federal construction funds may not ''require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other construction project(s)'' or ''otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related construction project(s).'' However, the Executive order does not prohibit contractors or subcontractors from voluntarily entering into these agreements. Projects funded under these programs that include construction activity will be provided a copy of this Executive order and will be asked to certify that they will adhere to it.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html*.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html*.

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Alaska Native-Serving Institutions Program (CFDA number 84.031N) and the Native Hawaiian-Serving Institutions Program (CFDA number 84.031W) 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 this competition at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.031, not 84.031N).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Bora Mpinja, for CFDA number 84.031N, or Robyn Wood, for CFDA number 84.031W, U.S. Department of Education, 1990 K Street NW., 6th floor, Washington, DC 20006–8513. FAX: (202) 502–7861.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.031N or 84.031W), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.031N or 84.031W), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The following selection criteria for this competition are from 34 CFR 607.22(a) through (g) and 34 CFR 75.210. We will award up to 100 points to an application under the selection criteria; the total possible points for each selection criterion is noted in parentheses.

(a) *Quality of the applicant's comprehensive development plan.* (Maximum 20 points) The extent to which—

(1) The strengths, weaknesses, and significant problems of the institution's academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution;

(2) The goals for the institution's academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis;

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution; and

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources.

(b) *Quality of activity objectives.* (Maximum 15 points) The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results; and

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan.

(c) *Quality of implementation strategy.* (Maximum 20 points) The extent to which—

(1) The implementation strategy for each activity is comprehensive;

(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects; and

(3) The timetable for each activity is realistic and likely to be attained.

(d) *Quality of key personnel.* (Maximum 7 points) The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives; and

(2) The time commitment of key personnel is realistic.

(e) *Quality of project management plan.* (Maximum 10 points) The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation; and

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer.

(f) *Quality of evaluation plan.* (Maximum 15 points) The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan; and

(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives and measuring the success of the project on achieving the goals of the comprehensive development plan.

(g) *Budget.* (Maximum 8 points) The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.

(h) *Quality of the project design.* (Maximum 5 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed project is supported by strong theory (as defined in this notice).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Awards will be made in rank order according to the average score received from a panel of three non-Federal reviewers.

3. *Tie-breaker.* In tie-breaking situations, we award one additional point to an application from an IHE that has an endowment fund of which the current market value, per FTE enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student, at comparable institutions that offer similar instruction. We also award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the average expenditures for library materials per FTE enrolled student at comparable institutions that offer similar instruction. We also award one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

(1) Faculty development;

(2) Funds and administrative management;

(3) Development and improvement of academic programs;

(4) Acquisition of equipment for use in strengthening management and academic programs;

(5) Joint use of facilities; and

(6) Student services.

For the purpose of these funding considerations, we use 2012–2013 data.

If a tie remains after applying the tie-breaker mechanism above, priority will be given in the case of applicants for: (a) Individual Development Grants, to applicants that have the lowest endowment values per FTE student; and (b) Cooperative Arrangement Development Grants, to applicants in accordance with section 394(b) of the HEA, if the Secretary determines that the cooperative arrangement is geographically and economically sound or will benefit the applicant institution.

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118 and 34 CFR 607.31. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the ANNH Program:

a. The percentage change, over the five-year period, of the number of full-time degree-seeking undergraduates enrolled at Alaska Native and Native Hawaiian-Serving Institutions (**Note:** This is a long-term measure, which will be used to periodically gauge performance);

b. The percentage of first-time, full-time degree-seeking undergraduate students at four-year Alaska Native and Native Hawaiian-Serving Institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same Alaska Native and Native Hawaiian-Serving Institution;

c. The percentage of first-time, full-time degree-seeking undergraduate students at two-year Alaska Native and Native Hawaiian-Serving Institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same Alaska Native and Native Hawaiian-Serving Institution;

d. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at four-year Alaska Native and Native Hawaiian-Serving Institutions who graduate within six years of enrollment; and

e. The percentage of first-time, full-time degree seeking undergraduate students enrolled at two-year Alaska Native and Native Hawaiian-Serving Institutions who graduate within three years of enrollment.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Bora Mpinja, for CFDA number 84.031N, Robyn Wood, for CFDA number 84.031W, and Don Crews, U.S. Department of Education, 1990 K Street NW., 6th Floor, Washington, DC 20006–8513. You may contact these individuals at the following email addresses or telephone numbers: *Bora.Mpinja@ed.gov;* (202) 502–7629; *Robyn.Wood@ed.gov;* (202) 502–7437; *Don.Crews@ed.gov;* (202) 502–7574.

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to one of the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically through the advanced search feature at this site, you can limit your search to documents published by the Department.

Delegation of Authority: The Secretary of Education has delegated authority to Jamienne S. Studley, Deputy Under Secretary, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: April 7, 2015.

Jamienne S. Studley,

Deputy Under Secretary.

[FR Doc. 2015–08324 Filed 4–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC15–2–000]

Commission Information Collection Activities (FERC–65, FERC–65A, FERC–65B, FERC–585, and FERC–921); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collections [FERC–65 (Notice of Holding Company Status), FERC–65A (Exemption Notification of Holding Company Status), FERC–65B (Waiver Notification of Holding Company Status), FERC–585 (Reporting of Electric Shortages and Contingency Plans Under PURPA 206), and the FERC–921 (Ongoing Electronic Delivery of Data from Regional Transmission Organization and Independent System Operators)] to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (80 FR 2405, 1/16/2015) requesting public comments. The Commission received no comments on the FERC–65/65A/65B, FERC–585, or FERC–921 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by May 11, 2015.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0218 (FERC–65/65A/65B), 1902–0138 (FERC–585), or 1902–0257 (FERC–921) should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Commission, in Docket No. IC15–2–000, by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp.*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FERC–65 (Notice of Holding Company Status), FERC–65A (Exemption Notification of Holding Company Status), and FERC–65B (Waiver Notification of Holding Company Status)

OMB Control No.: 1902–0218.

Abstract: Pursuant to section 366.4 of the Commission's rules and regulations, persons who meet the definition of a holding company shall provide the Commission notification of holding company status.

The FERC–65 is a one-time informational filing outlined in the Commission's regulations at 18 Code of Federal Regulations (CFR) 366.4. The FERC–65 must be submitted within 30

days of becoming a holding company.[1] While the Commission does not require the information to be reported in a specific format, the filing needs to consist of the name of the holding company, the name of public utilities, the name of natural gas companies in the holding company system, and the names of service companies. In addition, the Commission requires the filing to include the names of special-purpose subsidiaries (which provide non-power goods and services) and the names of all affiliates and subsidiaries (and their corporate interrelationship) to each other. Filings may be submitted in hardcopy or electronically through the Commission's eFiling system.

FERC–65A (Exemption Notification of Holding Company Status)

While noting the previously outlined requirements of the FERC–65, the Commission has allowed for an exemption from the requirement of providing the Commission with a FERC–65 if the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or if any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company. Persons seeking this exemption file the FERC–65A, which must include a form of notice suitable for publication in the **Federal Register**. Those who file a FERC–65A in good faith will have a temporary exemption upon filing, after 60 days if the Commission has taken no action, the exemption will be deemed granted. Commission regulations within 18 CFR 366.3 describe the criteria in more specificity.

FERC–65B (Waiver Notification of Holding Company Status)

If an entity meets the requirements in 18 CFR 366.3(c), they may file a FERC–65B waiver notification pursuant to the procedures outlined in 18 CFR 366.4. Specifically, the Commission waives the requirement of providing it with a FERC–65 for any holding company with respect to one or more of the following: (1) Single-state holding company systems; (2) holding companies that own generating facilities that total 100 MW or less in size and are used fundamentally for their own load or for sales to affiliated end-users; or (3) investors in independent transmission-only companies. Filings may be made in §§§ hardcopy or electronically through the Commission's Web site.

Type of Respondent: Public utility companies, natural gas companies, electric wholesale generators, foreign utility holding companies.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–65 (NOTIFICATION OF HOLDING COMPANY STATUS), FERC–65A (EXEMPTION NOTIFICATION OF HOLDING COMPANY STATUS), AND FERC–65B (WAIVER NOTIFICATION OF HOLDING COMPANY STATUS)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response[2]	Total annual burden hours & total annual cost	Cost per respondent $
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
FERC–65	8	1	8	3 $216	24 $1728	$216
FERC–65A	1	1	1	1 $72	1 $72	$72
FERC–65B	0	1	0	1 $72	0 $0	$0
Total			9		25 $1,800	

FERC–585 (Reporting of Electric Shortages and Contingency Plans Under PURPA 206)

OMB Control No.: 1902–0138.

Abstract: The information collected under the requirements of FERC–585, ''Reporting of Electric Energy Shortages and Contingency Plans under PURPA'', is used by the Commission to implement the statutory provisions of section 206 of the Public Utility Regulatory Policies Act of 1979 (PURPA) Public Law 95–617, 92 Stat. 3117. section 206 of PURPA amended the Federal Power Act (FPA) by adding a new subsection (g) to section 202, under which the Commission by rule, was to require each public utility to (1) report to the Commission and appropriate state regulatory authorities of any anticipated shortages of electric energy or capacity which would affect the utility's capability to serve its wholesale customers; and (2) report to the Commission and any appropriate state regulatory authority contingency plan that would outline what circumstances might give rise to such occurrences.

In Order No. 575,[3] the Commission modified the reporting requirements in 18 CFR 294.101(b) to provide that, if a public utility includes in its rates schedule, provisions that: (a) During electric energy and capacity shortages it will treat firm power wholesale customers without undue discrimination or preference; and (b) it will report any modifications to its contingency plan for accommodating shortages within 15 days to the appropriate state regulatory agency and to the affected wholesale customers, then the utility need not file with the Commission an additional statement of contingency plan for accommodating such shortages. This revision merely changed the reporting mechanism; the public utility's contingency plan would be located in its filed rate rather than in a separate document.

In Order No. 659,[4] the Commission modified the reporting requirements in

[1] Persons that meet the definition of a holding company as provided by § 366.1 as of February 8, 2006 shall notify the Commission of their status as a holding company no later than June 15, 2006. Holding companies formed after February 8, 2006 shall notify the Commission of their status as a holding company, no later than the latter of June 15, 2006 or 30 days after they become holding companies.

[2] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * 70.50 per Hour = Average Cost per Response. The Cost per hour figure is the 2015 FERC average salary plus benefits.

[3] 60 FR 4859 (25 Jan 1995).

[4] 70 FR 35028 (16 Jun 2005).

18 CFR 294.101(e) to provide that the means by which public utilities must comply with the requirements to report shortages and anticipated shortages is to submit this information electronically using the Office of Electric Reliability's pager system at *emergency@ferc.gov* in lieu of submitting an original and two copies with the Secretary of the Commission.

The Commission uses the information to evaluate and formulate an appropriate option for action in the event an unanticipated shortage is reported and/or materializes. Without this information, the Commission and State agencies would be unable to: (1) Examine and approve or modify utility actions, (2) prepare a response to anticipated disruptions in electric energy, and (3) ensure equitable treatment of all public utility customers under the shortage situations. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 294.

Type of Respondent: Public utilities.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–585 (Reporting of Electric Shortages and Contingency Plans Under PURPA 206)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [2]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Contingency Plan	1	1	1	73 $5,256	73 $5,256	$5,256
Capacity Shortage	1	1	1	0.25 $18	0.25 $18	$18
TOTAL					73.25 $5,274	$5,274

FERC–921 (Ongoing Electronic Delivery of Data From Regional Transmission Organization and Independent System Operators)

OMB Control No.: 1902–0257.

Abstract: The collection of data in the FERC–921 is an effort by the Commission to detect potential anti-competitive or manipulative behavior or ineffective market rules by requiring Regional Transmission Organizations (RTO) and Independent System Operators (ISO) [5] to electronically submit, on a continuous basis, data relating to physical and virtual offers and bids, market awards, resource outputs, marginal cost estimates, shift factors, financial transmission rights, internal bilateral contracts, uplift, and interchange pricing. Individual datasets that the Commission is requesting may be produced or retained by the market monitoring units (MMUs). The Commission directed each RTO and ISO either to: (1) Request such data from its MMU, so that the RTO or ISO can deliver such data to the Commission; or (2) request its MMU to deliver such data directly to the Commission. Any burden associated with the delivery of such data is counted as burden on the RTO or ISO.

Type of Respondent: Regional transmission organizations and independent system operators.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–921 (Ongoing Electronic Delivery of Data from Regional Transmission Organizations and Independent System Operators)

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [6]	Total annual recurring operating burden hours & cost	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
6	1	6	98 $9,830	588 $58,980	$9,830

Dated: April 3, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–08233 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

[5] Per Final Rule RM–11–17–000 regionally organized markets would not be required to collect any additional data from market participants; requiring regional organized markets to provide data to the Commission that is already collected.

[6] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response. * $100.30 per Hour = Average Cost per Response.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ15–11–000]

Orlando Utilities Commission; Notice of Filing

Take notice that on March 27, 2015, Orlando Utilities Commission submitted its tariff filing per 35.28(e): Order No. 1000 Interregional Further Regional Compliance Filings, to be effective 1/1/2015.

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 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 April 14, 2015.

Dated: April 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–08228 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12796–004]

City of Wadsworth, Ohio; Notice of Teleconference

The U.S. Fish and Wildlife Service's Ohio Ecological Services Field Office and West Virginia Field Office (FWS) requested a teleconference regarding Commission staff's March 11, 2015, request for formal consultation on the pink mucket pearly mussel (*Lampsilis abrupta*), eastern fanshell mussel (*Cyprogenia stegaria*), snuffbox mussel (*Epioblasma triquetra*), sheepnose mussel (*Plethobasus cyphyus*), and Indiana bat (*Myotis sodalis*) for the proposed R.C. Byrd Hydroelectric Project. The FWS requested a discussion of: (1) The Commission's hydropower licensing process; (2) the recent action listing the northern long-eared bat (*Myotis septentrionalis*) as a threatened species under the Endangered Species Act; (3) FWS' information needs to complete section 7 consultation for listed bats and mussels; and (4) possible solutions to gathering the information needed by FWS.

The teleconference will be held on Monday, April 20, 2015 at 1:00 p.m. (Eastern Daylight Time). All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate by phone. Please call Andy Bernick at (202) 502–8660 by Monday, April 13, 2015, to RSVP and to receive specific instructions on how to participate.

Dated: April 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–08229 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC15–3–000]

Commission Information Collection Activities (FERC–567 and FERC–587); Consolidated Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the requirements and burden [1] of the information collections described below.

DATES: Comments on the collections of information are due June 9, 2015.

ADDRESSES: You may submit comments (identified by Docket No. IC15–3–000) by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426. Please reference the specific collection number and/or title in your comments.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to

[1] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FERC–567, [Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity]

OMB Control No.: 1902–0005

Abstract: The Commission uses the information from the FERC–567 to obtain accurate data on pipeline facilities and the peak capacity of these facilities. Additionally, the Commission validates the need for new facilities proposed by pipelines in certificate applications. By modeling an applicant's pipeline system, Commission staff utilizes the FERC–567 data to determine configuration and location of installed pipeline facilities; verify and determine the receipt and delivery points between shippers, producers and pipeline companies; determine the location of receipt and delivery points and emergency interconnections on a pipeline system; determine the location of pipeline segments, laterals and compressor stations on a pipeline system; verify pipeline segment lengths and pipeline diameters; justify the maximum allowable operating pressures and suction and discharge pressures at compressor stations; verify the installed horsepower and volumes compressed at each compressor station; determine the existing shippers and producers currently using each pipeline company; verify peak capacity on the system; and develop and evaluate alternatives to the proposed facilities as a means to mitigate environmental impact of new pipeline construction.

18 Code of Federal Regulations (CFR) 260.8(a) requires each major natural gas pipeline with a system delivery capacity exceeding 100,000 Mcf[2] per day to submit by June 1 of each year, diagrams reflecting operating conditions on the pipeline's main transmission system during the previous 12 months ended December 31. These physical/engineering data are not included as part of any other data collection requirement.

Type of Respondent: Applicants proposing hydropower projects on (or changes to existing projects located within) lands owned by the United States.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–567: GAS PIPELINE CERTIFICATES: ANNUAL REPORTS OF SYSTEM FLOW DIAGRAMS AND SYSTEM CAPACITY

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours & cost per response[3]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	(5)÷(1)
FERC–567	93	1	93	3	279	$216
Applicants				$216	$20,088	

[3] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $72 per Hour = Average Cost per Response. The hourly cost figure comes from the FERC average salary. Subject matter experts found that industry employment costs closely resemble FERC's regarding the FERC–567 information collection.

FERC–587, [Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States])]

OMB Control No.: 1902–0145

Abstract: The Commission requires the FERC–587 information collection to satisfy the requirements of section 24 of the Federal Power Act (FPA). The Federal Power Act grants the Commission authority to issue licenses for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from or in any of the steams or other bodies of water over which Congress has jurisdiction.[4] The Electric Consumers Protection Act (ECPA) amends the FPA to allow the Commission the responsibility of issuing licenses for nonfederal hydroelectric plants.[5] Section 24 of the FPA requires that applicants proposing hydropower projects on (or changes to existing projects located within) lands owned by the United States to provide a description of the applicable U.S. land. Additionally, the FPA requires the notification of the Commission and Secretary of the Interior of the hydropower proposal. FERC–587 consolidates the information required and identifies hydropower project boundary maps associated with the applicable U.S. land.

The information consolidated by the Form No. 587 verifies the accuracy of the information provided for the FERC–587 to the Bureau of Land Management (BLM) and the Department of the Interior (DOI). Moreover, this information ensures that U.S. lands can be reserved as hydropower sites and withdrawn from other uses.

Type of Respondent: Applicants proposing hydropower projects on (or changes to existing projects located within) lands owned by the United States.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

[2] ''Mcf'' is an abbreviation denoting a thousand cubic feet of natural gas.

[4] 16 U.S.C. Section 797d (2010).

[5] Public Law 99–495, 100 Stat. 1243 (1996).

FERC–587: LAND DESCRIPTION (PUBLIC LAND STATES/NON-PUBLIC LAND STATES [RECTANGULAR OR NON-RECTANGULAR SURVEY SYSTEM LANDS IN PUBLIC LAND STATES])

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [3]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	(5)÷(1)
Hydropower	137	1	137	1	137	$72
Project Applicants				$72	$9,864	

Dated: April 3, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–08234 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1442–000]

Municipal Energy of PA, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Municipal Energy of PA, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.211 and § 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is April 23, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–08225 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meeting related to the transmission planning activities of the PJM Interconnection, LLC. (PJM):

PJM Planning Committee

April 9, 2015, 9:30 a.m.—12:00 p.m. (EST)

PJM Transmission Expansion Advisory Committee

April 9, 2015, 11:00 a.m.—3:00 p.m. (EST)

The above-referenced meetings will be held at: PJM Conference and Training Center, PJM Interconnection, 2750 Monroe Boulevard, Audubon, PA 19403.

The above-referenced meetings are open to stakeholders. Further information may be found at *www.pjm.com.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket Nos. ER15–738 and ER15–739, *PJM Interconnection, L.L.C.*

Docket Nos. ER15–596, *PJM Interconnection, L.L.C.*

Docket Nos. ER15–33, *et al., The Dayton Power and Light Company*

Docket No. ER15–994, *PJM Interconnection, L.L.C.*

Docket No. ER15–639, *PJM Interconnection, L.L.C.*

Docket No. ER15–61, *PJM Interconnection, L.L.C. and American Transmission Systems Incorporated*

Docket No. ER14–2867, *Baltimore Gas & Electric Company, et al., and PJM Interconnection, L.L.C.*

Docket No. ER14–972 and ER14–1485, *PJM Interconnection, L.L.C.*

Docket No. ER14–1485, *PJM Interconnection, L.L.C.*

Docket No. ER14–2864, *PJM Interconnection, L.L.C.*

Docket No. ER13–90, *Public Service Electric and Gas Company and PJM Interconnection, L.L.C.*

Docket No. ER13–198, *PJM Interconnection, L.L.C.*

Docket No. ER13–1960, *ISO New England Inc. and New England Power Pool Participants Committee*

Docket No. ER13–1957, *ISO New England, Inc. et al.*

Docket No. ER13–195, *Indicated PJM Transmission Owners*

Docket No. ER13–1947, *PJM Interconnection, L.L.C.*

Docket No. ER13–1946, *New York Independent System Operator, Inc.*

Docket No. ER13–1945, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1944, *PJM Interconnection, L.L.C.*

Docket No. ER13–1943, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1942, *New York Independent System Operator, Inc.*
Docket No. ER13–1926, *PJM Interconnection, L.L.C. and Duquesne Light Company*
Docket No. ER13–1924, *PJM Interconnection, L.L.C. and Duquesne Light Company*
Docket No. ER15–1387, *PJM Transmission Owners*
Docket No. EL15–40, *Public Service Electric and Gas Company* v. *PJM Interconnection, L.L.C.*
Docket No. EL15–18, *Consolidated Edison Company of New York, Inc.* v. *PJM Interconnection, L.L.C.*
Docket No. EL11–54, *Buckeye Power, Inc.* v. *American Transmission Systems Incorporated*
Docket EL15–41, *Essential Power Rock Springs, LLC et al.* v. *PJM Interconnection, L.L.C.*

For more information, contact the following: Jonathan Fernandez, Office of Energy Market Regulation, Federal Energy Regulatory Commission, (202) 502–6604, *Jonathan.Fernandez@ferc.gov;* Alina Halay, Office of Energy Market Regulation, Federal Energy Regulatory Commission, (202) 502–6474, *Alina.Halay@ferc.gov.*

Dated: April 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–08235 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1400–000]

Erie Power, LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Erie Power, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is April 23, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–08227 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Docket Numbers: EC15–110–000.
Applicants: Cleco Partners L.P., Cleco Power LLC, Perryville Energy Partners, L.L.C., Attala Transmission LLC.
Description: Joint Application for Order Authorizing Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act of Cleco Power LLC, et al.
Filed Date: 4/2/15.
Accession Number: 20150402–5320.
Comments Due: 5 p.m. ET 4/23/15.

Docket Numbers: EC15–111–000.
Applicants: American Transmission Company LLC, Wisconsin Public Service Corporation.
Description: Joint Application for Authority to Acquire Transmission Facilities Under Section 203 of the FPA of American Transmission Company LLC and Wisconsin Public Service Corporation.
Filed Date: 4/2/15.
Accession Number: 20150402–5323.
Comments Due: 5 p.m. ET 4/23/15.

Docket Numbers: EC15–112–000.
Applicants: American Transmission Company LLC, Wisconsin Public Service Corporation.
Description: Joint Application for Authority to Acquire Transmission Facilities Under Section 203 of the FPA of American Transmission Company LLC and Wisconsin Public Service Corporation.
Filed Date: 4/2/15.
Accession Number: 20150402–5324.
Comments Due: 5 p.m. ET 4/23/15.

Docket Numbers: EC15–113–000.
Applicants: FortisUS Energy Corporation.
Description: Application of FortisUS Energy Corporation Pursuant to FPA Section 203.
Filed Date: 4/3/15.
Accession Number: 20150403–5090.
Comments Due: 5 p.m. ET 4/24/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2719–020; ER10–2718–020; ER10–2633–018; ER10–2717–018; ER10–3140–017; ER13–55–008; ER10–2570–018.
Applicants: East Coast Power Linden Holding, L.L.C., Cogen Technologies Linden Venture, L.P., Birchwood Power Partners, L.P., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC, Homer City Generation, L.P., Shady Hills Power Company, L.L.C.
Description: Notice of Non-Material Change in Status of the GE Companies under ER10–2719, et al.
Filed Date: 4/3/15.
Accession Number: 20150403–5128.
Comments Due: 5 p.m. ET 4/24/15.

Docket Numbers: ER13–1874–001; *ER14–95–001.*
Applicants: American Electric Power Service Corporation.
Description: Notice of Non-Material Change in Status submitted by American Electric Power Service Corporation on behalf of the AEP East Operating Companies and AEP Generation Resources, Inc.
Filed Date: 4/1/15.
Accession Number: 20150401–5748.
Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: ER15–960–000.

Applicants: CPV Biomass Holdings, LLC.

Description: Supplement to February 2, 2015 CPV Biomass Holdings, LLC tariff filing.

Filed Date: 4/1/15.

Accession Number: 20150401–5746.

Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1443–000.

Applicants: Appalachian Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Power Coordination Agreement Amendment to be effective 6/1/2015.

Filed Date: 4/2/15.

Accession Number: 20150402–5302.

Comments Due: 5 p.m. ET 4/23/15.

Docket Numbers: ER15–1444–000.

Applicants: Wheeling Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Power Coordination Agreement Concurrence to be effective 6/1/2015.

Filed Date: 4/2/15.

Accession Number: 20150402–5303.

Comments Due: 5 p.m. ET 4/23/15.

Docket Numbers: ER15–1445–000.

Applicants: Appalachian Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): System Integration Agreement Amendment to be effective 6/1/2015.

Filed Date: 4/2/15.

Accession Number: 20150402–5304.

Comments Due: 5 p.m. ET 4/23/15.

Docket Numbers: ER15–1446–000.

Applicants: Wheeling Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): System Integration Agreement Concurrence to be effective 6/1/2015.

Filed Date: 4/2/15.

Accession Number: 20150402–5305.

Comments Due: 5 p.m. ET 4/23/15.

Docket Numbers: ER15–1447–000.

Applicants: Mid-Georgia Cogen L.P.

Description: Initial rate filing per 35.12 Market-Based Rate Application to be effective 6/3/2015.

Filed Date: 4/3/15.

Accession Number: 20150403–5037.

Comments Due: 5 p.m. ET 4/24/15.

Docket Numbers: ER15–1448–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2825R3 KMEA and Westar Energy Meter Agent Agreement to be effective 4/1/2015.

Filed Date: 4/3/15.

Accession Number: 20150403–5039.

Comments Due: 5 p.m. ET 4/24/15.

Docket Numbers: ER15–1449–000.

Applicants: Southern California Edison Company.

Description: § 205(d) rate filing per 35.13(a)(1): Formula Rate Revision Filing to be effective 1/1/2015.

Filed Date: 4/3/15.

Accession Number: 20150403–5136.

Comments Due: 5 p.m. ET 4/24/15.

Docket Numbers: ER15–1450–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2998 RPM Access and Westar Energy Meter Agent Agreement to be effective 4/1/2015.

Filed Date: 4/3/15.

Accession Number: 20150403–5147.

Comments Due: 5 p.m. ET 4/24/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–08224 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–117–000; PF14–10–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application

Take notice that on March 19, 2015, Transcontinental Gas Pipe Line Company, LLC (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP15–117–000, an application pursuant to section 7 of the Natural Gas Act (NGA) for authority to construct and operate its Dalton Expansion Project. Specifically, Transco request to construct approximately 111.2 miles of new pipeline and install a new 21,830 horsepower compressor station in Carroll County, Georgia. The proposal will provide 448 million cubic feet (MMcf) per day of firm capacity on Transco's system. The estimated cost of the project is $471.9 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Ingrid Germany, Regulatory Analyst, Transcontinental Gas Pipe Line Company, LLC, Post Office Box 1396, Houston, TX 77251, by phone: (713) 215–4015 or email: *Ingrid.germany@williams.com.* In addition, Transco has established a toll-free phone number 1–866–455–9103 so that parties can call with questions about the Project and an email support address *pipelineexpansion@williams.com.*

On April 11, 2014 (CHECK THE DATE), the Commission staff granted the Transco's request to utilize the Pre-Filing Process and assigned Docket No. PF14–10–000 to staff activities involved the Dalton Expansion Project. Now as of filing the March 19, 2015 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP15–117–000, as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will 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 environmental assessment (EA) for this proposal. 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 below listed comment date, 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 7 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 commenters 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 commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters 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.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: April 23, 2015.

Dated: April 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–08231 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–90–000]

Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Gulf Markets Expansion Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Gulf Markets Expansion Project (Project) involving construction and operation of facilities by Texas Eastern Transmission, LP (Texas Eastern) in Lavaca County, Texas; St. Landry, Pointe Coupee, and Beauregard Parishes, Louisiana; Scioto, Ohio; Bath County, Kentucky; Giles County, Tennessee; and Monroe and Franklin Counties, Mississippi. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on May 4, 2015.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Texas Eastern provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What do I Need to Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

The purpose of the Project would be to provide 650,000 dekatherms per day (Dth/d) of natural gas to the Gulf Coast region of Louisiana and Texas from the natural gas basins in the Northeast and Texas. The Project would consist of the following facility modifications:

- At the Wheelersburg Compressor Station in Scioto County, Ohio to allow for bi-directional compression on six, existing 2,500 horsepower (HP) compressor units;
- at the Owingsville Compressor Station in Bath County, Kentucky to allow for bi-directional compression;
- at the Mt. Pleasant Compressor Station in Giles County, Tennessee to allow for support of bi-directional compression;
- at the Egypt Compressor Station in Monroe County, Mississippi to allow for support of bi-directional compression;
- at the existing launchers and receivers at milepost (MP) 231.16, south of the Union Church Compressor Station in Franklin County, Mississippi to allow for bi-directional in-line inspection;
- at the Gillis County Compressor Station in Beauregard Parish, Louisiana to allow for bi-directional compression;
- at the existing Opelousas Compressor Station in Saint Landry Parish, Louisiana, to allow for bi-directional compression, and installation of an additional 12,500 HP electric-driven compressor unit;
- at two existing metering and regulating (M&R) locations at Lottie and New Roads Township in Pointe Coupee Parish, Louisiana (M&R 71287 and M&R 71424) additions of gas chromatographs; and
- at the new Provident City Compressor Station in Lavaca County, Texas, installation of a new 5,280 HP compressor unit.

The general location of the project facilities is shown in appendix 1.[1]

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of

Continued

Land Requirements for Construction

The total land requirement for construction and operation of the Project is about 50 acres, of which 21 acres would be permanently affected by the facilities operation.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed Project under these general headings:

- geology and soils;
- land use;
- water bodies, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate reasonable alternatives to the proposed Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section of this notice.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Native American tribes, and the public on the Project's potential effects on historic properties.[4] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the Project develops. On natural gas projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this Project will document our findings on the impacts on historic properties and summarize the status on consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before May 4, 2015.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the Project docket number (CP15–90–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You may file your comments electronically by using the *eComment* feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to Documents and Filings. An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to Documents and Filings. With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental groups and non-governmental organizations; interested Native American tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the compact disc version or would like to remove your name from the mailing

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appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We'', ''us'', and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits, in the Docket Number field (*i.e.*, CP15–90). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets.

This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/docs-filing/esubscription.asp*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: April 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–08230 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 349–173]

Martin Dam Hydroelectric Project; Notice of Availability of the Final Environmental Impact Statement for the Martin Dam Hydroelectric Project

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for license for the Martin Dam Hydroelectric Project (FERC No. 349), located on the Tallapoosa River in Tallapoosa, Coosa, and Elmore Counties, Alabama, and has prepared a Final Environmental Impact Statement (final EIS) for the project. The project occupies 1.39 acres of federal lands administered by the U.S. Bureau of Land Management.

The final EIS contains staff evaluations of the applicant's proposal and the alternatives for relicensing the Martin Dam Hydroelectric Project. The final EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

A copy of the final EIS is available for review in the Commission's Public Reference Branch, Room 2A, located at 888 First Street NE., Washington, DC 20426. The final EIS also may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the ''e-Library'' link. Enter the docket number, excluding the last three digits, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, please contact Stephen Bowler at (202) 502–6861 or at *stephen.bowler@ferc.gov.*

Dated: April 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–08232 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1447–000]

Mid-Georgia Cogen L.P.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Mid-Georgia Cogen L.P.'s application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is April 23, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email

FERCOnlineSupport@ferc.gov. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–08226 Filed 4–9–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9020–4]

Environmental Impact Statements; Notice of Availability

Responsible: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 03/30/2015 Through 04/03/2015 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20150092, Final EIS, BOP, KS, Leavenworth Federal Correctional Institution and Federal Prison Camp, Review Period Ends: 05/11/2015, Contact: Issac Gaston 202–514–6470.

EIS No. 20150093, Draft EIS, FERC, CA, Hydropower Licenses—Merced River Hydroelectric Project (FERC No. 2179–043) and Merced Falls Hydroelectric Project (FERC No. 2467–020), Comment Period Ends: 05/29/2015, Contact: Matt Buhyoff 202–502–6824.

EIS No. 20150094, Final EIS, FERC, AL, Martin Dam Hydroelectric Project, FERC Project No. 349–173, Review Period Ends: 05/11/2015, Contact: Stephen Bowler 202–502–6861.

EIS No. 20150095, Draft EIS, FTA, WA, Federal Way Link Extension, Comment Period Ends: 05/26/2015, Contact: James Saxton 206–220–7954.

EIS No. 20150096, Draft EIS, NPS, HI, Kalaupapa National Historical Park Draft General Management Plan, Comment Period Ends: 06/08/2015, Contact: Erika Stein Espaniola 808–567–6802.

EIS No. 20150097, Second Final Supplement, USFS, UT, Ogden Ranger District Travel Plan Revision, Review Period Ends: 05/14/2015, Contact: Sendi Kalcic 435–755–3633.

EIS No. 20150098, Draft EIS, USMC, DC, Multiple Projects in Support of Marine Barracks in Washington, DC, Comment Period Ends: 05/26/2015, Contact: Katherine Childs 202–685–0164.

EIS No. 20150099, Final Supplement, BR, ND, Northwest Area Water Supply Project, Review Period Ends: 05/11/2015, Contact: Alicia Waters 701–221–1206.

EIS No. 20150100, Final EIS, AFS, WA, Mt. Baker-Snoqualmie National Forest Invasive Plant Treatment, Review Period Ends: 05/26/2015, Contact: Phyllis Reed 360–436–2332.

EIS No. 20150101, Final EIS, BLM, CO, Grand Junction Field Office Proposed Resource Management Plan, Review Period Ends: 05/11/2015, Contact: Christina Stark 970–244–3027.

EIS No. 20150102, Draft EIS, USACE, OH, Western Lake Erie Basin, Blanchard River Watershed Study, Comment Period Ends: 05/26/2015, Contact: Michael Pniewski 1–888–833–6390.

Dated: April 7, 2015.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2015–08325 Filed 4–9–15; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Proposed Collection; Submission for OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final notice of submission for OMB review.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Commission announces that it is submitting to the Office of Management and Budget (OMB) a request for a three-year extension without change of the existing recordkeeping requirements under 29 CFR part 1602 *et seq.,* Recordkeeping and Reporting Requirements under Title VII, the ADA, and GINA.

DATES: Written comments must be received on or before May 11, 2015.

ADDRESSES: A copy of this ICR and applicable supporting documentation submitted to OMB for review may be obtained from: Erin N. Norris, Senior Attorney, (202) 663–4876, Office of Legal Counsel, 131 M Street NE., Washington, DC 20507. Comments on this notice must be submitted to Chad Lallemand in the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Room 10235, New Executive Office Building, Washington, DC 20503 or electronically mailed to Mr. Lallemand's attention at *OIRA_submission@omb.eop.gov.* Copies of comments should also be sent to Bernadette Wilson, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (''FAX'') machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663–4114. (This is not a toll-free number). Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTY). (These are not toll-free numbers.) Instead of sending written comments to EEOC, you may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide. Copies of comments submitted by the public to EEOC directly or through the Federal eRulemaking Portal will be available for review, by advance appointment only, at the Commission's library between the hours of 9:00 a.m. and 5 p.m. Eastern Time or can be reviewed at *http://www.regulations.gov.* To schedule an appointment to inspect the comments at EEOC's library, contact the library staff at (202) 663–4630 (voice) or (202) 663–4641 (TTY). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, Assistant Legal Counsel, (202) 663–4668, or Erin N. Norris, Senior Attorney, (202) 663–4876, Office of Legal Counsel, 131 M Street NE., Washington, DC 20507. Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663–4191 (voice) or (202) 663–4494 (TTY). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: A notice that EEOC would be submitting this request was published in the **Federal Register** on January 29, 2015 (80 FR 4917), allowing for a 60-day public

comment period. One comment was received; however, it did not address recordkeeping or the specific requirements in 29 CFR part 1602, but rather appeared to concern a federal EEO complaint filed by the commenter. As such, the comment was deemed non-responsive, and its contents were not considered in regards to this information collection. To protect the personal privacy of the commenter, EEOC is electing not to post the non-responsive comment on regulations.gov.

Overview of This Information Collection

Collection title: Recordkeeping under Title VII, the ADA, and GINA.

OMB Control number: 3046–0040.

Description of affected public: Employers with 15 or more employees are subject to Title VII, the ADA, and GINA.

Number of responses: 914,843.

Reporting hours: Not applicable.

Number of forms: None.

Federal cost: None.

Abstract: Section 709(c) of Title VII, 42 U.S.C. 2000e-8(c), section 107(a) of the ADA, 42 U.S.C. 12117(a), and section 207 of GINA, 42 U.S.C. 2000ff-6 require the Commission to establish regulations pursuant to which employers subject to those Acts shall make and preserve certain records to assist the EEOC in assuring compliance with the Acts' nondiscrimination in employment requirements. This is a recordkeeping requirement. Any of the records maintained which are subsequently disclosed to the EEOC during an investigation are protected from public disclosure by the confidentiality provisions of section 706(b) and 709(e) of Title VII which are also incorporated by reference into the ADA at section 107(a) and GINA at section 207.

Burden statement: The estimated number of respondents is 914,843 employers. An employer subject to the recordkeeping requirement in 29 CFR part 1602 must retain all personnel or employment records made or kept by that employer for one year, and must retain any records relevant to charges filed under Title VII, the ADA, or GINA until final disposition of those matters, which may be longer than one year. This recordkeeping requirement does not require reports or the creation of new documents, but merely requires retention of documents that an employer has already made or kept in the normal course of its business operations. Thus, existing employers bear no burden under this analysis, because their systems for retaining personnel and employment records are already in place. Newly formed firms may incur a small burden when setting up their data collection systems to ensure compliance with EEOC's recordkeeping requirements. We assume some effort and time must be expended by employers to familiarize themselves with the Title VII, ADA, and GINA recordkeeping requirements and inform staff about those requirements. We estimate that 30 minutes would be needed for this one-time familiarization process. Using 2011 data from the Small Business Administration, we estimate that there are 82,516 firms that would incur this start-up burden. Assuming a 30 minute burden per firm, the total annual hour burden is 41,258 hours.

OMB is particularly interested in comments which:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of the Commission'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 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.

For the Commission.

Dated: April 6, 2015.

Jenny R. Yang,

Chair.

[FR Doc. 2015–08278 Filed 4–9–15; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1189 and 3060–xxxx]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before May 11, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently

under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1189.

Title: Signal Boosters, Sections 1.1307(b)(1), 20.3, 20.21(a)(2), *5749 20.21(a)(5), 20.21(e)(2), 20.21(e)(8)(I)(G), 20.21(e)(9)(I)(H), 20.21(f), 20.21(h), 22.9, 24.9, 27.9. 90.203, 90.219(b)(l)(I), 90.219(d)(5), and 90.219(e)(5).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Not for profit institutions and Individuals or household.

Number of Respondents and Responses: 632,595 respondents and 635,215 responses.

Estimated Time per Response: .5 hours–40 hours.

Frequency of Response: Recordkeeping requirement, On occasion reporting requirement and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 154(I), 303(g), 303(r) and 332.

Total Annual Burden: 324,470 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: This information collection affects individuals or households; thus, there are impacts under the Privacy Act. However, the government is not directly collecting this information and the R&O directs carriers to protect the information to the extent it is considered Customer Proprietary Network Information (CPNI).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On September 19, 2014, the Federal Communications Commission (Commission or FCC) adopted an Order on Reconsideration in WT Docket No. 10–4, FCC No. 14–138, in which it took the following action, among others: Required that Consumer Signal Boosters certified for fixed operation only be labeled to notify consumers that such devices may only be used in fixed, in-building locations. Therefore, the new labeling requirement which requires OMB review and approval is as follows:

The labeling requirement is covered under 47 section 20.21(f)(1)(iv)(A)(2). The new requirement is needed in order to ensure that consumers are properly informed about which devices are suitable for their use and how to comply with our rules, the Commission required that all Consumer Signal Boosters certified for fixed, in-building operation include a label directing consumers that the device may only be operated in a fixed, in-building location. The Verizon Petitioners state that this additional labeling requirement is necessary to inform purchasers of fixed Consumer Signal Boosters that they may not lawfully be installed and operated in a moving vehicle or outdoor location. We recognize that our labeling requirement imposes additional costs on entities that manufacture Consumer Signal Boosters; however, on balance, we find that such costs are outweighed by the benefits of ensuring that consumers purchase appropriate devices. Accordingly, all fixed Consumer Signal Boosters, both Provider-Specific and Wideband, manufactured or imported on or after one year from the effective date of the rule change must include the following advisory (1) in on-line point-of-sale marketing materials, (2) in any print or on-line owner's manual and installation instructions, (3) on the outside packaging of the device, and (4) on a label affixed to the device: ''This device may be operated ONLY in a fixed location for in-building use.''

OMB Control Number: 3060–xxxx.

Title: Section 73.1216, Licensee-Conducted Contests.

Form Number: None. (Complaints alleging violations of the Contest Rule generally are filed on FCC Forms 2000E, 2000A or 2000F (OMB Control Number 3060 0874)).

Type of Review: Existing information collection in use without an OMB Control Number.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 20,481 respondents; 20,481 responses.

Estimated Time per Response: .25–9 hours.

Frequency of Response: Third party disclosure requirement.

Total Annual Burden: 209,930 hours.

Total Annual Costs: $6,144,300.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 1, 4 and 303 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The Commission adopted the Contest Rule in 1976 to address concerns about the manner in which broadcast stations were conducting contests over the air. The Contest Rule generally requires stations to broadcast material contest terms fully and accurately the first time the audience is told how to participate in a contest, and periodically thereafter. In addition, stations must conduct contests substantially as announced. These information collection requirements are necessary to ensure that broadcast licensees conduct contests with due regard for the public interest.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–08179 Filed 4–9–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (3064–0028, 3064–0097, 3064–0121, 3064–0134, 3064–0151)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collections described below.

DATES: Comments must be submitted on or before June 9, 2015.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, (202.898.3877), MB–3074 or John Popeo, Counsel, (202.898.6923), MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper or John W. Popeo, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently-approved collections of information:

1. *Title:* Recordkeeping and Confirmation Requirements for Securities Transactions.
OMB Number: 3064–0028.
Frequency of Response: On occasion.
Affected Public: Business or Other Financial Institutions.
Estimated Number of Respondents: 4534.
Estimated Time per Response: 27.91 hours.
Total Annual Burden: 126,544 hours.
General Description of Collection: The information collection requirements are contained in 12 CFR part 344. The regulation's purpose is to ensure that purchasers of securities in transactions effected by insured state nonmember banks are provided with adequate records concerning the transactions. The regulation is also designed to ensure that insured state nonmember banks maintain adequate records and controls with respect to the securities transactions they effect.

2. *Title:* Interagency Notice of Change in Director or Executive Officer.
OMB Number: 3064–0097.
Affected Public: Business or Other Financial Institutions.
Estimated Number of Respondents: 840.
Frequency of Response: On occasion.
Estimated Time per Response: 2 hours.
Estimated Total Annual Burden: 1680 hours.
General Description of Collection: Certain insured state nonmember banks must notify the FDIC of the addition of a director or the employment of a senior executive officer.

3. *Title:* Certification of Compliance with Mandatory Bars to Employment.
OMB Number: 3064–0121.
Form Number: FDIC 7300/06.
Frequency of Response: On occasion.
Affected Public: Business or Other Financial Institutions.
Estimated Number of Respondents: 600.
Estimated Time per Response: 10 minutes.
Total Annual Burden: 100 hours.
General Description of Collection: Prior to an offer of employment, job applicants to the FDIC must sign a certification that they have not been convicted of a felony or been in other circumstances that prohibit person from becoming employed by or providing services to the FDIC.

4. *Title:* Customer Assistance.
OMB Number: 3064–0134.
Form Number: FDIC 6422/04.
Affected Public: Individuals, Households, Business or Financial Institutions.
Estimated Number of Respondents: 15,000.
Estimated Time per Response: .5 hours.
Total Annual Burden: 7500 hours.
General Description of Collection: This collection facilitates the collection of information from customers of financial institutions who have inquiries or complaints about service. Customers may document their complaints or inquiries to the FDIC using a letter or an optional form (Form 6422/04). The Form is used to facilitate online completion and submission of the form and to shorten FDIC response times by making it easier to identify the nature of the complaint and to route the customer inquiry to the appropriate FDIC contact.

5. *Title:* Notice Regarding Assessment Credits.
OMB Number: 3064–0151.
Frequency of Response: On occasion.
Affected Public: FDIC-insured institutions.
Estimated Number of Respondents: 4.
Estimated Time per Response: 2 hours.
Estimated Total Annual Burden: 8 hours.
General Description of Collection: FDIC-insured institutions must notify the FDIC if deposit insurance assessment credits are transferred, *e.g.,* through a sale of the credits or through a merger, in order to obtain recognition of the transfer.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, 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 information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 6th day of April 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–08192 Filed 4–9–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10014, Ameribank, Inc., Northfolk, West Virginia

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Ameribank, Inc., Northfolk, West Virginia (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Ameribank, Inc. on September 19, 2008. 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: April 6, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–08191 Filed 4–9–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting; Correction

AGENCY: Federal Maritime Commission.

ACTION: Notice; correction.

SUMMARY: The Federal Maritime Commission published a document in the **Federal Register** on April 8, 2015, concerning the April 13, 2015 Sunshine Act Meeting. The document contained incorrect status.

FOR FURTHER INFORMATION CONTACT: Karen Gregory, (202) 523–5725.

Correction

In the **Federal Register** of April 8, 2015, in FR Doc. 2015–08184, on page 18842, in the first column, correct the ''Status'' caption to read:

Status: The meeting will be held in Closed Session.

Dated: April 8, 2015.

Karen V. Gregory,

Secretary.

[FR Doc. 2015–08396 Filed 4–8–15; 4:15 pm]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the notices must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 27, 2015.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *CITIC Group Corporation, Beijing, People's Republic of China; CITIC Glory Limited and CITIC Polaris Limited, both of Road Town, Tortola, British Virgin Islands; CITIC Limited, Hong Kong Special Administrative Region, People's Republic of China; and CITIC Corporation Limited,* Beijing; to (i) retain CLSA Americas, LLC, New York, New York, and thereby engage in financial and investment advisory activities, and agency transactional services for customer investments, pursuant to sections 225.28(b)(6) and (b)(7), respectively; and (ii) engage *de novo* through CITIC Securities International USA, LLC, New York, New York, in financial and investment advisory activities, agency transactional services for customer investments, investment transactions as principal, and community development activities, pursuant to sections 225.28(b)(6), (b)(7), (b)(8), and (b)(12), respectively.

Board of Governors of the Federal Reserve System, April 7, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–08282 Filed 4–9–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 5, 2015.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204:

1. ESB Bancorp, Inc., Easthampton, Massachusetts; to merge with Citizens National Bancorp, Inc. and thereby acquire, The Citizens National Bank, both of Putnam, Connecticut.

B. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Howard Bancorp, Inc., Ellicott City, Maryland; to acquire all of the voting securities of Patapsco Bancorp, Inc., Dundalk, Maryland, and thereby indirectly acquire The Patapsco Bank, Dundalk, Maryland.

Board of Governors of the Federal Reserve System, April 6, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–08176 Filed 4–9–15; 8:45 am]

BILLING CODE 6210–01–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 April 27, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Delle Foundation, Susan J. Seestrom, Robert D. Castille, all in Los Alamos, New Mexico; and Jeffrey F. Howell,* Austin, Texas; to retain voting

shares of Trinity Capital Corporation, and thereby indirectly retain voting shares of Los Alamos National Bank, both in Los Alamos, New Mexico.

Board of Governors of the Federal Reserve System, April 7, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–08283 Filed 4–9–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: *''Assessing the Impact of the National Implementation of TeamSTEPPS Master Training Program.''* In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by June 9, 2015.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Assessing the Impact of the National Implementation of TeamSTEPPS Master Training Program

AHRQ, in collaboration with the Department of Defense's (DoD) Tricare Management Activity (TMA), developed TeamSTEPPS® (''Team Strategies and Tools to Enhance Performance and Patient Safety'') to provide an evidence-based suite of tools and strategies for teaching teamwork-based patient safety to health care professionals. In 2007, AHRQ and DoD coordinated the national implementation of the TeamSTEPPS Program. The main objective of this program is to improve patient safety by training a select group of stakeholders such as Quality Improvement Organization (QIO) personnel, High Reliability Organization (HRO) staff, and health care system staff in various teamwork, communication, and patient safety concepts, tools, and techniques. Ultimately TeamSTEPPS will help to build a national and state-level infrastructure for supporting teamwork-based patient safety efforts in health care organizations.

The National Implementation of TeamSTEPPS Master Training Program includes the training of ''Master Trainers'' in various health care systems capable of stimulating the utilization and adoption of TeamSTEPPS in their health care delivery systems, providing technical assistance and consultation on implementing TeamSTEPPS, and developing various channels of learning (*e.g.,* user networks, various educational venues) for continuing support and improvement of teamwork in health care. AHRQ has already trained a corps of over 5,000 participants to serve as the Master Trainer infrastructure supporting national adoption of TeamSTEPPS. An anticipated 2,400 participants who are registering for the program will be studied in this assessment. Participants in training become Master Trainers in TeamSTEPPS and are afforded the opportunity to observe the program's tools and strategies in action. In addition to developing a corps of Master Trainers, AHRQ has also developed a series of support mechanisms for this effort including a data collection Web tool, a TeamSTEPPS call support center, and a monthly consortium to address any challenges encountered implementing TeamSTEPPS.

Participants applied to the program as teams representing their organizations and were accepted as training participants after having completed an organizational readiness assessment. Due to the differences among the types of organizations participating in the program, each participant has a different potential to apply tools and concepts within and/or beyond their home organizations. For example:

- Health care system staff (or implementers) from hospitals, home health agencies, nursing homes, large physician practices, and other direct care organizations are more likely than other participants to implement the TeamSTEPPS materials on a daily basis and will be more likely to affect specific work processes being conducted within an organization. As a result, health care system participants are likely to have a focused and specific impact that is limited to their organization.
- QIO\HRO\Hospital Association\State Health Department participants (or facilitators) will be more likely to have both an in-depth and broad impact if they use the TeamSTEPPS materials to assist a particular organization inits patient safety activities, as well as to provide general patient safety guidance to a large number of organizations.

To clarify the differences among the participants, a logic model has been developed that highlights the roles of the different types of participants, the types of activities in which they are likely to engage post-training, and the potential outcomes that may stem from these activities. The logic model served as a guide for developing questions for a web-based questionnaire and qualitative interviews to ensure that participant and leadership feedback is captured as thoroughly and accurately as possible.

AHRQ is conducting an ongoing evaluation of the National Implementation of TeamSTEPPS Master Training Program. The goals of this evaluation are to examine the extent to which training participants have been able to:

(1) Implement the TeamSTEPPS products, concepts, tools, and techniques in their home organizations and,

(2) the extent to which participants have spread that training, knowledge, and skills to their organizations, local areas, regions, and states.

The National Implementation of TeamSTEPPS program is led by AHRQ through its contractor, the Health Research and Educational Trust (HRET). This study is being conducted by HRET's subcontractor, IMPAQ International. The work is being conducted pursuant to AHRQ's statutory authority to conduct and support research, evaluations, and training on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this assessment the following two data collections will be implemented:

(1) Training participant questionnaires to examine post-training activities and teamwork outcomes as a

result of training from multiple perspectives. The questionnaire is directed to all Master Training participants, and will cover post-training activities, implementation experiences, facilitators and barriers to implementation encountered, and perceived outcomes as a result of these activities. Advance notice, invitations to participate, reminder emails, and thank you letters to respondents are included in the participant questionnaire.

(2) Semi-structured interviews will be conducted with members from organizations who participated in the TeamSTEPPS Master Training Program. Information gathered from these interviews will be analyzed and used to draft a ''lessons learned'' document that will capture additional detail on the issues related to participants' and organizations' abilities to implement and disseminate TeamSTEPPS post-training. The organizations will vary in terms of type of organization (*e.g.,* QIO or hospital associations versus health care systems) and region (*i.e.,* Northeast, Midwest, Southwest, Southeast, Mid-Atlantic, West Coast). In addition, we will strive to ensure that the distribution of organizations mirrors the distribution of organizations in the Master Training population. For example, if the distribution of organizations is such that only one out of every five organizations is a QIO, we will ensure that a maximum of two organizations in the site visit sample are QIOs. The interviews will more accurately reveal the degree of training spread for the organizations included. Interviewees will be drawn from qualified individuals serving in one of two roles (*i.e.,* implementers or facilitators). The interview protocol will be adapted for each role based on the respondent group and to some degree, for each individual, based on their training and patient safety experience. There is also an informed consent form that each participant will be required to sign prior to beginning the interview.

The final product for this evaluation will be a report that documents the background, methodology, results (including any patterns or themes emerging from the data), limitations of the study, and recommendations for future training programs and tool development. The results of this evaluation will help AHRQ understand the extent to which participants and participating organizations have been able to employ various TeamSTEPPS tools and concepts and the barriers and facilitators they encountered. This information will help guide AHRQ in developing and refining other patient safety tools and future training programs for patient safety.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent's time to participate in the study. Semi-structured interviews will be conducted with a maximum of 9 individuals from each of 9 participating organizations and will last about one hour each. The training participant questionnaire will be completed by approximately 10 individuals from each of about 240 organizations and is estimated to require 20 minutes to complete. The total annualized burden is estimated to be 881 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to participate in the study. The total cost burden is estimated to be $39,240.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Semi-structured interview	9	9	60/60	81
Training participant questionnaire	240	10	20/60	800
Total	249	NA	NA	881

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Semi-structured interview	9	81	$44.54	$3,608
Training participant questionnaire	240	800	44.54	35,632
Total	249	881	NA	39,240

*Based upon the mean of the average wages for all health professionals (29–0000) for the training participant questionnaire and for executives, administrators, and managers for the organizational leader questionnaire presented in the National Compensation Survey: Occupational Wages in the United States, May 2013, U.S. Department of Labor, Bureau of Labor Statistics. *http://www.bls.gov/oes/current/oes_nat.htm* 35.93 53.15.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 31, 2015.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2015–07700 Filed 4–09–15; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10141]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by *June 9, 2015.*

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10141 Medicare Prescription Drug Benefit Program

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Prescription Drug Benefit Program; *Use:* Part D plans and, to the extent applicable, MA organizations use the information to comply with the eligibility and associated Part D participating requirements. CMS use this information to approve contract applications, monitor compliance with contract requirements, make proper payment to plans, and to ensure that correct information is disclosed to potential and current enrollees. *Form Number:* CMS–10141 (OMB control number 0938–0964); *Frequency:* Once; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 10,105,276; *Total Annual Responses:* 46,099,944; *Total Annual Hours:* 7,572,223. (For policy questions regarding this collection contact Deborah Larwood at 410–786–9500).

Dated: April 7, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–08289 Filed 4–9–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–305]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *May 11, 2015.*

ADDRESSES: When commenting on the proposed information collections,

please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

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. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* External Quality Review (EQR) of Medicaid Managed Care Organizations (MCOs) and Supporting Regulations; *Use:* State agencies must provide to the external quality review organization (EQRO) information obtained through methods consistent with the protocols specified by CMS. This information is used by the EQRO to determine the quality of care furnished by an MCO. Since the EQR results are made available to the general public, this allows Medicaid/CHIP enrollees and potential enrollees to make informed choices regarding the selection of their providers. It also allows advocacy organizations, researchers, and other interested parties access to information on the quality of care provided to Medicaid beneficiaries enrolled in Medicaid/CHIP MCOs. States use the information during their oversight of these organizations. *Form Number:* CMS–R–305 (OMB control number 0938–0786); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 43; *Total Annual Responses:* 76; *Total Annual Hours:* 451,288. (For policy questions regarding this collection contact Barbara Dailey at 410–786–9012).

Dated: April 7, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–08288 Filed 4–9–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 11, 2015.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Nurse Corps Scholarship Program. OMB No. 0915–0301—Revision.

Abstract: The Nurse Corps Scholarship Program (Nurse Corps SP) is a competitive federal program, which awards scholarships to individuals to attend accredited schools of nursing. The Bureau of Health Workforce (BHW) in HRSA administers the program. The scholarship consists of payment of tuition, fees, other reasonable educational costs, and a monthly support stipend. In return, the students agree to provide a minimum of 2 years of full-time clinical service (or an equivalent part-time commitment, as approved by the Nurse Corps SP) at a health care facility with a critical shortage of nurses as defined by the program. Nurse Corps SP recipients must be willing to (and are required to) fulfill their Nurse Corps SP service commitment at a health care facility with a critical shortage of nurses in the United States as well as the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Students who are uncertain of their commitment to provide nursing care in a health care facility with a critical shortage of nurses in the United States or these territories are advised not to participate in the program.

Need and Proposed Use of the Information: The Nurse Corps SP needs to collect data to determine an applicant's eligibility for the program, to monitor a participant's continued enrollment in a school of nursing, to monitor the participant's compliance with the Nurse Corps SP service obligation, and to obtain data on its program to ensure compliance with statutory mandates and prepare annual reports to Congress. The following information will be collected: (1) From the applicants and/or the schools—general applicant and nursing school data such as full name, location, tuition/fees, and enrollment status; (2) from the schools, on an annual basis—data concerning tuition/fees and student enrollment status; and (3) from the participants and their health care facilities with a critical shortage of nurses, on a biannual basis—data concerning the participant's employment status, work schedule, and leave usage. BHW enters the cost

information into its data system, along with the projected amount for the monthly stipend, to determine the amount of each scholarship award.

Likely Respondents: Nurse Corps SP scholars in school, graduates, educational institutions, and critical shortage facility employers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Eligible Applications/Application Program Guidance	2,600	1	2,600	2	5,200
School Enrollment Verification Form	500	4	2,000	20/60	667
Confirmation of Interest Form	250	1	250	12/60	50
DCW Form	500	1	500	1	500
Graduation Close Out Form	200	1	200	10/60	33
Initial Employment Verification Form	500	1	500	25/60	208
Service Verification Form—Employer	500	2	1,000	8/60	133
Service Verification Form—Participant	500	2	1,000	6/60	100
Total					6,891

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–08285 Filed 4–9–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the Information Collection Request must be received no later than June 9, 2015.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Providing Primary Care and Preventative Medical Services in Ryan White-funded Medical Care Settings: OMB No. 0915–xxxx—New.

Abstract: Since Congress passed the Ryan White Comprehensive AIDS Resource Emergency (CARE) Act in 1990, the Ryan White HIV/AIDS Program (Ryan White Program) has funded the provision of care eligible to persons living with HIV (PLWH). Many Ryan White-funded clinics have long promoted the medical home model, which involves the provision of comprehensive and coordinated care services, including prevention and other non-medical care services to promote access and adherence to HIV/AIDS treatment. As PLWH live longer and normal lives with effective antiretroviral treatment, this model has become more complex. In recent years, clinics providing care to PLWH are also seeing their patients develop other common chronic diseases such as diabetes, heart disease, and hypertension associated with normal and aging populations. Guidelines [1] on primary care for PLWH have recently been released to help providers navigate the integration of primary and preventative care into HIV care. With already limited budgets, staffing and other resources, Ryan White-funded clinics may struggle to provide primary and preventative care services in-house or have insufficient referral systems. However, under the Affordable Care Act, most PLWH can obtain more affordable health insurance which can alleviate some burden on

[1] JA Aberg, JE Gallant, KG Ghanem, P Emmanuel, BS Zingman and MA Horberg. *Primary Care Guidelines for the Management of Persons Infected with HIV: 2013 Update by the HIV Medicine Association of the Infectious Disease Society of America; CID 201_58 (January 1, 2014).* New York State Department of Health AIDS Institute, Office of the Medical Director. *Primary Care Approach to the HIV-infected Patient; http://www.hivguidelines.org/clinical-guidelines/adults/primary-care-approach-to-the-hiv-infected-patinet/ (Updated November 2014).*

clinics and improve accessibility to primary and preventative care services.

This study will examine how Ryan White-funded clinics are integrating the provision of primary and preventative care services to the overall HIV care model. Specifically, it will look at the protocols and strategies used by clinics to manage care for PLWH, specifically care coordination, referral systems, and patient-centered strategies to keep PLWH in care.

Need and Proposed Use of the Information: The proposed study will provide the HRSA HIV/AIDS Bureau (HAB) and policymakers with a better understanding of how the Ryan White Program currently provides primary and preventative care to PLWH. The first online survey will be targeted to clinic directors from a sample of about 160 Ryan White-funded clinics and will collect data on care models used; primary care services, including preventative services; and coordination of care. Data collected from this survey will provide a general overview of the various HIV care models used as well as insight to possible facilitators and barriers to providing primary and preventative care services. More in-depth data collection will be conducted with a smaller number of 30 clinics representing clinic type (publicly funded community health organization, other community-based organization, health department, and hospital or university-based) and size. There will be three data collection instruments used: (1) An online survey completed by three clinicians at each of the clinics (clinician survey); (2) a data extraction of select primary and preventative care services; and (3) a telephone interview with the medical director. The clinician survey will provide a more in-depth look at the clinic protocols and strategies and how they are being used and implemented by the clinicians. The data extraction will provide quantitative information on the provision of select primary and preventative care services within a certain time period. With these data, the study team can assess the accuracy of information provided in the online surveys on the provision of care as well as the frequency at which primary and preventative care screenings are provided. Lastly, the interviews with the medical director will allow the study team to follow-up on the results of the clinician survey and data extraction and collect qualitative data and more in-depth details on the provision of primary and preventative care services from a clinic wide perspective, specifically any facilitators and barriers.

These data will provide HAB the background to make informed policies and changes to the Ryan White Program in this new era when the well-being of PLWH demands a more complex and long-term HIV care model.

Likely Respondents: Clinics funded by the Ryan White Program.

Burden Statement: Burden in this context means the time expanded by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Clinic Director of Online Survey	130	1	130	1	130
Clinician Online Survey	30	1	30	1	30
Data Extraction	30	1	30	3	90
Medical Director Interview	30	1	30	1	30
Total	220		220	6	280

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–08284 Filed 4–9–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Global Affairs Stakeholder Listening Session in Preparation for the 68th World Health Assembly

Time and date: May 8, 2015, 10:30–12:00 p.m. EST.

Place: Room 705A, U.S. Department of Health & Human Services, 200 Independence Ave SW., Washington, DC, 20201.

Status: Open, but requiring RSVP to *OGA.RSVP@hhs.gov.*

Purpose: The Stakeholder Listening Session will help the HHS Office of Global Affairs prepare for the World Health Assembly by taking full advantage of the knowledge, ideas, feedback, and suggestions from all communities interested in and affected by agenda items to be discussed at the 68th World Health Assembly. Your input will contribute to U.S. positions as we negotiate these important health topics with our international colleagues.

The listening session will be organized around the interests and perspectives of stakeholder communities, including, but not limited to:

- Public health and advocacy groups;
- State, local, and Tribal groups;
- Private industry;
- Minority health organizations; and
- Academic and scientific organizations.

It will allow public comment on all agenda items to be discussed at the 68th World Health Assembly: *http://apps.who.int/gb/ebwha/pdf_files/WHA68/A68_1-en.pdf*

RSVP: Due to security restrictions for entry into the HHS Humphrey Federal Building, we will need to receive RSVPs for this event. Please send your full name and organization to *OGA.RSVP@hhs.gov.* If you are *not* a U.S. citizen, please note this in the subject line of your RSVP, and our office will contact you to gain additional biographical information for your clearance. If you are not a U.S. citizen, you must RSVP no later than April 23, 2015. If you are American, please RSVP no later than Friday, May 1, 2015.

Due to the number of stakeholders expected to attend in person, we request that all speakers keep their interventions to three minutes or less. This time limit will be strictly enforced. Written comments are welcomed and encouraged, even if you are planning to attend in person. Please send these to the same email address: *OGA.RSVP@hhs.gov.*

We look forward to hearing your comments relative to the 68th World Health Assembly agenda items.

Dated: March 30, 2015.

Jimmy Kolker,

Assistant Secretary for Global Affairs.

[FR Doc. 2015–08124 Filed 4–9–15; 8:45 am]

BILLING CODE 4150–38–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 National Advisory Board on Medical Rehabilitation Research.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Board on Medical Rehabilitation Research.

Date: May 4–5, 2015.

Time: May 4, 9:00 a.m. to 5:00 p.m. and May 5, 9:00 a.m. to 12:00 p.m.

Agenda: Remembrance for Dr. David Gray, founding member of NCMRR; NICHD Director's report; New NCMRR Director's report; Q&A with Director, NCMRR; Update on the Rehabilitation Research Infrastructure Network; Research Plan Advisory Review and Input; Strategic Planning and Performance Measurement; State of the Science Workshop.

Place: Hyatt Regency Bethesda Hotel, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ralph M. Nitkin, Ph.D., Deputy Director, National Center for Medical Rehabilitation Research (NCMRR), Director, Biological Sciences and Career Development Program, NCMRR, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6100 Executive Boulevard, Room 2A03, Bethesda, MD 20892–7510, (301) 402–4206, *rn21e@nih.gov.*

Information is also available on the Institute's/Center's home page: *http://www.nichd.nih.gov/about/advisory/nabmrr/Pages/index.aspx* where the current roster and minutes from past meetings are posted.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 7, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–08350 Filed 4–9–15; 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 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 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 contract proposals, 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; Lung Tissue Research Consortium (LTRC) Data Coordinating Center (DCC).

Date: May 5, 2015.

Time: 9:00 a.m. to 10:30 a.m.

Agenda: To review and evaluate contract proposals.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–435–0725, *kristen.page@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Lung Tissue Research Consortium (LTRC) Tissue Repository (TR).

Date: May 5, 2015.

Time: 10:30 a.m. to 11:00 a.m.

Agenda: To review and evaluate contract proposals.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–435–0725, *kristen.page@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Lung Tissue Research Consortium (LTRC) Radiology Center (RC).

Date: May 5, 2015.

Time: 11:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate contract proposals.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–435–0725, *kristen.page@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Lung Tissue Research Consortium (LTRC) Clinical Center (CC).

Date: May 5, 2015.

Time: 11:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–435–0725, *kristen.page@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: *April 7, 2015.*

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–08292 Filed 4–9–15; 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; Academic Research Enhancement: Healthcare Delivery and Methodologies.

Date: May 7, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriott New Orleans, 614 Canal Street, New Orleans, LA 70130.

Contact Person: Rebecca Henry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–1717, *henryrr@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–132: Understanding and Promoting Health Literacy.

Date: May 8, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriot New Orleans, 614 Canal Street, New Orleans, LA 70130.

Contact Person: Rebecca Henry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–1717, *henryrr@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: April 7, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–08293 Filed 4–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 section 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 Child Health and Human Development Special Emphasis Panel.

Date: May 7, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5b01, Bethesda, MD 20892–7510, (301) 435–6902, *peter.zelazowski@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 7, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–08291 Filed 4–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 section 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 Child Health and Human Development Special Emphasis Panel.

Date: June 12, 2015.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Dennis E. Leszcynski, Ph.D., Scientific Review Officer, Scientific Review Branch, EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT, NIH, 6100 EXECUTIVE BOULEVARD, ROOM 5B01, BETHESDA, MD 20892–9304, (301) 435–6680, *leszcyd@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 7, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–08295 Filed 4–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 section 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 Child Health and Human Development Special Emphasis Panel.

Date: May 7, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6902, *peter.zelazowski@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 7, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–08294 Filed 4–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Date: Center for Inherited Disease Research Access Committee.

Date: April 23, 2015.

Time: 11:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camilla E. Day, Ph.D., Scientific Review Officer, CIDR, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4075, Bethesda, MD 20892, 301–402–8837, *camilla.day@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 6, 2015.

David Clary,

Program Analyst,

Office of Federal Advisory Committee Policy.

[FR Doc. 2015–08213 Filed 4–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Technology descriptions follow.

Novel Immunotherapy for Cancer Treatment: Chimeric Antigen Receptors Targeting CD70 Antigen

Description of Technology: Scientists at the National Institutes of Health have developed anti-CD70 chimeric antigen receptors (CARs) to treat cancers. CD70 is an antigen that is expressed on a variety of human cancers such as renal cell carcinoma, glioblastoma, non-Hodgkin's lymphoma, and chronic lymphocytic leukemia. The anti-CD70 CARs are hybrid proteins consisting of a receptor portion that recognizes CD70 antigen, and intracellular T cell signaling domains selected to optimally activate the CAR expressing T cells. Genetically engineered T cells that express this CARs will bind to CD70 on the cancer cells and will be activated to induce an immune response that promotes robust tumor cell elimination when infused into cancer patients. This technology can rapidly generate a vigorous T-cell response from the patient's own blood, targeting CD70 expressing cancer cells, and potentially induce tumor rejection.

Potential Commercial Applications:

- Immunotherapeutics to treat cancers that overexpress CD70, such as renal cell carcinoma, glioblastoma, non-Hodgkin's lymphoma, and chronic lymphocytic leukemia.
- A personalized cancer treatment strategy for patients whose tumor cells express CD70 whereby the patient's own T cells are isolated, engineered to express the anti-CD70 CARs, and re-infused into the same patient to attack the tumor(s).

Competitive Advantages:

- CD70-specific CARs expressed on T cells will increase the likelihood of successful targeted therapy.
- CAR–T cells target only CD70 expressing cells and thus may generate fewer side effects than other cancer treatment approaches.
- With the advent of Provenge(R), and Yervoy(R), immunotherapy is now more widely accepted as a viable cancer treatment option.
- T-cell transfer can provide much larger numbers of anti-tumor immune cells compared to other approaches such as vaccines.

Development Stage:

- Early-stage.
- In vitro data available.
- In vivo data available (animal).

Inventors: Qiong J. Wang, Zhiya Yu, James C. Yang (all of NCI).

Publication: Wang QJ, et al. Distinctive features of the differentiated phenotype and infiltration of tumor-reactive lymphocytes in clear cell renal cell carcinoma. Cancer Res. 2012 Dec 1; 72(23):6119–29. [PMID 23071066]

Intellectual Property: HHS Reference No. E–021–2015/0—U.S. Patent Application No. 62/088,882 filed 08 Dec 2014.

Licensing Contact: Whitney A. Hastings, Ph.D.; 301–451–7337; *hastingw@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or

commercialize chimeric antigen receptors targeting CD70 for cancer treatment. For collaboration opportunities, please contact Steven A. Rosenberg, M.D., Ph.D. at *sar@nih.gov.*

Novel Cancer Immunotherapy: HLA–A11 Restricted T Cell Receptor That Recognizes G12D Variant of Mutated KRAS

Description of Technology: Scientists at the National Institutes of Health have developed T cell receptor (TCR) derived from mouse T cells that recognize mutated Kirsten rat sarcoma viral oncogene homolog (KRAS), in particular the G12D variant. Mutated KRAS, which plays an essential driver role in oncogenesis, is expressed by a variety of human cancers, such as pancreatic, colorectal, lung, endometrial, ovarian, and prostate cancers; but not by normal, noncancerous cells. KRAS is mutated in nearly a third of the most lethal human cancers and could serve as a cancer-specific therapeutic target. Most common mutations occurred at codon 12, as glycine can be substituted with aspartic acid (G12D), valine (G12V), cysteine (G12C), and arginine (G12R), and among these codon 12 substitutions, G12D is the most frequent variant. The TCR is a protein that specifically recognizes the most frequent mutated KRAS G12D variant in the context of major histocompatibility complex (MHC) class I molecule HLA–A11 and activates T-cells. In HLA–A11+ patients, such genetically engineered T cells with TCRs against mutated KRAS are expected to target and kill cancer cells with this mutation while sparing normal tissues after infusion into patients.

Potential Commercial Applications:

• Immunotherapeutics to treat a variety of human cancers that harbor KRAS mutations, in particular, G12D mutation, such as pancreatic, -colorectal, lung, endometrial, ovarian, and prostate cancers.

• T cells expressing mutated KRAS G12D specific TCR may successfully treat or prevent the recurrence of mutated KRAS-positive cancers that do not respond to other types of treatment such as surgery, chemotherapy, and radiation.

Competitive Advantages:

• Genetically engineered T cells with TCRs for HLA–A11-restricted mutated KRAS will increase the likelihood of successful targeted therapy.

• The targeted therapy minimizes side effect. T cells expressing anti-mutated KRAS TCRs target tumor cells expressing mutated KRAS and spare normal tissue. This therapy may have lower tissue toxicities comparing to traditional chemotherapy and radiotherapy.

• With the advent of Provenge(R) and Yervoy(R), immunotherapy is now more widely accepted as a viable cancer treatment option.

Development Stage:

• Early-stage.
• In vitro data available.
• Ex vivo data available.

Inventors: Qiong J. Wang and James C. Yang (NCI).

Intellectual Property: HHS Reference No. E–028–2015/0—US Provisional Patent Application No. 62/084,654 filed 26 Nov 2014.

Related Technologies:

• HHS Reference No. E–106–2006/3.
• HHS Reference No. E–226–2014/0.

Licensing Contact: Whitney A. Hastings, Ph.D.; 301–451–7337; *hastingw@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize anti-mutated KRAS TCRs for cancer treatment. For collaboration opportunities, please contact Steven A. Rosenberg, M.D., Ph.D. at *sar@nih.gov.*

Live Attenuated Japanese Encephalitis Virus Vaccine

Description of Technology: Japanese encephalitis virus (JEV), a member of the genus flavivirus, is maintained in a zoonotic cycle between *Culex* mosquitoes and ardeid birds or domestic swine and is responsible for significant epidemics of viral encephalitis in Asia. Three billion people live in regions with endemic JEV transmission resulting in an estimated 60,000 annual cases, of which 20–40% are fatal and 45–70% of survivors have neurologic sequelae. The live-attenuated JEV SA14–14–2 vaccine, produced in primary hamster kidney cells, is safe and effective. Past attempts to adapt this virus to replicate in cells that are more favorable for vaccine production resulted in mutations that significantly reduced immunogenicity. The inventors have isolated 10 genetically distinct Vero cell-adapted JEV SA14–14–2 variants and a recombinant wild-type JEV clone, modified to contain the JEV SA14–14–2 polyprotein amino acid sequence, was recovered in Vero cells. Mutations were also identified that modulated virus sensitivity to type I interferon-stimulation in Vero cells. A subset of JEV SA14–14–2 variants and the recombinant clone were evaluated in vivo and exhibited levels of attenuation that varied significantly in suckling mice, but were avirulent and highly immunogenic in weanling mice and are promising candidates for the development of a second generation, recombinant vaccine.

Potential Commercial Applications:

• JEV Vaccine.
• JEV Diagnostics.

Competitive Advantages:

• Safe and efficacious vaccine.
• Extremely low production costs.
• Positive preclinical data.
• Vero cell manufacture.

Development Stage:

• In vitro data available.
• In vivo data available (animal).

Inventors: Stephen S. Whitehead and Gregory D. Gromowski (NIAID).

Publications:

1. Gromowski G, et al. Genetic and phenotypic properties of vero cell-adapted Japanese encephalitis virus SA14–14–2 vaccine strain variants and a recombinant clone, which demonstrates attenuation and immunogenicity in mice. Am J Trop Med Hyg. 2015 Jan; 92(1)98–107. [PMID 25311701].

2. Gromowski G, et al. Genetic determinants of Japanese encephalitis virus vaccine strain SA14–14–2 that govern attenuation of virulence in mice. J Virol. 2015, in press.

Intellectual Property: HHS Reference No. E–231–2014/0—Research Material. Patent protection is not being pursued for this technology.

Licensing Contact: Peter Soukas; 301–435–4646; *ps193c@nih.gov.*

IFN Gamma for Reducing Adverse Ocular Side Effects of MEK-Inhibitor Therapy in Cancer

Description of Technology: Use of IFN-gamma for treating an adverse side effect in a cancer patient being treated by a MEK-inhibitor (MEKi) is disclosed. MAP kinase/ERK kinase (MEK), an oncogene or signal protein within the P38 mitogen activated protein kinase (MAPK) pathway, is a crucial point of convergence that integrates a variety of protein kinases through Ras. MEKis are currently being tested in monotherapies and combination therapies against a wide variety of cancers. A number of side effects are noticed with treatment of cancer with MEKis, including visual disturbances. The inventors have discovered that MEKis decreases fluid transport from the retina and/or subretinal space of the retinal pigment epithelium (RPE) resulting in the abnormal accumulation of fluid in the retina and subretinal space, which causes retinal detachment and vision loss. Their results also indicate that apical addition of MEKis alters transepithelial resistance in RPE. For the first time, the inventors showed that these effects of MEKis are almost

completely rescued by basolateral addition of IFN-gamma. These results suggest that IFN-gamma can be used to reduce adverse events (retinal edema) associated with the therapeutic use of MEKis.

Potential Commercial Applications: Treatment for or prevention of adverse side effects in cancer patients undergoing MEK inhibitor therapy.

Competitive Advantages: A simple and unique mode of reducing or eliminating ocular side effects in cancer patients undergoing treatments with MEK inhibitors.

Development Stage:

- Early-stage.
- In vitro data available.

Inventors: Sheldon S. Miller (NEI), Arvydas Maminishkis (NEI), Charlotte E. Remé (Merck KGaA).

Intellectual Property: HHS Reference No. E–248–2012/0—

- US Provisional Application No. 61/721,810 filed 02 Nov 2012.
- PCT Patent Application No. PCT/US2013/068056 filed 01 Nov 2013.

Related Technologies: HHS Reference No. E–169–2008/0—

- US Patent No. 8,697,046 issued 15 Apr 2014 (Methods of Administering Interferon Gamma to Absorb Fluid From the Subretinal Space; Li R, et al.).
- US Patent Application No. 14/252,489 filed 14 Apr 2014.

Licensing Contact: Suryanarayana Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov.*

Lubiprostone To Treat Retinal Diseases Associated With Fluid Accumulation in Retina & Subretinal Space

Description of Technology: Use of Lubiprostone for treating age-related macular degeneration, chronic macular edema, diabetic retinopathy, retinal detachment, glaucoma, or uveitis by decreasing excess fluid accumulation in the retina and/or subretinal space (SRS) is described. The retinal pigment epithelium (RPE) is a highly pigmented, terminally differentiated monolayer of cells at the back of the eye. The RPE performs numerous processes that are critical for the maintenance of photoreceptor cell health and function. The pathological accumulation of fluid beneath the RPE is a symptom and a contributing factor in the loss of vision in a variety of ocular conditions. Previously, the inventors have shown that human RPE contains apical and basolateral membrane receptors that can be activated to increase cell cAMP or Ca followed by basolateral membrane activation of CFTR or Ca-activated chloride channels resulting in a clinically significant increase in fluid absorption across the RPE. For the first time, using human RPE *in vitro,* the inventors demonstrated that lubiprostone can increase fluid transport from the retinal to the choroidal side of the RPE by activating CLC–2 at the RPE basolateral membrane. Further, they also showed that this increase can be blocked by addition of methadone, a specific CLC–2 channel blocker. Lubiprostone added from either the apical or basolateral side of the epithelium. Methadone also increased transepithelial potential (TEP) and this increase is consistent with a lubiprostone-induced increase in basolateral membrane CLC–2 conductance and subsequent membrane depolarization. These results suggest lubiprostone can be a therapeutic in retinal disease to increase fluid absorption from retina and subretinal space.

Potential Commercial Applications: Treatment for or prevention of age-related macular degeneration, chronic macular edema, diabetic retinopathy, retinal detachment, glaucoma, or uveitis by decreasing the amount of fluid present in the subretinal space (SRS).

Competitive Advantages: A simple and novel therapeutic for retinal diseases characterized by the abnormal fluid accumulation in subretinal space.

Development Stage:

- Early-stage.
- In vitro data available.

Inventors: Sheldon S. Miller, Arvydas Maminishkis, Jeffrey Adijanto, Tina M. Banzon, and Qin Wan (all of NEI).

Intellectual Property: HHS Reference No. E–283–2012/0—

- U.S. Provisional Application No. 61/777,073 filed 12 Mar 2013.
- PCT Patent Application No. PCT/US2014/024724 filed 12 Mar 2014.

Related Technology: HHS Reference No. E–169–2008/0—

- U.S. Patent No. 8,697,046 issued 15 Apr 2014 (Methods of Administering Interferon Gamma to Absorb Fluid From the Subretinal Space; Li R, et al.).
- U.S. Patent Application No. 14/252,489 filed 14 Apr 2014.

Licensing Contact: Suryanarayana Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov*.

Dated: March 7, 2015.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2015–08290 Filed 4–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Family Treatment Drug Court Services Evaluation (OMB No. 0930–0330)—REINSTATEMENT

In 2010, the Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Treatment (CSAT), provided funding to 12 existing Family Treatment Drug Courts (FTDCs) for enhancement and/or expansion of their FTDC's capabilities to provide psycho-social, emotional and mental health services to children (0–17 years) and their families who have methamphetamine use disorders and involvement in child protective services. This program was authorized in House Report 111–220 accompanying HR 3293 in 2010. The Committee language stated that ''these grants will support a collaborative approach, including treatment providers, child welfare specialists, and judges, to provide community-based social services for the children of methamphetamine-addicted parents,'' and were to be awarded to Family Dependency Treatment Drug Courts.

SAMHSA is requesting to reinstate OMB approval of instruments used in the Children Affected by Methamphetamine (CAM) grant program through 2020 for a new cohort of grantees under the new program name of Family Treatment Drug Courts, or FTDCs. The continued use of these instruments will allow SAMHSA to collect data on The FTDC grantees that is not otherwise captured: The national evaluation of the FTDC project will collect data on: (1) Child Outcomes; (2) Parent/Caregiver Outcomes; and (3) Family Functioning. The results from this data collection will serve to inform future decisions regarding funding by SAMHSA as well as establish an evidence base for the practices undertaken for other localities and programs implementing Family Treatment Drug Courts. The overall reporting burden is estimated at 720.5 hours.

Providing children's services in an FTDC was a new activity for FTDCs and the grantees. The purpose of the evaluation was to monitor the grantees progress and to measure their performance on child, family and adult outcomes. These outcomes were compared to referent data available at the local and/or State level, and to pre-post measures for family functioning. Previous data collection efforts have measured occurrence of maltreatment and substance exposed newborns, The child/youth indicators related to permanency assess whether they remain in their home, the length of stay in foster care (if they are out of their home), the proportion who re-enter foster care, the proportion who were reunified, the length of time to reunification and whether the children and youth exit services with adoption or legal guardianship if they are not reunified with their parents. The adult indicators related to recovery include substance use, access to treatment, treatment outcomes, employment and criminal behavior. The results of the evaluations were used by grantees to measure the progress of their programs, and aided their efforts to sustain the activities once the grants ended.

To the greatest extent possible, the data elements are operationally defined using standard definitions in child welfare and substance abuse treatment. *The use of standard data definitions will reduce the data collection burden on grantees as these variables are collected through data collection procedures that currently exist through all publically funded child welfare and substance abuse treatment systems.* The FTDC performance measures are data currently collected by programs as part of their normal operations (*e.g.,* placement status in child welfare services, substance abuse treatment entry dates). Thus, minimal data collection from clients will be required as the grantees will be abstracting existing data. The only new information collected will be from the North Carolina Family Assessment Scale (NCFAS) assessment obtained from participants during the intake and discharge interviews. If needed, the FTDC staff member may supplement this information by obtaining information from other staff that interact with the client (*i.e.,* the social worker familiar with the family) or during a home visit (if this is part of their program activities).

It should be re-emphasized that the FTDC projects are expansions or enhancements of FTDC partnerships that currently have existing relationships (and information sharing/confidentiality agreements) in place. It is through this existing information sharing forum that the FTDC grantees will be able to obtain the requisite child welfare and substance abuse treatment performance measures. The grantees will use electronic abstraction and secondary data collection for elements that are already being collected by counties and States in their reporting requirements of Federally-mandated data.

Table 1 presents the estimated total cost burden associated with the collection of the FTDC data elements. The following estimates represent the number of anticipated participants based on experience with the previous CAM program. There are two sources of data collection burden for the performance system. First, FTDC staff extracts data from secondary sources for the child, parent/caregiver and family functioning data elements for biannual data uploads. The total number of responses is two per year; with each upload taking approximately 16 hours at each site. In addition to the data extraction, FTDC staff will complete 2 administrations (intake and discharge) of the NCFAS for each family (approximately 267 families per year based on estimates extrapolated from the CAM program). The NCFAS takes approximately .75 hours to complete per family per administration. The estimated total cost of the time FTDC staff will spend completing data collection is $15,952 per year (total number of staff hours, 720.5 hours, multiplied by $22.14, the estimated average hourly wages for social work professionals as published by the Bureau of Labor Statistics, 2013). See Table 1.

TABLE 1—ANNUALIZED HOUR BURDEN

Form/instrument	Number of records	Responses per record	Total responses	Hours per response	Total hour burden
FTDC Form—Biannual extraction of extant data x 10 grantees	10	2	20	16	320
NCFAS—Administered twice for each family	267	2	534	.75	400.5
Total	277		554		720.5

Note: The estimated response burden includes the extractions and uploads to the FTDC Form and administration the North Carolina Family Assessment Form.

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 June 9, 2015.

Summer King,

Statistician.

[FR Doc. 2015–08272 Filed 4–9–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Addiction Technology Transfer Centers (ATTC) Network National Workforce Surveys—NEW

The ATTC Network, a nationwide, multidisciplinary resource that draws upon the knowledge, experience and latest research of recognized experts in the field of addictions and behavioral health, is a unique Center Substance Abuse Treatment (CSAT) initiative formed in 1993 in response to a shortage of well-trained addiction and behavioral health professionals in the public sector. The ATTC Network works to enhance the knowledge, skills and aptitudes of the addiction/behavioral health treatment and recovery services workforce by disseminating current health services research from the National Institute on Drug Abuse, National Institute on Alcohol Abuse and Alcoholism, National Institute of Mental Health, Agency for Healthcare Research and Quality, National Institute of Justice, and other sources, as well as other SAMHSA programs. To accomplish this, the ATTC Network: (1) Develops and updates state-of-the-art research based curricula and professional development training, (2) coordinates and facilitates meetings between Single State Authorities, Provider Associations and other key stakeholders, and (3) provides ongoing technical assistance to individuals and organizations at the local, regional and national levels.

In response to the emerging shortages of qualified addiction treatment and recovery services professionals, SAMHSA/CSAT instructed the ATTC National Office to lead the ATTC Network in the development and implementation of a national addiction treatment workforce data collection effort of those individuals who work in substance use specialty treatment services. The purpose of this survey and data collection is to gather information to guide the formation of effective national, regional, state, and organizational policies and strategies aimed at successfully recruiting and retaining a sufficient number of adequately prepared providers who are able to respond to the growing needs of those affected by substance use and mental health disorders; including co-occurring disorders and trauma. This data collection will offer a unique perspective on the clinical treatment field so that CSAT and the ATTC Network can better understand current successful strategies and methodologies being used in the workforce and develop appropriate training for emerging trends in the field.

Although SAMHSA/CSAT is the primary target audience for data collection findings, it is expected that the data collected and resulting reports will also be useful to the ATTC Network, as well as to Single State Agencies, provider organizations, professional organizations, training and education entities, and individuals in the workforce.

Overview of Data Collection and Purposes

Data will be collected from two main sources: (1) Interviews with Single State Authorities (SSAs) in all fifty states (2) A national sample of agency directors or their designees, identified by CSAT in conjunction with the ATTC network, in the substance use disorders treatment field. Respondents will be asked to participate in telephone interviews. In addition to this original data collection, existing national data sets will also be utilized. Such data systems will include:

- Census 2000 datasets
- National Survey of Substance Abuse Treatment Services (N–SSATS)
- SAMHSA Treatment Gap Projection Analysis
- Treatment Episode Data
- Bureau of Labor datasets such as Current Employment Statistics
- Annapolis Coalition Data

Provider Association Survey: The provider association survey will be a single question web survey asking association directors to nominate providers that they believe are exemplary in recruitment, retention or staff development. The purpose of this survey is to triangulate responses from three sources, the SSA, the ATTC and the provider association to identify providers that are considered by all three to be exceptional in their ability to recruit, retain or provide staff development for SUD direct service employees.

State Substance Abuse Authorities Interview: Each state substance abuse authority or their designee will be interviewed to identify concerns regarding work force development, state level strategies to improve recruitment, retention and development of the addiction treatment workforce, changes that have occurred within the past five years and any treatment organization level practices that they think have been particularly successful. They will be asked to identify provider organizations that have exemplary practices to interview.

Program Director/Key Staff Interview: Based on identification by state SSA, state provider association nomination and ATTC/CSAT staff identification, a minimum of 60 addiction treatment provider organizations will be selected for telephone interviews. These organizations may be specialty addiction treatment programs, community mental health centers that provide addiction treatment services or primary care organizations that provide addiction treatment services. The purpose of these interviews is to identify exemplary practices in recruitment, retention and staff development for direct service staff working with patients with SUDs. An interview script has been developed to guide the question formation for the interviews.

Overview of Questions Related to Data Collection

The objectives of the national addiction treatment workforce data collection effort are to explore issues related to workforce development: (1) Staff training, recruitment and retention; (2) Professional development; and (3) Support for strategies and methodologies to prepare, recruit, retain, and sustain the workforce. To accomplish these objectives, CSAT outlined two primary questions to be addressed by the workforce data collection:

1. What are the anticipated workforce development needs for 2017–2022?

For the purposes of this data collection, the ATTC Network will identify the growth and capacity-building needs over the next five years of direct care staff, clinical supervisors, and administrators in agencies represented in the I–SATS registry.

2. What are the common strategies and methodologies to prepare, retain, and maintain the workforce?

Identification of potentially effective strategies used to prepare and recruit individuals to enter the workforce (as

previously defined), and encourage them to remain in the workforce and stay current on clinical and other job related skills (*e.g.,* evidence based practices).

Information collected from this workforce data collection will help CSAT and the ATTC Network to better understand the needs of the workforce and categorize some best practices for providing support to the field now and in the future. Emerging trends in addiction and/or co-occurring and trauma treatment and the existence of mental health problems in substance use disorder treatment and recovery services will be identified and shared with those in the addiction/behavioral health treatment field so appropriate training and funding can be allocated. The information from this data collection will also help CSAT identify areas where deficiencies in substance use and/or co-occurring disorder and trauma treatment exist and provide assistance to regions (and states) to help them develop and adopt strategies for addressing this.

The chart below summarizes the annualized burden for this project.

Type of respondent	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
SSA Telephone Interview	60	1	60	1	60
Provider Organization Key Staff Telephone Interviews	60	1	60	1	60
Provider Association Survey	50	1	50	.25	12.5
TOTAL	170		170		132.5

Written comments and recommendations concerning the proposed information collection should be sent by May 11, 2015 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2015–08245 Filed 4–9–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0997]

Imposition of Conditions of Entry for Certain Vessels Arriving to the United States From Libya

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that it will impose conditions of entry on vessels arriving from all ports in Libya. Conditions of entry are intended to protect the United States from vessels arriving from countries that have been found to have deficient port anti-terrorism measures in place.

DATES: The policy announced in this notice will become effective April 24, 2015.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Michael Brown, International Port Security Evaluation Division, United States Coast Guard, telephone 202–372–1081. For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Discussion

The authority for this notice is 5 U.S.C. 552(a), 46 U.S.C. 70110, and DHS Delegation No. 0170.1(II)(97)(f). As delegated, section 70110 authorizes the Coast Guard to impose conditions of entry on vessels arriving in U.S. waters from ports that the Coast Guard has not found to maintain effective anti-terrorism measures.

The Coast Guard does not find ports in Libya maintaining effective anti-terrorism measures and finds that Libya's legal regime, designated authority oversight, access control and cargo control are all deficient. Our determination applies to all ports in Libya.

Accordingly, beginning April 24, 2015, the conditions of entry shown in the following Table will apply to any vessel that visited any Libyan port in its last five port calls.

TABLE—CONDITIONS OF ENTRY—VESSEL VISITING LIBYAN PORT EIN LAST FIVE PORT CALLS

No.	Each vessel must:
1	Implement measures per the vessel's security plan equivalent to Security Level 2 while in a port in Libya. As defined in the International Maritime Organization's International Ship and Port Facility Security (ISPS) Code and incorporated herein, ''Security Level 2'' refers to the ''level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident.''
2	Ensure that each access point to the vessel is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel while the vessel is in ports in Libya.
3	Guards may be provided by the vessel's crew; however, additional crewmembers should be placed on the vessel if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or provided by outside security forces approved by the vessel's master and Company Security Officer. As defined in the ISPS Code and incorporated herein, ''Company Security Officer'' refers to the ''person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer.''
4	Attempt to execute a Declaration of Security while in a port in Libya.
5	Log all security actions in the vessel's security records.

TABLE—CONDITIONS OF ENTRY—VESSEL VISITING LIBYAN PORT EIN LAST FIVE PORT CALLS—Continued

No.	Each vessel must:
6	Report actions taken to the cognizant Coast Guard Captain of the Port (COTP) prior to arrival into U.S. waters.
7	In addition, based on the findings of the Coast Guard boarding or examination, the vessel may be required to ensure that each access point to the vessel is guarded by armed, private security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in U.S. ports. The number and position of the guards has to be acceptable to the cognizant COTP prior to the vessel's arrival.

The following countries currently do not maintain effective anti-terrorism measures and are therefore subject to conditions of entry: Cambodia, Cameroon, Comoros, Cote d'Ivoire, Cuba, Equatorial Guinea, Guinea-Bissau, Iran, Liberia, Libya, Madagascar, Nigeria, Sao Tome and Principe, Syria, Timor-Leste, Venezuela, and Yemen. This list is also available in a policy notice available at *https://homeport.uscg.mil* under the Maritime Security tab; International Port Security Program (ISPS Code); Port Security Advisory link.

Dated: February 10, 2015.

Vice Admiral Charles D. Michel, USCG,

Deputy Commandant for Operations.

[FR Doc. 2015–08348 Filed 4–9–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4209–DR; Docket ID FEMA–2015–0002]

New Hampshire; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Hampshire (FEMA–4209–DR), dated March 25, 2015, and related determinations.

DATES: *Effective Date:* March 25, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 25, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of New Hampshire resulting from a severe winter storm and snowstorm during the period of January 26–28, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of New Hampshire.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. You are further authorized to provide snow assistance under the Public Assistance program for a limited period of time during or proximate to the incident period. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New Hampshire have been designated as adversely affected by this major disaster:

Hillsborough, Rockingham, and Strafford Counties for Public Assistance.

Hillsborough, Rockingham, and Strafford Counties for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate the incident period.

All areas within the State of New Hampshire are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–08344 Filed 4–9–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4201–DR; Docket ID FEMA–2015–0002]

Hawaii; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Hawaii (FEMA–4201–DR), dated November 3, 2014, and related determinations.

DATES: *Effective Date:* March 25, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective March 25, 2015.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–08341 Filed 4–9–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0009; OMB No. 1660–0083]

Agency Information Collection Activities: Proposed Collection; Comment Request; Application for Community Disaster Loan (CDL) Program.

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Community Disaster Loan (CDL) Program. This collection allows the government to make loans to communities that have suffered economic problems due to disasters.

DATES: Comments must be submitted on or before June 9, 2015.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2015–0009. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Martha Polanco, Assistant Program Manager, Disaster Assistance Directorate, Public Assistance Division, (202) 212–5761. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 212–4701 or email address: *FEMA-Information-Collections-Management@fema.dhs.gov*.

SUPPLEMENTARY INFORMATION: The Community Disaster Loan (CDL) Program is authorized by Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended, 42 U.S.C. 5184, and implementing regulations at 44 CFR subpart K. The Assistant Administrator may make a CDL to any local government which has suffered a substantial loss of tax or other revenues as a result of a major disaster or emergency and which demonstrates a need for Federal financial assistance in order to perform its governmental functions. Local governments may indicate interest in acquiring a Community Disaster Loan by contacting their Governor's Authorized Representative. The Governor's Authorized Representative submits a letter to FEMA requesting the Community Disaster Loan Program for their State.

Collection of Information

Title: Application for Community Disaster Loan (CDL) Program.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0083.

Form Titles and Numbers: FEMA Form 090–0–1, Certification of Eligibility for Community Disaster Loans; FEMA Form 116–0–1, Promissory Note; FEMA Form 085–0–1, Local Government Resolution—Collateral Security; FEMA Form 090–0–2, Application for Community Disaster Loan.

Abstract: The loan package for the CDL Program provides Local and Tribal governments that have suffered substantial loss of tax or other revenues as a result of a major disaster or emergency, the opportunity to obtain financial assistance in order to perform their governmental functions. The loan must be justified on the basis of need and actual expenses.

Affected Public: State, local or Tribal Government.

Number of Respondents: 50.

Number of Responses: 300.

Estimated Total Annual Burden Hours: 975 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Avgerage hourly wage rate	Total annual respondent cost
State, Local or Tribal Government.	Certification of Eligibility for Community Disaster Loans/FEMA Form 090–0–1.	50	1	50	2.5*	125	$64.34	$8,042.50
State, Local or Tribal Government.	Promissory Note/ FEMA Form 116–0–1.	50	1	50	4	200	64.34	12,868.00

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS—Continued

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Avgerage hourly wage rate	Total annual respondent cost
State, Local or Tribal Government.	Local Government Resolution—Collateral Security/ FEMA Form 085–0–1.	50	1	50	10	500	64.34	32,170.00
State, Local or Tribal Government.	Application for Community Disaster Loan/FEMA Form 090–0–2.	50	1	50	1	50	64.34	3,217.00
State, Local or Tribal Government.	Annual Financial Report.	50	1	50	1	50	43. 81	2,190.50
State, Local or Tribal Government.	Letter of Application	50	1	50	1	50	64.34	3,217.00
Total		50		300		975		61,705.00

• Note: The ''Avg. Hourly Wage Rate'' for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.
* (150 Mins.)

Estimated Cost: The estimated annual cost to respondents for the hour burden is $61,705.00. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $1,010,692.92.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Dated: April 3, 2015.

Janice Waller,

Acting Director, Records Management Division, U.S. Department of Homeland Security, Federal Emergency Management Agency, Mission Support.

[FR Doc. 2015–08321 Filed 4–9–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4208–DR; Docket ID FEMA–2015–0002]

Maine; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Maine (FEMA–4208–DR), dated March 12, 2015, and related determinations.

DATES: *Effective Date:* March 12, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 12, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Maine resulting from a severe winter storm, snowstorm, and flooding during the period of January 26–28, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Maine.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. You are further authorized to provide snow assistance under the Public Assistance program for a limited period of time during or proximate to the incident period. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Maine have been designated as adversely affected by this major disaster:

Androscoggin, Cumberland, and York Counties for Public Assistance.

Androscoggin, Cumberland, and York Counties for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate the incident period.

All areas within the State of Maine are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–08323 Filed 4–9–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4210–DR; Docket ID FEMA–2015–0002]

West Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4210–DR), dated March 31, 2015, and related determinations.

DATES: *Effective Date:* March 31, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 31, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from a severe winter storm, flooding, landslides, and mudslides during the period of March 3–6, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kari Suzann Cowie, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of West Virginia have been designated as adversely affected by this major disaster:

Barbour, Boone, Braxton, Cabell, Doddridge, Gilmer, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marshall, McDowell, Mingo, Monongalia, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming Counties for Public Assistance.

All areas within the State of West Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–08346 Filed 4–9–15; 08:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4201–DR; Docket ID FEMA–2015–0002]

Hawaii; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Hawaii (FEMA–4201–DR), dated November 3, 2014, and related determinations.

DATES: *Effective Date:* March 3, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Hawaii is hereby amended to include Public Assistance (Categories A and C–G) in the following area determined to have been adversely affected by the event declared a major disaster by the President in his declaration of November 3, 2014.

Hawaii County for Public Assistance [Categories A and C–G] (already designated for emergency protective measures [Category B], under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–08318 Filed 4–9–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4211–DR; Docket ID FEMA–2015–0002]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–4211–DR), dated April 2, 2015, and related determinations.

DATES: *Effective Date:* April 2, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 2, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from a severe winter storm and flooding during the period of February 15–22, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, W. Michael Moore, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Tennessee have been designated as adversely affected by this major disaster:

Anderson, Bedford, Bledsoe, Blount, Campbell, Clay, Coffee, Cumberland, Fentress, Giles, Grainger, Grundy, Hamblen, Hancock, Hardeman, Jefferson, Knox, Lawrence, Loudon, Marshall, McMinn, McNairy, Meigs, Monroe, Moore, Morgan, Obion, Overton, Putnam, Roane, Scott, Sevier, Van Buren, Warren, and White Counties for Public Assistance.

All areas within the State of Tennessee are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–08349 Filed 4–9–15; 8:45 am]

BILLING CODE 9110–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5828–N–15]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to: Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For

complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Agriculture: Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; COE: Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2703 Martin Luther King Jr. Ave. SE., Stop 7714, Washington, DC 20593-; (202) 475–5609; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; NASA: Mr. Frank T. Bellinger, Facilities Engineering Division, National Aeronautics & Space Administration, Code JX, Washington, DC 20546, (202) 358–1124; Navy: Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426; (These are not toll-free numbers).

Dated: April 2, 2015.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 04/10/2015

Suitable/Available Properties

Building

Idaho

Bathhouse Infra #1710
Bonners Ferry Ranger District Admin. Site
Bonner Ferry ID 83805
Landholding Agency: Agriculture
Property Number: 15201510022
Status: Excess
Comments: off-site removal; 50+yrs. old; 250 sq. ft.; storage; costly repairs; contact Agriculture for more info.

Kansas

Storage ''Paint'' Shed, Maintena
105 Riverside Drive
Marquette KS 67464
Landholding Agency: COE
Property Number: 31201510005
Status: Underutilized
Directions: 01016 KNOPLS 28127
Comments: off-site removal; 65+yrs. old; 144 sq. ft.; storage; poor condition; contact COE for more information.

Wisconsin

Clam Lake Oil House #372
61770 Highway 77
Clam Lake WI 54517
Landholding Agency: Agriculture
Property Number: 15201510027
Status: Excess
Comments: off-site removal only; 200 sq. ft.; gas/oil storage; poor condition; contact Agriculture for more information.

Clam Lake Bunkhouse #202
61766 Highway 77
Clam Lake WI 54806
Landholding Agency: Agriculture
Property Number: 15201510028
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,704 sq. ft.; poor condition; contact Agriculture for more information.

Clam Lake Warehouse #364
61766 Highway 77
Clam Lake WI 54517
Landholding Agency: Agriculture
Property Number: 15201510029
Status: Unutilized
Comments: off-site removal only; no future agency need; 800 sq. ft.; storage; good condition; contact Agriculture for more information.

Clam Lake Garage #367
61766 Highway 77
Clam Lake WI 54806
Landholding Agency: Agriculture
Property Number: 15201510030
Status: Unutilized
Comments: off-site removal only; no future agency need; 480 sq. ft.; storage; poor condition; contact Agriculture for more information.

Land

Maine

Former Non Directional Beacon
''Waterville, Maine NDB''
3176 Middle Road
Sidney ME 04330
Landholding Agency: GSA
Property Number: 54201510012
Status: Excess
GSA Number: 1–U–ME–0696–AA
Directions: Disposal Agency: GSA; Landholding Agency: DOT
Comments: 0.69+/−acres, unimproved; Contact GSA for more information.

Unsuitable Properties

Building

California

8 Buildings
MCB Camp Pendleton
MCB Camp Pendleton CA 43297
Landholding Agency: Navy
Property Number: 77201510017
Status: Excess
Directions: Buildings 220122; 1145; 31620; 43296; 43297; 2265; 53430; 53427
Comments: public access denied & no alternative method to gain access w/out compromising National Security.
Reasons: Secured Area

Idaho

Bonners Cook Trailer
Infra. #1413
Bonners Ferry Ranger District Admin. Site
Bonners Ferry ID
Landholding Agency: Agriculture
Property Number: 15201510025
Status: Excess
Comments: documented deficiencies: roof collapsing; clear threat to personal safety.
Reasons: Extensive deterioration

Minnesota

Swede Hill Oil House 2–13004
7766 Chippewa National Forest
Cass Lake MN 56633
Landholding Agency: Agriculture
Property Number: 15201510023
Status: Unutilized
Comments: documented deficiencies: building suffered roof damage from a falling tree and power line; clear threat to personal safety.
Reasons: Extensive deterioration

Swede Hill Warehouse #2
2–13006
7766 Chippewa National Forest
Cass Lake MN
Landholding Agency: Agriculture
Property Number: 15201510024
Status: Unutilized
Comments: documented deficiencies: roof collapsing; clear threat to personal safety.
Reasons: Extensive deterioration

Missouri

Table Rock Lake Project
40263 State Hwy. 86
Barry County MO 62625
Landholding Agency: COE
Property Number: 31201510006
Status: Unutilized

Comments: public access denied & no alternative method to gain access without compromising National Security.
Reasons: Secured Area

New Mexico

2 Buildings
White Sands Test Facility
12600 Nasa Road
Las Cruces NM 88012
Landholding Agency: NASA
Property Number: 71201510021
Status: Unutilized
Directions: Building #114, 437
Comments: located on a hazardous test facility; public access denied & no alternative method to gain access without compromising National Security.
Reasons: Secured Area

Washington

B–6409 General Warehouse
6409 Trigger Avenue
Naval Base Kitsap Bre WA 98314
Landholding Agency: Navy
Property Number: 77201510018
Status: Unutilized
Comments: public access denied & no alternative method to gain access without compromising National Security.
Reasons: Secured Area

Wisconsin

South Butternut Lake Garage
#56835
10840 four Duck Lake Rd
Hiles WI 54511
Landholding Agency: Agriculture
Property Number: 15201510026
Status: Unutilized
Comments: documented deficiencies: roof collapsing; clear threat to personal safety.
Reasons: Extensive deterioration

[FR Doc. 2015–08065 Filed 4–9–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2015–N058; FXES11120100000–156–FF01E00000]

Draft Candidate Conservation Agreement With Assurances, Receipt of Application for an Enhancement of Survival Permit for the Greater Sage-Grouse on Oregon Department of State Lands, and Draft Environmental Assessment; Reopening of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reopening the comment period for an application from the Oregon Department of State Lands (DSL) for an enhancement of survival (EOS) permit under the Endangered Species Act of 1973, as amended (ESA). The documents available for review are a draft candidate conservation agreement with assurances (CCAA) for the greater sage-grouse, addressing rangeland management activities on Oregon State Trust Lands administered by DSL, and a draft environmental assessment (EA) pursuant to the National Environmental Policy Act (NEPA). If you have previously submitted comments, please do not resubmit them because we have already incorporated them in the public record and will fully consider them in our final decision.

DATES: To ensure consideration, written comments must be received from interested parties no later than May 11, 2015.

ADDRESSES: To request further information or submit written comments, please use one of the following methods, and note that your information request or comments are in reference to the DSL CCAA.

- *Internet:* Documents may be viewed on the Internet at *http://www.fws.gov/oregonfwo/.*
- *Email: Jeff_Everett@fws.gov.* Include ''DSL CCAA'' in the subject line of the message.
- *U.S. Mail:* U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Suite 100, Portland, OR 97266.
- *Fax:* 503–231–6195, Attn: DSL CCAA.
- *In-Person Viewing or Pickup:* Documents will be available for public inspection by appointment during normal business hours at the U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Suite 100, Portland, OR.

FOR FURTHER INFORMATION CONTACT: Jeff Everett or Jennifer Siani, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office (see **ADDRESSES**), telephone: 503–231–6179. If you use a telecommunications device for the deaf, please call the Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: On February 23, 2015, we published a **Federal Register** notice (80 FR 9475) announcing the availability of the draft CCAA and EA for a 30-day review and comment period. We are providing interested parties more time to review these documents by reopening the comment period for another 30 days. We are doing this because technical difficulties delayed internet posting of the draft CCAA and EA during the first 30-day comment period.

For background and more information on the draft CCAA and EA, see our February 23, 2015, notice (80 FR 9475). For information on where to view the documents and how to submit comments, please see the **ADDRESSES** section above.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comments, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation we use in preparing the EA, will be available for public inspection by appointment, during normal business hours, at our Oregon Fish and Wildlife Office (see **ADDRESSES**).

Authority

We provide this notice in accordance with the requirements of section 10 of the ESA (16 U.S.C. 1531 *et seq.*), and NEPA (42 U.S.C. 4321 *et seq.*) and their implementing regulations (50 CFR 17.22 and 40 CFR 1506.6, respectively).

Dated: March 27, 2015.

Richard Hannan,

Deputy Regional Director, Pacific Region, U.S. Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 2015–08250 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N069; FXIA16710900000–156–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before May 11, 2015.

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Endangered Species Permit Applications

Applicant: Marvin Turner, Henderson, TX; PRT–71826A

The applicant requests renewal of their permit authorizing interstate and foreign commerce, export, and cull of excess barasingha (*Rucervus duvaucelii*) from the captive herd maintained at their facility, for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Adeen Brooks, Tucson, AZ; PRT–57488B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the Galapagos giant tortoise (*Chelonoidis nigra*), radiated tortoise (*Astrochelys radiata*), bolson tortoise (*Gopherus flavomarginatus*), aquatic box turtle (*Terrapene coahuila*), and spotted pond turtle (*Geoclemys hamiltonii*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Kenneth Dalton, Mansfield, TX; PRT–61948B;

Applicant: Joseph Cutillo, The Woodlands, TX; PRT–59502B;

Applicant: Mark Robinson, Leesburg, VA; PRT–59527B.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2015–08205 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2014–N066; 40120–1112–0000–F2]

Receipt of Applications for Endangered Species Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. The ESA requires that we invite public comment before issuing these permits.

DATES: We must receive written data or comments on the applications at the address given below by *May 11, 2015.*

ADDRESSES: Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (Attn: Karen Marlowe, Permit Coordinator).

FOR FURTHER INFORMATION CONTACT: Karen Marlowe, 10(a)(1)(A) Permit Coordinator, telephone 205–726–2667; facsimile 205–726–2479.

SUPPLEMENTARY INFORMATION: The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and

our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17. This notice is provided under section 10(c) of the Act.

If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES** section) or send them via electronic mail (email) to *permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to the Fish and Wildlife Service office listed above (see **ADDRESSES**).

Before including your address, telephone number, email address, or other personal identifying information in your comments, 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 comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit Applications

Permit Application Number: TE 59645B–0

Applicant: Stephen Brock, Brandon, Mississippi

The applicant requests authorization to take (install artificial cavities and restrictors) red-cockaded woodpeckers (*Picoides borealis*) for population management to enhance the propagation and survival of the species in Mississippi.

Permit Application Number: TE 59798B–0

Applicant: Braven Beaty, Daguna Consulting LLC, Bristol, Virginia

This applicant requests authorization to take (capture, identify, mark with plastic shell tags, PIT-tag, and release) 31 species of mussels for purposes of conducting presence/absence surveys and population monitoring studies in the Tennessee and Cumberland River Basins in Tennessee.

Permit Application Number: TE 206777–2

Applicant: Ralph Costa, Mountain Rest, South Carolina

This applicant requests renewal of his current permit to take (capture, band, release, install artificial cavities and restrictors, monitor nest cavities, and translocate) red-cockaded woodpeckers (*Picoides borealis*) for population management to enhance the propagation and survival of the species throughout the species' range and as directed by the red-cockaded woodpecker recovery coordinator.

Permit Application Number: TE 60238B–0

Applicant: Byron Freeman, Georgia Museum of Natural History, Athens, Georgia

This applicant requests authorization to take (enter hibernacula, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio-tag, light-tag, wing-punch, and selectively euthanize for white-nose syndrome) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis septentrionalis*) for the purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring throughout the species' respective ranges.

Permit Application Number: TE 237544–1

Applicant: Stephen Golladay, Newton, Georgia

This applicant requests renewal of his current permit to take (capture, identify, and release) fat threeridge (*Amblema neislerii*), purple bankclimber (*Elliptoideus sloatianus*), shiny-rayed pocketbook (*Lampsilis subangulata*), gulf moccasinshell (*Medionidus penicillatus*), and oval pigtoe (*Pleurobema pyriforme*) while conducting presence/absence surveys in Georgia.

Permit Application Number: TE 61981B–0

Applicant: Jacques Jenny, the Peregrine Fund Inc., Boise, Idaho

The applicant requests authorization to take (capture; band; radio-tag; collect blood samples, feathers, egg shells, and infertile eggs; and salvage carcasses) Puerto Rican sharp-shinned hawk (*Accipiter striatus venator*) for scientific research to promote conservation of the species in Puerto Rico.

Dated: April 3, 2015.

Leopoldo Miranda,

Assistant Regional Director—Ecological Services, Southeast Region.

[FR Doc. 2015–08263 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV912000 L10100000.PH0000 LXSS0006F0000; 12–08807; MO#4500077801; TAS: 14X1109]

Notice of Public Meetings: Northeastern Great Basin Resource Advisory Council, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northeastern Great Basin Resource Advisory Council (RAC), will hold three meetings in Nevada in fiscal year 2015. The meetings are open to the public.

DATES: Dates And Times: May 21, Hilton Garden Inn, 3650 East Idaho Street, Elko, Nevada; Aug. 13–14, BLM Battle Mountain District Office, 50 Bastian Road, Battle Mountain, Nevada; and Oct. 22, BLM Ely District Office, 702 North Industrial Way, Ely, Nevada. Meeting times will be published in local and regional media sources at least 14 days before each meeting. All meetings will include a public comment period.

FOR FURTHER INFORMATION CONTACT: Chris Rose, BLM Nevada RAC Coordinator, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502, telephone: (775) 861–6480, email: *crose@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 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 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Nevada. Topics for discussion at each meeting will include, but are not limited to:

- May 21 (Elko)—Nevada and Northeastern California Sub-regional Greater Sage-Grouse Proposed Land Use Plan Amendment and Final Environmental Impact Statement, and Wild Horse Population Control Pilot Project.
- August 13–14 (Battle Mountain)—Drought, Greater Sage-Grouse, and

Livestock Grazing and Term Permit Renewals.

• October 22 (Ely)—Nevada and Northeastern California Sub-regional Greater Sage-Grouse Proposed Land Use Plan Amendment and Final Environmental Impact Statement, and Wild Horse Population Control Pilot Project.

Managers' reports of field office activities will be given at each meeting. The Council may raise other topics at the meetings.

Final agendas will be posted on-line at the BLM North-Eastern Great Basin RAC Web site at *http://bit.ly/NEGBRAC* and will be published in local and regional media sources at least 14 days before each meeting.

Individuals who need special assistance such as sign language interpretation or other reasonable accommodations, or who wish to receive a copy of each agenda, may contact Chris Rose no later than 10 days prior to each meeting.

Paul McGuire,

Acting Chief, Office of Communications.

[FR Doc. 2015–08251 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAC01000 L10100000.XZ0000 15XL1109AF LXSIOVHD0000]

Notice of Public Meeting of the Central California Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Central California Resource Advisory Council (RAC) will meet as indicated below.

DATES: Business meetings will be held Thursday and Friday, April 23–24, 2015, at the BLM Mother Lode Field Office, 5152 Hillsdale Circle, El Dorado Hills, CA. Members of the public are welcome to attend.

On April 23, the RAC will meet from noon to 6 p.m. On April 24, the RAC will meet from 8 a.m. to 11 a.m. Time for public comment is reserved from 9 a.m. to 10 a.m. on April 24.

FOR FURTHER INFORMATION CONTACT: BLM Central California District Manager Este Stifel, (916) 978–4626; or BLM Public Affairs Officer David Christy, (916) 941–3146.

SUPPLEMENTARY INFORMATION: The 12-member council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the Central California District, which includes the Bishop, Bakersfield, Hollister, Ukiah and Mother Lode Field Offices. At this meeting, agenda topics will include an update on resource management issues by the Field Managers including Lake Berryessa, Coast Dairies, Point Arena and oil and gas. Additional ongoing business will be discussed by the council. All meetings are open to the public. Members of the public may present written comments to the council. Each formal council meeting will have time allocated for public comments. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. The meeting is open to the public. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM as provided above.

Dated: March 31, 2015.

Ruben Leal,

Associate District Manager.

[FR Doc. 2015–08254 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON03000 L16100000.DQ0000]

Notice of Availability of the Proposed Resource Management Plan and Final Environmental Impact Statement for the Grand Junction Field Office, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS) for the Grand Junction Field Office and by this notice is announcing its availability.

DATES: The BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed RMP and Final EIS. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency publishes its notice of availability in the **Federal Register**.

ADDRESSES: Copies of the Grand Junction Field Office Proposed RMP and Final EIS were sent to affected Federal, State, and local government agencies and to other stakeholders and tribal governments. Copies of the Proposed RMP and Final EIS are available for public inspection at the Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506; Mesa County libraries in Grand Junction, Collbran, De Beque, Fruita and Gateway. Interested persons may also review the Proposed RMP and Final EIS on the Internet at *www.blm.gov/co/st/en/fo/gjfo.html.* All protests must be in writing and mailed to one of the following addresses:

Regular Mail: BLM Director (210), Attention: Protest Coordinator, P.O. Box 71383, Washington, DC 20024–1383.

Overnight Delivery: BLM Director (210), Attention: Protest Coordinator, 20 M Street SE., Room 2134LM, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Christina Stark, Planning and Environmental Coordinator; telephone 970–244–3027; 2815 H Road, Grand Junction, CO, 81506; email *BLM_CO_GJ_PUBLIC_COMMENTS@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to 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: Lands and Federal mineral estate managed by the Grand Junction Field Office within this RMP revision extend across most of Mesa County and parts of Garfield, Montrose and Rio Blanco counties. Management decisions outlined in this RMP revision apply to approximately 1,061,400 acres of BLM-managed surface lands and Federal mineral estate and to approximately 169,900 acres of Federal mineral split-estate. When approved, this RMP will replace the 1987 Grand Junction Resource Area RMP.

The public comment period on the Draft RMP and Draft EIS began on January 14, 2013, and ended June 24, 2013, which included a 60-day extension in response to requests from the public. The total comment period encompassed 162 days. The BLM developed the Proposed RMP and Final

EIS based on public comments on the Draft RMP and Draft EIS in addition to cooperating agency reviews, resource advisory council reviews, U. S. Fish and Wildlife Service consultation, and extensive internal BLM reviews. The BLM carefully considered and incorporated comments into the Proposed RMP as appropriate. Public comments assisted in the development of the Proposed RMP and resulted in the addition of clarifying text, but did not constitute a substantial change in the proposed land use plan decisions that would require a supplement to the Draft EIS.

The Proposed RMP and Final EIS describes and analyzes four management alternatives, each of which include objectives and management actions to address new management challenges and issues.

Alternative A is the no action alternative and is a continuation of the current management direction and prevailing conditions based on the existing 1987 Grand Junction Resource Area RMP and amendments.

Alternative B (The Proposed RMP) seeks to allocate public land resources among competing human interests and land uses, with the conservation of natural and cultural resource values. Alternative B carries forward the same theme it had in the Draft RMP and Draft EIS, but includes elements of the other alternatives analyzed in the Draft RMP and Draft EIS.

Alternative C emphasizes improving, rehabilitating and restoring resources; and sustaining the ecological integrity of habitats for all priority plant, wildlife and fish species, particularly the habitats needed to conserve and recover federally listed, proposed, or candidate threatened and endangered plant and animal species.

Alternative D emphasizes active management for natural resources, commodity production, and public use opportunities by allowing a mix of multiple use opportunities that target social and economic outcomes, while protecting land health. Management direction would recognize and expand existing uses, and accommodate new uses to the greatest extent possible.

The Proposed RMP would provide comprehensive, long-range decisions for the use and management of resources in the planning area administered by the Grand Junction Field Office, focusing on the principles of multiple use and sustained yield.

The Proposed RMP includes: Goals, objectives, management actions, allowable use and implementation decisions to ensure future BLM management in support of 13 areas of critical environmental concern, five special recreation management areas, six extensive recreation management areas, four wilderness study areas, one national trail management corridor, and one segment found suitable for inclusion in the National Wild and Scenic River System. Maps are included in the Proposed RMP/FEIS to illustrate the Proposed RMP as well as the other alternatives considered in the Final EIS. Through the Wild and Scenic River study process, the BLM inventoried 514 miles and 114 stream segments, found 415 miles and 100 stream segments ineligible, and found 99 miles and 14 stream segments eligible, of which 10.38 miles of 1 stream are identified as suitable in the Proposed RMP. Three areas covering 44,100 acres located in the southern portion of the field office would be managed to protect lands with wilderness characteristics. Protective management of the areas would vary; however, all of the areas would be managed as right-of-way exclusion, no leasing for fluid minerals, no surface occupancy (non-fluid minerals), closed to non-energy leasables, closed to mineral material disposal, and Visual Resource Management Class II.

While the RMP proposes some conservation management measures for the Greater Sage-grouse habitat, the Northwest Colorado Greater Sage-Grouse Plan Amendment and EIS will fully analyze applicable Greater-Sage grouse conservation measures, consistent with BLM Instruction Memorandum No. 2012–044. The BLM expects to make a comprehensive set of decisions for managing Greater Sage-Grouse on lands administered by the Grand Junction Field Office in the Record of Decision for the Northwest Colorado Greater Sage-Grouse Plan Amendment and EIS, which will update this proposed RMP.

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP and FEIS may be found in the ''Dear Reader'' Letter of the Grand Junction Field Office Proposed RMP and Final EIS, and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above. Emailed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct emails to *protest@blm.gov.* Unlike land use planning decisions, implementation decisions included in this Proposed RMP and Final EIS are not subject to protest under the BLM planning regulations. Implementation decisions are subject to an administrative review process through appeals to the Office of Hearings and Appeals, Interior Board of Land Appeals, pursuant to 43 CFR part 4. Implementation decisions generally constitute the BLM's final approval allowing on-the-ground actions to proceed. Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by specific resource program regulations once the BLM resolves the protests to land use planning decisions and issues an Approved RMP and ROD. Implementation decisions made in the plan that may be appealed to the Office of Hearing and Appeals are identified in the Proposed RMP and Final EIS. They will also be included in the ROD and Approved RMP.

Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5

Ruth Welch,

BLM Colorado State Director.

[FR Doc. 2015–08187 Filed 4–10–15; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[15X.LLID9570000.L14400000.BJ0000.241A. 4500078174]

Idaho: Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Surveys.

SUMMARY: The Bureau of Land Management (BLM) has officially filed the plats of survey of the lands described below in the BLM Idaho State Office, Boise, Idaho, effective 9:00 a.m., on the dates specified.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 1387

South Vinnell Way, Boise, Idaho, 83709–1657.

SUPPLEMENTARY INFORMATION: This survey were executed at the request of the Bureau of Land Management to meet their administrative needs. The lands surveyed are: The plat constituting the entire survey record of the dependent resurvey of a portion of the subdivisional lines, and a corrective dependent resurvey of a portion of metes-and-bounds survey No. 1, in sections 25, 26, 35, and 36, T. 4 S., R. 19 E., Boise Meridian, Idaho, Group Number 985, was accepted January 15, 2015.

The plat constituting the entire survey record of the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 26, T. 5 S., R. 17 E., Boise Meridian, Idaho, Group Number 1400, was accepted January 15, 2015.

The plats constituting the entire survey record of: The dependent resurvey of portions of the west boundary and subdivisional lines, T. 8 S., R. 3 W., Boise Meridian, Idaho, Group Number 1367; the dependent resurvey of portions of the north boundary and subdivisional lines, and the subdivision of section 3, T. 9 S., R. 4 W., Boise Meridian, Idaho, Group Number 1367; the dependent resurvey of portions of the south and west boundaries, and subdivisional lines, and the subdivision of sections 27 and 31, T. 9 S., R. 5 W., Boise Meridian, Idaho, Group Number 1367; the dependent resurvey of portions of the north boundary, west boundary, and subdivisional lines, and the subdivision of sections 4 and 6, T. 10 S., R. 3 W., Boise Meridian, Idaho, Group Number 1367; and the dependent resurvey of portions of the east and west boundaries, and subdivisional lines, and the subdivision of sections 1 and 3, T. 10 S., R. 5 W., Boise Meridian, Idaho, Group Number 1367, were approved January 23, 2015.

These surveys were executed at the request of the Bureau of Indian Affairs to meet certain administrative and management purposes. The lands surveyed are: The plat representing the dependent resurvey of portions of the east boundary, subdivisional lines, and subdivision of sections 11 and 14, and the subdivision of section 13, and further subdivision of sections 11 and 14, T. 34 N., R. 4 W., Boise Meridian, Idaho, Group Number 1404, was accepted February 11, 2015.

The plat representing the dependent resurvey of portions of the subdivisional lines and subdivision of section 26, and further subdivision of section 26, T. 33 N., R. 1 E., of the Boise Meridian, Idaho, Group Number 1403, was accepted February 19, 2015.

Stanley G. French,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 2015–08249 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–D–COS–POL–18018; PWODIREP0] [PPMPSPD1Y.YM0000]

Notice of Amendment of the Site for the May 6–7, 2015, Meeting of the National Park System Advisory Board

AGENCY: National Park Service, Interior.

ACTION: Notice of change of meeting site.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix 1–16, and Part 65 of title 36 of the Code of Federal Regulations, notice is hereby given of the change in the site for the May 6–7, 2015, meeting of the National Park System Advisory Board.

DATES: The Board will meet on May 6–7, 2015.

ADDRESSES: The meeting site originally published on March 8, 2015, in the **Federal Register**, 80 FR 12519, has changed. The new meeting site will be the Crystal Sands Room of the Hampton Inn Pensacola Beach Gulf Front, 2 Via De Luna Drive, Pensacola Beach, Florida 32561, telephone (850) 932–6800.

FOR FURTHER INFORMATION CONTACT: Shirley Sears, National Park Service, telephone (202) 354–3955, email *Shirley_Sears@nps.gov.*

SUPPLEMENTARY INFORMATION: The board meeting will be open to the public. The order of the agenda may be changed, if necessary, to accommodate travel schedules or for other reasons. Space and facilities to accommodate the public are limited and attendees will be accommodated on a first-come basis. Anyone may file with the Board a written statement concerning matters to be discussed. The Board also will permit attendees to address the Board, but may restrict the length of the presentations, as necessary to allow the Board to complete its agenda within the allotted time. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 7, 2015.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–08266 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–PWRO–17665; PX.PR118981J.00.1]

Draft Environmental Impact Statement/ General Management Plan, Kalaupapa National Historical Park, Kalawao and Maui Counties, Hawaii

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service announces the availability of a Draft General Management Plan (GMP)/ Environmental Impact Statement (EIS) for Kalaupapa National Historical Park. The document identifies and analyzes four alternatives. Alternative A (no action alternative) assumes that programming, facilities, staffing, and funding would generally continue at their current levels to protect the values of Kalaupapa NHP in the near term. Alternative B focuses on maintaining Kalaupapa's spirit and character through limiting visitation. Visitor use would be highly structured, though limited opportunities would exist for public visitation and overnight use. The NPS would develop an extensive outreach program to share Kalaupapa's history with a wide audience at off-site locations. Alternative C (agency-preferred) emphasizes stewardship of Kalaupapa's lands in collaboration with the park's many partners. Kalaupapa's diverse resources would be managed to protect and maintain their character and historical significance. Visitation by the general public would be supported, provided, and integrated into park management. Visitor regulations would change, while continuing to limit the number of visitors per day through new mechanisms. Alternative D focuses on the personal connections to Kalaupapa through visitation by the general public. Resources would be managed for long-term preservation through NPS-led programs throughout the park. Alternative D offers visitors the greatest opportunities to explore areas on their own. Visitor regulations would be similar to Alternative C.

DATES: All comments on the Draft EIS must be postmarked or transmitted no later than 60 days after the date the Environmental Protection Agency publishes its notice of the filing and release of the document in the **Federal Register**. Immediately upon confirmation of this date, updated information—including dates, times, and locations of public meetings—will be announced on the project Web site *http://parkplanning.nps.gov/kala,* in local and regional press media, and will also be available by contacting Kalaupapa National Historical Park.

ADDRESSES: Written comments may be submitted by one of two methods: mail or hand-deliver comments to Kalaupapa National Historical Park, Attn: DEIS—GMP, P.O. Box 2222, Kalaupapa, HI 96742, (808) 567–6802. Or you may submit comments via the Web site noted above. 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.

FOR FURTHER INFORMATION CONTACT: Ms. Erika Stein Espaniola, Superintendent, Kalaupapa National Historical Park, P.O. Box 2222, Kalaupapa, HI 96742; (808) 567–6802 x1100.

Ms. Anna Tamura, Project Manager, NPS Pacific West Regional Office, 909 1st Avenue, Seattle, WA 98104; (206) 220–4157.

SUPPLEMENTARY INFORMATION: Kalaupapa National Historical Park was established as a unit of the National Park System on December 22, 1980. The park is oriented toward patient privacy and maintaining the patients' lifestyles, and the patients are guaranteed they may remain at Kalaupapa as long as they wish. These park purposes will continue as long as there is a resident Hansen's disease patient community at Kalaupapa. In addition, the purpose of Kalaupapa National Historical Park is to honor the history of the isolated Hansen's disease community by preserving and interpreting its site and values. The historical park also tells the story of the rich Hawaiian culture and traditions at Kalaupapa that go back at least 900 years.

Kalaupapa NHP encompasses 8,725 acres of land and 2,000 acres of water. Federally owned land at Kalaupapa NHP includes only 23 acres. The remainder of the park land is currently in non-Federal ownership, managed under a lease and cooperative agreements mandated by legislation. The NPS has a fifty year lease agreement for the approximately 1,300 acres of the Kalaupapa Settlement owned by the Department of Hawaiian Home Lands (DHHL). The remainder of the land is owned by the State of Hawaii. Formal 20-year cooperative agreements for management have been signed with the State of Hawaii Departments of Health (DOH), Transportation (DOT), and Land and Natural Resources (DLNR); the Roman Catholic Church; and the United Church of Christ. The State Department of Health has substantial control over activities in Kalaupapa.

The legislation establishing the park specifically directs a reevaluation of park management: ''At such time when there is no longer a resident patient community at Kalaupapa, the Secretary shall reevaluate the policies governing the management, administration, and public use of the park in order to identify any changes deemed to be appropriate.'' (Public Law 95–565, § 109). Approximately fifteen Hansen's disease patients still reside at Kalaupapa, either in their own homes or at Kalaupapa's hospital/care-home. Most of these patients are elderly and in poor health. Thus, a very critical need is to engage the patients in a dialog about the future when there no longer is a patient community residing in the park. Participation by the patient community has been a key element to the overall process.

Kalaupapa NHP has never had a formal general management plan. The proposed GMP is intended to addresses major issues including: Resource management, visitor use and access, analysis of potential boundary modifications, and the expected shift from co-management with the State of Hawaii Department of Health (DOH) to a future when the DOH and the living patient community are no longer at Kalaupapa.

Decision Process: All comments received on the Draft EIS will be duly considered in preparing the Final EIS. The Final EIS is expected to be available during the summer, 2016. Subsequently a Record of Decision would be prepared not sooner than 30 days after release of the Final EIS. Because this is a delegated EIS, the official responsible for approving the final plan is the Regional Director, Pacific West Region, National Park Service. The official responsible for implementation of the approved plan is the Superintendent, Kalaupapa National Historical Park.

Dated: February 11, 2015.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 2015–08270 Filed 4–9–15; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR06230000, 15XR0680A1, RN.07694998.0000501]

Notice of Availability of the Northwest Area Water Supply Project Final Supplemental Environmental Impact Statement; Burke, Bottineau, Divide, McHenry, McLean, Mountrail, Pierce, Renville, Ward, and Williams Counties, North Dakota

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Reclamation (Reclamation) is notifying the public that Reclamation has prepared a Final Supplemental Environmental Impact Statement (SEIS) for the Northwest Area Water Supply Project (Project). Reclamation has evaluated comments received from the public on the Draft SEIS and is recommending a preferred alternative for approval. The Missouri River and Groundwater Alternative would provide a high quality and reliable water supply to meet existing and future water needs. This alternative would include conventional treatment at the biota water treatment plant, located within the Missouri River Basin, and the proposed intake for the Project would be located within Reclamation's Snake Creek Pumping Plant on Lake Sakakawea.

DATES: Reclamation will not make a decision on the proposed action until at least 30 days after filing of the Final SEIS. After the 30-day waiting period, Reclamation will complete a Record of Decision. The Record of Decision will identify the selected action for implementation and will discuss factors and rationale used in making the decision.

FOR FURTHER INFORMATION CONTACT: Ms. Alicia Waters, Project Manager, (701) 221–1206; or by email at *awaters@usbr.gov.* The Final SEIS and additional information is available at *http://www.usbr.gov/gp/dkao.* Send requests for an executive summary and compact disc to Ms. Alicia Waters, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58502, or at the email address above.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act of 1969, the Final SEIS documents the potential direct, indirect, and cumulative environmental and socioeconomic effects of the proposed action to construct a municipal, rural and industrial (MR&I) water system to provide drinking water to local communities and rural water systems in northwestern North Dakota. The Project is sized to serve projected population growth through the year 2060. Water provided by the Project would be treated to meet the primary drinking water standards established by the Safe Drinking Water Act. The Project would supply water to specific delivery points. Each community or rural water system would be responsible for connecting to the distribution line and delivering water through their water system to end users. The Project was authorized by the Garrison Diversion Reformulation Act of 1986 and the Dakota Water Resources Act of 2000 as part of the MR&I Grant Program.

Four action alternatives were evaluated in the Final SEIS. These alternatives fall into two categories—those using only inbasin water sources (Souris River and groundwater) and those proposing to use water from the Missouri River (Lake Sakakawea). The preferred alternative, Missouri River and Groundwater Alternative, would use Lake Sakakawea as the primary water source. This water would be conveyed to the biota water treatment plant where it would be treated using conventional treatment processes. After treatment at the biota water treatment plant, the water would be conveyed in a buried pipeline to the Minot water treatment plant and blended with water from the Minot and Sundre aquifers. Following this treatment, water would be supplied to Project members through a distribution pipeline system.

Some of the resources potentially affected by the proposed action that are evaluated in the Final SEIS include: Surface water and groundwater resources, water quality, aquatic invasive species, threatened and endangered species, socioeconomics, environmental justice and historic properties. The geographic scope of analysis generally covers the Missouri and Souris river basins, and carries analysis into Canada as directed by the U.S. District Court.

A Notice of Availability of the Draft SEIS was published in the **Federal Register** on June 27, 2014 (79 FR 36556). The written comment period for the Draft SEIS was extended 30 days and concluded on September 10, 2014 (79 FR 45459). The Final SEIS contains responses to all substantive comments received, and reflects comments and additional information received during the review period.

Copies of the Final SEIS are available for public review at the following locations:

- Bureau of Reclamation, Dakotas Area Office, 304 East Broadway Avenue, Bismarck, ND 58501.
- Bureau of Reclamation, Great Plains Regional Office, 316 North 26th Street, Billings, MT 59101.
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225.
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001.
- Bismarck Public Library, 515 North 5th Street, Bismarck, ND 58501.
- Bottineau City Hall, 115 West 6th Street, Bottineau, ND 58318.
- Minot Public Library, 516 2nd Avenue SW., Minot, ND 58701.
- Mohall Public Library, 115 Main Street West, Mohall, ND 58761.
- North Dakota State Library, 604 East Boulevard Avenue, Bismarck, ND 58505.

Dated: April 2, 2015.

John F. Soucy,

Deputy Regional Director, Great Plains Region.

[FR Doc. 2015–08142 Filed 4–9–15; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2015–0003; OMB Control Number 1014–0016; 15XE1700DX EX1SF0000.DAQ000 EEEE500000]

Information Collection Activities: Pipelines and Pipeline Rights-of-Way (ROW); Proposed Collection; Comment Request

ACTION: 60-day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), BSEE is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns a revision to the paperwork requirements in the regulations under Subpart J, *Pipelines and Pipeline Rights-of-Way (ROW).*

DATES: You must submit comments by June 9, 2015.

ADDRESSES: You may submit comments by either of the following methods listed below.

- Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2015–0003 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *cheryl.blundon@bsee.gov.* Mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Cheryl Blundon; 45600 Woodland Rd., Sterling, VA 20166. Please reference ICR 1014–0016 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch at (703) 787–1607 to request additional information about this ICR.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 250, subpart J, *Pipelines and Pipeline Rights-of-Way (ROW).*

Form(s): BSEE–0149.

OMB Control Number: 1014–0016.

Abstract: The Outer Continental Shelf (OCS) Lands Act at (43 U.S.C. 1334), authorizes the Secretary of the Interior to prescribe rules and regulations to necessary for the administration of the leasing provisions of the Act related to mineral resources on the OCS. Such rules and regulations apply to all operations conducted under a lease, pipeline right-of-way (ROW), or a right-of-use and easement. Section 1334(e) authorizes the Secretary to grant ROWs through the submerged lands of the OCS for pipelines ''. . . for the transportation of oil, natural gas, sulphur, or other minerals, or under such regulations and upon such conditions as may be prescribed by the Secretary, . . . including (as provided in Section 1347(b) of this title) assuring maximum environmental protection by utilization of the best available and safest technologies, including the safest practices for pipeline burial. . . .''

In addition to the general rulemaking authority of the OCSLA at 43 U.S.C. 1334, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, section 108 of

FOGRMA, 30 U.S.C. 1718, grants the Secretary broad authority to inspect lease sites for the purpose of determining whether there is compliance with the mineral leasing laws. Section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. Because the Secretary has delegated some of the authority under FOGRMA to BSEE, 30 U.S.C. 1751 is included as additional authority for these requirements.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and OMB Circular A–25 authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's (DOI) implementing policy, the Bureau of Safety and Environmental Enforcement (BSEE) is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Pipeline and assignment applications are subject to cost recovery, and BSEE regulations specify the service fees.

Regulations implementing these responsibilities are among those delegated to BSEE. The regulations under 30 CFR 250, Subpart J, pertain to pipelines and pipeline rights-of-way (ROWs), a form, and related Notices to Lessees (NTLs) and Operators.

We use the information to ensure that lessees and pipeline ROW holders design the pipelines that they install, maintain, and operate are performed in a safe manner. BSEE needs information concerning the proposed pipeline and safety equipment, inspections and tests, and natural and manmade hazards near the proposed pipeline route. BSEE uses the information to review pipeline designs prior to approving an application for an ROW or lease term pipeline to ensure that the pipeline, as constructed, will provide for safe transportation of minerals through the submerged lands of the OCS. BSEE reviews proposed pipeline routes to ensure that the pipelines would not conflict with any State requirements or unduly interfere with other OCS activities. BSEE reviews proposals for taking pipeline safety equipment out of service to ensure alternate measures are used that will properly provide for the safety of the pipeline and associated facilities (platform, *etc.*). BSEE reviews notifications of relinquishment of ROW grants and requests to decommission pipelines for regulatory compliance and to ensure that all legal obligations are met. BSEE monitors the records concerning pipeline inspections and tests to ensure safety of operations and protection of the environment and to schedule witnessing trips and inspections. Information is also necessary to determine the point at which DOI or Department of Transportation (DOT) has regulatory responsibility for a pipeline and to be informed of the identified operator if not the same as the pipeline ROW holder.

We use the information in Form BSEE–0149, Assignment of Federal OCS Pipeline Right-of-Way Grant, to track the holdership of pipeline ROWs; as well as use this information to update the corporate database that is used to determine what leases are available for a Lease Sale and the ownership of all OCS leases. However, we made a minor revision to this form. Under Part A—Assignment—we added in the under legal description, ''and any accessory information''. Under § 250.1012, pipeline ROW grants can include accessories. Therefore, when transferring a Pipeline ROW grant, the description of the pipeline ROW grant should identify everything. This will help facilitate BSEE's review when an application has been submitted.

No questions of a sensitive nature are asked. We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2); also under regulations at 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection,* and 30 CFR 252, *Outer Continental Shelf (OCS) Oil and Gas Information Program.* Responses are mandatory or are required to obtain or retain a benefit.

Frequency: On occasion and as a result of the requirements.

Description of Respondents: Potential respondents comprise Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The currently approved annual reporting burden for this collection is 55,072 burden hours and $1,824,851 non-hour cost burden. In this submission, we are requesting a total of 36,564 burden hours and $1,508,968 non-hour cost burdens. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN TABLE

Citation 30 CFR 250 Subpart J and related NTL(s)	Reporting & recordkeeping requirement *	Non-hour cost burdens		
		Hour burden	Average no. of annual responses	Annual burden hours (rounded)
Lease Term (L/T) Pipeline (P/L) Applications				
1000(b)(1); 1004(b)(5); 1007(a).	Submit application and all required information and notices to install new L/T P/L.	92	61-new L/T P/L applications.	5,612
		$3,541 × 61 L/T P/L applications = $216,001		
1000(b)(1); 1007(b)	Submit application and all required information and notices to modify a L/T P/L.	30	102 modifications	3,060
		$2,056 × 102 L/T P/L applications = $209,712		
1000(b)(1);	Submit an application to decommission a lease-term pipeline.	Burden covered under 1014–0010, 30 CFR 250, Subpart Q.		0

BURDEN TABLE—Continued

Citation 30 CFR 250 Subpart J and related NTL(s)	Reporting & recordkeeping requirement *	Non-hour cost burdens		
		Hour burden	Average no. of annual responses	Annual burden hours (rounded)
Subtotal			163 responses	8,672
			$425,713 non-hour cost burdens	
Right of Way (ROW) P/L Applications and Grants				
1000(b)(2), (d); 1004(b)(5); 1007(a); 1009(a); 1015; 1016.	Submit application and all required information and notices for new P/L ROW grant and to install a new ROW P/L.	107	62-new ROW grant and P/L applications.	6,634
		$2,771 × 62 applications = $171,802		
1000(b)(2), (3); 1007(b); 1017.	Submit application and all required information and notices to modify a P/L ROW grant and to modify an ROW P/L (includes route modifications, cessation of operations, partial relinquishments, hot taps, and new and modified accessory platforms).	45	190 modifications	8,550
		$4,169 × 190 applications = $792,110		
1000(b)(3); 1010(h); 1017(b)(2)(ii); 1019.	Submit application and all required information and notices to relinquish P/L ROW grant.	Burden covered under 1014–0010, 30 CFR 250, Subpart Q.		0
1015	Submit application and all required information and notices for a P/L ROW grant to convert a lease-term P/L to an ROW P/L.	15	15 conversions	225
		$236 × 15 applications = $3,540		
1016	Request opportunity to eliminate conflict when an application has been rejected.	5	1 request	5
1018	Submit application and all required information and notices for assignment of a pipeline ROW grant using Form BSEE–0149 (burden includes approximately 30 minutes to fill out form).	13	275 assignments	3,575
		$201 × 275 P/L ROW requests = $55,275		
Subtotal			543 responses	18,989
			$1,022,727 non-hour cost burdens	
Notifications and Reports				
1004(b)(5)	In lieu of a continuous volumetric comparison system, request substitution; submit any supporting documentation if requested/required.	35	1 submittal	35
1007(a)(4)(i)(A); (B); (C)	Provide specified information in your pipeline application if using unbonded flexible pipe.	4	20 submittals	80
1007(a)(4)(i)(D)	Provide results of third party IVA review in your pipeline application if using unbonded flexible pipe.	For risers, this verification is included in the CVA analysis. For jumpers, it is not required.		0
1007(a)(4)(ii)	Provide specified information in your pipeline application.	25	40 applications	1,000
1008(a)	Notify BSEE before constructing or relocating a pipeline.	½	62 notices	31
1008(a)	Notify BSEE before conducting a pressure test	½	87 notices	44
1008(b)	Submit L/T P/L construction report	18	28 reports	504
1008(b)	Submit ROW P/L construction report	19	17 reports	323
1008(c)	Notify BSEE of any pipeline taken out of service	½	415 notices	208
1008(d)	Notify BSEE of any pipeline safety equipment taken out of service more than 12 hours.	½	2 notices	1
1008(e)	Notify BSEE of any repair and include procedures	3	156 notices	468
		$388 × 156 notices = $60,528		

BURDEN TABLE—Continued

Citation 30 CFR 250 Subpart J and related NTL(s)	Reporting & recordkeeping requirement *	Non-hour cost burdens		
		Hour burden	Average no. of annual responses	Annual burden hours (rounded)
1008(e)	Submit repair report	4	132 reports	528
1008(f)	Submit report of pipeline failure analysis	½	4 reports	2
1008(g)	Submit plan of corrective action and report of any remedial action.	13	19 plans/reports	247
1008(h)	Submit the results and conclusions of pipe-to-electrolyte potential measurements.	1	794 results	794
1010(c)	Notify BSEE of any archaeological resource discovery.	5	1 notices	5
1010(d)	Notify BSEE of P/L ROW holder's name and address changes.	Not considered IC under 5 CFR 1320.3(h).		0
Subtotal			1,778 responses	4,270
			$60,528 non-hour cost burdens	
General				
1000(c)(2)	Identify in writing P/L operator on ROW if different from ROW grant holder.	Cover by applicable applications		0
1000(c)(3)	Mark specific point on P/L where operating responsibility transfers to transporting operator or depict transfer point on a schematic located on the facility. One-time requirement after final rule published; now part of application or construction process involving no additional burdens.			0
1000(c)(4)	Petition BSEE for exceptions to general operations transfer point description.	5	1 petition	5
1000(c)(8)	Request BSEE recognize valves landward of last production facility but still located on OCS as point where BSEE regulatory authority begins (none received to date).	1	1 request	1
1000(c)(12)	Petition BSEE to continue to operate under DOT regulations upstream of last valve on last production facility (one received to date).	40	1 petition	40
1000(c)(13)	Transporting P/L operator petition to DOT and BSEE to continue to operate under BSEE regulations (none received to date).	40	1 petition	40
1004(c)	Place sign on safety equipment identified as ineffective and removed from service.	See footnote 1		0
1000–1019	General departure and alternative compliance requests not specifically covered elsewhere in subpart J regulations.	2	200 requests	400
Subtotal			204 responses	486
Recordkeeping				
1000–1008	Make available to BSEE design, construction, operation, maintenance, testing, and repair records on lease-term P/Ls.[2]	5	128 lease-term P/L operators.	640
1005(a)	Inspect P/L routes for indication of leakage,[1] record results, maintain records 2 years.[2]	2 per month = 24	128 lease-term P/L operators.	3,072
1010(g)	Make available to BSEE design, construction, operation, maintenance, testing, and repair records on P/L ROW area and improvements.[2]	5	87 P/L ROW holders	435
Subtotal			343 responses	4,147
Total Hour Burdens			3,031 responses	36,564
Total Non-Hour Cost Burdens			$1,508,968 non-hour cost burdens	

[1] These activities are usual and customary practices for prudent operators.
[2] Retaining these records is usual and customary business practice; required burden is minimal to make available to BSEE.
* In the future, BSEE will be allowing the option of electronic reporting for certain requirements.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified seven non-hour cost burdens, all of which are the cost recovery fees required under 30 CFR 250, Subpart J. However, the actual fee amounts are specified in 30 CFR 250.125, which provides a consolidated table of all of the fees required under the 30 CFR 250 regulations. The total of the non-hour cost burden (cost recovery fees) in this IC request is an estimated $1,508,968.

The non-hour cost burdens required in 30 CFR 250, Subpart J (and respective cost-recovery fee amount per transaction) are required under: § 250.1000(b)—New Pipeline Application (lease term)—$3,541, § 250.1000(b)—Pipeline Application Modification (lease term)—$2,056, § 250.1000(b)—Pipeline Application Modification (ROW)—$4,169, § 250.1008(e)—Pipeline Repair Notification—$388, § 250.1015(a)—Pipeline ROW Grant Application—$2,771, § 250.1015(a)—Pipeline Conversion from Lease Term to ROW—$236, § 250.1018(b)—Pipeline ROW Assignment—$201.

We have not identified any other non-hour cost burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .''. Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

Agencies must also estimate the non-hour paperwork cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have other than hour burden costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. For further information on this burden, refer to 5 CFR 1320.3(b)(1) and (2), or contact the Bureau representative listed previously in this notice.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: 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.

Douglas W. Morris,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2015–08264 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2015–0004; OMB Control Number 1014–0008; 15XE1700DX EEEE500000 EX1SF0000.DAQ000]

Information Collection Activities: Well Control and Production Safety Training; Proposed Collection; Comment Request

ACTION: 60-day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), BSEE is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns a renewal to the paperwork requirements in the regulations under Subpart O, *Well Control and Production Safety Training.*

DATES: You must submit comments by June 9, 2015.

ADDRESSES: You may submit comments by either of the following methods listed below.

- Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2015–0004 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *cheryl.blundon@bsee.gov.* Mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Cheryl Blundon, 45600 Woodland Road, Sterling, VA 20166. Please reference ICR 1014–0008 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch at (703) 787–1607 to request additional information about this ICR.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 250, subpart O, *Well Control and Production Safety Training.*

OMB Control Number: 1014–0008.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations necessary for the administration of the leasing provisions of the Act related to mineral resources on the OCS. Such rules and regulations will apply to all operations conducted under a lease, pipeline right-of-way, or a right-of-use and easement. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

In addition to the general rulemaking authority of the OCSLA at 43 U.S.C. 1334, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, section 108 of FOGRMA, 30 U.S.C. 1718, grants the Secretary broad authority to inspect lease sites for the purpose of determining whether there is compliance with the mineral leasing laws. Section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. Because the Secretary has

delegated some of the authority under FOGRMA to BSEE, 30 U.S.C. 1751 is included as additional authority for these requirements.

Section 1332(6) of the OCS Lands Act requires that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health.''

For your information, because of the regulatory requirements in 30 CFR 250, Subpart S (SEMS), 30 CFR 250, Subpart O, audits ceased. The training audits fall under the requirements defined in § 250.1915. However, BSEE keeps Subpart O documents and regulations active because the Subpart O regulatory requirements give BSEE the authority and ability to test employees on the effectiveness of their own training program.

Regulations implementing these responsibilities are among those delegated to BSEE. The regulations under 30 CFR 250, Subpart O, pertain to well control and production safety training and pertain to training requirements for certain personnel working on the OCS and is the subject of this collection. This request also covers the related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

We will use the information collected under Subpart O regulations to ensure that workers in the OCS are properly trained with the necessary skills to perform their jobs in a safe and pollution-free manner.

In some instances, we may conduct oral interviews of offshore employees to evaluate the effectiveness of a company's training program. The oral interviews are used to gauge how effectively the companies are implementing their own training program.

No questions of a sensitive nature are asked. We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR 2); and under regulations at 30 CFR 250.197, Data and information to be made available to the public or for limited inspection, and 30 CFR part 252, Outer Continental Shelf (OCS) Oil and Gas Information Program. Responses are mandatory or are required to obtain or retain benefits.

Frequency: On occasion.

Description of Respondents: Potential respondents comprise Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The currently approved annual reporting burden for this collection is 2,919 hours. In this submission, we are requesting a total of 202 burden hours. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities.

We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart O	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
1503(a), (c)	Develop training plans. Note: Existing lessees/respondents already have training plans developed. This number reflects development of plans for any new lessees.	120	1	120
1503(d)(1)	Upon request, provide BSEE with copies of training documentation for personnel involved in well control, deepwater well control, or production safety operations within the past 5 years.	16	1	16
1503(d)(2)	Upon request, provide BSEE with a copy of your training plan	16	1	16
1507(b)	Employee oral interview conducted by BSEE	2	1	2
1507(c), (d); 1508; 1509.	Written testing conducted by BSEE or authorized representative	Not considered information collection under 5 CFR 1320.3(h)(7).		0
1510(b)	Revise training plan and submit to BSEE	40	1	40
250.1500–1510	General departure or alternative compliance requests not specifically covered elsewhere in subpart O.	8	1	8
Total Hour Burden			1	202

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no non-hour cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''. Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

Agencies must also estimate the non-hour paperwork cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have other than hour burden costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. For further information on this burden, refer to 5 CFR 1320.3(b)(1) and (2), or contact the Bureau representative listed previously in this notice.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make

any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: 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: April 7, 2015.

Douglas W. Morris,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2015–08265 Filed 4–9–15; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–908]

Certain Soft-Edged Trampolines and Components Thereof Notice of Final Determination of No Violation; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that no violation of section 337 has been proven in the above-captioned investigation. The Commission's determination is final, and this investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3438. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 30, 2014, based on a complaint filed by Springfree Trampoline, Inc. of Markham, Canada, Springfree Trampoline USA Inc. of Markham, Canada, and Spring Free Limited Partnership of Markham, Canada (collectively, ''Springfree''). 79 FR 4956 (Jan. 30, 2014). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation, sale for importation, or sale within the United States after importation of certain soft-edged trampolines and components thereof by reason of infringement of claims 1 and 13 of U.S. Patent No. 6,319,174 (''the '174 patent''). *Id.* The notice of investigation names Vuly Trampolines Pty. Ltd. of Brisbane, Australia (''Vuly'') as the sole respondent. *Id.* at 4957. The Office of Unfair Import Investigations did not participate in the investigation. *Id.*

On December 5, 2014, the administrative law judge (''ALJ'') issued a final ID finding no violation of section 337. On December 18, 2014, the ALJ issued a recommended determination (''RD'') on remedy and bonding. On December 22, 2014, Springfree and Vuly filed petitions for review challenging various findings in the final ID. On January 2, 2015, the parties filed responses. The Commission did not receive any post-RD public interest comments from the public or the parties.

On February 5, 2015, the Commission determined to review the final ID in part and requested additional briefing from the parties on certain issues. The Commission also solicited briefing from the parties and the public on the issues of remedy, bonding, and the public interest. On February 19, 2015, the parties filed briefs addressing the Commission's questions and the issues of remedy, bonding, and the public interest. On March 2, 2015, the parties filed reply briefs.

Having examined the record of this investigation, including the ALJ's final ID and submissions from the parties, the Commission has determined to affirm the ALJ's determination of no violation. As explained more fully in the forthcoming Commission opinion, the Commission has determined to construe ''flexible mat'' in the first instance, modify the ALJ's construction of ''first retaining means,'' and affirm, but on modified grounds, the ALJ's construction of ''flexible elongated rod.'' The Commission has determined to affirm, but on modified grounds, the ALJ's findings that Vuly's products infringe claim 13, that Springfree's products practice claim 13, that claim 1 is not invalid as anticipated by the prior art, that claim 13 is invalid as anticipated by the prior art, and that claims 1 and 13 are not invalid due to lack of enablement. The Commission has determined to reverse the ALJ's findings that Vuly's products infringe claim 1, that Springfree's products do not practice claim 1, and that Springfree did not satisfy the technical prong of the domestic industry requirement as to claims 1 and 13. The Commission has determined to affirm the ALJ's finding that Springfree did not satisfy the economic prong of the domestic industry requirement. The Commission has determined not to reach the issue of whether claim 13 is obvious.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 6, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–08223 Filed 4–9–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1269 (Preliminary)]

Silicomanganese from Australia; Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 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 of silicomanganese, provided for in subheading 7202.30.00 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'').

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

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 an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. 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 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 investigation.

Background

On February 19, 2015, a petition was filed with the Commission and Commerce by Felman Production LLC, Letart, West Virginia, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of silicomanganese from Australia. Accordingly, effective February 19, 2015, the Commission instituted antidumping duty investigation No. 731–TA–1269 (Preliminary).

Notice of the institution of the Commission's investigation 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 February 26, 2015 (80 FR 10511). The conference was held in Washington, DC, on March 12, 2015, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determination in this investigation on April 7, 2015. The views of the Commission are contained in USITC Publication 4528 (April 2015), entitled *Silicomanganese from Australia: Investigation No. 731–TA–1269 (Preliminary).*

By order of the Commission.

Dated: April 7, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–08276 Filed 4–9–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Availability of Funds and Funding Opportunity Announcement for YouthBuild

AGENCY: Employment and Training Administration, Labor.

ACTION: Funding Opportunity Announcement (FOA). *Funding Opportunity Number:* FOA–ETA–15–05

SUMMARY: The Employment and Training Administration (ETA), U.S. Department of Labor (DOL or Department), announces the availability of approximately $76 million in grant funds authorized by the YouthBuild provisions of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128). DOL will award grants through a competitive process to organizations to oversee the provision of education, occupational skills training, and employment services to disadvantaged youth in their communities while performing meaningful work and service to their communities. In Fiscal Year (FY) 2015, DOL hopes to serve approximately 4,950 participants during the grant period of performance, with approximately 76 projects awarded across the country. Individual grants will range from $700,000 to $1.1 million and require an exact 25 percent match from applicants, using sources other than federal funding. The grant period of performance for this FOA is 40 months, including a four-month planning period.

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 June 5, 2015. Applications must be received no later than 4:00:00 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Kia Mason, 200 Constitution Avenue NW., Room N–4716, Washington, DC 20210; Email: *mason.kia@dol.gov.*

The Grant Officer for this FOA is Steven A. Rietzke.

Signed April 6, 2015 in Washington, DC.

Eric D. Luetkenhaus,

Grant Officer/Division Chief, Employment and Training Administration.

[FR Doc. 2015–08209 Filed 4–9–15; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Pre-Apprenticeship Database

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) proposal titled, ''Pre-Apprenticeship Database,'' 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 May 11, 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=201409-1205-002* (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 (this is not a toll-free number) or by email at *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–ETA, 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 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Pre-Apprenticeship Database information collection that will provide a valuable tool for job seekers, registered apprenticeship program sponsors, and American Job Center front line staff. A dedicated database will also provide a way for job seekers and registered apprenticeship programs to access pre-apprenticeship programs in their local areas. The Application for Pre-Apprenticeship Programs asks the program (1) for contact information including the program name, program director and an alternate point of contact; (2) about the population served and whether the pre-apprenticeship program has a direct link to a registered apprenticeship program as well as information on the nature of any direct link or partnership; (3) about the curriculum, whether a registered apprenticeship program or industry provided input into the pre-apprenticeship program's development, whether the training may lead to a credential or certificate, and whether a registered apprenticeship program has approved the training; and (4) about other services the pre-apprenticeship program provides to participants (*i.e.,* supportive services beyond training to the most-in-need participants), any skill assessments conducted, case manager availability, whether the program is structured to offer a real work environment, industries the program services, and the occupation(s) for which training is offered. National Apprenticeship Act of 1937 section 1 authorizes this information collection. *See* 29 U.S.C. 50.

This proposed 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 if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on November 25, 2014 (79 FR 70205).

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 ICR Reference Number 201409–1205–002. 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–ETA.

Title of Collection: Pre-Apprenticeship Database.

OMB ICR Reference Number: 201409–1205–002.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 200.

Total Estimated Number of Responses: 300.

Total Estimated Annual Time Burden: 33 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: April 6, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–08247 Filed 4–9–15; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Job Openings and Labor Turnover Survey

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, ''Job Openings and Labor Turnover Survey,'' 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 May 11, 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=201503-1220-002* (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–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (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: 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 Job Openings and Labor Turnover Survey (JOLTS). The JOLTS collects data on job vacancies, labor hires, and labor separations. The data can be used as demand-side indicators of labor shortages. These indicators of labor shortages at the national level greatly enhance policy makers' understanding of imbalances between the demand and supply of labor. Presently there is no other economic indicator of labor demand with which to assess the presence of labor shortages in the U.S. labor market. The availability of unfilled jobs is an important measure of tightness of job markets, symmetrical to unemployment measures. This information collection has been classified as a revision, because all Touchtone Data Entry forms have been removed, as they are no longer used, and new instruments and forms have been added (Computer Assisted Telephone Interview Data Collection Scripts, Drop Letter Panel 84, JOLTS Fax Data Entry, and Web Postcard). The BLS Authorizing Statute authorizes this information collection. *See* 29 U.S.C. 1, 2.

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 1220–0170. The current approval is scheduled to expire on May 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 December 29, 2014 (79 FR 78110).

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 1220–0170. 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–BLS.

Title of Collection: Job Openings and Labor Turnover Survey.

OMB Control Number: 1220–0170.

Affected Public: Federal Government; State, Local, and Tribal Governments; and Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 10,825.

Total Estimated Number of Responses: 129,900.

Total Estimated Annual Time Burden: 21,650 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: April 6, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–08208 Filed 4–9–15; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Submission for OMB Review; Comment Request

The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: *Grant Application Guidance Survey.* Copies of this ICR, with applicable supporting documentation, may be obtained by visiting *www.Reginfo.gov.*

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, 202/395–7316, within 30 days from the date of this publication in the **Federal Register**.

The Office of Management and Budget (OMB) is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Could help minimize the burden of the collection of information on those who are to respond, including through the use of electronic submission of responses through Grants.gov.

SUPPLEMENTARY INFORMATION: The Endowment requests the review of its Grant Application Guidance Survey. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Agency: National Endowment for the Arts.

Title: Grant Application Guidance Survey.

OMB Number: 3135–0112.

Frequency: Semi-annually.

Affected Public: Nonprofit organizations, government agencies, and individuals.

Estimated Number of Respondents: 5,764.

Estimated Time per Respondent: 3 minutes.

Total Burden Hours: 291.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): $300.

Description: Through the Grant Application Guidance Survey, the National Endowment for the Arts will solicit and collect customer feedback on

the guidance it provides to organizations, individuals, and government agencies that apply for grants. This feedback will be used regularly to identify customer service issues with the intent of improving Agency service to its customers. Data collected from this survey will also be used to report on the performance of one of the Agency's strategic objectives from its FY2014–2018 Strategic Plan, ensuring that survey results will be reported publicly.

Kathy Daum,

Director, Administrative Services, National Endowment for the Arts.

[FR Doc. 2015–08175 Filed 4–9–15; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for Materials Research (DMR) #1203—Site visit review of the Los Alamos arm of the National High Magnetic Field Laboratory (NHMFL) at Los Alamos, NM.

Dates & Times

June 3, 2015; 7:00 p.m.–8:45 p.m.
June 4, 2015; 7:30 a.m.–8:30 p.m.
June 5, 2015; 7:30 a.m.–5:00 p.m.

Place: Los Alamos National Laboratory, Los Alamos, NM.

Type of Meeting: Part open.

Contact Person: Dr. Thomas Rieker, Program Director, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4914.

Purpose of Meeting: To provide advice and recommendations concerning further support of the NHMFL.

Agenda

Wednesday, June 3, 2015

7:00 p.m.–8:45 p.m. Closed—Briefing of panel

Thursday, June 4, 2015

7:30 a.m.–4:15 p.m. Open—Review of the NHMFL
4:15 p.m.–6:00 p.m. Closed—Executive Session
6:00 p.m.–8:30 p.m. Open—Dinner

Friday, June 5, 2015

7:30 a.m.–9:00 a.m. Open—Review of the NHMFL
9:00 a.m.–5:00 p.m. Closed—Executive Session, Draft and Review Report

Reason for Closing: The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the MRSEC. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 7, 2015.

Suzanne Plimpton,

Acting, Committee Management Officer.

[FR Doc. 2015–08273 Filed 4–9–15; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302; NRC–2015–0042]

Duke Energy Florida, Inc.; Crystal River Unit 3 Nuclear Generating Station

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting exemptions in response to a request from Duke Energy Florida, Inc. (DEF or the licensee) regarding certain emergency planning (EP) requirements. The exemptions will eliminate the requirements to maintain an offsite radiological emergency plan and reduce the scope of onsite emergency planning activities at the Crystal River Unit 3 Nuclear Generating Station (CR–3) based on the reduced risks of accidents that could result in an offsite radiological release at a decommissioning nuclear power reactor.

ADDRESSES: Please refer to Docket ID NRC–2015–0042 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0042. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael Orenak, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3229; email: *Michael.Orenak@nrc.gov.*

I. Background

The CR–3 facility is a decommissioning power reactor located in Citrus County, Florida. The licensee, DEF, is the holder of CR–3 Facility Operating License No. DPR–72. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect.

By letter dated February 20, 2013 (ADAMS Accession No. ML13056A005), DEF submitted to the NRC a certification in accordance with section 50.82(a)(1)(i) of Title 10 of the *Code of Federal Regulations* (10 CFR) indicating it would permanently cease power operations, and 10 CFR 50.82(a)(1)(ii) that it had permanently defueled the reactor vessel at CR–3. On May 28, 2011, DEF completed the final removal of fuel from the reactor vessel at CR–3. As a permanently shutdown and defueled facility, and in accordance with section 50.82(a)(2), DEF is no longer authorized to operate the reactor or emplace nuclear fuel into the reactor vessel. CR–3 is still authorized to possess and store irradiated (*i.e.,* spent) nuclear fuel. The spent fuel is currently being stored onsite in a spent fuel pool (SFP).

During normal power reactor operations, the forced flow of water through the reactor coolant system (RCS) removes heat generated by the reactor. The RCS, operating at high temperatures and pressures, transfers this heat through the steam generator tubes converting non-radioactive feedwater to steam, which then flows to the main turbine generator to produce electricity. Many of the accident scenarios postulated in the updated safety analysis reports (USARs) for operating power reactors involve failures or malfunctions of systems,

which could affect the fuel in the reactor core, which in the most severe postulated accidents, would involve the release of large quantities of fission products. With the permanent cessation of reactor operations at CR–3 and the permanent removal of the fuel from the reactor vessel, such accidents are no longer possible. The reactor, RCS, and supporting systems are no longer in operation and have no function related to the storage of the spent fuel. Therefore, EP provisions for postulated accidents involving failure or malfunction of the reactor, RCS, or supporting systems are no longer applicable.

Based on the time that CR–3 has been permanently shutdown (approximately 64 months), there is no longer any possibility of an offsite radiological release from a design-basis accident that could exceed the U.S. Environmental Protection Agency's (EPA) Protective Action Guidelines (PAGs) at the exclusion area boundary.

The EP requirements of 10 CFR 50.47, ''Emergency plans,'' and appendix E to 10 CFR part 50, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' continue to apply to nuclear power reactors that have permanently ceased operation and have removed all fuel from the reactor vessel. There are no explicit regulatory provisions distinguishing EP requirements for a power reactor that is permanently shutdown and defueled from a reactor that is authorized to operate. In order for DEF to modify the CR–3 emergency plan to reflect the reduced risk associated with the permanently shutdown and defueled condition of CR–3, certain exemptions from the EP regulations must be obtained before the CR–3 emergency plan can be amended.

II. Request/Action

By letter dated September 26, 2013 (ADAMS Accession No. ML13274A584), ''Crystal River Unit 3—License Amendment Request #315, Revision 0, Permanently Defueled Emergency Plan and Emergency Action Level Scheme, and Request for Exemption to Certain Radiological Emergency Response Plan Requirements Defined by 10 CFR 50,'' DEF requested exemptions from certain EP requirements of 10 CFR part 50 for CR–3. More specifically, DEF requested exemptions from certain planning standards in 10 CFR 50.47(b) regarding onsite and offsite radiological emergency plans for nuclear power reactors; from certain requirements in 10 CFR 50.47(c)(2) that require establishment of plume exposure and ingestion pathway emergency planning zones for nuclear power reactors; and from certain requirements in 10 CFR 50, appendix E, section IV, which establishes the elements that make up the content of emergency plans. In a letter dated March 28, 2014 (ADAMS Accession No. ML14098A072), DEF provided responses to the NRC staff's request for additional information (RAI) concerning the proposed exemptions. In a letter dated May 7, 2014 (ADAMS Accession No. ML14139A006), DEF provided an additional supplemental response to a separate set of RAIs, which contained information applicable to the SFP inventory makeup strategies for mitigating the potential loss of water inventory due to a beyond-design-basis accident. In a letter dated August 28, 2014 (ADAMS Accession No. ML14251A237), CR–3 provided a supplement, which amended its request to align with the exemptions recommended by the NRC staff and approved by the Commission in staff requirements memorandum (SRM) to SECY–14–0066, ''Request by Dominion Energy Kewaunee, Inc. for Exemptions from Certain Emergency Planning Requirements,'' dated August 7, 2014 (ADAMS Accession No. ML14219A366). The information provided by DEF included justifications for each exemption requested. The exemptions requested by DEF will eliminate the requirements to maintain formal offsite radiological emergency plans, reviewed by the Federal Emergency Management Agency (FEMA) under the requirements of 44 CFR part 350, and reduce the scope of onsite emergency planning activities. DEF stated that application of all of the standards and requirements in 10 CFR 50.47(b), 10 CFR 50.47(c) and 10 CFR part 50, appendix E is not needed for adequate emergency response capability based on the reduced risks at the permanently shutdown and defueled facility. If offsite protective actions were needed for a very unlikely accident that could challenge the safe storage of spent fuel at CR–3, provisions exist for offsite agencies to take protective actions using a comprehensive emergency management plan (CEMP) under the National Preparedness System to protect the health and safety of the public. A CEMP in this context, also referred to as an emergency operations plan (EOP), is addressed in FEMA's Comprehensive Preparedness Guide 101, ''Developing and Maintaining Emergency Operations Plans.'' Comprehensive Preparedness Guide 101 is the foundation for State, territorial, Tribal, and local emergency planning in the United States. It promotes a common understanding of the fundamentals of risk-informed planning and decision making and helps planners at all levels of government in their efforts to develop and maintain viable, all-hazards, all-threats emergency plans. An EOP is flexible enough for use in all emergencies. It describes how people and property will be protected; details who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies and other resources available; and outlines how all actions will be coordinated. A CEMP is often referred to as a synonym for ''all hazards planning.''

III. Discussion

In accordance with 10 CFR 50.12, ''Specific exemptions,'' the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among other things, that the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

As noted previously, the current EP regulations contained in 10 CFR 50.47(b) and appendix E to 10 CFR part 50 apply to both operating and shutdown power reactors. The NRC has consistently acknowledged that the risk of an offsite radiological release at a power reactor that has permanently ceased operations and removed fuel from the reactor vessel is significantly lower, and the types of possible accidents are significantly fewer, than at an operating power reactor. However, current EP regulations do not recognize that once a power reactor permanently ceases operation, the risk of a large radiological release from credible emergency accident scenarios is significantly reduced. The reduced risk for any significant offsite radiological release is based on two factors. One factor is the elimination of accidents applicable only to an operating power reactor, resulting in fewer credible accident scenarios. The second factor is the reduced short-lived radionuclide inventory and decay heat production due to radioactive decay. Due to the permanently defueled status of the reactor, no new spent fuel will be added to the SFP and the radionuclides in the

current spent fuel will continue to decay as the spent fuel ages. The irradiated fuel will produce less heat due to radioactive decay, increasing the available time to mitigate the SFP inventory loss. The NRC's NUREG–1738, ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants,'' dated February 2001 (ADAMS Accession No. ML010430066), confirmed that for permanently shutdown and defueled power reactors bounded by the assumptions and conditions in the report, the risk of offsite radiological release is significantly less than for an operating power reactor.

EP exemptions similar to those requested by DEF were granted to permanently shutdown and defueled power reactor licensees, such as for Zion Nuclear Power Station in 1999 (ADAMS Legacy Accession No. 9909070079) and Kewaunee Power Station in 2014 (ADAMS Accession No. ML14261A223). However, the exemptions did not relieve the licensees of all EP requirements. Rather, the exemptions allowed the licensees to modify their emergency plans commensurate with the credible site-specific risks that were consistent with a permanently shutdown and defueled status. Specifically, approval of the prior exemptions was based on demonstrating that: (1) The radiological consequences of design-basis accidents would not exceed the limits of the EPA PAGs at the exclusion area boundary; and (2) in the unlikely event of a beyond-design-basis accident resulting in a loss of all modes of heat transfer from the fuel stored in the SFP, there is sufficient time to initiate appropriate mitigating actions, and if needed, for offsite authorities to implement offsite protective actions using a CEMP approach to protect the health and safety of the public.

With respect to design-basis accidents at CR–3, the licensee provided analyses demonstrating that none would warrant an offsite radiological emergency plan meeting the requirements of 10 CFR part 50.

With respect to beyond-design-basis accidents at CR–3, the licensee analyzed two bounding beyond-design-basis accidents that have a potential for a significant offsite release. One of these beyond-design-basis accidents involves a complete loss of SFP water inventory, where cooling of the spent fuel would be primarily accomplished by natural circulation of air through the uncovered spent fuel assemblies. The licensee's analysis of this accident shows that as of September 26, 2013, air cooling of the spent fuel assemblies was sufficient to keep the fuel within a safe temperature range indefinitely without fuel damage or offsite radiological release. The second beyond-design-basis accident analysis performed by the licensee could not completely rule out the possibility of a radiological release from an SFP. This more limiting analysis assumes an incomplete drain down of the SFP water, or some other catastrophic event (such as a complete drainage of the SFP with rearrangement of spent fuel rack geometry and/or the addition of rubble to the SFP) that would effectively impede any decay heat removal through all possible modes of cooling. This analysis is commonly referred to as an adiabatic heat-up. The licensee's analysis demonstrates that, as of September 26, 2013, there would be at least 19.7 hours under adiabatic heat-up conditions before the spent fuel cladding would reach a temperature where the potential for a significant offsite radiological release could occur. This analysis conservatively does not consider the period of time from the initiating event causing a loss of SFP water inventory until all cooling means are lost.

The NRC staff has verified DEF's analyses and its calculations. The analyses provide reasonable assurance that in granting the requested exemptions to DEF, there is no design-basis accident that will result in an offsite radiological release exceeding the EPA PAGs at the exclusion area boundary. In the unlikely event of a beyond-design-basis accident affecting the SFP that results in adiabatic heat-up conditions (*i.e.,* a complete loss of heat removal via all modes of heat transfer), the NRC staff has reviewed and verified that there will be at least 19.7 hours available before an offsite release might occur and, therefore, at least 19.7 hours to initiate appropriate mitigating actions to restore a means of heat removal to the spent fuel. If a radiological release were projected to occur under this unlikely scenario, a minimum of 10 hours is considered sufficient time for offsite authorities to implement protective actions using a CEMP approach to protect the health and safety of the public.

The NRC staff reviewed the licensee's justification for the requested exemptions against the criteria in 10 CFR 50.12(a) and the bases for prior EP exemption request approvals, as discussed above. The staff determined, as described below, that the criteria in 10 CFR 50.12(a) are met, and that the exemptions should be granted. Assessment of the DEF EP exemptions is described in SECY–14–0118, ''Request by Duke Energy Florida, Inc., for Exemptions from Certain Emergency Planning Requirements,'' dated October 29, 2014 (ADAMS Accession No. ML14219A444). The Commission approved the NRC staff's intention to grant the exemptions in the SRM to SECY–14–0118, dated December 30, 2014 (ADAMS Accession No. ML14364A111). Descriptions of the specific exemptions requested by DEF and the NRC staff's basis for granting each exemption are provided in SECY–14–0118 and summarized in a table at the end of this document. The staff's detailed review and technical basis for the approval of the specific EP exemptions are provided in the NRC staff's safety evaluation enclosed in an NRC letter dated March 30, 2015 (ADAMS Accession No. ML15058A906).

A. Authorized by Law

The licensee has proposed exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR 50, appendix E, section IV, that would allow DEF to revise the CR–3 Emergency Plan to reflect the permanently shutdown and defueled condition of the station. As stated above, in accordance with 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50. The NRC staff has determined that granting of the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the NRC's regulations. Therefore, the exemptions are authorized by law.

B. No Undue Risk to Public Health and Safety

As stated previously, DEF provided analyses that show the radiological consequences of design-basis accidents will not exceed the limits of the EPA PAGs at the exclusion area boundary. Therefore, formal offsite radiological emergency plans required under 10 CFR part 50 are no longer needed for protection of the public beyond the exclusion area boundary.

Although very unlikely, there is one postulated beyond-design-basis accident that might result in significant offsite radiological releases. However, NUREG–1738 confirms that the risk of beyond-design-basis accidents is greatly reduced at permanently shutdown and defueled reactors. The NRC staff's analyses concludes that the event sequences important to risk at permanently shutdown and defueled power reactors are limited to large earthquakes and cask drop events. For EP assessments, this is an important difference relative

to operating power reactors where typically a large number of different sequences make significant contributions to risk. Per NUREG–1738, relaxation of offsite EP requirements under 10 CFR part 50 a few months after shutdown resulted in only a small change in risk.

NUREG–1738 further concludes that the change in risk due to relaxation of offsite EP requirements is small because the overall risk is low, and because even under current EP requirements for operating power reactors, EP was judged to have marginal impact on evacuation effectiveness in the severe earthquakes that dominate SFP risk. Specifically, for ground motion levels that correspond to SFP failure in the central and eastern United States, it is expected that electrical power would be lost and more than half of the bridges and buildings (including those housing communication systems and emergency response equipment) would be unsafe even for temporary use within at least 10 miles of the plant. This approach is also consistent with previous Commission rulings on San Onofre and Diablo Canyon in which the Commission found that for those risk-dominant earthquakes that cause very severe damage to both the plant and the offsite area, emergency response would have marginal benefit because of offsite damage. All other sequences including cask drops (for which offsite radiological emergency plans are expected to be more effective) are too low in likelihood to have a significant impact on risk.

Therefore, granting exemptions that eliminate the requirements of 10 CFR part 50 to maintain offsite radiological emergency plans and reducing the scope of onsite emergency planning activities will not present an undue risk to the public health and safety.

C. Consistent With the Common Defense and Security

The requested exemptions by DEF only involve EP requirements under 10 CFR part 50 and will allow DEF to revise the CR–3 Emergency Plan to reflect the permanently shutdown and defueled condition of the facility. Physical security measures at CR–3 are not affected by the requested EP exemptions. The discontinuation of formal offsite radiological emergency plans and the reduction in scope of the onsite emergency planning activities at CR–3 will not adversely affect DEF's ability to physically secure the site or protect special nuclear material. Therefore, the proposed exemptions are consistent with common defense and security.

D. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, appendix E, section IV, is to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, to establish plume exposure and ingestion pathway emergency planning zones for nuclear power plants, and to ensure that licensees maintain effective offsite and onsite radiological emergency plans. The standards and requirements in these regulations were developed by considering the risks associated with operation of a power reactor at its licensed full-power level. These risks include the potential for a reactor accident with offsite radiological dose consequences.

As discussed previously, because CR–3 is permanently shutdown and defueled, there is no longer a risk of offsite radiological release from a design-basis accident and the risk of a significant offsite radiological release from a beyond-design-basis accident is greatly reduced when compared to an operating power reactor. The NRC staff has confirmed the reduced risks at CR–3 by comparing the generic risk assumptions in the analyses in NUREG–1738 to site specific conditions at CR–3 and determined that the risk values in NUREG–1738 bound the risks presented by CR–3. Furthermore, the staff has recently concluded in NUREG–2161, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor,'' dated September 2014 (ADAMS Accession No. ML14255A365), that, consistent with earlier research studies, SFPs are robust structures that are likely to withstand severe earthquakes without leaking cooling water and potentially uncovering the spent fuel. The NUREG–2161 study shows the likelihood of a radiological release from spent fuel after the analyzed severe earthquake at the reference plant to be about one time in 10 million years or lower.

The licensee has analyzed site-specific spent fuel air-cooling and adiabatic heat-up beyond-design-basis accident scenarios to determine the risk of cladding damage, and the time to rapid cladding oxidation. The air-cooling analysis shows that as of September 26, 2013, in the event of a complete SFP drain down due to a loss of water inventory, assuming that natural circulation of air through the spent fuel racks was available, the peak fuel clad temperature would remain below 1049 °F (565°C), the temperature at which incipient cladding failure may occur. Therefore, in this postulated accident, fuel cladding remains intact.

The beyond-design-basis adiabatic heat-up accident analysis of the spent fuel evaluates a postulated condition involving a very unlikely scenario where the SFP is drained in such a way that all modes of cooling or heat transfer are assumed to be unavailable. DEF analysis of this beyond-design-basis accident shows that as of September 26, 2013, 19.7 hours would be available between the time the fuel is uncovered (at which time adiabatic heat-up begins), until the fuel cladding reaches a temperature of 1652 °F (900°C), the temperature associated with rapid cladding oxidation and the potential for a significant radiological release.

Exemptions from the offsite EP requirements in 10 CFR part 50 have previously been approved by the NRC when the site-specific analyses show that at least 10 hours is available following a loss of SFP coolant inventory accident with no air cooling (or other methods of removing decay heat) until cladding of the hottest fuel assembly reaches the zirconium rapid oxidation temperature. The NRC staff concluded in its previously granted exemptions, as it does with the DEF requested EP exemptions, that if a minimum of 10 hours is available to initiate mitigative actions consistent with plant conditions, or if needed, for offsite authorities to implement protective actions using a CEMP approach, then formal offsite radiological emergency plans, required under 10 CFR part 50, are not necessary at permanently shutdown and defueled facilities.

Additionally, DEF committed to maintaining SFP makeup strategies in its letter to the NRC dated May 7, 2014 (ADAMS Accession No. ML14139A006). The multiple strategies for providing makeup to the SFP include: Using existing plant systems for inventory makeup; supplying water through hoses to connections to the existing SFP piping using the diesel-driven fire service pump; and using a diesel-driven portable pump to take suction from CR–3 intake and discharge canals. These strategies will continue to be required as license condition 2.C.(14), ''Mitigation Strategy License Condition.'' Considering the very low probability of beyond-design-basis accidents affecting the SFP, these diverse strategies provide

multiple methods to obtain additional makeup or spray to the SFP before the onset of any postulated offsite radiological release.

For all the reasons stated above, the NRC staff finds that the licensee's requested exemptions to meet the underlying purpose of all of the standards in 10 CFR 50.47(b), and requirements in 10 CFR 50.47(c)(2) and 10 CFR part 50, appendix E, acceptably satisfy the special circumstances in 10 CFR 50.12(a)(2)(ii) in view of the greatly reduced risk of offsite radiological consequences associated with the permanently shutdown and defueled state of the CR–3 facility.

The NRC staff has concluded that the exemptions being granted by this action will maintain an acceptable level of emergency preparedness at CR–3 and, if needed, that there is reasonable assurance that adequate offsite protective measures can and will be taken by State and local government agencies using a CEMP approach in the unlikely event of a radiological emergency at the CR–3 facility. Since the underlying purposes of the rules, as exempted, would continue to be achieved, even with the elimination of the requirements under 10 CFR part 50 to maintain formal offsite radiological emergency plans and reduction in the scope of the onsite emergency planning activities at CR–3, the special circumstances required by 10 CFR 50.12(a)(2)(ii) exist.

E. Environmental Considerations

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as discussed in the NRC staff's Finding of No Significant Impact and associated Environmental Assessment published March 2, 2015 (80 FR 11233).

IV. Conclusions

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that DEF's request for exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, appendix E, section IV, and as summarized in the table at the end of this document, are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants DEF exemptions from certain EP requirements of 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, appendix E, section IV, as discussed and evaluated in detail in the staff's safety evaluation dated March 30, 2015. The exemptions are effective as of March 30, 2015.

Dated at Rockville, Maryland, this 30th day of March, 2015.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

TABLE OF EXEMPTIONS GRANTED TO DEF

10 CFR 50.47	NRC staff basis for exemption
10 CFR 50.47(b) ..... The NRC is granting exemptions from portions of the rule language that would otherwise require offsite emergency response plans.	In the Statement of Considerations (SOC) for the final rule for emergency planning (EP) requirements for independent spent fuel storage installations (ISFSIs) and for monitor retrievable storage installations (MRS) (60 FEDERAL REGISTER (FR) 32430; June 22, 1995), the Commission responded to comments concerning offsite EP for ISFSIs or a MRS and concluded that, ''the offsite consequences of potential accidents at an ISFSI or a MRS would not warrant establishing Emergency Planning Zones [EPZ].'' In a nuclear power reactor's permanently defueled state, the accident risks are more similar to an ISFSI or a MRS than an operating nuclear power plant. The EP program would be similar to that required for an ISFSI under section 72.32(a) of 10 CFR when fuel stored in the spent fuel pool (SFP) has more than 5 years of decay time and would not change substantially when all the fuel is transferred from the SFP to an onsite ISFSI. Exemptions from offsite EP requirements have previously been approved when the site-specific analyses show that at least 10 hours is available until the hottest fuel assembly reaches 900°C from a partial drain-down event without any spent fuel cooling. The technical basis that underlied the approval of the exemption request is based partly on the analysis of a time period that spent fuel stored in the SFP is unlikely to reach the zirconium ignition temperature in less than 10 hours. This time period is based on a heat-up calculation, which uses several simplifying assumptions. Some of these assumptions are conservative (adiabatic conditions), while others are non-conservative (no oxidation below 900°C). Weighing the conservatisms and non-conservatisms, the NRC staff judges that this calculation reasonably represents conditions, which may occur in the event of an SFP accident. The staff concluded that if 10 hours were available to initiate mitigative actions, or if needed, offsite protective actions using a comprehensive emergency management plan (CEMP), formal offsite radiological emergency plans are not necessary for these permanently defueled nuclear power reactor licensees. As supported by the licensee's SFP analysis, the NRC staff believes an exemption to the requirements for formal offsite radiological emergency plans is justified for a zirconium fire scenario considering the low likelihood of this event together with time available to take mitigative or protective actions between the initiating event and before the onset of a postulated fire. The Duke Energy Florida, Inc. (DEF) analysis has demonstrated that due to the considerable time since shutdown, approximately 4 years as of the date of the analysis, the radiological consequences of design-basis accidents will not exceed the limits of the U.S. Environmental Protection Agency's (EPA) Protective Action Guidelines (PAGs) at the exclusion area boundary. These analyses also show that for beyond-design-basis events where the SFP is drained, air cooling will prevent the fuel from reaching the lowest temperature where incipient cladding failure may occur (565°C). In the event that air cooling is not possible, 19.7 hours is available to take mitigative or, if needed, offsite protective actions using a CEMP from the time the fuel is uncovered until it reaches the auto-ignition temperature of 900°C.

TABLE OF EXEMPTIONS GRANTED TO DEF—Continued

10 CFR 50.47	NRC staff basis for exemption
	DEF has also furnished information on its SFP inventory makeup strategies for mitigating the loss of water inventory. Several sources of makeup to the pools are available, such as the fire service system, using the diesel-driven fire service pump for loss of electrical power. If available fresh water sources are depleted, salt water sources with inexhaustible inventory from the Crystal River Unit 3 (CR–3) intake and discharge canal, using portable diesel powered pumps are available. Pool inventory addition can be implemented without accessing the elevation of the pool deck. In a letter dated May 7, 2014, ''Crystal River Unit 3—Response to Requests for Additional Information and Supplement 1 to License Amendment Request #316, Revision 0'' (ADAMS Accession No. ML14139A006), DEF withdrew its request to remove License Condition 2.C.(14), ''Mitigation Strategy License Condition,'' from its Facility Operating License. This license condition requires CR–3 to maintain its SFP inventory makeup strategies as discussed above.
10 CFR 50.47(b)(1) ..... The NRC is granting exemptions from portions of the rule language that would otherwise require the need for Emergency Planning Zones (EPZs).	Refer to basis for 10 CFR 50.47(b).
10 CFR 50.47(b)(3) ..... The NRC is granting exemptions from portions of the rule language that would otherwise require the need for an Emergency Operations Facility (EOF).	Considering the time available to take mitigative or, if needed, offsite protective actions using a CEMP between the initiating event and before the onset of a postulated fire, decommissioning power reactors present a low likelihood of any credible accident resulting in a radiological release. As such, an emergency operations facility would not be required. The ''nuclear island,'' control room, or other onsite location can provide for the communication and coordination with offsite organizations for the level of support required. Also refer to basis for 10 CFR 50.47(b).
10 CFR 50.47(b)(4) ..... The NRC is granting exemptions from portions of the rule language that would otherwise require reference to formal offsite radiological emergency response plans.	Considering the time available to take mitigative or if needed, offsite protective actions using a CEMP between the initiating event and before the onset of a postulated fire, decommissioning power reactors present a low likelihood of any credible accident resulting in a radiological release. As such, formal offsite radiological emergency response plans are not required. The Nuclear Energy Institute (NEI) document NEI 99–01, ''Development of Emergency Action Levels for Non-Passive Reactors'' (Revision 6), was found to be an acceptable method for development of emergency action levels (EALs) and was endorsed by the U.S. Nuclear Regulatory Commission (NRC) in a letter dated March 28, 2013 (ADAMS Accession No. ML12346A463). NEI 99–01 provides EALs for non-passive operating nuclear power reactors, permanently defueled reactors, and ISFSIs. Also refer to basis for 10 CFR 50.47(b).
10 CFR 50.47(b)(5) ..... The NRC is granting exemptions from portions of the rule language that would otherwise require early notification of the public and a means to provide instructions to the public within the plume exposure pathway EPZ.	Refer to basis for 10 CFR 50.47(b).
10 CFR 50.47(b)(6) ..... The NRC is granting exemptions from portions of the rule language that would otherwise require prompt communications with the public.	Refer to basis for 10 CFR 50.47(b).
10 CFR 50.47(b)(7) ..... The NRC is granting exemptions from portions of the rule language that would otherwise require information to be made available to the public on a periodic basis about how they will be notified and what their initial protective actions should be.	Refer to basis for 10 CFR 50.47(b).
10 CFR 50.47(b)(9) ..... The NRC is granting exemptions from portions of the rule language that would otherwise require the capability for monitoring offsite consequences.	Refer to basis for 10 CFR 50.47(b).
10 CFR 50.47(b)(10) ..... The NRC is granting exemptions from portions of the rule language that would reduce the range of protective actions developed for radiological emergencies. Consideration of evacuation, sheltering, or the use of potassium iodide will no longer be necessary. Evacuation time estimates (ETEs) will no longer need to developed or updated. Protective actions for the ingestion exposure pathway EPZ will not need to be developed.	In the unlikely event of an SFP accident, the iodine isotopes, which contribute to an offsite dose from an operating reactor accident, are not present, so potassium iodide distribution would no longer serve as an effective or necessary supplemental protective action.

TABLE OF EXEMPTIONS GRANTED TO DEF—Continued

10 CFR 50.47	NRC staff basis for exemption
	The CR–3 SFP is considered an ISFSI and is licensed under 10 CFR part 72, subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites.'' The Commission responded to comments in its SOC for the final rule for EP requirements for ISFSIs and MRS facilities (60 FR 32435), and concluded that, ''the offsite consequences of potential accidents at an ISFSI or an MRS would not warrant establishing EPZs.'' Additionally, in the SOC for the final rule for EP requirements for ISFSIs and for MRS facilities (60 FR 32430), the Commission responded to comments concerning site-specific EP that includes evacuation of surrounding population for an ISFSI not at a reactor site, and concluded that, ''The Commission does not agree that as a general matter emergency plans for an ISFSI must include evacuation planning.''
10 CFR 50.47(c)(2)	Also refer to basis for 10 CFR 50.47(b) and 10 CFR 50.47(b)(2). Refer to basis for 10 CFR 50.47(b)(10).
The NRC is granting exemptions from portions of the rule language that would otherwise require the establishment of a 10 mile radius plume exposure pathway EPZ and a 50 mile radius ingestion pathway EPZ.	

10 CFR part 50, appendix E, section IV	NRC staff basis for exemption
10 CFR part 50, appendix E, section IV.1	The EP Rule published in the FEDERAL REGISTER (76 FR 72560; November 23, 2011), amended certain requirements in 10 CFR part 50. Among the changes, the definition of ''hostile action'' was added as an act directed toward a nuclear power plant or its personnel. This definition is based on the definition of ''hostile action'' provided in NRC Bulletin 2005–02, ''Emergency Preparedness and Response Actions for Security-Based Events.'' NRC Bulletin 2005–02 was not applicable to nuclear power reactors that have permanently ceased operations and have certified that fuel has been removed from the reactor vessel.
The NRC is granting exemptions from portions of the rule language that would otherwise require onsite protective actions during hostile action.	The NRC excluded non-power reactors from the scope of ''hostile action'' at the time of the rulemaking because, as defined in 10 CFR 50.2, a non-power reactor is not considered a nuclear power reactor and a regulatory basis had not been developed to support the inclusion of non-power reactors within the scope of ''hostile action.'' Similarly, a decommissioning power reactor or an ISFSI is not a ''nuclear reactor'' as defined in 10 CFR part 50. A decommissioning power reactor also has a low likelihood of a credible accident resulting in radiological releases requiring offsite protective measures. For all of these reasons, the NRC staff concludes that a decommissioning power reactor is not a facility that falls within the scope of ''hostile action.''
	Similarly, for security, risk insights can be used to determine which targets are important to protect against sabotage. A level of security commensurate with the consequences of a sabotage event is required and is evaluated on a site-specific basis. The severity of the consequences declines as fuel ages and, thereby, removes over time the underlying concern that a sabotage attack could cause offsite radiological consequences.
	Although, this analysis provides a justification for exempting CR–3 from ''hostile action'' related requirements, some EP requirements for security-based events are maintained. The classification of security-based events, notification of offsite authorities and coordination with offsite agencies under a CEMP concept are still required.
10 CFR part 50, appendix E, section IV.2	Refer to basis for 10 CFR 50.47(b)(10).
The NRC is granting exemptions from portions of the rule language concerning the evacuation time analyses within the plume exposure pathway EPZ for the licensee's initial application.	
10 CFR part 50, appendix E, section IV.3	Refer to basis for 10 CFR part 50, appendix E, section IV.2 and 10 CFR 50.47(b).
The NRC is granting exemptions from portions of the rule language that would otherwise require use of NRC-approved ETEs and updates to State and local governments when developing protective action strategies.	
10 CFR part 50, appendix E, section IV.4	Refer to basis for 10 CFR part 50, appendix E, section IV.2 and 10 CFR 50.47(b).
The NRC is granting exemptions from portions of the rule language that would otherwise require licensees to update evacuation time estimates based on the most recent census data and submit the ETE analysis to the NRC prior to providing it to State and local government for developing protective action strategies.	

10 CFR part 50, appendix E, section IV	NRC staff basis for exemption
10 CFR part 50, appendix E, section IV.5 ..... The NRC is granting an exemption from portions of the rule language that would otherwise require licensees to estimate the EPZ permanent resident population changes once a year between decennial censuses.	Refer to basis for 10 CFR part 50, appendix E, section IV.2 and 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.6 ..... The NRC is granting an exemption from portions of the rule language that would otherwise require the licensee to submit an updated ETE analysis to the NRC based on changes in the resident population that result in exceeding specific evacuation time increase criteria.	Refer to basis for 10 CFR part 50, appendix E, section IV.2 and 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.A.1 ..... The NRC is granting an exemption from the word ''operating'' in the requirement to describe the normal plant organization.	Based on the permanently shutdown and defueled status of the reactor, a decommissioning reactor is not authorized to operate under 10 CFR 50.82(a). Because the licensee cannot operate the reactors, the licensee does not have a ''plant operating organization.''
10 CFR part 50, appendix E, section IV.A.3 ..... The NRC is granting an exemption from the requirement to describe the licensee's headquarters personnel sent to the site to augment the onsite emergency response organization.	The number of staff at decommissioning sites is generally small but is commensurate with the need to safely store spent fuel at the facility in a manner that is protective of public health and safety. Decommissioning sites typically have a level of emergency response that does not require response by the licensee's headquarters personnel.
10 CFR part 50, appendix E, section IV.A.4 ..... The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to identify a position and function within its organization, which will carry the responsibility for making offsite dose projections.	Although, the likelihood of events that would result in doses in excess of the EPA PAGs to the public beyond the exclusion area boundary based on the permanently shutdown and defueled status of the reactor is extremely low, the licensee still must be able to determine if a radiological release is occurring. If a release is occurring, then the licensee staff should promptly communicate that information to offsite authorities for their consideration. The offsite organizations are responsible for deciding what, if any, protective actions should be taken based on comprehensive EP. Also refer to basis for 10 CFR 50.57(b).
10 CFR part 50, appendix E, section IV.A.5 ..... The NRC is granting an exemption from the requirement for the licensee to identify individuals with special qualifications, both licensee employees and non-employees, for coping with emergencies.	The minimal systems and equipment needed to maintain the spent nuclear fuel in the SFP in a safe condition requires minimal personnel and is governed by the technical specifications. As such, additional employees or other persons with special qualifications are not anticipated Refer to basis for 10 CFR part 50, appendix E, section IV.A.3
10 CFR part 50, appendix E, section IV.A.7 ..... The NRC is granting exemptions from portions of the rule language that would otherwise require a description of the assistance expected from State, local, and Federal agencies for coping with a hostile action.	Offsite emergency measures are limited to support provided by local police, fire departments, and ambulance and hospital services, as appropriate. Due to the low probability of design-basis accidents or other credible events to exceed the EPA PAGs, protective actions such as evacuation should not be required, but could be implemented at the discretion of offsite authorities using a CEMP. Refer to basis for 10 CFR part 50, appendix E, section IV.1 and 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.A.8 ..... The NRC is granting an exemption from the requirement to identify the State and local officials for ordering protective actions and evacuations.	Offsite emergency measures are limited to support provided by local police, fire departments, and ambulance and hospital services, as appropriate. Due to the low probability of design-basis accidents or other credible events to exceed the EPA PAGs, protective actions such as evacuation should not be required, but could be implemented at the discretion of offsite authorities using a CEMP. Also refer to basis for 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.A.9 ..... The NRC is granting an exemption from the requirement for the licensee to provide an analysis demonstrating that on-shift personnel are not assigned responsibilities that would prevent performance of their assigned emergency plan functions.	Responsibilities should be well defined in the emergency plan and procedures, regularly tested through drills and exercises audited and inspected by the licensee and the NRC. The duties of the on-shift personnel at a decommissioning reactor facility are not as complicated and diverse as those for an operating power reactor. The NRC staff considered the similarity between the staffing levels at a permanently shutdown and defueled reactor and staffing levels at an operating power reactor site. The minimal systems and equipment needed to maintain the spent nuclear fuel in the SFP or in an ISFSI in a safe condition requires minimal personnel and is governed by Technical Specifications. In the EP final rule published in the FEDERAL REGISTER (76 FR 72560; November 23, 2011), the NRC concluded that the staffing analysis requirement was not necessary for non-power reactor licensees due to the small staffing levels required to operate the facility.

10 CFR part 50, appendix E, section IV	NRC staff basis for exemption
	The NRC staff also examined the actions required to mitigate the very low probability design-basis events for the SFP. Several sources of makeup to the pools are available, such as the fire service system, using the diesel-driven fire service pump for loss of electrical power. If available fresh water sources are depleted, salt water sources with inexhaustible inventory from the CR–3 intake and discharge canal, using portable diesel powered pumps are available. Pool inventory addition can be implemented without accessing the elevation of the pool deck. DEF believes these diverse strategies provide defense-in-depth and ample time to provide makeup or spray to the SFP prior to the onset of zirconium cladding ignition when considering very low probability beyond-design-basis events affecting the SFP. In a letter dated May 7, 2014, DEF withdrew its request to remove License Condition 2.C.(14), ''Mitigation Strategy License Condition,'' from its Facility Operating License. This license condition requires CR–3 to maintain its SFP inventory makeup strategies as discussed above.
10 CFR part 50, appendix E, section IV.B.1 ..... The NRC is granting exemptions from portions of the rule language that would otherwise require offsite emergency actions levels and offsite protective measures and associate offsite monitoring for the emergency conditions. In addition, the NRC is granting exemption from portions of the rule language that would otherwise require emergency action levels based on hostile action.	NEI 99–01, Revision 6, was found to be an acceptable method for development of EALs. No offsite protective actions are anticipated to be necessary, so classification above the alert level is no longer required, which is consistent with ISFSI facilities.
	Also refer to basis for 10 CFR part 50, appendix E, section IV.1 and 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.C.1 ..... The NRC is granting exemptions from portions of the rule language that would otherwise require emergency actions levels based on operating reactor concerns, such as offsite radiation monitoring, pressure in containment, and the response of the emergency core cooling system. In addition, the NRC is striking language that would otherwise require offsite emergency action levels of a site area emergency and a general emergency.	Containment parameters do not provide an indication of the conditions at a defueled facility and emergency core cooling systems are no longer required. SFP level, SFP temperature, and area radiation monitors indicate the conditions at CR–3.
	In the SOC for the final rule for EP requirements for ISFSIs and MRS facilities (60 FR 32430), the Commission responded to comments concerning a general emergency at an ISFSI and a MRS, and concluded that, ''an essential element of a General Emergency is that a release can be reasonably expected to exceed EPA PAGs exposure levels off site for more than the immediate site area.''
	The probability of a condition reaching the level above an emergency classification of alert is very low. In the event of an accident at a defueled facility that meets the conditions for relaxation of EP requirements, there will be available time for event mitigation and, if necessary, implementation of offsite protective actions using a CEMP.
	NEI 99–01, Revision 6, was found to be an acceptable method for development of EALs. No offsite protective actions are anticipated to be necessary, so classification above the alert level is no longer required.
	Also, refer to the basis for 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.C.2 ..... The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to assess, classify, and declare an emergency condition within 15 minutes.	In the EP rule published in the FEDERAL REGISTER (76 FR 72560), non-power reactor licensees were not required to assess, classify and declare an emergency condition within 15 minutes. An SFP and an ISFSI are also not nuclear power reactors as defined in the NRC's regulations. A decommissioning power reactor has a low likelihood of a credible accident resulting in radiological releases requiring offsite protective measures. For these reasons, the NRC staff concludes that a decommissioning power reactor should not be required to assess, classify and declare an emergency condition within 15 minutes.
10 CFR part 50, appendix E, section IV.D.1 ..... The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to reach agreement with local, State, and Federal officials and agencies for prompt notification of protective measures or evacuations. In addition, the NRC is granting an exemption from identifying the associated titles of officials to be notified for each agency within the EPZs.	Refer to basis for 10 CFR 50.47(b), 10 CFR 50.47(b)(2) and 10 CFR 50.47(b)(6).

10 CFR part 50, appendix E, section IV	NRC staff basis for exemption
10 CFR part 50, appendix E, section IV.D.2 ..... The NRC is granting an exemption from the requirement for the licensee to annually disseminate general information on emergency planning and evacuations within the plume exposure pathway EPZ. In addition, the NRC is granting an exemption for the need for signage or other measures to address transient populations in the event of an accident.	Refer to basis for 10 CFR 50.47(b) ,10 CFR 50.47(b)(2) and 10 CFR 50.47(b)(5).
10 CFR part 50, appendix E, section IV.D.3 ..... The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to have the capability to make notifications to State and local government agencies within 15 minutes of declaring an emergency.	While the capability needs to exist for the notification of offsite government agencies within a specified time period, previous exemptions have allowed for extending the State and local government agencies' notification time up to 60 minutes based on the site-specific justification provided. DEF's exemption request provides that CR–3 will make notifications to the State of Florida and the NRC within 60 minutes of declaration of an event. The State Watch Office will perform the notification to the County (Citrus), as well as the Florida Department of Emergency Management. In the permanently defueled condition of the reactor, the rapidly developing scenarios associated with events initiated during reactor power operation are no longer credible. Also refer to basis for 10 CFR 50.47(b) and 10 CFR 50.47(b)(2).
10 CFR part 50, appendix E, section IV.D.4. The NRC is granting an exemption from the requirement for the licensee to obtain FEMA approval of its backup alert and notification capability.	Refer to basis for 10 CFR part 50, appendix E, section IV.D.3 regarding the alert and notification system requirements.
10 CFR part 50, appendix E, section IV.E.8.a.(i) The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to have an onsite technical support center and emergency operations facility.	Due to the low probability of design-basis accidents or other credible events to exceed the EPA PAGs at the exclusion area boundary, the available time for event mitigation at a decommissioning reactor and, if needed, to implement offsite protective actions using a CEMP, an EOF and a technical support center (TSC) would not be required to support offsite agency response. Onsite actions may be directed from the control room or other location, without the requirements imposed on a TSC.
10 CFR part 50, appendix E, section IV.E.8.a.(ii). The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to have an onsite operational support center.	NUREG–0696, ''Functional Criteria for Emergency Response Facilities'' (ADAMS Accession No. ML051390358) provides that the operational support center (OSC) is an onsite area separate from the control room and the TSC where licensee operations support personnel will assemble in an emergency. For a decommissioning power reactor, an OSC is no longer required to meet its original purpose of an assembly area for plant logistical support during an emergency. The OSC function can be incorporated into another facility. Also refer to the basis for 10 CFR part 50, appendix E, section IV.E.8.a.(i).
10 CFR part 50, appendix E, section IV.E.8.b. and subpart sections IV.E.8.b.(1)—E.8.b.(5). The NRC is granting exemptions from the requirements related to an offsite emergency operations facility's location, space and size, communications capability, access to plant data and radiological information, and access to copying and office supplies.	Refer to basis for 10 CFR 50.47(b)(3) and 10 CFR part 50, appendix E, section IV.E 8.a.(i).
10 CFR part 50, App. E, section IV E.8.c. and sections IV E.8.c.(1)—E.8.c.(3). The NRC is granting exemptions from the requirements to have an emergency operations facility with the capabilities to obtain and display plant data and radiological information; the capability to analyze technical information and provide briefings; and the capability to support events occurring at more than one site (if the emergency operations center supports more than one site).	Refer to basis for 10 CFR 50.47(b)(3) and 10 CFR part 50, appendix E, section IV.E 8.a.(i).
10 CFR part 50, App. E, section IV E.8.d ..... The NRC is granting exemptions from the requirements to have an alternate facility that would be accessible even if the site is under threat of or experiencing hostile action, to function as a staging area for augmentation of emergency response staff.	Refer to basis for 10 CFR part 50, appendix E, section IV.1; 10 CFR part 50, appendix E, section IV.E 8.a.(i); and 10 CFR 50, appendix E, section IV.E.8.a.(ii).
10 CFR part 50, appendix E, section IV.E.8.e ... The NRC is granting an exemption from the need for the licensee to comply with paragraph 8.b of this section that details EOFs requirements.	Because of the low probability of design-basis accidents or other credible events that would be expected to exceed the EPA PAGs and the available time for event mitigation and, if needed, implementation of offsite protective actions using a CEMP, there is no need for the EOF. Refer to basis for 10 CFR 50.47(b)(3) and 10 CFR part 50, appendix E, section IV.E 8.a.(i).

10 CFR part 50, appendix E, section IV	NRC staff basis for exemption
10 CFR part 50, appendix E, section IV.E.9.a ... The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to have communications with contiguous State and local governments that are within the plume exposure pathway EPZ.	The Plume exposure pathway EPZ is no longer required by the exemption granted to 10 CFR 50.47(b)(10). The State and the local governments in which the nuclear facility is located will still need to be informed of events and emergencies, so lines of communication must be maintained.
	Refer to basis for 10 CFR 50.47(b)(2) and 10 CFR 50.47(b)(10).
10 CFR part 50, appendix E, section IV.E.9.c ... The NRC is granting exemption from the requirements for communication and testing provisions between the control room, the onsite TSC, State/local emergency operations centers, and field assessment teams.	Because of the low probability of design-basis accidents or other credible events that would be expected to exceed the EPA PAGs and the available time for event mitigation and, if needed, implementation of offsite protective actions using a CEMP, there is no need for the TSC, EOF, offsite field assessment teams, and the communication and testing provisions that refer to them.
	Refer to justification for 10 CFR 50.47(b)(3) and 10 CFR part 50, appendix E, section IV.E 8.a.(i). Communication with State and local emergency operation centers is maintained to coordinate assistance on site if required.
10 CFR part 50, appendix E, section IV.E.9.d ... The NRC is granting exemptions from portions of the rule language that would otherwise require provisions for communications from the control room, onsite TSC, and EOF with NRC Headquarters and the appropriate Regional Operations Center.	The functions of the control room, EOF, TSC, and OSC may be combined into one or more locations due to the smaller facility staff and the greatly reduced required interaction with State and local emergency response facilities. The licensee is still required to maintain monthly communication tests with NRC Headquarters and the appropriate Regional Operations Center.
	Also refer to basis for 10 CFR 50.47(b); 10 CFR 50, appendix E, section IV.E.8.a.(i); and 10 CFR 50, appendix E, section IV.E.8.a.(ii).
10 CFR part 50, appendix E, section IV.F.1. and section IV F.1.viii. The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to provide training and drills for the licensee's headquarters personnel, Civil Defense personnel, or local news media.	Decommissioning power reactor sites typically have a level of emergency response that does not require additional response by the licensee's headquarters personnel. Therefore, the NRC staff considers exempting licensee's headquarters personnel from training requirements to be reasonable.
	Due to the low probability of design-basis accidents or other credible events to exceed the EPA PAGs, offsite emergency measures are limited to support provided by local police, fire departments, and ambulance and hospital services, as appropriate. Local news media personnel no longer need radiological orientation training since they will not be called upon to support the formal Joint Information Center. The term ''Civil Defense'' is no longer commonly used; references to this term in the examples provided in the regulation are, therefore, not needed.
	Also refer to basis for 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.F.2 ..... The NRC is granting exemptions from portions of the rule language that would otherwise require testing of a public alert and notification system.	Because of the low probability of design-basis accidents or other credible events that would be expected to exceed the limits of EPA PAGs and the available time for event mitigation and offsite protective actions from a CEMP, the public alert and notification system are not needed and, therefore, require no testing.
	Also refer to basis for 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.F.2.a. and sections IV.F.2.a.(i) through IV.F.2.a.(iii). The NRC is granting exemptions from the requirements for full participation exercises and the submittal of the associated exercise scenarios to the NRC.	Due to the low probability of design-basis accidents or other credible events that would be expected to exceed the limits of EPA PAGs, the available time for event mitigation and, if necessary, implementation of offsite protective actions using a CEMP, no formal offsite radiological emergency plans are required and full participation emergency plan exercises that test the State and local emergency plans are not necessary.
	The intent of submitting exercise scenarios at an operating power reactor site is to ensure that licensees utilize different scenarios in order to prevent the preconditioning of responders at power reactors. For decommissioning power reactor sites, there are limited events that could occur, and as such, the submittal of exercise scenarios is not necessary.
	The licensee would be exempt from 10 CFR part 50, appendix E, section IV.F.2.a.(i)–(iii) because the licensee would be exempt from the umbrella provision of 10 CFR part 50, appendix E, section IV.F.2.a.
	Also, refer to the basis for 10 CFR 50.47(b) and 10 CFR part 50, appendix E, section IV.C.1.
10 CFR part 50, appendix E, section IV.F.2.b ... The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to submit scenarios for its biennial exercises of its onsite emergency plan. In addition, the NRC is granting exemption from portions of the rule language that requires assessment of offsite releases, protective action decision making, and references to the TSC, OSC, and EOF.	The intent of submitting onsite exercise scenarios at an operating power reactor site is to ensure that licensees utilize different scenarios in order to prevent the preconditioning of responders at power reactors. For decommissioning power reactor sites, there are limited events that could occur, and as such, the submittal of exercise scenarios is not necessary. Biennial exercises are not required per the exemption from 10 CFR part 50, appendix E, section IV.F.2.c.

10 CFR part 50, appendix E, section IV	NRC staff basis for exemption
	The low probability of design basis accidents or other credible events that would exceed the EPA PAGs, the available time for event mitigation and, if necessary, implementation of offsite protective actions using a CEMP, render a TSC, OSC and EOF unnecessary. The principal functions required by regulation can be performed at an onsite location that does not meet the requirements of the TSC, OSC, or EOF.
	Refer to basis for 10 CFR part 50, appendix E, section IV.F.2.a; 10 CFR part 50, appendix E, section IV.E 8.a.(i); 10 CFR part 50, appendix E, section IV.E 8.a.(ii); and 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.F.2.c. and sections IV F.2.c.(1) through F.2.c.(5). The NRC is granting exemptions from the requirements regarding the need for the licensee to exercise offsite plans biennially with full participation by each offsite authority having a role under the radiological response plan. The NRC is also granting exemptions from the conditions for conducting these exercises (including hostile action exercises) if two different licensees have facilities on the same site or on adjacent, contiguous sites, or share most of the elements defining co-located licensees.	Refer to basis for 10 CFR part 50, appendix E, section IV.F.2.a and 10 CFR 50.47(b).
10 CFR part 50, appendix E, section IV.F.2.d ... The NRC is granting exemptions from the requirements to obtain State participation in an ingestion pathway exercise and a hostile action exercise, with each State that has responsibilities, at least once per exercise cycle.	Refer to basis for 10 CFR 50, appendix E, section IV.F.2.a.
10 CFR part 50, appendix E, section IV.F.2.e ... The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to allow participation exercise in licensee drills by any State and local Government in the plume exposure pathway EPZ when requested.	Refer to basis for 10 CFR 50.47(b)(2) and 10 CFR 50.47(b)(10).
10 CFR part 50, appendix E, section IV.F.2.f .... The NRC is granting exemptions from portions of the rule language that would otherwise require FEMA to consult with the NRC on remedial exercises. The NRC is granting exemption from portions of the rule language that discuss the extent of State and local participation in remedial exercises.	FEMA is responsible for evaluating the adequacy of offsite response during an exercise. No action is expected from State or local government organizations in response to an event at a decommissioning power reactor site other than onsite firefighting, law enforcement and ambulance/medical services support. A memorandum of understanding is in place for those services. Offsite response organizations will continue to take actions on a comprehensive emergency planning basis to protect the health and safety of the public as they would at any other industrial site. Also, refer to the basis for 10 CFR 50, appendix E, section IV.F.2.a.
10 CFR part 50, appendix E, section IV.F.2.i .... The NRC is granting exemptions from portions of the rule language that would otherwise require the licensee to engage in drills and exercises for scenarios that include a wide spectrum of radiological release events and hostile action.	Due to the low probability of design-basis accidents or other credible events to exceed the EPA PAGs, the available time for event mitigation and, if needed, implementation of offsite protective actions using a CEMP, the previously routine progression to general emergency in power reactor site scenarios is not applicable to a decommissioning site. Therefore, the licensee is not expected to demonstrate response to a wide spectrum of events. Also refer to basis for 10 CFR part 50, appendix E, section IV.1 regarding hostile action.
10 CFR part 50, appendix E, section IV.F.2.j .... The NRC is granting exemptions from the requirements regarding the need for the licensee's emergency response organization to demonstrate proficiency in key skills in the principal functional areas of emergency response. In addition, the NRC is granting an exemption during an eight calendar year exercise cycle, from demonstrating proficiency in the key skills necessary to respond to such scenarios as hostile actions, unplanned minimal radiological release, § 50.54(hh)(2) implementation strategies, and scenarios involving rapid escalation to a site area emergency or general emergency.	With the permanently shutdown defueled and conditions of the site, where only the SFP and its related support systems, structures, and components remain, there are no other facilities in which emergency response organization personnel could demonstrate proficiency. Also refer to basis for 10 CFR part 50, appendix E, section IV.F.2.i.

10 CFR part 50, appendix E, section IV	NRC staff basis for exemption
10 CFR part 50, appendix E, section IV.I ..... The NRC is granting exemptions from the requirements regarding the need for the licensee to develop a range of protective action for onsite personnel during hostile actions.	Refer to basis for 10 CFR part 50, appendix E, section IV.1.

[FR Doc. 2015–08311 Filed 4–9–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATE: April 13, 20, 27, May 4, 11, 18, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed

Week of April 13, 2015

Tuesday, April 14, 2015

9:25 a.m. Affirmation Session (Public Meeting) (Tentative)

a. Final Rule: Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements (RIN 3150–AI11) (Tentative)

b. Nuclear Innovation North America, LLC (South Texas Project Units 3 and 4), Petition for Review of LBP–14–3, Third Party Initial Decision (Contention FC–1) (Tentative)

c. PPL Susquehanna, LLC (Susquehanna Steam Electric Station, Units 2 and 3)—Request for Hearing and Petition to Intervene Re: PPL Susquehanna Application for Indirect License Transfer (Tentative)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

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.

Week of April 27, 2015—Tentative

Thursday, April 30, 2105

9:00 a.m. Briefing on the Status of Lessons Learned from the Fukushima Dai-ichi Accident (Public Meeting) (Contact: Jack Davis, 301–415–2239)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of May 4, 2015—Tentative

There are no meetings scheduled for the week of May 4, 2015.

May 11, 2015—Tentative

There are no meetings scheduled for the week of May 11, 2015.

May 18, 2015—Tentative

Tuesday, May 19, 2015

9:00 a.m. Briefing on Cumulative Effects of Regulation and Risk Prioritization Initiatives (Public Meeting) (Contact: Steve Ruffin, 301–415–1985)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, May 21, 2015

9:00 a.m. Briefing on the Results of the Agency Action Review Meeting (Public Meeting) (Contact: Nathan Sanfilippo, 301–415–8744)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

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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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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.

* * * * *

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.*

April 7, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–08377 Filed 4–8–15; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. RM2015–2; Order No. 2425]

Notice of Technical Meeting

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: A technical meeting has been scheduled in Docket No. RM2015–2. The technical meeting will review modifications to Proposal Nine and their impact on the supporting financial workpapers.

DATES: April 14, 2015, at 1:00 p.m.

ADDRESSES: The technical meeting will be held in the Commission's hearing room at 901 New York Avenue NW., Suite 200, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: A technical meeting will be held in this docket on Tuesday, April 14, 2015, at 1:00 p.m., Eastern Daylight Time (EDT), in the Commission's main conference room. The purpose of this meeting is to allow Commission staff to review

modifications to Proposal Nine and their impact on supporting financial workpapers with United States Postal Service personnel.[1]

The technical meeting is open to interested persons.

It is ordered:

1. A technical meeting is scheduled on April 14, 2015, at 1:00 p.m. EDT, in the Commission's main conference room to address Postal Service-initiated modifications to Proposal Nine and their impact on supporting financial workpapers.

2. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–08216 Filed 4–9–15; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74653; File No. SR–NASDAQ–2015–023]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of the Shares of the Tuttle Tactical Management Multi-Strategy Income ETF of ETFis Series Trust I

April 6, 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 March 25, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in in Items I and II 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 the Substance of the Proposed Rule Change

Nasdaq proposes to list and trade the shares of the Tuttle Tactical Management Multi-Strategy Income ETF (the ''Fund''), a series of ETFis Series Trust I (the ''Trust''), under Nasdaq Rule 5735 (''Managed Fund Shares'').[3] The shares of the Fund are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at Nasdaq'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, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq 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 list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares[4] on the Exchange. The Fund will be an actively managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust, which was established as a Delaware statutory trust on September 20, 2012.[5] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[6] The Fund is a series of the Trust.

Etfis Capital LLC will be the investment adviser (''Adviser'') to the Fund. Tuttle Tactical Management, LLC will be the investment sub-adviser (''Sub-Adviser'') to the Fund. ETF Distributors LLC (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon (''BNY Mellon'') will act as the administrator, accounting agent, custodian, and transfer agent to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, paragraph (g) further requires that personnel who make decisions on the

[1] See Responses of the United States Postal Service to Questions 1–19 of Chairman's Information Request No. 3, February 23, 2015, question 1, where the Postal Service, *inter alia,* states: However, upon review generated by the need to respond to this question, the Postal Service would like to modify the proposal . . ..

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008) 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). There are already multiple actively-managed funds listed on the Exchange; *see e.g.,* Securities Exchange Act Release No. 72411 (June 17, 2014), 79 FR 35598 (June 23, 2014) (SR–NASDAQ–2014–40) (order approving listing and trading of Calamos Focus Growth ETF). The Exchange believes the proposed rule change raises no significant issues not previously addressed in those prior Commission orders.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1)(the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act (the ''Exemptive Order''). *See* Investment Company Act Release No. 30607 (July 23, 2013). In compliance with Nasdaq Rule 5735(b)(5), which applies to Managed Fund Shares based on an international or global portfolio, the Trust's application for exemptive relief under the 1940 Act states that the Fund will comply with the federal securities laws in accepting securities for deposits and satisfying redemptions with redemption securities, including that the securities accepted for deposits and the securities used to satisfy redemption requests are sold in transactions that would be exempt from registration under the Securities Act of 1933 (15 U.S.C. 77a).

[6] *See* Registration Statement on Form N–1A for the Trust filed on January 30, 2015 (File Nos. 333–187668 and 811–22819). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser, the Sub-Adviser and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio. Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser and Sub-Adviser are not registered as broker-dealers; however the Adviser (but not the Sub-Adviser) is affiliated with a broker-dealer and has implemented a fire wall with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio. In the event (a) the Adviser or the Sub-Adviser becomes newly affiliated with a broker-dealer or registers as a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, if applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Tuttle Tactical Management Multi-Strategy Income ETF

Principal Investments

The Fund's investment objective will be to seek current income while maintaining a secondary emphasis on long-term capital appreciation and low volatility. The Fund will be an actively managed ETF that seeks to achieve its investment objective by utilizing a long-only, multi-strategy, tactically-managed exposure to the U.S. equity market. To obtain such exposure, the Sub-Adviser will invest, under normal market conditions,[8] not less than 80% of its assets in exchange-traded funds (''ETFs''),[9] exchange-traded notes (''ETNs''),[10] exchange-traded trusts that hold commodities (''ETTs'') (collectively, ETFs, ETNs and ETTs are referred to hereinafter as ''exchange-traded products'' or ''ETPs''), individually selected U.S. exchange-traded common stocks (when the Sub-Adviser determines that is more efficient or otherwise advantageous to do so), money market funds, U.S. treasuries or money market instruments.[11] To the extent that the Fund invests in ETFs or money market funds to gain domestic exposure, the Fund is considered, in part, a ''fund of funds.''

The Sub-Adviser will employ four tactical models in seeking to achieve the Fund's investment objective: ''Income Relative Momentum,'' ''Dividend Counter-Trend,'' ''Dividend Tactical Fundamental Earnings,'' and ''Dividend Absolute Momentum.'' The Sub-Adviser will generally seek to invest at least half of the Fund's assets in the Income Relative Momentum Model, and will allocate the remainder of the Fund's assets in one or more of the other three models.

Other Investments

In order to seek its investment objective, the Fund will not hold any other investments outside of the above-described ''Principal Investments.''

Investment Restrictions

Under normal market conditions, the Fund will invest not less than 80% of its total assets in shares of ETPs, individually selected U.S. exchange-traded common stocks (when the Sub-Adviser determines that is more efficient or otherwise advantageous to do so), money market funds, U.S. treasuries or money market instruments. The Fund will not purchase securities of open-end or closed-end investment companies except in compliance with the 1940 Act. The Fund will not use derivative instruments, including options, swaps, forwards and futures contracts, both listed and over-the-counter (''OTC''). The Fund will not invest in leveraged, inverse, or leveraged inverse ETPs.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities and other illiquid assets (calculated at the time of investment). The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities or other illiquid assets. Illiquid securities and other illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[12]

[8] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. For temporary defensive purposes, during the initial invest-up period and during periods of high cash inflows or outflows, the Fund may depart from its principal investment strategies; for example, it may hold a higher than normal proportion of its assets in cash. During such periods, the Fund may not be able to achieve its investment objective. The Fund may adopt a defensive strategy when the Adviser believes securities in which the Fund normally invests have elevated risks due to political or economic factors and in other extraordinary circumstances.

[9] As described in the Registration Statement, an ETF is an investment company registered under the 1940 Act that holds a portfolio of securities. Many ETFs are designed to track the performance of a securities index, including industry, sector, country and region indexes. ETFs included in the Fund will be listed and traded in the U.S. on registered exchanges. The Fund may invest in the securities of ETFs in excess of the limits imposed under the 1940 Act pursuant to exemptive orders obtained by other ETFs and their sponsors from the Commission. The ETFs in which the Fund may invest include Index Fund Shares (as described in Nasdaq Rule 5705), Portfolio Depositary Receipts (as described in Nasdaq Rule 5705), and Managed Fund Shares (as described in Nasdaq Rule 5735). The Fund will neither invest in leveraged ETFs (*e.g.,* 2X or 3X), nor inverse or inverse leveraged ETFs (*e.g.,* –1X or –2X). The shares of ETFs in which a Fund may invest will be limited to securities that trade in markets that are members of the ISG, which includes all U.S. national securities exchanges, or are parties to a comprehensive surveillance sharing agreement with the Exchange.

[10] The ETNs are limited to those described in Nasdaq Rule 5710.

[11] Such securities will include securities that are issued or guaranteed by the U.S. Treasury, by various agencies of the U.S. government, or by various instrumentalities, which have been established or sponsored by the U.S. government. U.S. Treasury obligations are backed by the ''full faith and credit'' of the U.S. government. Securities issued or guaranteed by federal agencies and U.S. government-sponsored instrumentalities may or may not be backed by the full faith and credit of the U.S. government.

[12] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), FN 34. *See also* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990),

The Fund intends to qualify for and to elect to be treated as a separate regulated investment company under SubChapter M of the Internal Revenue Code.[13]

Under the 1940 Act, the Fund's investment in investment companies will be limited to, subject to certain exceptions: (i) 3% of the total outstanding voting stock of any one investment company, (ii) 5% of the Fund's total assets with respect to any one investment company, and (iii) 10% of the Fund's total assets with respect to investment companies in the aggregate.

The Fund's investments will be consistent with its investment objective. The Fund does not presently intend to engage in any form of borrowing for investment purposes, and will not be operated as a ''leveraged ETF'', *i.e.,* it will not be operated in a manner designed to seek a multiple of the performance of an underlying reference index.

Net Asset Value

The Fund's net asset value (''NAV'') will be determined as of the close of trading (normally 4:00 p.m., Eastern time (''E.T.'')) on each day the New York Stock Exchange (''NYSE'') is open for business. NAV will be calculated for the Fund by taking the market price of the Fund's total assets, including interest or dividends accrued but not yet collected, less all liabilities, and dividing such amount by the total number of Shares outstanding. The result, rounded to the nearest cent, will be the NAV per Share. All valuations will be subject to review by the Board or its delegate.

The Fund's investments will be valued at market value *(i.e.,* the price at which a security is trading and could presumably be purchased or sold) or, in the absence of market value with respect to any investment, at fair value in accordance with valuation procedures adopted by the Board and in accordance with the 1940 Act. Common stocks and equity securities (including shares of ETPs) will be valued at the last sales price on that exchange. Portfolio securities traded on more than one securities exchange will be valued at the last sale price or, if so disseminated by an exchange, the official closing price, as applicable, at the close of the exchange representing the principal exchange or market for such securities on the business day as of which such value is being determined. Money market funds are valued at the net asset value reported by the funds. For all security types (including U.S. Treasuries) in which the Fund may invest, the Fund's primary pricing source is IDC; its secondary source is Reuters; and its tertiary source is Bloomberg.

Certain securities may not be able to be priced by pre-established pricing methods. Such securities may be valued by the Board or its delegate at fair value. The use of fair value pricing by the Fund will be governed by valuation procedures adopted by the Board and in accordance with the provisions of the 1940 Act. These securities generally include, but are not limited to, restricted securities (securities which may not be publicly sold without registration under the Securities Act of 1933) for which a pricing service is unable to provide a market price; securities whose trading has been formally suspended; a security whose market price is not available from a pre-established pricing source; a security with respect to which an event has occurred that is likely to materially affect the value of the security after the market has closed but before the calculation of the Fund's net asset value or make it difficult or impossible to obtain a reliable market quotation; and a security whose price, as provided by the pricing service, does not reflect the security's ''fair value.'' As a general principle, the current ''fair value'' of a security would appear to be the amount which the owner might reasonably expect to receive for the security upon its current sale. The use of fair value prices by the Fund generally results in the prices used by the Fund that may differ from current market quotations or official closing prices on the applicable exchange. A variety of factors may be considered in determining the fair value of such securities.

Creation and Redemption of Shares

The Trust will issue and sell Shares of the Fund only in Creation Unit aggregations typically in exchange for an in-kind portfolio of instruments, although cash in lieu of such instruments would be permissible, and only in aggregations of 50,000 Shares, on a continuous basis through the Distributor, without a sales load, at the NAV next determined after receipt, on any business day, of an order in proper form.

The consideration for purchase of Creation Unit aggregations of the Fund will consist of (i) a designated portfolio of securities determined by the Adviser that generally will conform to the holdings of the Fund consistent with its investment objective (the ''Deposit Securities'') per each Creation Unit aggregation and generally an amount of cash (the ''Cash Component'') computed as described below, or (ii) cash in lieu of all or a portion of the Deposit Securities, as defined below. Together, the Deposit Securities and the Cash Component (including the cash in lieu amount) will constitute the ''Fund Deposit,'' which will represent the minimum initial and subsequent investment amount for a Creation Unit aggregation of the Fund.

The consideration for redemption of Creation Unit aggregations of the Fund will consist of (i) a designated portfolio of securities determined by the Adviser that generally will conform to the holdings of the Fund consistent with its investment objective per each Creation Unit aggregation (''Fund Securities'') and generally a Cash Component, as described below, or (ii) cash in lieu of all or a portion of the Fund Securities as defined below.

The Cash Component is sometimes also referred to as the Balancing Amount. The Cash Component will serve the function of compensating for any differences between the NAV per Creation Unit aggregation and the Deposit Amount (as defined below). For example, for a creation the Cash Component will be an amount equal to the difference between the NAV of Fund Shares (per Creation Unit aggregation) and the ''Deposit Amount''—an amount equal to the market value of the Deposit Securities and/or cash in lieu of all or a portion of the Deposit Securities. If the Cash Component is a positive number *(i.e.,* the NAV per Creation Unit aggregation exceeds the Deposit Amount), the Authorized Participant (defined below) will deliver the Cash Component. If the Cash Component is a negative number *(i.e.,* the NAV per Creation Unit aggregation is less than the Deposit Amount), the Authorized Participant will receive the Cash Component.

BNY Mellon, through the National Securities Clearing Corporation (''NSCC''), will make available on each business day, prior to the opening of business of the Exchange (currently 9:30 a.m., E.T.), the list of the names and the quantity of each Deposit Security to be included in the current Fund Deposit (based on information at the end of the previous business day). Such Fund Deposit will be applicable, subject to any adjustments as described below, in order to effect creations of Creation Unit aggregations of the Fund until such time as the next-announced composition of the Deposit Securities is made available. BNY Mellon, through the NSCC, will also make available on each business day, prior to the opening of business of the Exchange (currently 9:30 a.m., E.T.),

55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[13] 26 U.S.C. 851.

the list of the names and the quantity of each security to be included (based on information at the end of the previous business day), subject to any adjustments as described below, in order to affect redemptions of Creation Unit aggregations of the Fund until such time as the next-announced composition of the Fund Securities is made available.

The Trust will reserve the right to permit or require the substitution of an amount of cash, *i.e.,* a ''cash in lieu'' amount, to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or which might not be eligible for trading by an Authorized Participant or the investor for which it is acting or other relevant reason. To the extent the Trust effects the redemption of Shares in cash, such transactions will be effected in the same manner for all Authorized Participants.

In addition to the list of names and numbers of securities constituting the current Deposit Securities of a Fund Deposit, BNY Mellon, through the NSCC, will also make available on each business day, the estimated Cash Component, effective through and including the previous business day, per Creation Unit aggregation of the Fund.

To be eligible to place orders with respect to creations and redemptions of Creation Units, an entity must be (i) a ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the clearing process through the continuous net settlement system of the NSCC or (ii) a Depository Trust Company (''DTC'') Participant (a ''DTC Participant''). In addition, each Participating Party or DTC Participant (each, an ''Authorized Participant'') must execute an agreement that has been agreed to by the Distributor and BNY Mellon with respect to purchases and redemptions of Creation Units.

All orders to create Creation Unit aggregations must be received by the Distributor no later than 3:00 p.m., E.T., an hour earlier than the closing time of the regular trading session on the Exchange (ordinarily 4:00 p.m., E.T.), in each case on the date such order is placed in order for creations of Creation Unit aggregations to be effected based on the NAV of Shares of the Fund as next determined on such date after receipt of the order in proper form.

In order to redeem Creation Units of the Fund, an Authorized Participant must submit an order to redeem for one or more Creation Units. All such orders must be received by the Distributor in proper form no later than 3:00 p.m., E.T., an hour earlier than the close of regular trading on the Exchange (ordinarily 4:00 p.m., E.T.), in order to receive that day's closing NAV per Share.

Availability of Information

The Fund's Web site (*www.tuttlefunds.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include the Fund's ticker, Cusip and exchange information along with additional quantitative information updated on a daily basis, including, for the Fund: (1) Daily trading volume, the prior business day's reported NAV and closing price, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price'') [14] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Regular Market Session [15] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'' as defined in Nasdaq Rule 5735(c)(2)) held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[16]

On a daily basis, the Fund will disclose for each portfolio security and other asset of the Fund the following information on the Fund's Web site (if applicable): Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding); the identity of the security, commodity, index, or other asset or instrument underlying the holding, if any; maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holdings in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5735(c)(3) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service [17] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Price information regarding the ETPs, equity securities, U.S. treasuries, money market instruments and money market Funds held by the Fund will be available through the U.S. exchanges trading such assets, in the case of exchange-traded securities, as well as automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. For all security types in which the Fund may invest, the Fund's primary pricing source is IDC; its secondary source is Reuters; and its tertiary source is Bloomberg.

Intra-day price information for all assets held by the Fund will also be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and its Form N–CSR and Form N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those

[14] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[15] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m. E.T.; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. E.T.; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. E.T.).

[16] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Notwithstanding the foregoing, portfolio trades that are executed prior to the opening of the Exchange on any business day may be booked and reflected in NAV on such business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[17] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares and any underlying exchange-traded products will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares.

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes will be included in the Registration Statement.

Initial and Continued Listing

The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [18] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and other assets constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m. E.T. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[19] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG'') [20] and FINRA may obtain trading information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG,[21] or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Fund's net assets that are invested in exchange-traded equities, including ETPs and common stock, will be invested in instruments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value and Disclosed Portfolio is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described

[18] *See* 17 CFR 240.10A–3.

[19] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[20] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[21] *Id.*

in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV calculation time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund's Web site.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act 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 mechanism of a free and open market and in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. In addition, paragraph (g) of Nasdaq Rule 5735 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio. The Fund's investments will be consistent with the Fund's investment objective. FINRA may obtain information via ISG from other exchanges that are members of ISG. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes all U.S. and some foreign securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Fund may invest up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment). The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio of the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares and any underlying exchange-traded products. Intra-day price information will be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted under the conditions specified in Nasdaq Rules 4120 and 4121 or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of the ISG and FINRA may obtain trading information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes all U.S. and some foreign securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Furthermore, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate up if it finds such longer period to be appropriate and publishes

its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–023 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–2015–023. 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–2015–023, and should be submitted on or before May 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Brent J. Fields

Secretary

[FR Doc. 2015–08201 Filed 4–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74651; File No. SR–CBOE–2015–033]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Deletion of Rule 2.50

April 6, 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 24, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to delete Rule 2.50 as it is no longer relevant.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to delete Rule 2.50 that sets forth the Exchange's policy with respect to the National Stock Exchange (''NSX''), previously a wholly owned subsidiary of CBOE Stock Exchange LLC (''CBSX'').[5] Rule 2.50 states that as long as the Exchange is a partial owner of CBSX and CBSX controls NSX, the Exchange will assist NSX with the appropriate allocation of its resources in order to fulfill its self-regulatory obligations under the Exchange Act, as well as refrain from knowingly taking any actions related to NSX's activities that would prevent NSX's fulfillment of its self-regulatory obligations. The Exchange believes this rule is no longer relevant because CBSX no longer owns or is affiliated with NSX; as such, the Exchange believes the elimination of this rule from the CBOE Rulebook is appropriate.

The Commission recently approved an NSX rule filing that authorized the sale of NSX from CBSX to an unaffiliated third party.[6] The transaction was completed on February 18, 2015, and CBSX no longer owns or is affiliated with NSX; thus, Rule 2.50 is no longer relevant and should be deleted in its entirety to avoid confusion.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] requirements that the rules of an exchange be designed to remove impediments to and perfect the

[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] CBSX, a former stock trading facility of CBOE, is owned in part by CBOE.

[6] *See* Securities Exchange Act Release No. 74270 (February 13, 2015), 80 FR 9286 (February 20, 2015) (order granting approval of SR–NSX–2014–017).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the deletion of Rule 2.50 is appropriate because it is obsolete now that CBSX no longer owns or is affiliated with NSX. Additionally, if the current rule text language remains, confusion could arise as to whether or not NSX is still a wholly owned subsidiary of CBSX.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change imposes any burden on intramarket competition because it applies to all market participants. Additionally, the Exchange does not believe the proposed rule change will impose any burden on intermarket competition as it is merely attempting to delete Rule 2.50 in its entirety as the rule text is no longer relevant because CBSX no longer owns or is affiliated with NSX. The Exchange does not propose any substantive changes to the Exchange's operations or its rules that the Exchange believes could have any impact on competition (intermarket or intramarket).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received written comments on the proposed rule changes submitted in this filing.

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 Act [9] and Rule 19b–4(f)(6) thereunder.[10] Because the foregoing proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) [12] 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. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–033 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–CBOE–2015–033. 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–CBOE–2015-–033 and should be submitted on or before May 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08199 Filed 4–9–15; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In 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 Exchange has satisfied this requirement.

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74652; File No. SR–CFE–2015–003]

Self-Regulatory Organizations; CBOE Futures Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Proposed Rule Change Regarding Open Interest Reporting

April 6, 2015.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 23, 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 March 20, 2015.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to amend its rules related to open interest reporting. The scope of this filing is limited solely

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

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 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 add CFE Rule 410A (Reporting Open Interest to the Clearing Corporation) to make clear that all CFE clearing members [3] must report open interest information to The Options Clearing Corporation (''OCC'') in conformance with OCC rules. 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.

CFE has contracted with and uses OCC for clearing and settlement services for all transactions conducted on the Exchange. CFE clearing members are required by OCC Rule 401, Interpretation and Policy .01 to submit gross position adjustment information to OCC as necessary to identify the actual open interest in clearing member accounts at the end of each trading day based upon the day's trading activity and any applicable rules of an exchange. Clearing members are not required to provide this information for market maker accounts at OCC or when a futures exchange like CFE identifies a transaction as opening or closing in matching trade information that the exchange provides to OCC.

The amendments make clear that CFE clearing members must report gross position adjustment information to OCC to the extent required by, and in accordance with, OCC rules by including this requirement in new CFE Rule 410A. The amendments also provide that gross position adjustment information is not required to be reported to OCC pursuant to Rule 410A for market maker accounts at OCC or for transactions with respect to which a CFE Trading Privilege Holder (''TPH'') has designated as part of the applicable order submission to CFE whether the transaction is opening or closing. These two exceptions exist because in each case OCC will already have this information and thus does not need to receive it from clearing members. Specifically, with respect to the second exception, when a TPH submits an order to CFE's trading system, the TPH may choose to designate the transaction as opening or closing, though this field is not required. CFE provides such opening and closing designations by its TPHs to OCC, and OCC will then know that it does not need to receive this information regarding the order from the applicable clearing member.

By adding Rule 410A to the CFE Rulebook, the amendments make clear that a failure to report open interest information pursuant to OCC rules is an independent violation of CFE rules. These amendments are based upon a recommendation by the CFTC Division of Market Oversight in a recent rule enforcement review of the market surveillance program of ICE Futures U.S., Inc.[4]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(5) [6] and 6(b)(7) [7] 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, and
- to provide a fair procedure for the disciplining of members.

The Exchange believes that the proposed rule change will strengthen its ability to carry out its responsibilities as a self-regulatory organization by clarifying that CFE clearing members must report gross position adjustment information to OCC to the extent required by, and in accordance with, OCC rules by including this requirement in new CFE Rule 410A. The proposed rule change also provides that that gross position adjustment information is not required to be reported to OCC pursuant to Rule 410A for market maker accounts at OCC or for transactions with respect to which a TPH has designated as part of the applicable order submission to CFE whether the transaction is opening or closing. This change will strengthen CFE's regulatory and disciplinary program as well as serve as an effective deterrent to potential conduct that violates OCC's open interest reporting rule by making clear that a failure to report open interest information pursuant to OCC rules is an independent violation of CFE rules. CFE additionally believes that this change enables CFE to conform with recent guidance issued by the CFTC's Division of Market Oversight.

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, in that the rule change will enhance CFE's ability to carry out its responsibilities as a self-regulatory organization. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because the clarification of CFE clearing members' responsibility to report open interest to OCC in conformance with OCC rules would apply equally to all parties that are subject to the applicable requirements.

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 April 3, 2015.

[3] CFE Rule 121 defines ''Clearing Member'' to mean a member of OCC that is a CFE TPH and that is authorized under OCC Rules to clear trades in any or all contracts.

[4] *See* CFTC, Div. of Mkt. Oversight, Rule Enforcement Review of ICE Futures U.S. at pp. 9, 32 (July 22, 2014), available at *http://www.cftc.gov/ucm/groups/public/@iodcms/documents/file/ricefutures072214.pdf.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(7).

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.[8]

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–2015–003 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–2015–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CFE–2015–003, and should be submitted on or before May 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08200 Filed 4–9–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(1).

[9] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31547; 812–14400]

Van Eck Associates Corporation, et al.; Notice of Application

April 6, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from rule 12d1–2(a) under the Act.

Summary of Application: Applicants request an order to permit open-end management investment companies relying on rule 12d1–2 under the Act to invest in certain financial instruments.

Applicants: Van Eck Associates Corporation (the ''VEAC''), Van Eck Securities Corporation (''VESC''), Market Vectors ETF Trust (''MV Trust''), Van Eck VIP Trust (''VIP Trust'') and Van Eck Funds (''VE Funds'' and, together with MV Trust and VIP Trust, the ''Trusts'').

Filing Date: The application was filed on December 18, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 1, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: Johnathan R. Simon, Van Eck Associates Corporation, 335 Madison Avenue, New York, NY 10017.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Senior Counsel, at (202) 551–6868, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Van Eck Funds is organized as a Massachusetts business trust and is registered under the Act as an open-end management investment company. Van Eck Funds is a trust which currently consists of eight Funds (as defined below), each with its own investment objective and policies. VIP Trust is a Massachusetts business trust and is registered under the Act as an open-end management investment company. VIP Trust currently consists of six Funds, each with its own investment objective and policies. MV Trust is a Delaware statutory trust and is registered under the Act as an open-end management investment company. MV Trust currently consists of 60 Funds, each with its own investment objective and policies.

2. VEAC is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). VEAC currently is the investment adviser to the Trusts. VESC, a broker-dealer registered under the Securities Exchange Act of 1934, as amended (''Exchange Act''), serves as the principal underwriter for the Trusts.

3. Applicants request an exemption to the extent necessary to permit any existing or future series of the Trusts and any other registered open-end management investment company or series thereof that: (a) Is advised by VEAC or any investment adviser controlling, controlled by, or under common control with VEAC (any such adviser or VEAC, the ''Adviser''); [1] (b) is in the same group of investment companies as defined in section 12(d)(1)(G) of the Act as the Trusts; (c) invests in other registered open-end

[1] Each Adviser will be registered as an investment adviser under the Advisers Act.

management investment companies (''Underlying Funds'') in reliance on section 12(d)(1)(G) of the Act; and (d) also is eligible to invest in securities (as defined in section 2(a)(36) of the Act) in reliance on rule 12d1–2 under the Act (each a ''Fund of Funds''), and together with the Underlying Funds, the ''Funds''), also to invest, to the extent consistent with its investment objectives, policies, strategies and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act (''Other Investments'').[2] Applicants also request that the order exempt any entity controlling, controlled by or under common control with VESC, that now or in the future acts as principal underwriter with respect to the transactions described in the application.

4. Consistent with its fiduciary obligations under the Act, each Fund of Funds' board of trustees will review the advisory fees charged by the Fund of Funds' Adviser to ensure that they are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to the advisory agreement of any investment company in which the Fund of Funds may invest.

Applicants' Legal Analysis

1. Section 12(d)(1)(A) of the Act provides that no registered investment company (''acquiring company'') may acquire securities of another investment company (''acquired company'') if such securities represent more than 3% of the acquired company's outstanding voting stock or more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or cause more than 10% of the acquired company's voting stock to be owned by investment companies and companies controlled by them.

2. Section 12(d)(1)(G) of the Act provides, in part, that section 12(d)(1) will not apply to securities of an acquired company purchased by an acquiring company if: (i) The acquired company and acquiring company are part of the same group of investment companies; (ii) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, Government securities, and short-term paper; (iii) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are not excessive under rules adopted pursuant to section 22(b) or section 22(c) of the Act by a securities association registered under section 15A of the Exchange Act or by the Commission; and (iv) the acquired company has a policy that prohibits it from acquiring securities of registered open-end investment companies or registered unit investment trusts in reliance on section 12(d)(1)(F) or (G) of the Act.

3. Rule 12d1–2 under the Act permits a registered open-end investment company or a registered unit investment trust that relies on section 12(d)(1)(G) of the Act to acquire, in addition to securities issued by another registered investment company in the same group of investment companies, Government securities, and short-term paper: (i) Securities issued by an investment company that is not in the same group of investment companies, when the acquisition is in reliance on section 12(d)(1)(A) or 12(d)(1)(F) of the Act; (ii) securities (other than securities issued by an investment company); and (iii) securities issued by a money market fund, when the investment is in reliance on rule 12d1–1 under the Act. For the purposes of rule 12d1–2, ''securities'' means any security as defined in section 2(a)(36) of the Act.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act, or from any rule under the Act, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act. Applicants submit that their request for relief meets this standard.

5. Applicants request an order under section 6(c) of the Act for an exemption from rule 12d1–2(a) to allow the Funds of Funds to invest in Other Investments while investing in Underlying Funds. Applicants state that the Funds of Funds will comply with rule 12d1–2 under the Act, but for the fact that the Funds of Funds may invest a portion of their assets in Other Investments. Applicants assert that permitting the Funds of Funds to invest in Other Investments as described in the application would not raise any of the concerns that the requirements of section 12(d)(1) were designed to address.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition: Applicants will comply with all provisions of rule 12d1–2 under the Act, except for paragraph (a)(2) to the extent that it restricts any Fund of Funds from investing in Other Investments as described in the application.

For the Commission, by the Division of Investment Management, under delegated authority.

Brent J. Fields,

Secretary.

[FR Doc. 2015–08258 Filed 4–9–15; 8:45 am]

BILLING CODE 8011–01–P

[2] Every existing entity that currently intends to rely on the requested order is named as an applicant. Any entity that relies on the order in the future will do so only in accordance with the terms and condition in the application.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74656; File No. SR–BATS–2015–25]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.3, Record of Written Complaints

April 6, 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 26, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4.3, Record of Written Complaints. The text of the proposed rule change is below. Proposed new language is in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

italics; proposed deletions are in brackets.

* * * * *

Rule 4.3. Record of Written Complaints

(a) Each Member shall keep and preserve for a period of not less than [five]*four* years a file of all written complaints of customers and action taken by the Member in respect thereof, if any. Further, for the first two years of the [five]*four*-year period, the Member shall keep such file in a place readily accessible to examination or spot checks.

(b) (No change).

* * * * *

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 II.A., II.B., and II.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 filed a proposal to amend Rule 4.3, Record of Written Complaints, to conform with the rules of the Financial Industry Regulatory Authority, Inc. (''FINRA'') for purposes of an agreement between the Exchange and FINRA, as well as to conform Exchange Rule 4.3 with the rules of the EDGX Exchange, Inc. (''EDGX'') and the EDGA Exchange, Inc. (''EDGA'').[5]

Pursuant to Rule 17d–2 under the Act,[6] the Exchange and FINRA entered into an agreement to allocate regulatory responsibility for common rules (the ''17d–2 Agreement''). The 17d–2 Agreement covers common members of the Exchange and FINRA and allocates to FINRA regulatory responsibility, with respect to common members, for the following: (i) Examination of common members of the Exchange and FINRA for compliance with federal securities laws, rules and regulations and rules of the Exchange that the Exchange has certified as identical or substantially similar to FINRA rules; (ii) investigation of common members of the Exchange and FINRA for violations of federal securities laws, rules or regulations, or Exchange rules that the Exchange has certified as identical or substantially identical to a FINRA rule; and (iii) enforcement of compliance by common members of the Exchange and FINRA with the federal securities laws, rules and regulations, and the rules of the Exchange that the Exchange has certified as identical or substantially similar to FINRA rules.[7]

The 17d–2 Agreement included a certification by the Exchange that states that the requirements contained in certain Exchange rules are identical to, or substantially similar to, certain FINRA rules that have been identified as comparable. To conform to comparable FINRA rules for purposes of the 17d–2 Agreement, the Exchange proposes to amend Rule 4.3, Record of Written Complaints, to align with FINRA Rule 4513.[8]

Exchange Rule 4.3 currently requires that members of the Exchange (''Members'') keep and preserve written customer complaints [9] for a period of not less than five years, the first two of which must be in a readily accessible place. To take into account FINRA's four-year routine examination cycle for certain members, FINRA Rule 4513 requires that members preserve the customer complaint records for a period of at least four years. Under the 17d–2 Agreement, FINRA examines common members of the Exchange and FINRA for compliance with Exchange Rule 4.3. However, because of the differing retention periods between Exchange Rule 4.3 and FINRA Rule 4513, the 17d–2 Agreement specifically states that FINRA has the regulatory responsibilities for the first four years of Exchange Rule 4.3's five year record retention requirement.

The Exchange, therefore, proposes to decrease the record retention requirements under Rule 4.3 from five to four years. The Exchange believes that amending the record retention requirements for customer complaints to align with FINRA Rule 4513 would help to avoid confusion among Members that are also members of FINRA, EDGA, or EDGX. The Exchange further believes that aligning the Exchange's rules with FINRA Rule 4513 would account for FINRA's four-year routine examination cycle for certain members, which FINRA conducts on the Exchange's behalf under the 17d–2 Agreement ensuring consistent regulation of Members that are also members of FINRA.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [10] in general, and furthers the objectives of Section 6(b)(5) of the Act [11] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest, by eliminating unnecessary confusion with respect to the Exchange's rules. The proposed rule change should provide greater harmonization between similar Exchange, EDGA, EDGX and FINRA rules, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. The proposed rule change should foster cooperation and coordination with persons engaged in facilitating transactions in securities and should remove impediments to and perfect the mechanism of a free and open market and a national market system consistent with the requirements of Section 6(b)(5) of the Act.[12]

(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 because the proposed change would apply to all Members equally.

[5] *See* EDGA and EDGX Rules 4.3. *See also* Securities Exchange Act Release Nos. 70715 (October 15, 2013), 78 FR 64041 (October 18, 2013) (SR–EDGA–2013–31) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend EDGA Rule 4.3, Record of Written Complains, to Conform with Financial Industry Regulatory Authority, Inc. Rule 4513); *and* 70714 (October 15, 2013), 78 FR 64038 (October 18, 2013) (SR–EDGX–2013–39) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend EDGX Rule 4.3, Record of Written Complains, to Conform with Financial Industry Regulatory Authority, Inc. Rule 4513).

[6] 17 CFR 240.17d–2.

[7] *See* Securities and Exchange Release No. 58375 (August 13, 2008), 75 FR 51295 (August 19, 2008) (approving File No. 10–198).

[8] *See also* Securities Exchange Act Release No. 63784 (January 27, 2011), 76 FR 5850 (February 2, 2011) (Order Approving Proposed Rule Change); (File No. SR–FINRA–2010–052).

[9] Exchange Rule 4.3(b) defines a ''complaint'' as ''any written statement of a customer or any person acting on behalf of a customer alleging a grievance involving the activities of a Member or persons under the control of the Member in connection with (1) the solicitation or execution of any transaction conducted or contemplated to be conducted through the facilities of the Exchange or (2) the disposition of securities or funds of that customer which activities are related to such a transaction.''

[10] *See* 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(5).

(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 foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (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 No. SR–BATS–2015–25 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 No. SR–BATS–2015–25. 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 No. SR–BATS–2015–25 and should be submitted on or before May 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08204 Filed 4–9–15; 8:45 am]

BILLING CODE 8011–01–P

[13] *See* 15 U.S.C. 78s(b)(3)(a)(ii).

[14] *See* 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74649; File No. SR–NYSE–2015–14]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 1000 To Reflect That Exchange Systems Will Reject Incoming Orders of Over 1,000,000 Shares That Are Marketable Upon Arrival

April 6, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 23, 2015, New York Stock Exchange LLC (''NYSE'' or ''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 Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1000 to reflect that Exchange systems will reject incoming orders of over 1,000,000 shares that are marketable upon arrival. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 1000 (Automatic Executions) to reflect that Exchange systems will reject incoming orders of over 1,000,000 shares that are marketable upon arrival against interest in Exchange systems.

Currently, Exchange systems accept orders up to a maximum order size of 25,000,000 shares.[4] Rule 1000 provides that market and limit orders of up to 1,000,000 shares are eligible to initiate or participate in automatic executions on the Exchange. However, because an order of over 1,000,000 shares in size is ineligible for automatic execution, if such an order is marketable on arrival, the Exchange suspends automatic executions in that security and it is auto-quoted with a ''slow'' quote

[15] *See* 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] *See* Rule 1000.

condition. When a symbol is in a ''slow'' quote mode, its quote is not protected under Regulation NMS.[5] Orders for more than 1,000,000 shares that are not marketable upon arrival do not suspend automatic executions or cause a slow quote condition. Rather, non-marketable orders of over 1,000,000 shares in size rest on the Exchange's limit order book and are available as liquidity to interact with incoming contra-side interest.

The Exchange proposes to amend Rule 1000 to provide that incoming orders of over 1,000,000 shares that are marketable upon arrival would be rejected. The Exchange believes it is appropriate to reject marketable orders ineligible for automatic execution in order to reduce the potential that the Exchange would suspend automatic executions and disseminate a ''slow'' quote that permits other market centers to trade through the Exchange's quotations in that security. In addition, the Exchange notes that an order of such size that is marketable upon arrival may be an order entry error, and therefore rejecting the order puts the submitter of the order on notice of the large size of the order.

Because of the technology changes associated with the proposed rule change, the Exchange proposes to announce the implementation date via Trader Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. In particular, the Exchange believes that rejecting large orders ineligible for automatic execution rather than triggering a suspension of automatic executions in the relevant security would remove impediments to and perfect the mechanism of a free and open market and a national market system by reducing the potential that the Exchange would suspend automatic executions and disseminate a ''slow'' quote that permits other market centers to trade through the Exchange's quotations in the relevant security. The Exchange also believes that rejecting large orders ineligible for automatic execution would assist with the maintenance of fair and orderly markets by helping to mitigate the risk that a large order that is marketable upon arrival may be an order entry error, and therefore rejecting the order puts the submitter of the order on notice of the large size of the order. For the same reasons, the proposal is also designed to protect investors as well as 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 that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather to prevent unnecessary suspension of automatic executions on the Exchange's marketplace and reduce the likelihood that large, marketable orders may be an order entry error.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] 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, 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 Act and Rule 19b–4(f)(6)(iii) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

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.[13]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2015–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2015–14. 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

[5] Rule 611 of Regulation NMS requires that trading centers have policies and procedures reasonably designed to prevent trade throughs on that trading center of protected quotations in NMS Stocks. 17 CFR 242.611(a). Importantly, to be a protected quotation, it must be an automated quotation that is the best bid or offer of an exchange. 17 CFR 242.603(b)(57)(iii).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6). In 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 Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 15 U.S.C. 78s(b)(3)(C).

available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–14 and should be submitted on or before May 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08197 Filed 4–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74648; File No. SR–NYSE–2015–06]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Adopting New Rule 124 To Conduct a Midday Auction and Amending Rule 104 To Codify the Obligation of Designated Market Makers To Facilitate the Midday Auction

April 6, 2015.

On February 2, 2015, New York Stock Exchange LLC (''Exchange'') 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 new Rule 124 to conduct a daily single-priced auction at a specified time in lower-volume securities (''Midday Auction'') and to amend Rule 104 to codify the obligation of Designated Market Makers to facilitate the Midday Auction. The proposed rule change was published in the **Federal Register** on February 23, 2015.[3] On March 20, 2015, the Securities Industry and Financial Markets Association (''SIFMA'') submitted a comment letter to the Commission.[4] The Commission has received no other comment on the proposal.

Section 19(b)(2) of the Act[5] provides that, within 45 days of the publication of the notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates May 24, 2015, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NYSE–2015–06).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08196 Filed 4–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of eCareer Holdings, Inc.; Order of Suspension of Trading

April 8, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of eCareer Holdings, Inc., (''eCareer'') because of questions regarding the accuracy of publicly available information about the company's operations, including questions about the accuracy of statements in its filings regarding eCareer's use of investor proceeds for working capital, its sales of securities in unregistered transactions and compensation received by eCareer's CEO and chairman, including information in eCareer's Form 10–K for the fiscal year ended June 30, 2014, Form 10–Q for the period ended September 30, 2014, and Form 10–Q for the period ended December 31, 2014. Its stock is quoted on OTC Link, operated by OTC Markets Group, Inc., under the ticker: ECHI.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of eCareer.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on April 8, 2015, through 11:59 p.m. EDT on April 21, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–08373 Filed 4–8–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74655; File No. SR–C2–2015–005]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fees Schedule

April 6, 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 April 1, 2015 C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed

[14] 17 CFR 200.30–3(a)(59).

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74282 (February 23, 2015), 80 FR 9496.

[4] *See* letter from Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA, to Brent J. Fields, Secretary, the Commission (Mar. 20, 2015).

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 Fees Schedule, effective April 1, 2015. First, the Exchange proposes to amend Taker fees for complex orders in all equity, multiply-listed index, ETF and ETN options classes (except Russell 2000 Index (''RUT'')). Currently, for such orders, the Exchange provides a rebate of $0.35 per contract for Public Customers and assesses a fee of $0.45 per contract to C2 Market-Makers as well as to orders from all other origins (Professional Customer, Firm, Broker/Dealer, non-C2 Market-Maker, JBO, etc.). The Exchange proposes to eliminate the rebate for Public Customers and establish a fee of $0.47 per contract for Public Customer Orders. Additionally, the Exchange proposes to increase the Taker fee amounts for all other origins by $0.03, resulting in a fee of $0.48 per contract for all other origins, including C2 Market-Makers. The Exchange notes that the proposed Taker fee amounts are the same amounts currently assessed for simple, non-complex orders in equity, multiply-listed index, ETF and ETN options classes and are also in line with Taker fees assessed at other Exchanges.[3]

Currently, Section 1A of the Fees Schedule, which sets forth fees for simple, non-complex orders in all equity, multiply-listed index, ETF and ETN options classes (other than RUT), includes an asterisk attached to all Maker Rebates and denotes the following language: ''Rebates do not apply to orders that trade with Public Customer complex orders. In such a circumstance there will be no rebate or fee.'' The Exchange notes that it had adopted this language since Public Customer Taker complex orders also receive a rebate and thus, if the Exchange had offered the rebate when a Public Customer Maker simple order trades with another Public Customer complex order, the Exchange would be providing a rebate on both sides of the order (which would not have been economically feasible or viable it would result in a net negative for the Exchange). As such, no fee or rebate is applied in these circumstances. Similarly, the Exchange notes that Section 1B of the Fees Schedule, which sets forth fees for complex orders in all equity, multiply-listed index, ETF and ETN options classes (other than RUT), includes an asterisk attached to Public Customer Rebates and denotes the following language: ''The rebate will only apply to Public Customer complex orders that trade with non-Public Customer complex orders. In other circumstances, there will be no Maker or Taker fee or rebate.'' Again the Exchange notes that Public Customers are currently entitled to a rebate regardless of whether they were a Maker or a Taker for complex orders and thus, if the Exchange offered the rebate when a Public Customer complex order trades with another Public Customer complex order, the Exchange would be providing a rebate on both sides of the order. As noted above, it would not have been economically feasible or viable to provide a rebate on an order that is trading with an order that is not generating a fee and therefore, in these circumstances, no fee or rebate is applied. However, in light of the Exchange eliminating the Taker rebate for Public Customers complex orders and replacing it with a fee, the Exchange will no longer be providing a rebate on both sides of a transaction in instances in which a simple, non-complex Maker order trades with a Public Customer complex order or where a Public Customer Complex order trades with another Public Customer complex order. Consequently, as the Exchange will only be providing a rebate on one side of a transaction for these orders, the Exchange believes that this exception is no longer necessary and proposes to eliminate the asterisk and asterisked language from the Fees Schedule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that the proposed increases to Taker fees for complex orders in all equity, multiply-listed index, ETF and ETN options classes (except RUT) are reasonable because the proposed fee amounts are equivalent to Taker fees for complex [sic] orders in all equity, multiply-listed index, ETF and ETN options classes (except RUT).[8] The Exchange believes it is reasonable to eliminate the Public Customer rebate for Taker complex orders because Public Customer Taker simple orders also do not offer a rebate. Additionally, other exchanges also provide for a fee instead of a rebate for Public Customer Taker orders.[9] The

[3] *See, e.g.,* C2 Fees Schedule, Section 1A (Transaction Fees for Simple, Non-Complex Orders), and NYSE Arca Options Fee Schedule, which lists, for electronic executions in Penny Pilot issues, (1) Customer Taker fee of $0.47, (2) Market Maker Taker fee of $0.49, and (3) Firm and Broker Dealer Taker fee of $0.49; and for electronic executions in non-Penny Pilot issues, (1) Customer Taker fee of $0.85, (2) Market Maker Taker fee of $0.87, and (3) Firm and Broker Taker fee of $0.89.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] 15 U.S.C. 78f(b)(4).

[8] *See* C2 Fees Schedule, Section 1A (Transaction Fees for Simple, Non-Complex Orders)

[9] *See* NYSE Arca Options Fee Schedule, which lists, for electronic executions in Penny Pilot issues a Customer Taker fee of $0.47 in non-Penny Pilot issues a Customer Taker fee of $0.85. *See also,* NOM

Exchange believes the proposed Public Customer Taker fee amount for complex orders is reasonable because the proposed amount is equivalent to the amount currently assessed for Public Customer Taker simple orders on C2, as well as the amount assessed on another exchange for Public Customer Taker orders.[10]

The Exchange believes that it is equitable and not unfairly discriminatory to assess lower fees to Public Customers as compared to other market participants because Public Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Public Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market-Makers. 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. Additionally, the proposed fee change applying to Public Customers will be applied equally to all Public Customers.

The Exchange believes that the differences between the Maker rebates and fees and Taker fees for complex orders are reasonable, equitable and not unfairly discriminatory because they are intended to cover the costs associated with operating the Exchange's trading systems necessary to provide these trading opportunities.

The Exchange believes that amending the Fees Schedule so that Maker rebates will apply to all orders, including orders that trade with Public Customer complex orders is reasonable, equitable and not unfairly discriminatory because the Exchange no longer also provides a rebate for Public Customer complex Taker orders, and thus it is no longer the case that it is not economically feasible or viable to provide a rebate in these circumstances. Similarly, the Exchange believes that its proposal to remove the language that permitted the Exchange to not provide a rebate for Public Customer complex orders that trade with other Public Customer orders is reasonable, equitable and not unfairly discriminatory because the Exchange again no longer provides a rebate for Public Customer complex Taker orders, and thus it is no longer the case that it is not economically feasible or viable to provide a rebate in these circumstances. The Exchange also believes this proposed rule change is reasonable, equitable and not unfairly discriminatory because all market-participants entitled to receive a rebate when acting as a Maker in simple and complex orders when trading against non-Public Customers will also receive the rebate when trading with a Public Customer order.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different fees and rebates are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances as discussed above. The Exchange believes this proposal will not cause an unnecessary burden on intermarket competition because the Taker fee amounts for complex orders in all equity, multiply-listed index, ETF and ETN options classes (except RUT) is similar to fees assessed at other exchanges.[11] To the extent that the proposed changes make C2 a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become C2 market participants.

Additionally, the Exchange does not believe amending the Fees Schedule so that all Maker rebates will apply to all orders (including orders that trade with Public Customer complex orders) will impose any burden on intramarket competition because all market-participants entitled to receive a rebate when acting as a Maker when trading against non-Public Customers will receive the rebate when trading with a Public Customer order. The Exchange does not believe amending the Fees Schedule so that all Maker rebates will apply to all orders (including orders that trade with Public Customer complex orders) will impose any burden on intermarket competition because it only applies to trading on the Exchange and because to the extent the availability of these rebates make C2 a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become C2 market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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 [12] and paragraph (f) of Rule 19b–4 [13] 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. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2015–005 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–C2–2015–005. 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/*

Price List, which lists fees for Customer orders that remove liquidity in Penny Pilot options at $0.48 per contract and non-Penny Pilot options at $0.85 per contract.

[10] *See* C2 Fees Schedule, Section 1A and NOM Price List.

[11] *See e.g.,* See NYSE Arca Options Fee Schedule, which lists, for electronic executions in Penny Pilot issues, (1) Customer Taker fee of $0.47, (2) Market-Maker Taker fee of $0.49, and (3) Firm and Broker Dealer Taker fee of $0.49; and for electronic executions in non-Penny Pilot issues, (1) Customer Taker fee of $0.85, (2) Market-Maker Taker fee of $0.87, and (3) Firm and Broker Taker fee of $0.89.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2015–005 and should be submitted on or before May 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08203 Filed 4–9–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74654; File No. SR–CBOE–2015–034]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation Date of the Rule Change To Allow Market Orders To Sell in No-bid Series To Be Entered Into the Electronic Order Book From a PAR Workstation

April 6, 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 April 1, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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

There is no proposed change to the rule language.

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*

On October 22, 2014, rule change SR–CBOE–2014–067[5] became effective. The filing amended Rule 6.13(b)(vi) to increase the $0.30 parameter to $0.50. Although not contained in the amended rule text, the filing also amended Rule 6.13(b)(vi) to allow market orders to sell in no-bid series that get routed to a PAR workstation of a TPH User to be entered into the electronic order book at the minimum increment.[6] The filing indicated that the implementation date of the amendments would be no later than 180 days following the effective date of the filing (*i.e.,* no later than April 28, 2015). Although the parameter change from $0.30 to $0.50 was implemented,[7] the Exchange is still in the process of making the necessary modifications to the CBOE Hybrid System (the ''System'') to allow market orders to sell in no-bid series that get routed to a PAR workstation to be entered into the electronic order book at the minimum increment.

The Exchange does not believe the modifications to the System will be completed prior to the current April 28th deadline; therefore, the Exchange seeks to delay the implementation date deadline for the portion of SR–CBOE–2014–067 related to allowing market orders to sell in no-bid series that were routed to a PAR workstation to be entered into the electronic order book. The Exchange will announce the implementation date in a Regulatory Circular to be published no later than 90 days following the effective date of this filing. The implementation date will be no later than 180 days following the effective date of this filing.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes delaying the implementation deadline to allow the Exchange the necessary time to finish the modifications to the System, which will provide the functionality to route market orders to sell in no-bid series from a PAR workstation to an electronic order book, helps protect investors by ensuring the PAR workstation functions as intended.

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] Securities Exchange Act Release No. 34–73487 (October 31, 2014), 79 FR 66016 (November 6, 2014) (SR–CBOE–2014–067).

[6] *Id.* at 66017.

[7] *See CBOE Regulatory Circular* RG15–002—Automatic Order Handling Process in No-bid Series (January 2, 2015).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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. More specifically, the Exchange does not believe that the proposed rule change will impose any burden on intramarket or intermarket competition because this filing simply seeks to delay the implementation deadline of SR–CBOE–2014–067.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) [12] 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. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–034 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–CBOE–2015–034. 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–CBOE–2015–034 and should be submitted on or before May 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

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[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74650; File No. SR–NYSEMKT–2015–21]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 1000—Equities To Reflect That Exchange Systems Will Reject Incoming Orders of Over 1,000,000 Shares That Are Marketable Upon Arrival

April 6, 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 March 23, 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 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 Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1000—Equities to reflect that Exchange systems will reject incoming orders of over 1,000,000 shares that are marketable upon arrival. 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.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 1000—Equities (Automatic Execution of Limit Orders Against Orders Reflected in Exchange Published Quotation) (''Rule 1000'') to reflect that Exchange systems will reject incoming orders of over 1,000,000 shares that are marketable upon arrival against interest in Exchange systems.

Currently, Exchange systems accept orders up to a maximum order size of 25,000,000 shares.[4] Rule 1000 provides that market and limit orders of up to 1,000,000 shares are eligible to initiate or participate in automatic executions on the Exchange. However, because an order of over 1,000,000 shares in size is ineligible for automatic execution, if such an order is marketable on arrival, the Exchange suspends automatic executions in that security and it is auto-quoted with a ''slow'' quote condition. When a symbol is in a ''slow'' quote condition, its quote is not protected under Regulation NMS.[5] Orders for more than 1,000,000 shares that are not marketable upon arrival do not suspend automatic executions or cause a slow quote condition. Rather, non-marketable orders of over 1,000,000 shares in size rest on the Exchange's limit order book and are available as liquidity to interact with incoming contra-side interest.

The Exchange proposes to amend Rule 1000 to provide that incoming orders of over 1,000,000 shares that are marketable upon arrival would be rejected. The Exchange believes it is appropriate to reject marketable orders ineligible for automatic execution in order to reduce the potential that the Exchange would suspend automatic executions and disseminate a ''slow'' quote that permits other market centers to trade through the Exchange's quotations in that security. In addition, the Exchange notes that an order of such size that is marketable upon arrival may be an order entry error, and therefore rejecting the order puts the submitter of the order on notice of the large size of the order.

Because of the technology changes associated with the proposed rule change, the Exchange proposes to announce the implementation date via Trader Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. In particular, the Exchange believes that rejecting large orders ineligible for automatic execution rather than triggering a suspension of automatic executions in the relevant security would remove impediments to and perfect the mechanism of a free and open market and a national market system by reducing the potential that the Exchange would suspend automatic executions and disseminate a ''slow'' quote that permits other market centers to trade through the Exchange's quotations in the relevant security. The Exchange also believes that rejecting large orders ineligible for automatic execution would assist with the maintenance of fair and orderly markets by helping to mitigate the risk that a large order that is marketable upon arrival may be an order entry error, and therefore rejecting the order puts the submitter of the order on notice of the large size of the order. For the same reasons, the proposal is also designed to protect investors as well as 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 that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather to prevent unnecessary suspension of automatic executions on the Exchange's marketplace and reduce the likelihood that large, marketable orders may be an order entry error.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] 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, 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 Act and Rule 19b–4(f)(6)(iii) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

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.[13]

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:

[4] *See* Rule 1000—Equities.

[5] Rule 611 of Regulation NMS requires that trading centers have policies and procedures reasonably designed to prevent trade throughs on that trading center of protected quotations in NMS Stocks. 17 CFR 242.611(a). Importantly, to be a protected quotation, it must be an automated quotation that is the best bid or offer of an exchange. 17 CFR 242.603(b)(57)(iii).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6). In 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 Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 15 U.S.C. 78s(b)(3)(C).

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–2015–21 on the subject line.

Paper Comments

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2015–21. 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–2015–21 and should be submitted on or before May 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08198 Filed 4–9–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(59).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14261 and #14262]

Tennessee Disaster #TN–00087

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA–4211–DR), dated 04/02/2015.

Incident: Severe winter storm and flooding.

Incident Period: 02/15/2015 through 02/22/2015.

Effective Date: 04/02/2015.

Physical Loan Application Deadline Date: 06/01/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 01/04/2016.

ADDRESSES: Submit completed loan applications to U.S. Small Business Administration Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/02/2015, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Anderson; Bedford; Bledsoe; Blount; Campbell; Clay; Coffee; Cumberland; Fentress; Giles; Grainger; Grundy; Hamblen; Hancock; Hardeman; Jefferson; Knox; Lawrence; Loudon; Marshall; Mcminn; Mcnairy; Meigs; Monroe; Moore; Morgan; Obion; Overton; Putnam; Roane; Scott; Sevier; Van Buren; Warren; White.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14261B and for economic injury is 14262B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–08334 Filed 4–9–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Announcement of Growth Accelerator Fund Competition

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: The U.S. Small Business Administration (SBA) announces the 2015 Growth Accelerator Fund Competition, pursuant to the America Competes Act, to identify the nation's most innovative accelerators and similar organizations and award them cash prizes they may use to fund their operations costs and allow them to bring startup companies to scale and new ideas to life.

DATES: The submission period for entries begins 12:00 p.m. EDT, April 10, 2015 and ends June 1, 2015 at 11:59 p.m. EDT. Winners will be announced no later than August 24, 2015.

FOR FURTHER INFORMATION CONTACT: Nareg Sagherian, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, (202) 205–7576, *accelerators@sba.gov.*

SUPPLEMENTARY INFORMATION:

Competition Details

1. *Subject of Competition:* The SBA is seeking to identify the nation's most innovative and promising small business accelerators and incubators in order to infuse them with additional resource capital that ultimately stimulates the growth and development of startups from within the entrepreneurial communities they serve. For the purposes of this competition, Growth Accelerators include accelerators, incubators, co-working startup communities, shared tinker-spaces or other models to accomplish similar goals. Regardless of the specific model employed, Growth Accelerators focus on helping entrepreneurs and their startups speed the launch, growth

and scale of their businesses. A broad set of models used to support start-ups will better serve the entire entrepreneurial ecosystem. Whether an accelerator is industry focused, technology focused, product centric, cohort based or more long term, all are valuable players in the nation's high-growth entrepreneurial ecosystem that ultimately creates jobs.

2. *Eligibility Rules for Participating in the Competition:* This Competition is open only to private entities, such as corporations or non-profit organizations that are incorporated in and maintain a primary place of business in the United States. Entities that have an outstanding, unresolved financial obligation to, or that are currently suspended or debarred by, the federal government are not eligible for this Competition. Federal, state, local and tribal agencies are also not eligible for this Competition. Additionally, participants in this Competition must utilize models of operation that include most, if not all, of the following elements:

- Selective process to choose participating startups.
- Regular networking opportunities offered to startups.
- Introductions to customers, partners, suppliers, advisory boards and other players.
- High-growth and tech-driven startup mentorship and commercialization assistance.
- Shared working environments focused on building a strong startup community.
- Resource sharing and co-working arrangements for startups.
- Opportunities to pitch ideas and startups to investors along with other capital formation avenues to startups.
- Small amounts of angel money, seed capital or structured loans to startups.
- Service to underserved communities, such as women, veterans, and economically disadvantaged individuals.

3. *Registration Process for Participants:* Competition participants must submit their 2015 Growth Accelerator Fund applications online using the link designated for that purpose on *challenge.gov,* either by filtering search criteria to ''Small Business Administration'' or going to *sba.gov/accelerators,* where the link will be posted. In addition to the basic details collected in that short application form, contestants must also complete and submit via *challenge.gov* a deck, similar to one that would be used in a pitch competition, which must address all of the items identified below:

Mission & Vision

- What is your accelerator's mission in one sentence?
- What specific elements make your accelerator model stand out?
- What experiences prepare your team for this?

Impact

- What gaps does or will your accelerator fill?
- What are the specifics of your model and how it will accomplish the above?
- For existing accelerators, what has been your success/metrics so far?
- For existing accelerators, please explain your overall statistics of the start-up life cycle?

Implementation

- What is your plan for the prize money if you win?
- If you are an existing accelerator using the funds to scale up, provide details of current operations, phases for scale up and Web site; or
- If you are creating a new accelerator, provide basics of business plan and phases for implementation.
- Aside from the founding team members, what do you look for in staff?
- What are the largest risk factors you see?

Metrics

- What are your fundraising goals or metrics? (aside from the 4-to-1 match)
- Is there a plan in place to secure/work to secure funds (cash, in-kind donations, or sponsorships) in a 4-to-1 proportion to the prize dollars received?
- Aside from metrics required by SBA, what are 5 key metrics you will use to self-evaluate?
- What does success look like?

4. *Prizes for Winners:* SBA anticipates awarding up to 80 market stimulation cash prizes of $50,000 each to the highest-rated contestants that also represent the greatest degree of achieving national geographic distribution in both urban and rural areas. Additionally, SBA anticipates awarding up to 8 market stimulation cash prizes of $50,000 each to the highest-rated contestants that are focused in Native American populations (American Indian, Alaska Native or Native Hawaiian). Prizes will be paid in lump sum via the Automated Clearing House (ACH). Winners will be required to create an account in the System for Award Management (SAM) in order to receive an award.

5. *Selection of Winners:* Winners will be selected based upon how well they address the criteria identified in Items 2 and 3 of this Competition announcement. In addition, in order to achieve nationwide distribution of prizes for the purpose of stimulating the growth and development of startups across the entire United States, SBA may take into account applicants' geographic locations and areas of service when selecting winners, including support to geographic regions that traditionally have limited access to capital, the underserved, women, the maker community, and American Indian, Alaska Native or Native Hawaiian populations.

6. *Applicable Law:* This Challenge is being conducted by SBA pursuant to the America Competes Act (15 U.S.C. 3719) and is subject to all applicable federal laws and regulations. By participating in this Challenge, each contestant gives its full and unconditional agreement to the Official Rules and the related administrative decisions described in this notice, which are final and binding in all matters related to the Challenge. A contestant's eligibility for a prize award is contingent upon their fulfilling all requirements identified in this notice. Publication of this notice is not an obligation of funds on the part of SBA. SBA reserves the right to modify or cancel this Challenge, in whole or in part, at any time prior to the award of prizes.

7. *Conflicts of Interest:* No individual acting as a judge at any stage of this Challenge may have personal or financial interests in, or be an employee, officer, director, or agent of any contestant or have a familial or financial relationship with a contestant.

8. *Intellectual Property Rights:* All entries submitted in response to this Challenge will remain the sole intellectual property of the individuals or organizations that developed them. By registering and entering a submission, each contestant represents and warrants that it is the sole author and copyright owner of the submission, and that the submission is an original work of the contestant, or if the submission is a work based on an existing application, that the contestant has acquired sufficient rights to use and to authorize others to use the submission, and that the submission does not infringe upon any copyright or upon any other third party rights of which the contestant is aware.

9. *Publicity Rights:* By registering and entering a submission, each contestant consents to SBA's and its agents' use, in perpetuity, of its name, likeness, photograph, voice, opinions, and/or hometown and state information for promotional or informational purposes through any form of media, worldwide,

without further payment or consideration.

10. *Liability and Insurance Requirements:* By registering and entering a submission, each contestant agrees to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in this Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise. By registering and entering a submission, each contestant further represents and warrants that it possesses sufficient liability insurance or financial resources to cover claims by a third party for death, bodily injury, or property damage or loss resulting from any activity it carries out in connection with its participation in this Challenge, or claims by the Federal Government for damage or loss to Government property resulting from such an activity. Challenge winners should be prepared to demonstrate proof of insurance or financial responsibility in the event SBA deems it necessary.

11. *Record Retention and Disclosure:* All submissions and related materials provided to SBA in the course of this Competition automatically become SBA records and cannot be returned. Contestants should identify any confidential commercial information contained in their entries at the time of their submission.

Award Approving Official: Javier Saade, Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Authority: Pub. L. 111–358 (2011).

Dated: April 6, 2015.

Javier Saade,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2015–08287 Filed 4–9–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14257 and #14258]

West Virginia Disaster #WV–00035

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of West Virginia (FEMA–4210–DR), dated 03/31/2015.

Incident: Severe Winter Storm, Flooding, Landslides, and Mudslides.

Incident Period: 03/03/2015 through 03/06/2015.

Effective Date: 03/31/2015.

Physical Loan Application Deadline Date: 06/01/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 12/31/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration Processing, And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/31/2015, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Barbour; Boone; Braxton; Cabell; Doddridge; Gilmer; Harrison; Jackson; Kanawha; Lewis; Lincoln; Logan; Marshall; Mcdowell; Mingo; Monongalia; Putnam; Raleigh; Ritchie; Roane; Summers; Tyler; Upshur; Wayne; Webster; Wetzel; Wirt; Wood; Wyoming.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14257B and for economic injury is 14258B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–08332 Filed 4–9–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Annual Meeting of the Regional Small Business Regulatory Fairness Boards; Office of the National Ombudsman

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open meeting of the Regional Small Business Regulatory Fairness Boards.

SUMMARY: The SBA, Office of the National Ombudsman is issuing this notice to announce the location, date, time and agenda for the annual board meeting of the ten Regional Small Business Regulatory Fairness Boards. The meeting is open to the public.

DATES: The meeting will be held on: Tuesday, April 28, 2015 from 9:00 a.m. to 5:00 p.m. EDT and Wednesday, April 29, 2015 from 9:00 a.m. to 4:00 p.m. EDT.

ADDRESSES: The meeting will be at the DoubleTree by Hilton, 1515 Rhode Island Avenue NW., Director's Room, 2nd Floor, Washington, DC 20005–5595.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222, SBA announces the meeting of the Regional Small Business Regulatory Fairness Boards (Regional Regulatory Fairness Boards). The Regional Regulatory Fairness Boards are tasked to advise the National Ombudsman on matters of concern to small businesses relating to enforcement activities of agencies and to report on substantiated instances of excessive enforcement actions against small business concerns, including any findings or recommendations of the Board as to agency enforcement practice or policy.

The purpose of the meeting is to discuss the following topics related to the Regional Regulatory Fairness Boards:

—Introduction to the Regional Regulatory Fairness Boards and the Office of the National Ombudsman
—Panel Discussion with Federal Agency Representatives
—Facilitated discussion of ongoing regulatory issues for small business
—FY2014 Outcomes
—Office of Advocacy regulatory review
—SBA update

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Regulatory Fairness Boards must contact José Méndez, Case Management Specialist, by April 21, 2015, in writing

at the Office of the National Ombudsman, 409 3rd Street SW., Suite 7125, Washington, DC 20416, by phone (202) 205–2417, by fax (202) 481–5719 or email *ombudsman-events@sba.gov.*

Additionally, if you need accommodations because of a disability, translation services, or require additional information, please contact José Méndez as well.

For more information on the Office of the National Ombudsman, please visit our Web site at *www.sba.gov/ombudsman.*

Dated: April 2, 2015.

Miguel J. L'Heureux,

SBA Committee Management Officer.

[FR Doc. 2015–08305 Filed 4–9–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9090]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Electronic Commerce—Identity Management and Related Trust Services; Meeting

The Office of the Assistant Legal Adviser for Private International Law, Department of State, gives notice of a public meeting to discuss the possibility of future work by the United Nations Commission on International Trade Law (UNCITRAL) in the areas of identity management in the electronic realm and related trust services. Identity management is becoming a critical requirement for most substantive online transactions, as each party typically needs a reliable method to verify information regarding the identity of the other party. The public meeting will take place on Friday, May 29, 2015 from 10 a.m. until 4 p.m. EDT. This is not a meeting of the full Advisory Committee.

At its 2014 annual meeting, UNCITRAL decided to explore possible future work in the field of electronic commerce, considering as possible topics, identity management, trust services, electronic transfers and cloud computing. The issue of digital identity management has now surfaced as one of the most important topics, particularly in light of recent legislative enactments in both the European Union and the United States governing identity management services. Accordingly, it is expected that there will be a proposal to the 2015 annual meeting of UNCITRAL to undertake work in the fields of identity management and related trust services.

The purpose of the public meeting is to obtain the views of concerned stakeholders on the possibility of UNCITRAL work in these areas in advance of the annual meeting. This meeting is being held in coordination with the American Bar Association's Identity Management Legal Task Force and Georgetown University Law Center's Center on Transnational Business and the Law.

Time and Place: The meeting will take place from 10 a.m. until 4 p.m. EDT at the Gewirz Student Center, Georgetown University Law Center, 600 New Jersey Avenue NW., Washington, DC 20001. Participants should plan to arrive at the Gewirz Student Center at 9:30 a.m. for registration.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room. Persons planning to attend should email *pil@state.gov* providing full name, affiliation and email address. An agenda will be provided to persons who provide notification of their intent to attend the meeting. A member of the public needing reasonable accommodation should email *pil@state.gov* not later than May 22, 2015. Requests made after that date will be considered, but might not be able to be fulfilled.

Dated: April 6, 2015.

Michael S. Coffee,

Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, U.S. Department of State.

[FR Doc. 2015–08308 Filed 4–9–15; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 9082]

Culturally Significant Objects Imported for Exhibition Determinations: ''Van Gogh: Irises and Roses'' and ''Masterpiece in Focus: Van Gogh''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the object to be included in the exhibition ''Van Gogh: Irises and Roses,'' at The Metropolitan Museum of Art, and in the exhibition ''Masterpiece in Focus: Van Gogh'' at the Minneapolis Institute of Arts, imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Metropolitan Museum of Art, New York, New York, from on or about May 12, 2015, until on or about August 16, 2015, at the Minneapolis Institute of Arts, Minneapolis, MN, from on or about August 21, 2015, until on or about October 4, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including the object list, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: March 30, 2015.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–08310 Filed 4–9–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9089]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy will hold a public meeting from 10:00 a.m. until 11:30 a.m., Tuesday, May 5, 2015 at the American Foreign Service Association, 2101 E Street NW., Washington, DC 20037.

The meeting's topic will be on People and Places for U.S. Public Diplomacy: American Spaces and the Human Resource Dimension of U.S. Foreign Public Engagement. It will feature representatives from the State Department who will discuss the current state of American Spaces and Ambassador Laurence Wohlers, who will discuss some early findings from the ACPD forthcoming report, Getting the People Part Right, Part II: A Report on the Human Resources Dimension of U.S. Public Diplomacy.

This meeting is open to the public, Members and staff of Congress, the State Department and other governmental officials, the media, and non-

governmental organizations. To attend and make any requests for reasonable accommodation, email *pdcommission@state.gov* by 5 p.m. on Friday, May 1, 2015. Please arrive for the meeting by 9:45 a.m. to allow for a prompt meeting start.

The United States Advisory Commission on Public Diplomacy appraises U.S. Government activities intended to understand, inform, and influence foreign publics. The Advisory Commission may conduct studies, inquiries, and meetings, as it deems necessary. It may assemble and disseminate information and issue reports and other publications, subject to the approval of the Chairperson, in consultation with the Executive Director. The Advisory Commission may undertake foreign travel in pursuit of its studies and coordinate, sponsor, or oversee projects, studies, events, or other activities that it deems desirable and necessary in fulfilling its functions.

The Commission consists of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party. The President designates a member to chair the Commission.

The current members of the Commission are: Mr. William Hybl of Colorado, Chairman; Ambassador Lyndon Olson of Texas, Vice Chairman; Mr. Sim Farar of California, Vice Chairman; Ambassador Penne Korth-Peacock of Texas; Ms. Lezlee Westine of Virginia; and Anne Terman Wedner of Illinois. One seat on the Commission is currently vacant.

To request further information about the meeting or the U.S. Advisory Commission on Public Diplomacy, you may contact its Executive Director, Katherine Brown, at *BrownKA4@state.gov*.

Dated: April 6, 2015.

Katherine Brown,

Executive Director, Department of State.

[FR Doc. 2015–08307 Filed 4–9–15; 8:45 am]

BILLING CODE 4710–11–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in ''DATES.''

DATES: January 1–January 31, 2015.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Regulatory Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net* . Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Chief Oil & Gas LLC, Pad ID: Castrogiovanni Drilling Pad #1, ABR–20100674.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 6, 2015.

2. Chief Oil & Gas LLC, Pad ID: McCarty Drilling Pad #1, ABR–20100676.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 6, 2015.

3. Chief Oil & Gas LLC, Pad ID: Signore Drilling Pad #1, ABR–20100697.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 6, 2015.

4. Chief Oil & Gas LLC, Pad ID: Waldeisen-Ladd Drilling Pad, ABR–20100699.R1, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 6, 2015.

5. Pennsylvania General Energy Company, LLC, Pad ID: Ogdensburg Gun Club Pad A, ABR–201501001, Union Township, Tioga County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: January 9, 2015.

6. Southwestern Energy Production Company, Pad ID: NR–18 Oak Ridge Pad, ABR–201501002, Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 9, 2015.

7. Cabot Oil & Gas Corporation, Pad ID: OakleyJ P1, ABR–20100603.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.

8. Cabot Oil & Gas Corporation, Pad ID: Post P1, ABR–20100605.R1, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.

9. Cabot Oil & Gas Corporation, Pad ID: Lauffer P1, ABR–20100608.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.

10. Cabot Oil & Gas Corporation, Pad ID: StockholmK P3, ABR–20100609.R1, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.

11. Cabot Oil & Gas Corporation, Pad ID: HullR P2, ABR–20100612.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.

12. Cabot Oil & Gas Corporation, Pad ID: StockholmK P1, ABR–20100663.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.

13. SWEPI LP, Pad ID: Marshlands H. Bergey Unit #1, ABR–20091230.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.

14. SWEPI LP, Pad ID: Marshlands K. Thomas Unit #1, ABR–20091231.R1, Elk Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.

15. SWEPI LP, Pad ID: Lick Run Pad, ABR–20091232.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.

16. SWEPI LP, Pad ID: Hillside Pad, ABR–20091233.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.

17. SWEPI LP, Pad ID: Button B 901 Pad, ABR–20091234.R1, West Branch Township, Potter County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.

18. Cabot Oil & Gas Corporation, Pad ID: PowersN P1, ABR–201501003, Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: January 13, 2015.

19. Carrizo (Marcellus), LLC, Pad ID: Sickler 5H, ABR–20100679.R1, Washington Township, Wyoming

County, Pa.; Consumptive Use of Up to 1.400 mgd; Approval Date: January 14, 2015.

20. Carrizo (Marcellus), LLC, Pad ID: Solanick 5H, ABR–201007007.R1, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 1.400 mgd; Approval Date: January 14, 2015.

21. Chief Oil & Gas LLC, Pad ID: Squier Drilling Pad #1, ABR–201007008.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 16, 2015.

22. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 729 Pad C, ABR–201008051.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 16, 2015.

23. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 729 Pad D, ABR–201008052.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 16, 2015.

24. Pennsylvania General Energy Company, LLC, Pad ID: Shannon Todd Pad A, ABR–201009006.R1, Todd Township, Huntingdon County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 16, 2015.

25. Inflection Energy (PA), LLC, Pad ID: Fox Well Site, ABR–201501004, Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 29, 2015.

26. Chesapeake Appalachia, LLC, Pad ID: Yengo, ABR–20100206.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2015.

27. Chesapeake Appalachia, LLC, Pad ID: Allford, ABR–20100412.R1, Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2015.

28. Chesapeake Appalachia, LLC, Pad ID: A&M, ABR–201501005, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2015.

29. Chesapeake Appalachia, LLC, Pad ID: Samantha, ABR–201501006, Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2015.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: April 2, 2015.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2015–08253 Filed 4–9–15; 8:45 am]

BILLING CODE P 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Availability of a Record of Decision for the Trunk Highway 41 River Crossing Tier I Final Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of availability.

SUMMARY: On March 16, 2015, the Minnesota Division of the FHWA signed the Record of Decision (ROD) for the Trunk Highway 41 River Crossing Tier I Final Environmental Impact Statement (FEIS). The ROD states the FHWA decision to declare the modified Alternative C–2 corridor as the selected alternative. The selected alternative involves the construction of a new east-west freeway connection between US 169 and US 212 within the modified Alternative C–2 corridor. The selected alternative is the environmentally-preferred alternative.

The Tier I FEIS was made available to the public on December 12, 2014, through an NOA in the **Federal Register** (79 FR 73890) with a comment period that ended on January 12, 2015. See **FOR FURTHER INFORMATION CONTACT** to request a copy of the ROD.

FOR FURTHER INFORMATION CONTACT: Philip Forst, Environmental Specialist, Federal Highway Administration, Minnesota Division, 380 Jackson Street, Ste. 500, Saint Paul, MN 55101, (651) 291–6110.

Authority: 40 CFR 1505.2

Issued on: March 31, 2015.

David J. Scott,

Acting Division Administrator, Federal Highway Administration.

[FR Doc. 2015–08186 Filed 4–9–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2014–0017]

Research, Technical Assistance, and Training Programs: Application Instructions and Program Management Guidelines

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of availability of final circular.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site, guidance in the form of an updated circular to assist applicants and recipients in implementing research, development, demonstration, and deployment projects, technical assistance projects, standards development projects, and human resources and training projects. The purpose of this circular is to provide FTA recipients updated instructions and guidance on application procedures and project management responsibilities. The revisions to FTA Circular 6100.1D are a result of changes made to FTA's Research, Development, Demonstration, and Deployment Program (Section 5312), its Technical Assistance and Standards Development Program (Section 5314), and its Human Resources and Training Program (Section 5322) as authorized or amended by the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141.

DATES: *Effective Date:* The final circular becomes effective May 11, 2015.

FOR FURTHER INFORMATION CONTACT: For program questions contact Mackenzie Thiessen, Office of Research, Demonstration, and Innovation, phone: (202) 366–0290 or email: *mackenzie.thiessen@dot.gov.* For legal questions, please contact Linda Sorkin, Office of Chief Counsel, phone: 202–366–0959 or email: *linda.sorkin@dot.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview

This circular updates FTA Circular 6100.1D, ''Research, Technical Assistance and Training Programs: Application Instructions and Program Management Guidelines,'' last revised in 2011, in order to incorporate changes in the MAP–21. MAP–21 has made a number of changes to FTA's research, technical assistance, human resources, and training programs. This circular reflects these updates to Federal law, includes policy determinations, clarifies FTA's requirements and processes, and restructures FTA Circular 6100.1D for clarity and ease of use.

On August 13, 2014, FTA issued a notice of availability of proposed FTA Circular 6100.1E in the **Federal Register** (78 FR 47514) and requested public

comment. The comment period closed on October 14, 2014. Four non-profit organizations and one trade association responded to FTA's notice. A combination of three non-profits sent a single combined response with comments, and one non-profit organization sent separate comments. The trade association stated that it had ''no substantive comments or recommended changes.'' This notice addresses the comments received.

In addition to the MAP–21 revisions addressed above and outlined below, this circular updates the organization and wording of the previous circular to improve clarity and consistency with FTA's other circulars and to reflect other changes in the law.

Notably, the Office of Management and Budget (OMB) released its final guidance, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' 2 CFR part 200, on December 26, 2013. The U.S. Department of Transportation (U.S. DOT) is implementing the new OMB requirements through a new Common Rule, U.S. DOT regulations, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' 2 CFR part 1201. These U.S. DOT regulations (Common Rule) supersede and apply in lieu of U.S. DOT's previous Common Rules, former 49 CFR parts 18 and 19, and the Federal Cost Principles Circulars, former 2 CFR parts 220, 225, and 230. The requirements of former 49 CFR parts 18 and 19, and the Federal Cost Principles Circulars, former 2 CFR parts 220, 225, and 230, apply to FTA Grants and Cooperative Agreements and Amendments thereto awarded before December 26, 2014, to the extent applicable. The requirements of the new U.S. DOT regulations at 2 CFR part 1201 apply to FTA Grants and Cooperative Agreements and Amendments awarded on or after December 26, 2014 to any FTA Grants and Cooperative Agreements to the extent applicable.

This document does not include the revised circular; however, an electronic version is available on FTA's Web site, at *www.fta.dot.gov.* Paper copies may be obtained by contacting FTA's Administrative Services Help Desk, at (202) 366–4865.

II. Chapter-by-Chapter Analysis

A. Chapter I: Introduction and Background

This chapter provides a general introduction to FTA that is included in all new and revised program circulars for the orientation of readers new to FTA programs.

FTA did not receive any substantive comments on this chapter.

B. Chapter II: Program Overview

As in FTA Circular 6100.1D, Chapter II of FTA Circular 6100.1E provides an overview of FTA's research programs. Chapter II is divided into four sections. As proposed, we have moved or amended some of the content to reflect program changes and to improve the organization and readability of this circular.

This chapter covers various programs and their statutory authorities, including:

1. The research, development, demonstration, deployment, innovation, evaluation, and low or no emissions programs authorized by 49 U.S.C. 5312,

2. The transit cooperative research program authorized by 49 U.S.C. 5313,

3. The technical assistance and standards development program authorized by 49 U.S.C. 5314, and

4. The human resources program, innovative workforce development program, and the National Transit Institute (NTI) program authorized by 49 U.S.C. 5322.

Repealed Programs: MAP–21 repealed a number of public transportation programs authorized under the previous authorizing legislation. Funds that were authorized under these programs remain available for obligation in a Grant, Cooperative Agreement, or Other Agreement until the applicable statutory period of availability expires, or until the funds are fully expended, rescinded by Congress, or otherwise reallocated. Entities that are awarded FY 2012 or a previous fiscal year funding should check with their FTA Program Manager for the requirements that accompany that funding.

This chapter clarifies the civil rights requirements with which the Recipient must when receiving Federal assistance. As proposed, we have reorganized the content, although the content remains substantially similar to FTA Circular 6100.1D.

As in FTA Circular 6100.1D, this chapter also points out that FTA recipients must comply with all applicable Federal laws, regulations, and directives unless FTA determines otherwise in writing. We also added a hyperlink to sample Master Agreements on FTA's Web site.

The FTA received comments recommending that FTA provide funding for projects that support women employed or seeking employment in skilled trades. The FTA also received comments recommending that FTA use some of its resources for projects to support its recipients' efforts to integrate transportation, housing, infrastructure, and disaster resiliency. Although Federal law authorizes FTA to consider support for women in trades and efforts to integrate transportation, housing, infrastructure, and disaster resiliency, FTA cautions that its resources are limited and that it may not be able to undertake the specific programs to the extent commenters have recommended. Nevertheless, FTA encourages interested parties to check FTA's notices of funding availability for programs of interest to them.

The FTA did not receive any other substantive comments on this chapter.

C. Chapter III: Application Instructions

This chapter describes the processes and procedures that must be followed in submitting applications to FTA.

The following changes have been made:

1. This chapter now includes an ''Agreement Life Cycle,'' section, listing the stages in the life cycle of an application for Federal assistance to highlight the following matters: implementation, management and oversight of activities supported by the Agreement, period of performance completed, final reports, independent evaluation, and other reports delivered to FTA, excess equipment and property acquired with Federal assistance and disposed of, and the final Federal Financial Report, budget revision, and actual milestones accomplished recorded in FTA's electronic award and management system,

2. The FTA has deleted the former section on Central Contractor Registration and replaced it with requirements to register in the System for Award Management (SAM) and to review and update SAM information at least annually during the life of the Agreement,

3. The FTA has made the following changes to its proposal and pre-application procedures:

a. The FTA has substituted the term ''project narrative'' for the former term ''white paper,'' and

b. The FTA has increased the size limitation for competitive proposals from 5 to 15 pages,

4. The FTA has made several changes to its formal application procedures:

a. The FTA has deleted the former reference to scope code 70 for projects undertaken by universities as this code is rarely used. Likewise, we have deleted the ''University Budget Example.'' Using scope code 55 for most research-type projects will facilitate retrieving aggregate information about

such projects from the electronic award and management system regardless of the type of entity performing the work,

b. The FTA deleted the requirement for a literature review as inapplicable to most projects FTA has been funding under the programs covered by this circular. If FTA deems a literature search is essential to a research project authorized by Section 5312(b), the solicitation will require the review,

c. The FTA has added this section explaining what to do if an applicant is located in a State that does not have a single point of contact for Intergovernmental Review,

d. The FTA has deleted the option of submitting documents to FTA on paper (hard copy) to reflect FTA's commitment to electronic award and management for all recipients, because there should be few, if any, instances when a recipient is unable to submit certifications electronically,

e. Since typical projects covered by this circular would not require a formal environmental impact statement (EIS), FTA has updated, clarified and moved material in the previous environmental discussion, as proposed, and

f. The FTA has edited the former version describing Davis-Bacon Act requirements for clarification without substantive change,

5. The FTA has added a discussion of peer review and independent evaluation to implement a new MAP–21 statutory requirement for a comprehensive evaluation of the success or failure of projects funded under 49 U.S.C. 5312(d),

6. The FTA has deleted the public hearing requirement, formerly in FTA Circular 5010.1D, because that requirement was repealed by MAP–21,

7. The FTA has revised the cost sharing provisions because MAP–21 requires a 20 percent local share for some projects, *see* 49 U.S.C. 5312(f) and 5314(d); MAP–21 also requires a 50 percent local share for Section 5322(a) and (b) projects, *see* 49 U.S.C. 5322(c),

8. The FTA has added new information regarding possible uses of program income when authorized by law, regulation, guidance or special condition, and

9. In its discussion of project approval, FTA has amended the instructions on reimbursement procedures to describe the DELPHI eInvoicing System, which has superseded the former ACH system.

The following matters are substantially similar to those included in FTA Circular 6100.1D:

1. Overview,

2. Use of FTA's electronic award and management system. Nevertheless, because FTA is considering adopting a new electronic award and management system to replace its Transportation Electronic Award Management (TEAM) system, FTA has changed references to ''TEAM'' to the more generic ''current electronic award and management system,'' and

3. In its discussion of project approval, FTA has made the following changes:

a. The FTA has made edits to the Notification provisions to clarify and to allow flexibility in the means of contacting the recipient, and

b. The FTA has edited the Execution of the FTA Agreement for clarification with no substantive change.

The FTA did not receive any substantive comments on this chapter.

D. Chapter IV: Project Administration

As proposed, FTA has made minor editorial changes to improve clarity throughout Chapter IV, without substantive changes in meaning.

As proposed, FTA has relocated detailed instructions for filing Federal Financial Reports to Appendix A.

The FTA did not receive any substantive comments on this chapter.

E. Chapter V: Financial Management

Chapter V is substantially similar to chapter V in FTA Circular 6100.1D. This chapter provides guidance on the proper use and management of Federal assistance that is unique to Research, Technical Assistance and Training programs. Changes to this chapter include the following:

1. The FTA has substituted ''Local Share'' for ''Non-Federal Match,'' and

2. The FTA has provided additional guidance on payment methods. In accordance with DOT guidelines, recipients of Cooperative Agreements must request Federal assistance using Delphi eInvoicing System. All documentation needed to support payment is required to be scanned within the eInvoicing System to assist the FTA Approving Official in authorizing reimbursement to the recipient.

The FTA did not receive any substantive comments on this chapter.

F. Chapter VI: FTA Oversight

While much of the information in this Chapter is substantially similar to that of its predecessor, FTA Circular 6100.1D, FTA made the following changes:

1. The FTA has added a discussion to include the requirement that Financial Management Oversight (FMO) contractors conduct a series of interviews, full transaction reviews, and appropriate substantive tests. It also describes the seven standards for financial management systems: Financial Reporting, Accounting Records, Internal Control, Budget Control, Allowable Costs, Source Documentation, and Cash Management, and

2. The FTA has added information to describe how FTA may perform a review with its project management oversight contractor to develop agreed-upon procedures for oversight of certain aspects of the recipient's financial management issues on a case-by-case basis.

The FTA did not receive any substantive comments on this chapter.

G. Appendices

New Appendix A, ''Instructions for Completing Federal Financial Report (FFR).'' The information in this Appendix was formerly located in Section IV.3 of FTA Circular 6100.1D. As proposed, the text in Appendix A is substantially similar to that of Section IV.3 of FTA Circular 6100.1D. As proposed, FTA has deleted the former Appendix A of FTA Circular 6100.1D, consisting of a Table of FTA Circulars, because the list of FTA circulars in effect changes frequently and a current list is available on the FTA public Web site.

Relocated Appendix B, ''Cost Allocation Plans.'' The information in Appendix B is substantially similar to that in Appendix C of FTA Circular 6100.1D. As proposed, FTA has deleted the former Appendix B, ''Quarterly Narrative Report Example,'' because it did not provide a useful format for a quarterly narrative report. As proposed, we have located this information in section IV.4.d. of this circular and revising it to clarify what should be in the type of comprehensive quarterly narrative report FTA seeks.

Relocated Appendix C, ''Request for Advance or Reimbursement (SF–270).'' This information is the same as located in Appendix D of FTA Circular 6100.1D.

New Appendix D, ''Preparation Instructions for FTA Final Reports.'' Appendix D is a near verbatim copy of the preparation instructions on the FTA Public Web site at *http://www.fta.dot.gov/documents/Preparation_Instructions_for_FTA_Final_Reports_June_2013.pdf.* We have reformatted that document to adapt it as an Appendix (*e.g.,* inserting numbered lists instead of bullets) but did not change the content.

Former Appendix E, ''FTA Regional and Metropolitan Contact Information.'' As proposed, FTA has deleted this Appendix because this information is

subject to change. Current information is available on the FTA public Web site.

The FTA did not receive any substantive comments on these appendices.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2015–08246 Filed 4–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Retooling Recalls Workshop

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Announcement of public workshop.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) is announcing a workshop that will be held in Washington, DC on April 28, 2015 to discuss options to improve vehicle safety recall completion rates. The workshop will include brief NHTSA presentations outlining recent agency activities aimed at improving recall completion rates as well as recent examples of steps vehicle manufacturers have taken. Information on the date, time, location, and framework for this public event is included in this notice. Attendance requires prior registration; there will be no registration at the door. There are no fees to register or to attend this event.

DATES: The workshop will be held on April 28, 2015, at the location indicated in the **ADDRESSES** section below. The workshop will start at 9:00 a.m. and is scheduled to continue until 5:00 p.m., local time. If you would like to register to attend the workshop, please contact the person identified under **FOR FURTHER INFORMATION CONTACT** no later than April 21, 2015. Registrations may be accepted after that date, space permitting.

ADDRESSES: The April 28, 2015 workshop will be held in the Media Center of the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: If you would like to attend the workshop, please contact Heather Laca by the date specified under **DATES** section above, at: Telephone (202) 366–2775; email address: *heather.laca@dot.gov.* Please provide her with the following information: Name, title, affiliation, address, email address, and telephone number, and indicate whether you require accommodations such as a sign language interpreter or translator. If you are not a U.S. citizen, also provide your country of citizenship, date of birth, title or position, and passport or diplomatic ID number, along with expiration date.

SUPPLEMENTARY INFORMATION: NHTSA is hosting a public workshop to discuss options to improve vehicle safety recall completion rates.

NHTSA marked a record year in 2014, with the highest number of vehicle recalls in more than three decades. Last year alone, there were 803 vehicle recalls involving 63.9 million vehicles, including two of the largest vehicle recalls in history.

The sessions will focus on public education of the recall process; customer and dealership outreach; parts production challenges and recall repair rates. The input gathered by the working groups will be used to identify best practices and new approaches for improving the recall process.

Workshop Procedures. NHTSA will conduct the workshop informally. Thus, technical rules of evidence will not apply. The workshop will include brief presentations and panel discussions with representatives from NHTSA, automobile manufacturers, suppliers, and dealers. There will be opportunities for attendees to ask questions of NHTSA and of the panelists.

To attend this workshop, please register with NHTSA by the date specified under the **DATES** section above by sending the required information to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Registration is necessary for security and space limitation reasons. After registration, NHTSA will send attendees follow-up information regarding workshop day logistics (*i.e.,* directions to the building, parking accommodations, etc.).

For security purposes, photo identification is required to enter the Department of Transportation building. To allow sufficient time to clear security and enter the building, NHTSA recommends that workshop participants arrive 30 to 60 minutes prior to the start of the event.

Authority: 49 U.S.C. 30118–30120; 49 U.S.C. 30181–30182; 49 CFR 573 and 577.

Dated: April 3, 2015.

Mark R. Rosekind,

Administrator.

[FR Doc. 2015–08257 Filed 4–9–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35908]

Nittany and Bald Eagle Railroad Company—Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NSR), pursuant to a written trackage rights agreement (Agreement) [1] dated February 1, 2015, has agreed to grant non-exclusive, overhead trackage rights to Nittany and Bald Eagle Railroad Company (N&BE) over NSR's line of railroad between milepost BR 194.2 at Lock Haven, Pa., and milepost BR 139.2 at Driftwood, Pa., a distance of 55 miles.[2]

The transaction may be consummated on or after April 26, 2015, the effective date of the exemption (30 days after the verified notice of exemption was filed). The purpose of the trackage rights is to allow N&BE to operate bridge train service for certain seasonal traffic.

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway, Inc.—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 17, 2015 (at least 7 days before the exemption becomes effective).

[1] A redacted version of the Agreement between NSR and N&BE was filed with the notice of exemption. N&BE simultaneously filed a motion for protective order to protect the confidential and commercially sensitive information contained in the unredacted version of the Agreement, which N&BE submitted under seal in this proceeding. That motion will be addressed in a separate decision.

[2] N&BE was previously authorized non-exclusive, temporary, overhead trackage rights over the 55 miles of rail line that expired on December 30, 2014. *See Nittany & Bald Eagle R.R.—Temp. Trackage Rights Exemption—Norfolk S. Ry.,* FD 35793, (STB served Feb. 7, 2014).

An original and 10 copies of all pleadings, referring to Docket No. FD 35908, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Richard R. Wilson, 518 N. Center Street, Ste. 1, Ebensburg, PA 15931.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: April 6, 2015.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Raina S. Contee,

Clearance Clerk.

[FR Doc. 2015–08252 Filed 4–9–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 43 (Sub-No. 189X)]

Illinois Central Railroad Company—Abandonment Exemption—in Champaign County, Ill

Illinois Central Railroad Company (IC), a wholly owned subsidiary of Canadian National Railway Company, has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F–*Exempt Abandonments* to abandon approximately 3.2 miles of railroad line (the Line). The Line extends between milepost 7.8 in Bondville and milepost 11 in Seymour, in Champaign County, Ill., and traverses United States Postal Service Zip Codes 61815, 61822, and 61875.

IC has certified that: (1) No local traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line that would have to be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption may become effective on May 12, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 20, 2015. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 30, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to IC's representative: Audrey L. Brodrick, Fletcher & Sippel LLC, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

IC has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by April 17, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), IC shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by IC's filing of a notice of consummation by April 10, 2016, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: April 3, 2015.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2015–08111 Filed 4–9–15; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Guarantee Availability (NOGA) Inviting Qualified Issuer Applications and Guarantee Applications for the Community Development Financial Institutions (CDFI) Bond Guarantee Program

Announcement Type: Announcement of opportunity to submit Qualified Issuer Applications and Guarantee Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.011.

Definitions: Capitalized terms used in this NOGA and not defined elsewhere are defined in the CDFI Bond Guarantee Program Regulations (12 CFR 1808.102) and the CDFI Program regulations (12 CFR 1805.104).

DATES: Qualified Issuer Applications and Guarantee Applications may be submitted to the CDFI Fund starting on the date of publication of this NOGA. In order to be considered for the issuance of a Guarantee under FY 2015 program authority, Qualified Issuer Applications must be submitted by June 5, 2015 and Guarantee Applications must be submitted by June 12, 2015. If applicable, CDFI Certification Applications must be received by the CDFI Fund by 5:00 p.m. ET, May 22, 2015. Under FY 2015 authority, Bond Documents and Bond Loan documents must be executed, and Guarantees will be provided, in the order in which Guarantee Applications are approved or by such other criteria that the CDFI Fund may establish and publish, in its sole discretion, and in any event by September 30, 2015.

Executive Summary: This NOGA is published in connection with the CDFI

Bond Guarantee Program, administered by the Community Development Financial Institutions Fund (CDFI Fund), the U.S. Department of the Treasury (Treasury). The purpose of this NOGA is to notify the public that: (i) Parties interested in being approved as Qualified Issuers may submit Qualified Issuer Applications and (ii) Qualified Issuers may submit Guarantee Applications to be approved for a Guarantee under the CDFI Bond Guarantee Program. This NOGA also explains application submission and evaluation requirements and processes, and provides agency contacts and information on CDFI Bond Guarantee Program outreach.

I. Guarantee Opportunity Description

A. *Authority; Bond Issue size; Amount of Guarantee authority; Program summary; Review of Guarantee Applications, in general; Additional reference documents.* 1. *Authority.* The CDFI Bond Guarantee Program was authorized by the Small Business Jobs Act of 2010 (Pub. L. 111–240; 12 U.S.C. 4713a) (the Act). Section 1134 of the Act amended the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701, *et seq.*) to provide authority to the Secretary of the Treasury to establish and administer the CDFI Bond Guarantee Program.

2. *Bond Issue size; Amount of Guarantee authority.* In FY 2015, the Secretary may guarantee Bond Issues having a minimum Guarantee of $100 million each, up to an aggregate total of $750 million.

3. *Program summary.* The purpose of the CDFI Bond Guarantee Program is to support CDFI lending by providing Guarantees for Bonds issued for Eligible Community or Economic Development Purposes, as authorized by section 1134 and 1703 of the Act. The Secretary, as the Guarantor of the Bonds, will provide a 100 percent Guarantee for the repayment of the Verifiable Principal, Interest, and Call Premium of Bonds issued by Qualified Issuers. Qualified Issuers, approved by the CDFI Fund, will issue Bonds that will be purchased by the Federal Financing Bank. The Qualified Issuer will use Bond Proceeds to provide Bond Loans to Eligible CDFIs, which will use Bond Loan proceeds for Eligible Community and Economic Development Purposes, including providing Secondary Loans to Secondary Borrowers.

4. *Review of Guarantee Applications, in general.*

(a) Qualified Issuer Applications submitted with Guarantee Applications will have priority for review over Qualified Issuer Applications submitted without Guarantee Applications. With the exception of the aforementioned prioritized review, all Qualified Issuer Applications and Guarantee Applications will be reviewed by the CDFI Fund on an ongoing basis, in the order in which they are received or by such other criteria that the CDFI Fund may establish and publish, in its sole discretion.

(b) Guarantee Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to move the Guarantee Application to the next phase of review. Submitting an incomplete Guarantee Application earlier than other applicants does not ensure first approval.

(c) Qualified Issuer Applications and Guarantee Applications that were received in FY 2014 and that were neither withdrawn nor declined in FY 2014 will be considered under FY 2015 authority.

(d) Pursuant to the Regulations at 12 CFR 1808.504(c), the Guarantor may limit the number of Guarantees issued per year or the number of Guarantee Applications accepted to ensure that a sufficient examination of Guarantee Applications is conducted.

(e) The Guarantor reserves the right to approve Guarantees, in whole or in part, in response to any, all, or none of the Guarantee Applications submitted in response to this NOGA. The Guarantor also reserves the right to approve any Guarantees in an amount that is less than requested in the corresponding Guarantee Application.

5. *Additional reference documents.* In addition to this NOGA, the CDFI Fund encourages interested parties to review the following documents, which have been posted on the CDFI Bond Guarantee Program page of the CDFI Fund's Web site at *http://www.cdfifund.gov/bond.*

(a) *CDFI Bond Guarantee Program Regulations.* The interim rule that governs the CDFI Bond Guarantee Program was published on February 5, 2014 (78 FR 8296; 12 CFR part 1808) (the Regulations) and provides the regulatory requirements and parameters for CDFI Bond Guarantee Program implementation and administration including general provisions, eligibility, eligible activities, applications for Guarantee and Qualified Issuer, evaluation and selection, terms and conditions of the Guarantee, Bonds, Bond Loans, and Secondary Loans.

(b) *Application materials.* Details regarding Qualified Issuer Application and Guarantee Application content requirements are found in this NOGA and the respective application materials.

(c) *Program documentation.* Interested parties should review template Bond Documents and Bond Loan documents that will be used in connection with each Guarantee. The template documents will be posted on the CDFI Fund's Web site for review. Such documents include, among others:

(i) The Agreement to Guarantee, which describes the roles and responsibilities of the Qualified Issuer, will be signed by the Qualified Issuer and the Guarantor and will include term sheets as exhibits that will be signed by each individual Eligible CDFI;

(ii) The Bond Trust Indenture, which describes responsibilities of the Master Servicer/Trustee in overseeing the servicing of the Bonds and will be entered into by the Qualified Issuer and the Master Servicer/Trustee;

(iii) The Bond Loan Agreement, which describes the terms and conditions of Bond Loans and will be entered into by the Qualified Issuer and each Eligible CDFI that receives a Bond Loan;

(iv) The Bond Purchase Agreement, which describes the terms and conditions under which the Bond Purchaser will purchase the Bonds issued by the Qualified Issuer and will be signed by the Bond Purchaser, the Qualified Issuer, the Guarantor and the CDFI Fund; and

(v) The Future Advance Promissory Bond, which will be signed by the Qualified Issuer as its promise to repay the Bond Purchaser.

The template documents may be updated periodically, as needed, and will be tailored, as appropriate, to the terms and conditions of a particular Bond, Bond Loan, and Guarantee.

(d) *Document negotiation.* The Bond Documents and the Bond Loan documents reflect the standard terms and conditions of the CDFI Bond Guarantee Program and will not be substantially revised or negotiated prior to execution.

(e) *Frequently Asked Questions.* The CDFI Fund will periodically post on its Web site responses to questions that are asked by parties interested in the CDFI Bond Guarantee Program.

B. *Designated Bonding Authority.* The CDFI Fund has determined that, for purposes of this NOGA, it will not solicit applications from entities seeking to serve as a Qualified Issuer in the role of the Designated Bonding Authority, pursuant to 12 CFR 1808.201, in FY 2015.

C. *Noncompetitive process.* The CDFI Bond Guarantee Program is a non-competitive program through which

Qualified Issuer Applications and Guarantee Applications will undergo a merit-based evaluation (meaning, applications will not be scored against each other in a competitive manner in which higher ranked applicants are favored over lower ranked applicants).

D. *Relationship to other CDFI Fund programs.*

1. Award funds received under any other CDFI Fund Program cannot be used by any participant, including Qualified Issuers, Eligible CDFIs, and Secondary Borrowers, to pay principal, interest, fees, administrative costs, or issuance costs (including Bond Issuance Fees) related to the CDFI Bond Guarantee Program, or to fund the Risk-Share Pool for a Bond Issue.

2. Bond Proceeds may be combined with New Markets Tax Credits (NMTC) derived equity (*i.e.,* leveraged loan) to make a Qualified Equity Investment (QEI) in a Community Development Entity or to refinance a Qualified Low-Income Community Investment (QLICI) at the beginning of the seven (7) year NMTC compliance period only under the following circumstances: If an Eligible CDFI proposes to use Bond Loan proceeds to finance a leveraged loan in a transaction that includes a NMTC investment, the Eligible CDFI must provide: (1) Additional collateral in the form of Other Pledged Loans or Cash Collateral; (2) a payment guarantee or similar Credit Enhancement; and/or (3) other assurances that are required by Treasury. Such additional collateral, Credit Enhancement, and/or assurances must be from a non-Federal source, remain in place during the entire seven-year NMTC compliance period, and comply with the Secondary Loan Requirements. These requirements will be included in the term sheet (which will be an exhibit to the Agreement to Guarantee that must be signed by the Eligible CDFI) and the final Bond Loan terms.

3. Bond Proceeds may not be used to refinance a leveraged loan during the seven-year NMTC compliance period. However, Bond Proceeds may be used to refinance a QLICI after the seven-year NMTC compliance period has ended, so long as all other programmatic requirements are met.

4. The terms Qualified Equity Investment, Community Development Entity, and Qualified Low-Income Community Investment are defined in the NMTC Program's authorizing statute, 26 U.S.C. 45D.

E. *Relationship and interplay with other Federal programs and Federal funding.* 1. Eligible CDFIs may not use Bond Loans to refinance existing Federal debt or to service debt from other Federal credit programs.

2. The CDFI Bond Guarantee Program underwriting process will include a comprehensive review of the Eligible CDFI's concentration of sources of funds available for debt service, including the concentration of sources from other Federal programs and level of reliance on said sources, to determine the Eligible CDFI's ability to service the additional debt.

3. In the event that the Eligible CDFI proposes to use other Federal funds to service Bond Loan debt or as Credit Enhancement, the CDFI Fund may require, in its sole discretion, that the Eligible CDFI provide written assurance from such other Federal program, in form that is acceptable to the CDFI Fund and that the CDFI Fund may rely upon, that said use is permissible.

F. *Contemporaneous application submission.* Qualified Issuer Applications may be submitted contemporaneously with Guarantee Applications; however, the CDFI Fund will review an entity's Qualified Issuer Application and make its Qualified Issuer determination prior to approving a Guarantee Application. As noted above, review priority will be given to any Qualified Issuer Application that is accompanied by a Guarantee Application.

G. *Other restrictions on use of funds.* Bond Proceeds may not be used to finance or refinance any trade or business consisting of the operation of any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off-premises. Bond Proceeds may not be used to finance or refinance tax-exempt obligations or finance or refinance projects that are also financed by tax-exempt obligations if: (a) Such financing or refinancing results in the direct or indirect subordination of the Bond Loan or Bond Issue to the tax-exempt obligations or (b) such financing or refinancing results in a corresponding guarantee of the tax-exempt obligation. Qualified Issuers and Eligible CDFIs must ensure that any financing made in conjunction with tax-exempt obligations complies with CDFI Bond Guarantee Program Regulations.

II. General Application Information

The following requirements apply to all Qualified Issuer Applications and Guarantee Applications submitted under this NOGA, as well as any Qualified Issuer Applications and Guarantee Applications submitted under the FY 2014 NOGA that were neither withdrawn nor declined in FY 2014.

A. *CDFI Certification Requirements.* 1. *In general.* By statute and regulation, the Qualified Issuer applicant must be either a Certified CDFI (an entity that has been certified by the CDFI Fund as meeting the CDFI certification requirements set forth in 12 CFR 1805.201) or an entity designated by a Certified CDFI to issue Bonds on its behalf. An Eligible CDFI must be a Certified CDFI as of the Bond Issue Date and must maintain its CDFI certification throughout the term of the corresponding Bond.

2. *CDFI Certification requirements.* Pursuant to the regulations that govern CDFI certification (12 CFR 1805.201), an entity may be certified if it is a legal entity (meaning, that it has properly filed articles of incorporation or other organizing documents with the State or other appropriate body in the jurisdiction in which it was legally established, as of the date the CDFI Certification Application is submitted) and meets the following requirements:

(a) *Primary mission requirement (12 CFR 1805.201(b)(1)):* To be a Certified CDFI, an entity must have a primary mission of promoting community development, which mission must be consistent with its Target Market. In general, the entity will be found to meet the primary mission requirement if its incorporating documents or board-approved narrative statement (*i.e.,* mission statement or resolution) clearly indicate that it has a mission of purposefully addressing the social and/or economic needs of Low-Income individuals, individuals who lack adequate access to capital and/or financial services, distressed communities, and other underserved markets. An Affiliate of a Controlling CDFI, seeking to be certified as a CDFI (and therefore, approved to be an Eligible CDFI to participate in the CDFI Bond Guarantee Program), must demonstrate that it meets the primary mission requirement on its own merit, pursuant to the regulations and the CDFI Certification Application and related guidance materials posted on the CDFI Fund's Web site.

(b) *Financing entity requirement (12 CFR 1805.201(b)(2)):* To be a Certified CDFI, an entity must demonstrate that its predominant business activity is the provision of Financial Products and Financial Services, Development Services, and/or other similar financing.

(i) Concurrent with the publication of this NOGA, the CDFI Fund has published a revision of 12 CFR 1805.201(b)(2), the section of the CDFI

certification regulation that governs the ''financing entity'' requirement. The regulatory change creates a means for the CDFI Fund, in its discretion, to deem an Affiliate (meaning, in this case, an entity that is Controlled by a CDFI; see 12 CFR 1805.104(b)) to have met the financing entity requirement based on the financing activity or track record of the Controlling CDFI (as Control is defined in 12 CFR 1805.104(q)), solely for the purpose of participating in the CDFI Bond Guarantee Program as an Eligible CDFI. In order for the Affiliate to rely on the Controlling CDFI's track record, (A) the Controlling CDFI must be a Certified CDFI; (B) there must be an operating agreement that includes management and ownership provisions in effect between the two entities (prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund); and (C) the Affiliate must submit a complete CDFI Certification Application to the CDFI Fund no later than May 22, 2015 in order it to be considered for CDFI certification and participation in the FY 2015 application round of the CDFI Bond Guarantee Program.

This regulatory revision affects only the Affiliate's ability to meet the financing entity requirement for purposes of CDFI certification: Said Affiliate must meet the other certification criteria in accordance with the existing regulations governing CDFI certification.

(ii) The revised regulation also states that, solely for the purpose of participating in the CDFI Bond Guarantee Program, the Affiliate's provision of Financial Products and Financial Services, Development Services, and/or other similar financing transactions need not be arms-length in nature if such transaction is by and between the Affiliate and Controlling CDFI, pursuant to an operating agreement that includes management and ownership provisions and that is effective prior to the submission of a CDFI Certification Application and is in form and substance that is acceptable to the CDFI Fund.

(iii) An Affiliate whose CDFI certification is based on the financing activity or track record of a Controlling CDFI is not eligible to receive financial or technical assistance awards or tax credit allocations under any other CDFI Fund program until such time that the Affiliate meets the financing entity requirement based on its own activity or track record.

(iv) If an Affiliate elects to satisfy the financing entity requirement based on the financing activity or track record of a Controlling CDFI, and if the CDFI Fund approves such Affiliate as an Eligible CDFI for the purpose of participation in the CDFI Bond Guarantee Program, said Affiliate's CDFI certification will terminate if: (A) It does not enter into Bond Loan documents with its Qualified Issuer within one (1) year of the date that it signs the term sheet (which is an exhibit to the Agreement to Guarantee); (B) it ceases to be an Affiliate of the Controlling CDFI; or (C) it ceases to be a Certified CDFI.

(c) *Target Market requirement (12 CFR 1805.201(b)(3)):*

(i) To be a Certified CDFI, an entity must serve at least one eligible Target Market (either an Investment Area or a Targeted Population) by directing at least 60% of all of its Financial Product activities to one or more eligible Target Market.

(ii) Solely for the purpose of participation as an Eligible CDFI in the FY 2015 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI may be deemed to meet the Target Market requirement by virtue of serving either:

(A) an Investment Area through ''borrowers or investees'' that serve the Investment Area or provide significant benefits to its residents (pursuant to 12 CFR 1805.201(b)(3)(ii)(F)). For purposes of this NOGA, the term ''borrower'' or ''investee'' includes a borrower of a loan originated by the Controlling CDFI that has been transferred to the Affiliate as lender (which loan must meet Secondary Loan Requirements), pursuant to an operating agreement with the Affiliate that includes ownership/investment and management provisions, which agreement must be in effect prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund. If an Affiliate has more than one Controlling CDFIs, it may meet this Investment Area requirement through one or more of such Controlling CDFIs' Investment Areas; or

(B) a Targeted Population ''indirectly or through borrowers or investees that directly serve or provide significant benefits to such members'' (pursuant to 12 CFR 1805.201(b)(3)(iii)(B)) if the Controlling CDFI's financing entity activities serve the Affiliate's Targeted Population pursuant to an operating agreement that includes ownership/investment and management provisions by and between the Affiliate and the Controlling CDFI, which agreement must be in effect prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund. If an Affiliate has more than one Controlling CDFIs, it may meet this Targeted Population requirement through one or more of such Controlling CDFIs' Targeted Populations.

(iii) An Affiliate that meets the Target Market requirement through paragraphs (A) and (B) above, is not eligible to receive financial or technical assistance awards or tax credit allocations under any other CDFI Fund program until such time that the Affiliate meets the Target Market requirements based on its own activity or track record.

(d) *Development Services requirement (12 CFR 1805.201(b)(4)):* To be a Certified CDFI, an entity must provide Development Services in conjunction with its Financial Products. Solely for the purpose of participation as an Eligible CDFI in the FY 2015 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI may be deemed to meet this requirement if: (i) Its Development Services are provided by the Controlling CDFI pursuant to an operating agreement that includes management and ownership provisions with the Controlling CDFI that is effective prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund and (ii) the Controlling CDFI must have provided Development Services in conjunction with the transactions that the Affiliate is likely to purchase, prior to the date of submission of the CDFI Certification Application.

(e) *Accountability requirement (12 CFR 1805.201(b)(5)):* To be a Certified CDFI, an entity must maintain accountability to residents of its Investment Area or Targeted Population through representation on its governing board and/or advisory board(s), or through focus groups, community meetings, and/or customer surveys. Solely for the purpose of participation as an Eligible CDFI in the FY 2015 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI may be deemed to meet this requirement only if it has a governing board and/or advisory board that has the same composition as the Controlling CDFI and such governing board or advisory board has convened and/or conducted Affiliate business prior to the date of submission of the CDFI Certification Application.

(f) *Non-government entity requirement (12 CFR 1805.201(b)(6)):* To be a Certified CDFI, an entity can neither be a government entity nor be controlled by one or more governmental entities.

(g) For the FY 2015 application round of the CDFI Bond Guarantee Program, only one Affiliate per Controlling CDFI may participate as an Eligible CDFI.

However, there may be more than one Affiliate participating as an Eligible CDFI in any given Bond Issue.

3. *Operating agreement:* An operating agreement between an Affiliate and its Controlling CDFI must provide, among other items: (i) Conclusory evidence that the Controlling CDFI Controls the Affiliate, through investment and/or ownership; (ii) explanation of all roles, responsibilities and activities to be performed by the Controlling CDFI including, but not limited to, governance, financial management, loan underwriting and origination, record-keeping, insurance, treasury services, human resources and staffing, legal counsel, dispositions, marketing, general administration, and financial reporting; (iii) compensation arrangements; (iv) the term and termination provisions; (v) indemnification provisions; (vi) management and ownership provisions; and (vii) default and recourse provisions.

4. For more detailed information on CDFI certification requirements, please review the CDFI certification regulation (12 CFR 1805.201, as revised concurrently with the issuance of this NOGA) and CDFI Certification Application materials/guidance posted on the CDFI Fund's Web site. Interested parties should note that there are specific regulations and requirements that apply to Depository Institution Holding Companies, Insured Depository Institutions, Insured Credit Unions, and State-Insured Credit Unions.

5. An Affiliate of a Controlling CDFI that wishes to apply to be designated as an Eligible CDFI in the FY 2015 application round of the CDFI Bond Guarantee Program must submit a CDFI Certification Application to the CDFI Fund by 5:00 p.m. ET, May 22, 2015. Any CDFI Certification Application received after such date and time, as well as incomplete applications that are not amended by the deadline, will not be considered for the FY 2015 application round of the CDFI Bond Guarantee Program.

6. In no event will the Secretary of the Treasury approve a Guarantee for a Bond from which a Bond Loan will be made to an entity that is not an Eligible CDFI. The Secretary must make FY 2015 Guarantee Application decisions, and the CDFI Fund must close the corresponding Bonds and Bond Loans, prior to the end of FY 2015 (September 30, 2015). Accordingly, it is essential that CDFI Certification Applications are submitted timely and in complete form, with all materials and information needed for the CDFI Fund to make a certification decision. Information on CDFI certification, the CDFI Certification Application, and application submission instructions may be found on the CDFI Fund's Web site at *www.cdfifund.gov.*

B. *Application Submission.* 1. *Electronic submission.* All Qualified Issuer Applications and Guarantee Applications must be submitted electronically through myCDFIFund, the CDFI Fund's internet-based interface. Applications sent by mail, fax, or other form will not be permitted, except in circumstances that the CDFI Fund, in its sole discretion, deems acceptable. Please note that Applications will not be accepted through Grants.gov.

2. *Applicant identifier numbers.* Please note that, pursuant to Office of Management and Budget (OMB) guidance (68 FR 38402), each Qualified Issuer applicant and Guarantee applicant must provide, as part of its Application, its Dun and Bradstreet Data Universal Numbering System (DUNS) number, as well as DUNS numbers for its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in the Qualified Issuer Application and Guarantee Application. In addition, each Application must include a valid and current Employer Identification Number (EIN), with a letter or other documentation from the IRS confirming the Qualified Issuer applicant's EIN, as well as EINs for its proposed Program Administrator, its proposed Servicer, and each Certified CDFIs that is included in any Application. An Application that does not include such DUNS numbers, EINs and documentation is incomplete and will be rejected by the CDFI Fund. Applicants should allow sufficient time for the IRS and/or Dun and Bradstreet to respond to inquiries and/or requests for the required identification numbers.

3. *System for Award Management (SAM).* On July 30, 2012, the Central Contractor Registration (CCR) transitioned to SAM. All data in the registrant database has been migrated from CCR into SAM. Any entity that needs to create a new account or update its current registration must register for a user account in SAM. Registering with SAM is required for each Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in any Application. The CDFI Fund will not consider any Applications that do not meet the requirement that each entity must be properly registered before the date of Application submission. The CDFI Fund does not manage the SAM registration process, so entities must contact SAM directly for issues related to registration. The CDFI Fund strongly encourages all applicants to ensure that their SAM registration (and the SAM registration for their Program Administrators, Servicers and each Certified CDFI that is included in the Qualified Issuer Application and Guarantee Application) is updated and that their accounts have not expired. For information regarding SAM registration, please visit *https://www.sam.gov/sam.*

4. *myCDFIFund accounts.* Each Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in the Qualified Issuer Application or Guarantee Application must register User and Organization accounts in myCDFIFund, the CDFI Fund's Internet-based interface. Each such entity must be registered as an Organization and register at least one (1) User Account in myCDFIFund in order for any Application to be considered complete. As myCDFIFund is the CDFI Fund's primary means of communication with applicants with regard to its programs, each such entity must make sure that it updates the contact information in its myCDFIFund account before any Application is submitted. For more information on myCDFIFund, please see the ''Frequently Asked Questions'' link posted at *https://www.cdfifund.gov/myCDFI/Help/Help.asp.*

C. *Form of Application.* 1. As of the date of this NOGA, the Qualified Issuer Application, the Guarantee Application and related application guidance may be found on the CDFI Bond Guarantee Program's page on the CDFI Fund's Web site at *http://www.cdfifund.gov.*

2. *Paperwork Reduction Act.* Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. Pursuant to the Paperwork Reduction Act, the Qualified Issuer Application, the Guarantee Application, and the Secondary Loan Requirements have been assigned the following control number: 1559–0044.

3. *Application deadlines.* In order to be considered for the issuance of a Guarantee under FY 2015 program authority, Qualified Issuer Applications must be submitted by June 5, 2015 and Guarantee Applications must be submitted by June 12, 2015. Qualified Issuer Applications and Guarantee Applications received in FY 2014, and that were neither withdrawn nor declined, will be considered under FY 2015 authority. If applicable, CDFI Certification Applications must be

received by the CDFI Fund by 5:00 p.m. ET, May 22, 2015.

4. *Format.* Detailed Qualified Issuer Application and Guarantee Application content requirements are found in the Applications and application guidance. The CDFI Fund will read only information requested in the Application and reserves the right not to read attachments or supplemental materials that have not been specifically requested in this NOGA, the Qualified Issuer or the Guarantee Application. Supplemental materials or attachments such as letters of public support or other statements that are meant to bias or influence the Application review process will not be read.

5. *Application revisions.* After submitting a Qualified Issuer Application or a Guarantee Application, the applicant will not be permitted to revise or modify the Application in any way unless authorized or requested by the CDFI Fund.

6. *Material changes.*

(a) In the event that there are material changes after the submission of a Qualified Issuer Application prior to the designation as a Qualified Issuer, the applicant must notify the CDFI Fund of such material changes information in a timely and complete manner. The CDFI Fund will evaluate such material changes, along with the Qualified Issuer Application, to approve or deny the designation of the Qualified Issuer.

(b) In the event that there are material changes after the submission of a Guarantee Application (including, but not limited to, a revision of the Capital Distribution Plan or a change in the Eligible CDFIs that are included in the Application) prior to or after the designation as a Qualified Issuer or approval of a Guarantee Application or Guarantee, the applicant must notify the CDFI Fund of such material changes information in a timely and complete manner. The Guarantor will evaluate such material changes, along with the Guarantee Application, to approve or deny the Guarantee Application and/or determine whether to modify the terms and conditions of the Agreement to Guarantee. This evaluation may result in a delay of the approval or denial of a Guarantee Application.

D. *Eligibility and completeness review.* The CDFI Fund will review each Qualified Issuer and Guarantee Application to determine whether it is complete and the applicant meets eligibility requirements described in the Regulations, this NOGA, and the Applications. An incomplete Qualified Issuer Application or Guarantee Application, or one that does not meet eligibility requirements, will be rejected. If the CDFI Fund determines that additional information is needed to assess the Qualified Issuer's and/or the Certified CDFIs' ability to participate in and comply with the requirements of the CDFI Bond Guarantee Program, the CDFI Fund may require that the Qualified Issuer furnish additional, clarifying, confirming or supplemental information. If the CDFI Fund requests such additional, clarifying, confirming or supplemental information, the Qualified Issuer must provide it within the timeframes requested by the CDFI Fund. Until such information is provided to the CDFI Fund, the Qualified Issuer Application or Guarantee Application will not be moved forward for the substantive review process. The Guarantor shall approve or deny a Guarantee Application no later than 90 days after the date the Guarantee Application has been advanced for substantive review.

E. *Regulated entities.* In the case of Qualified Issuer applicants, proposed Program Administrators, proposed Servicers and Certified CDFIs that are included in the Qualified Issuer Application or Guarantee Application that are Insured Depository Institutions and Insured Credit Unions, the CDFI Fund will consider information provided by, and views of, the Appropriate Federal Banking Agencies. If any such entity is a CDFI bank holding company, the CDFI Fund will consider information provided by the Appropriate Federal Banking Agencies of the CDFI bank holding company and its CDFI bank(s). Throughout the Application review process, the CDFI Fund will consult with the Appropriate Federal Banking Agency about the applicant's financial safety and soundness. If the Appropriate Federal Banking Agency identifies safety and soundness concerns, the CDFI Fund will assess whether the concerns cause or will cause the applicant to be incapable of undertaking activities related to the CDFI Bond Guarantee Program. The CDFI Fund also reserves the right to require a regulated applicant to improve safety and soundness conditions prior to being approved as a Qualified Issuer or Eligible CDFI. In addition, the CDFI Fund will take into consideration Community Reinvestment Act assessments of Insured Depository Institutions and/or their Affiliates.

F. *Prior CDFI Fund awardees.* All applicants must be aware that success under any of the CDFI Fund's programs is not indicative of success under this NOGA. Prior CDFI Fund awardees should note the following:

1. *Pending resolution of noncompliance.* If a Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or Guarantee Application, is a prior awardee or allocatee under any CDFI Fund program and (i) it has submitted reports to the CDFI Fund that demonstrate noncompliance with a previously executed agreement with the CDFI Fund, and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in default of its previously executed agreement, the CDFI Fund will consider the Qualified Issuer Application or Guarantee Application pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance.

2. *Default status.* The CDFI Fund will not consider a Qualified Issuer Application or Guarantee Application if the applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or Guarantee Application, is a prior awardee or allocatee under any CDFI Fund program if, as of the date of Qualified Issuer Application or Guarantee Application submission, (i) the CDFI Fund has made a determination that such entity is in default of a previously executed agreement and (ii) the CDFI Fund has provided written notification of such determination to the Qualified Issuer applicant indicating the length of time the default status is effective. Such entities will be ineligible to submit a Qualified Issuer Application, or be included in such submission, as the case may be, so long as the applicant's, its proposed Program Administrator's, its proposed Servicer's, or such Certified CDFI's prior award or allocation remains in default status or such other time period as specified by the CDFI Fund in writing.

3. *Undisbursed award funds.* The CDFI Fund will not consider a Qualified Issuer Application or Guarantee Application, if the applicant, its proposed Program Administrator, its proposed Servicer, or any Certified CDFI that is included in the Qualified Issuer Application or Guarantee Application, is an awardee under any CDFI Fund program and has undisbursed award funds (as defined below) as of the Qualified Issuer Application or Guarantee Application submission date. The CDFI Fund will include the combined undisbursed prior awards, as of the date of the Qualified Issuer Application submission, of the applicant, the proposed Program Administrator, the proposed Servicer,

and any Certified CDFIs included in the application.

For purposes of the calculation of undisbursed award funds for the Bank Enterprise Award (BEA) Program, only awards made to the Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and any Certified CDFI included in the Qualified Issuer Application, three to five calendar years prior to the end of the calendar year of the Qualified Issuer Application submission date are included. For purposes of the calculation of undisbursed award funds for the CDFI Program, the Native American CDFI Assistance (NACA) Program, and the Capital Magnet Fund (CMF), only awards made to the Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and any Certified CDFI included in the Qualified Issuer Application, two to five calendar years prior to the end of the calendar year of the Qualified Issuer Application submission date are included.

Undisbursed awards cannot exceed five percent of the total includable awards for the Applicant's BEA/CDFI/NACA/CMF awards as of the date of submission of the Qualified Issuer Application. The calculation of undisbursed award funds does not include: (i) Tax credit allocation authority made available through the New Markets Tax Credit Program; (ii) any award funds for which the CDFI Fund received a full and complete disbursement request from the awardee by the date of submission of the Qualified Issuer Application; (iii) any award funds for an award that has been terminated in writing by the CDFI Fund or de-obligated by the CDFI Fund; or (iv) any award funds for an award that does not have a fully executed assistance or award agreement. The CDFI Fund strongly encourages Qualified Issuer applicants, proposed Program Administrators, proposed Servicers, and any Certified CDFIs included in a Qualified Issuer Application that wish to request disbursements of undisbursed funds from prior awards to provide the CDFI Fund with a complete disbursement request at least 10 business days prior to the date of submission of a Qualified Issuer Application.

G. *Review of Bond and Bond Loan documents.* Each Qualified Issuer and proposed Eligible CDFI will be required to certify that its appropriate senior management, and its respective legal counsel, has read the Regulations (set forth at 12 CFR part 1808, as well as the CDFI certification regulations set forth at 12 CFR 1805.201, as amended, and the environmental quality regulations set forth at 12 CFR part 1815) and the template Bond Documents and Bond Loan documents posted on the CDFI Fund's Web site including, but not limited to, the following: Bond Trust Indenture, Supplemental Indenture, Bond Loan Agreement, Promissory Note, Bond Purchase Agreement, Designation Notice, Secretary's Guarantee, Collateral Assignment, Reimbursement Note, UCC–1 Bond Trust Collateral, UCC–1 Trust Estate, Certificate of the Qualified Issuer, Certificate of the Borrower, Lobbying Certificate, Certificate of Insurance Consultant, Opinion of Bond Counsel, Opinion of Counsel to the Borrower, Escrow Agreement, and Closing Checklist.

H. *Contact the CDFI Fund.* A Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, or any Certified CDFIs included in the Qualified Issuer Application or Guarantee Application that are prior CDFI Fund awardees are advised to: (i) Comply with requirements specified in CDFI Fund assistance, allocation, and/or award agreement(s), and (ii) contact the CDFI Fund to ensure that all necessary actions are underway for the disbursement or deobligation of any outstanding balance of said prior award(s). Any such parties that are unsure about the disbursement status of any prior award should contact the CDFI Fund's Senior Resource Manager via email at *CDFI.disburseinquiries@cdfi.treas.gov.* All outstanding reports and compliance questions should be directed to Certification, Compliance Monitoring, and Evaluation support by email at *ccme@cdfi.treas.gov* or by telephone at (202) 653–0423. The CDFI Fund will respond to applicants' reporting, compliance, or disbursement questions between the hours of 9:00 a.m. and 5:00 p.m. ET, starting on the date of the publication of this NOGA.

I. *Evaluating prior award performance.* In the case of a Qualified Issuer, a proposed Program Administrator, a proposed Servicer, or Certified CDFI that has received awards from other Federal programs, the CDFI Fund reserves the right to contact officials from the appropriate Federal agency or agencies to determine whether the entity is in compliance with current or prior award agreements, and to take such information into consideration before issuing a Guarantee. In the case of such an entity that has previously received funding through any CDFI Fund program, the CDFI Fund will review those entities that have a history of providing late reports and consider such history in the context of organizational capacity and the ability to meet future reporting requirements.

The CDFI Fund may also bar from consideration any such entity that has, in any proceeding instituted against it in, by, or before any court, governmental, or administrative body or agency, received a final determination within the last two (2) years indicating that the entity has discriminated on the basis of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex, including but not limited to discrimination under (i) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (ii) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683, 1685–1686), which prohibits discrimination on the basis of sex; (iii) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (iv) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (v) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (vi) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (vii) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (viii) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (ix) any other nondiscrimination provisions in the specific statute(s) under which Federal assistance is being made; and (x) the requirements of any other nondiscrimination statutes which may apply to the CDFI Bond Guarantee Program.

J. *Changes to review procedures.* The CDFI Fund reserves the right to change its completeness, eligibility and evaluation criteria and procedures if the CDFI Fund deems it appropriate. If such changes materially affect the CDFI Fund's decision to approve or deny a Qualified Issuer Application, the CDFI Fund will provide information regarding the changes through the CDFI Fund's Web site.

K. *Decisions are final.* The CDFI Fund's Qualified Issuer Application decisions are final. The Guarantor's Guarantee Application decisions are final. There is no right to appeal the decisions. Any applicant that is not approved by the CDFI Fund or the Guarantor may submit a new Application and will be considered based on the newly submitted Application. Such newly submitted Applications will be reviewed along with all other pending Applications in the order in which they are received, or by such other criteria that the CDFI Fund may establish and publish, in its sole discretion.

III. Qualified Issuer Application

A. *General.* This NOGA invites interested parties to submit a Qualified Issuer Application to be approved as a Qualified Issuer under the CDFI Bond Guarantee Program.

1. *Qualified Issuer.* The Qualified Issuer is a Certified CDFI, or an entity designated by a Certified CDFI to issue Bonds on its behalf, that meets the requirements of the Regulations and this NOGA, and that has been approved by the CDFI Fund pursuant to review and evaluation of its Qualified Issuer Application. The Qualified Issuer will, among other duties: (i) Organize the Eligible CDFIs that have designated it to serve as their Qualified Issuer; (ii) prepare and submit a complete and timely Qualified Issuer and Guarantee Application to the CDFI Fund; (iii) if the Qualified Issuer Application is approved by the CDFI Fund and the Guarantee Application is approved by the Guarantor, prepare the Bond Issue; (iv) manage all Bond Issue servicing, administration, and reporting functions; (v) make Bond Loans; (vi) oversee the financing or refinancing of Secondary Loans; (vii) ensure compliance throughout the duration of the Bond with all provisions of the Regulations, and Bond Documents and Bond Loan Documents entered into between the Guarantor, the Qualified Issuer, and the Eligible CDFI; and (viii) ensure that the Master Servicer/Trustee complies with the Bond Trust Indenture and all other applicable regulations. Further, the role of the Qualified Issuer also is to ensure that its proposed Eligible CDFI applicants possess adequate and well performing assets to support the debt (Bond Loan) the entity wishes to incur (borrow).

2. *Qualified Issuer Application.* The Qualified Issuer Application is the document that an entity seeking to serve as a Qualified Issuer submits to the CDFI Fund to apply to be approved as a Qualified Issuer prior to consideration of a Guarantee Application.

3. *Qualified Issuer Application evaluation, general.* Each Qualified Issuer Application will be evaluated by the CDFI Fund and, if acceptable, the applicant will be approved as a Qualified Issuer, in the sole discretion of the CDFI Fund. The CDFI Fund's Qualified Issuer Application review and evaluation process is based on established procedures, which may include interviews of applicants and/or site visits to applicants conducted by the CDFI Fund. Through the Application review process, the CDFI Fund will evaluate Qualified Issuer applicants on a merit basis and in a fair and consistent manner. Each Qualified Issuer applicant will be reviewed on its ability to successfully carry out the responsibilities of a Qualified Issuer throughout the life of the Bond. The Applicant must currently meet the criteria established in the Regulations to be deemed a Qualified Issuer. Qualified Issuer Applications that are forward-looking or speculate as to the eventual acquisition of the required capabilities and criteria are unlikely to be approved. Qualified Issuer Application processing will be initiated in chronological order by date of receipt; however, Qualified Issuer Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to deem the Qualified Application complete and move it to the next phase of review. Submitting a substantially incomplete application earlier than other applicants does not ensure first approval.

B. *Qualified Issuer Application: Eligibility.* 1. *CDFI certification requirements.* The Qualified Issuer applicant must be a Certified CDFI or an entity designated by a Certified CDFI to issue Bonds on its behalf.

2. *Designation and attestation by Certified CDFIs.* An entity seeking to be approved by the CDFI Fund as a Qualified Issuer must be designated as a Qualified Issuer by at least one Certified CDFI. A Qualified Issuer may not designate itself. The Qualified Issuer applicant will prepare and submit a complete and timely Qualified Issuer Application to the CDFI Fund in accordance with the requirements of the Regulations, this NOGA, and the Application. A Certified CDFI must attest in the Qualified Issuer Application that it has designated the Qualified Issuer to act on its behalf and that the information in the Qualified Issuer Application regarding it is true, accurate and complete.

C. *Substantive review and approval process.* 1. *Substantive review.* (a) If the CDFI Fund determines that the Qualified Issuer Application is complete and eligible, the CDFI Fund will undertake a substantive review in accordance with the criteria and procedures described in the Regulations, this NOGA, the Qualified Issuer Application, and CDFI Bond Guarantee Program policies.

(b) As part of the substantive evaluation process, the CDFI Fund reserves the right to contact the Qualified Issuer applicant (as well as its proposed Program Administrator, its proposed Servicer, and each designating Certified CDFI in the Qualified Issuer Application) by telephone, email, mail, or through on-site visits for the purpose of obtaining additional, clarifying, confirming, or supplemental application information. The CDFI Fund reserves the right to collect such additional, clarifying, confirming, or supplemental information from said entities as it deems appropriate. If contacted for additional, clarifying, confirming, or supplemental information, said entities must respond within the time parameters set by the CDFI Fund or the Qualified Issuer Application will be rejected.

2. *Qualified Issuer criteria.* In total, there are more than 60 individual criteria or sub-criteria used to evaluate a Qualified Issuer applicant and all materials provided in the Qualified Issuer Application will be used to evaluate the applicant. Qualified Issuer determinations will be made based on Qualified Issuer applicants' experience and expertise, in accordance with the following criteria:

(a) *Organizational capability.* (i) The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience, and qualifications to issue Bonds for Eligible Purposes, or is otherwise qualified to serve as Qualified Issuer, as well as manage the Bond Issue on the terms and conditions set forth in the Regulations, this NOGA, and the Bond Documents, satisfactory to the CDFI Fund.

(ii) The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience and qualifications to originate, underwrite, service and monitor Bond Loans for Eligible Purposes, targeted to Low-Income Areas and Underserved Rural Areas.

(iii) The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience and qualifications to manage the disbursement process set forth in the

Regulations at 12 CFR 1808.302 and 1808.307.

(b) *Servicer.* The Qualified Issuer applicant must demonstrate that it has (either directly or contractually through another designated entity) the appropriate expertise, capacity, experience and qualifications, or is otherwise qualified to serve as Servicer. The Qualified Issuer Application must provide information that demonstrates that the Qualified Issuer's Servicer has the expertise, capacity, experience and qualifications necessary to perform certain required administrative duties (including, but not limited to, Bond Loan servicing functions).

(c) *Program Administrator.* The Qualified Issuer applicant must demonstrate that it has (either directly or contractually through another designated entity) the appropriate expertise, capacity, experience and qualifications, or is otherwise qualified to serve as Program Administrator. The Qualified Issuer Application must provide information that demonstrates that the Qualified Issuer's Program Administrator has the expertise, capacity, experience and qualifications necessary to perform certain required administrative duties (including, but not limited to, compliance monitoring and reporting functions).

(d) *Strategic alignment.* The Qualified Issuer applicant will be evaluated on its strategic alignment with the CDFI Bond Guarantee Program on factors that include, but are not limited to: (i) Its mission's strategic alignment with community and economic development objectives set forth in the Riegle Act at 12 U.S.C. 4701; (ii) its strategy for deploying the entirety of funds that may become available to the Qualified Issuer through the proposed Bond Issue; (iii) its experience providing up to 30-year capital to CDFIs or other borrowers in Low-Income Areas or Underserved Rural Areas as such terms are defined in the Regulations at 12 CFR 1808.102; (iv) its track record of activities relevant to its stated strategy; and (v) other factors relevant to the Qualified Issuer's strategic alignment with the program.

(e) *Experience.* The Qualified Issuer applicant will be evaluated on factors that demonstrate that it has previous experience: (i) Performing the duties of a Qualified Issuer including making bond issuances, loan servicing, program administration, underwriting, financial reporting, and loan administration; (ii) lending in Low-Income Areas and Underserved Rural Areas; and (iii) indicating that the Qualified Issuer's current principals and team members have successfully performed the required duties, and that previous experience is applicable to the current principals and team members.

(f) *Management and staffing.* The Qualified Issuer applicant must demonstrate that it has sufficiently strong management and staffing capacity to undertake the duties of Qualified Issuer. The applicant must also demonstrate that its proposed Program Administrator and its proposed Servicer have sufficiently strong management and staffing capacity to undertake their respective requirements under the CDFI Bond Guarantee Program. Strong management and staffing capacity is evidenced by factors that include, but are not limited to: (i) A sound track record of delivering on past performance; (ii) a documented succession plan; (iii) organizational stability including staff retention; and (iv) a clearly articulated, reasonable and well-documented staffing plan.

(g) *Financial strength.* The Qualified Issuer applicant must demonstrate the strength of its financial capacity and activities including, among other items, financially sound business practices relative to the industry norm for bond issuers, as evidenced by reports of Appropriate Federal Banking Agencies, Appropriate State Agencies, or auditors. Such financially sound business practices will demonstrate: (i) The financial wherewithal to perform activities related to the Bond Issue such as administration and servicing; (ii) the ability to originate, underwrite, close, and disburse loans in a prudent manner; (iii) whether the applicant is depending on external funding sources and the reliability of long-term access to such funding; (iv) whether there are foreseeable counterparty issues or credit concerns that are likely to affect the applicant's financial stability; and (v) a budget that reflects reasonable assumptions about upfront costs as well as ongoing expenses and revenues.

(h) *Systems and information technology.* The Qualified Issuer applicant must demonstrate that it (as well as its proposed Program Administrator and its proposed Servicer) has, among other things: (i) A strong information technology capacity and the ability to manage loan servicing, administration, management and document retention; (ii) appropriate office infrastructure and related technology to carry out the CDFI Bond Guarantee Program activities; and (iii) sufficient backup and disaster recovery systems to maintain uninterrupted business operations.

(i) *Pricing structure.* The Qualified Issuer applicant must provide its proposed pricing structure for performing the duties of Qualified Issuer, including the pricing for the roles of Program Administrator and Servicer. Although the pricing structure and fees shall be decided by negotiation between market participants without interference or approval by the CDFI Fund, the CDFI Fund will evaluate whether the Qualified Issuer applicant's proposed pricing structure is feasible to carry out the responsibilities of a Qualified Issuer over the life of the Bond and sound implementation of the program.

(j) *Other criteria.* The Qualified Issuer applicant must meet such other criteria as may be required by the CDFI Fund, as set forth in the Qualified Issuer Application or required by the CDFI Fund in its sole discretion, for the purposes of evaluating the merits of a Qualified Issuer Application. The CDFI Fund may request an on-site review of Qualified Issuer applicant to confirm materials provided in the written application, as well as to gather additional due diligence information. The on-site reviews are a critical component of the application review process and will generally be conducted for all applicants not regulated by an Appropriate Federal Banking Agency or Appropriate State Agency. The CDFI Fund reserves the right to conduct a site visit of regulated entities, in its sole discretion.

(k) *Third-party data sources.* The CDFI Fund, in its sole discretion, may consider information from third-party sources including, but not limited to, periodicals or publications, publicly available data sources, or subscriptions services for additional information about the Qualified Issuer applicant, the proposed Program Administrator, the proposed Servicer and each Certified CDFI that is included in the Qualified Issuer Application. Any additional information received from such third-party sources will be reviewed and evaluated through a systematic and formalized process.

D. *Notification of Qualified Issuer determination.* Each Qualified Issuer applicant will be informed of the CDFI Fund's decision in writing, by email using the addresses maintained in the entity's myCDFIFund account. The CDFI Fund will not notify the proposed Program Administrator, the proposed Servicer, or the Certified CDFIs included in the Qualified Issuer Application of its decision regarding the Qualified Issuer Application; such contacts are the responsibility of the Qualified Issuer applicant.

E. *Qualified Issuer Application rejection.* In addition to substantive reasons based on the merits of its review, the CDFI Fund reserves the right

to reject a Qualified Issuer Application if information (including administrative errors) comes to the attention of the CDFI Fund that adversely affects an applicant's eligibility, adversely affects the CDFI Fund's evaluation of a Qualified Issuer Application, or indicates fraud or mismanagement on the part of a Qualified Issuer applicant or its proposed Program Administrator, its proposed Servicer, and any Certified CDFI included in the Qualified Issuer Application. If the CDFI Fund determines that any portion of the Qualified Issuer Application is incorrect in any material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the Application.

IV. Guarantee Applications

A. *General.* This NOGA invites Qualified Issuers to submit a Guarantee Application to be approved for a Guarantee under the CDFI Bond Guarantee Program.

1. *Guarantee Application.*

(a) The Guarantee Application is the application document that a Qualified Issuer (in collaboration with the Eligible CDFI(s) that seek to be included in the proposed Bond Issue) must submit to the CDFI Fund in order to apply for a Guarantee. The Qualified Issuer shall provide all required information in its Guarantee Application to establish that it meets all criteria set forth in the Regulations at 12 CFR 1808.501 and this NOGA and can carry out all CDFI Bond Guarantee Program requirements including, but not limited to, information that demonstrates that the Qualified Issuer has the appropriate expertise, capacity, and experience and is qualified to make, administer and service Bond Loans for Eligible Purposes.

(b) The Guarantee Application comprises a Capital Distribution Plan and at least one Secondary Capital Distribution Plan, as well as all other requirements set forth in this NOGA or as may be required by the Guarantor and the CDFI Fund in their sole discretion, for the evaluation and selection of Guarantee applicants.

2. *Guarantee Application evaluation, general.* The Guarantee Application review and evaluation process will be based on established standard procedures, which may include interviews of applicants and/or site visits to applicants conducted by the CDFI Fund. Through the Application review process, the CDFI Fund will evaluate Guarantee applicants on a merit basis and in a fair and consistent manner. Each Guarantee applicant will be reviewed on its ability to successfully implement and carry out the activities proposed in its Guarantee Application throughout the life of the Bond. Eligible CDFIs must currently meet the criteria established in the Regulations to participate in the CDFI Bond Guarantee Program. Guarantee Applications that are forward-looking or speculate as to the eventual acquisition of the required capabilities and criteria by the Eligible CDFI(s) are unlikely to be approved. Guarantee Application processing will be initiated in chronological order by date of receipt; however, Guarantee Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to deem the Guarantee Application complete and move it to the next phase of review. Submitting a substantially incomplete application earlier than other applicants does not ensure first approval.

B. *Guarantee Application: eligibility.*

1. *Eligibility; CDFI certification requirements.* Each Eligible CDFI must be a Certified CDFI as of the date of submission of a Guarantee Application. If approved for a Guarantee, each Eligible CDFI must be a Certified CDFI as of the Bond Issue Date and must maintain its respective CDFI certification throughout the term of the corresponding Bond. For more information on CDFI Certification and the certification of affiliated entities, see part II of this NOGA.

2. *Qualified Issuer as Eligible CDFI.* A Qualified Issuer may not participate as an Eligible CDFI within its own Bond Issue, but may participate as an Eligible CDFI in a Bond Issue managed by another Qualified Issuer.

3. *Attestation by proposed Eligible CDFIs.* Each proposed Eligible CDFI must attest in the Guarantee Application that it has designated the Qualified Issuer to act on its behalf and that the information pertaining to the Eligible CDFI in the Guarantee Application is true, accurate and complete. Each proposed Eligible CDFI must also attest in the Guarantee Application that it will use Bond Loan proceeds for Eligible Purposes and that Secondary Loans will be financed or refinanced only within the applicable Secondary Loan Requirements.

C. *Guarantee Application: preparation.* When preparing the Guarantee Application, the Eligible CDFIs and Qualified Issuer must collaborate to determine the composition and characteristics of the Bond Issue, ensuring compliance with the Act, the Regulations, and this NOGA. The Qualified Issuer is responsible for the collection, preparation, verification and submission of the Eligible CDFI information that is presented in the Guarantee Application. The Qualified Issuer will submit the Guarantee Application for the proposed Bond Issue, including any information provided by the proposed Eligible CDFIs. In addition, the Qualified Issuer will serve as the primary point of contact with the CDFI Fund during the Guarantee Application review and evaluation process.

D. *Review and approval process.*

1. *Substantive review.* (a) If the CDFI Fund determines that the Guarantee Application is complete and eligible, the CDFI Fund will undertake a substantive review in accordance with the criteria and procedures described in the Regulations at 12 CFR 1808.501, this NOGA, and the Guarantee Application. The substantive review of the Guarantee Application will include due diligence, underwriting, credit risk review, and Federal credit subsidy calculation in order to determine the feasibility and risk of the proposed Bond Issue, as well as the strength and capacity of the Qualified Issuer and each proposed Eligible CDFI. Each proposed Eligible CDFI will be evaluated independently of the other proposed Eligible CDFIs within the proposed Bond Issue.

(b) As part of the substantive review process, the CDFI Fund may contact the Qualified Issuer (as well as the proposed Eligible CDFIs included in the Guarantee Application) by telephone, email, mail, or through an on-site visit for the sole purpose of obtaining additional, clarifying, confirming, or supplemental application information. The CDFI Fund reserves the right to collect such additional, clarifying, confirming or supplemental information as it deems appropriate. If contacted for additional, clarifying, confirming, or supplemental information, said entities must respond within the time parameters set by the CDFI Fund or the Guarantee Application will be rejected.

2. *Guarantee Application criteria.* (a) In general, a Guarantee Application will be evaluated based on the strength and feasibility of the proposed Bond Issue, as well as the creditworthiness and performance of the Qualified Issuer and the proposed Eligible CDFIs. Guarantee Applications must demonstrate that each proposed Eligible CDFI has the capacity for its respective Bond Loan to be a general recourse obligation of the proposed Eligible CDFI and to deploy the Bond Loan proceeds within the required disbursement timeframe as described in the Regulations. Unless receiving significant third-party support, support from a Controlling CDFI, or Credit Enhancements, Eligible CDFIs should not request Bond Loans

greater than their current total asset size or which would otherwise significantly impair their net asset or net equity position. Further, while an entity with a limited operating history or a history of operating losses is unlikely to meet the strength and feasibility requirements of the CDFI Bond Guarantee Program, it may receive significant third-party support, support from a Controlling CDFI, or Credit Enhancements.

(b) The Capital Distribution Plan must demonstrate the Qualified Issuer's comprehensive plan for lending, disbursing, servicing and monitoring each Bond Loan in the Bond Issue. It includes, among other information, the following components:

(i) *Statement of Proposed Sources and Uses of Funds:* Pursuant to the requirements set forth in the Regulations at 12 CFR1808.102(bb) and 1808.301, the Qualified Issuer must provide: (A) A description of the overall plan for the Bond Issue; (B) a description of the proposed uses of Bond Proceeds and proposed sources of funds to repay principal and interest on the proposed Bond and Bond Loans; (C) a certification that 100 percent of the principal amounts of the proposed Bond will be used to make Bond Loans for Eligible Purposes on the Bond Issue Date; and (D) description of the extent to which the proposed Bond Loans will serve Low-Income Areas or Underserved Rural Areas;

(ii) *Bond Issue Qualified Issuer cash flow model:* The Qualified Issuer must provide a cash flow model displaying the orderly repayment of the Bond and the Bond Loans according to their respective terms. The cash flow model shall include disbursement and repayment of Bonds, Bond Loans, and Secondary Loans. The cash flow model shall match the aggregated cash flows from the Secondary Capital Distribution Plans of each of the underlying Eligible CDFIs in the Bond Issue pool;

(iii) *Organizational capacity:* If not submitted concurrently, the Qualified Issuer must attest that no material changes have occurred since the time that it submitted the Qualified Issuer Application;

(iv) *Credit Enhancement (if applicable):* The Qualified Issuer must provide information about the adequacy of proposed risk mitigation provisions designed to protect the financial interests of the Federal Government, either directly or indirectly through supporting the financial strength of the Bond Issue. This includes, but is not limited to, the amount and quality of any Credit Enhancements, terms and specific conditions such as renewal options, and any limiting conditions or revocability by the provider of the Credit Enhancement. Any Credit Enhancement must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank;

(v) *Proposed Term Sheets:* For each Eligible CDFI that is part of the proposed Bond Issue, the Qualified Issuer must submit a proposed Term Sheet using the template provided on the CDFI Fund's Web site. The proposed Term Sheet must clearly state all relevant and critical terms of the proposed Bond Loan including, but not limited to: Any requested prepayment provisions; unique conditions precedent; proposed covenants and exact amounts/percentages for determining the Eligible CDFI's ability to meet program requirements; and terms and exact language describing any Credit Enhancements. Terms may be either altered and/or negotiated by the CDFI Fund in its sole discretion, based on the proposed structure in the application, to ensure that adequate protection is in place for the Guarantor.

(vi) *Secondary Capital Distribution Plan(s):* Each proposed Eligible CDFI must provide a comprehensive plan for financing, disbursing, servicing and monitoring Secondary Loans, demonstrating how each proposed Secondary Loan will meet Eligible Purposes, and meeting such other requirements that may be required by the Guarantor and the CDFI Fund. For each proposed Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the Controlling CDFI must describe how the Eligible CDFI and the Controlling CDFI, together, will meet the requirements listed below:

(A) *Narrative and Statement of Proposed Sources and Uses of Funds:* Each Eligible CDFI will: (1) Provide a description of proposed uses of funds, including the extent to which Bond Loans will serve Low-Income Areas or Underserved Rural Areas, and the extent to which Bond Loan proceeds will be used (i) to make the first monthly installment of a Bond Loan payment, (ii) pay Issuance Fees up to one percent of the Bond Loan, and (iii) finance Loan Loss Reserves related to Secondary Loans; (2) attest that 100 percent of Bond Loan proceeds designated for Secondary Loans will be used to finance or refinance Secondary Loans that meet Secondary Loan Requirements; (3) describe a plan for financing, disbursing, servicing, and monitoring Secondary Loans; (4) indicate the expected asset classes to which it will lend under the Secondary Loan Requirements; (5) indicate examples of previous lending and years of experience lending to a specific asset class; (6) provide a table detailing specific uses and timing of disbursements, including terms and relending plans if applicable; and (7) a community impact analysis, including how the proposed Secondary Loans will address financing needs that the private market is not adequately serving and specific community benefit metrics;

(B) *Eligible CDFI cash flow model:* Each Eligible CDFI must provide a cash flow model of the proposed Bond Loan which: (1) Matches each Eligible CDFI's portion of the Qualified Issuer's cash flow model; and (2) tracks the flow of funds through the term of the Bond Issue and demonstrates disbursement and repayment of the Bond Loan, Secondary Loans, and any utilization of the Relending Fund, if applicable;

(C) *Organizational capacity:* Each Eligible CDFI must provide documentation indicating the ability of the Eligible CDFI to manage its Bond Loan including, but not limited to: (1) Organizational ownership and chart of affiliates; (2) organizational documents, including policies and procedures related to loan underwriting and asset management; (3) management or operating agreement, if applicable; (4) an analysis by management of its ability to manage the funding, monitoring, and collection of loans being contemplated with the proceeds of the Bond Loan; (5) information about its board of directors; (6) a governance narrative; (7) description of senior management and employee base; (8) independent reports, if available; (9) strategic plan or related progress reports; and (10) a discussion of the management and information systems used by the Eligible CDFI;

(D) *Policies and procedures:* Each Eligible CDFI must provide policies and procedures for the matching of assets and liabilities, as well as loan policies and procedures: A copy of the asset-liability matching policy, if applicable; and loan policies which address topics including, but not limited to: (1) Origination, underwriting, credit approval, interest rates, closing, documentation, asset management, and portfolio monitoring and (2) risk-rating definitions, charge-offs, and loan loss reserve methodology;

(E) *Financial statements:* Each Eligible CDFI must provide information about the Eligible CDFI's current and future financial position, including but not limited to: (1) Most recent three years of audited financial statements; (2) current year-to-date or interim financial statement; (3) a copy of the current year's approved budget; and (4) a three year operating projection;

(F) *Loan portfolio information:* Each Eligible CDFI must provide information such as: (1) Loan portfolio quality report; (2) pipeline report; (3) portfolio listing; (4) a description of other loan assets under management; (5) loan products; (6) independent loan review report; (7) impact report case studies; and (8) a loan portfolio by risk rating and loan loss reserves; and

(G) *Funding sources and financial activity information:* Each Eligible CDFI must provide information including, but not limited to: (1) Current grant information; (2) funding projections; (3) credit enhancements; (4) historical investor renewal rates; (5) covenant compliance; (6) off-balance sheet contingencies; (7) earned revenues; and (8) debt capital statistics.

(vii) Assurances and certifications that not less than 100 percent of the principal amount of Bonds will be used to make Bond Loans for Eligible Purposes beginning on the Bond Issue Date, and that Secondary Loans shall be made as set forth in subsection 1808.307(b); and

(viii) Such other information that the Guarantor, the CDFI Fund and/or the Bond Purchaser may deem necessary and appropriate.

(c) The CDFI Fund will use the information described in the Capital Distribution Plan and Secondary Capital Distribution Plan(s) to evaluate the feasibility of the proposed Bond Issue, with specific attention paid to each Eligible CDFI's financial strength and organizational capacity. For each proposed Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the CDFI Fund will pay specific attention to the Controlling CDFI's financial strength and organizational capacity and the operating agreement between the proposed Eligible CDFI and the Controlling CDFI. All materials provided in the Guarantee Application will be used to evaluate the proposed Bond Issue. In total, there are more than 100 individual criteria or sub-criteria used to evaluate each Eligible CDFI. Specific criteria used to evaluate each Eligible CDFI shall include, but not be limited to the following criteria below. For each proposed Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the following specific criteria will also be used to evaluate both the proposed Eligible CDFI and the Controlling CDFI:

(i) *Historical financial ratios:* Ratios which together have been shown to be predictive of possible future default will be used as an initial screening tool, including total asset size, net asset or Tier 1 Core Capital ratio, self-sufficiency ratio, non-performing asset ratio, liquidity ratio, reserve over nonperforming assets, and yield cost spread;

(ii) *Quantitative and qualitative attributes under the ''CAMEL'' framework:* After initial screening, the CDFI Fund will utilize a more detailed analysis under the ''CAMEL'' framework, including but not limited to:

(A) Capital Adequacy: Attributes such as the debt-to-equity ratio, status and significance of off-balance sheet liabilities or contingencies, magnitude and consistency of cash flow performance, exposure to affiliates for financial and operating support, trends in changes to capitalization, and other relevant attributes;

(B) Asset Quality: Attributes such as the charge-off ratio, adequacy of loan loss reserves, sector concentration, borrower concentration, asset composition, security and collateralization of the loan portfolio, trends in changes to asset quality, and other relevant attributes;

(C) Management: Attributes such as documented best practices in governance, strategic planning and board involvement, robust policies and procedures, tenured and experienced management team, organizational stability, infrastructure and information technology systems, and other relevant attributes;

(D) Earnings and Performance: Attributes such as net operating margins, deployment of funds, self-sufficiency, trends in earnings, and other relevant attributes;

(E) Liquidity: Attributes such as unrestricted cash and cash equivalents, ability to access credit facilities, access to grant funding, covenant compliance, affiliate relationships, concentration of funding sources, trends in liquidity, and other relevant attributes;

(iii) *Forecast performance and other relevant criteria:* The CDFI Fund will stress test each Eligible CDFI's forecasted performance under scenarios that are specific to the unique circumstance and attributes of the organization. Additionally, the CDFI Fund will consider other relevant criteria that have not been adequately captured in the preceding steps as part of the due diligence process. Such criteria may include, but not be limited to, the size and quality of any third-party Credit Enhancements or other forms of support.

(A) *Overcollateralization:* The commitment by an Eligible CDFI to over-collateralize a proposed Bond Loan with excess Secondary Loans is a criterion that may affect the viability of a Guarantee Application by decreasing the estimated net present value of the long-term cost of the Guarantee to the Federal Government, by decreasing the probability of default, and/or increasing the recovery rate in the event of default. An Eligible CDFI committing to overcollateralization may not be required to deposit funds in the Relending Account, subject to the maintenance of certain unique requirements that are detailed in the template Agreement to Guarantee and Bond Loan Agreement.

(B) *Credit Enhancements:* The provision of third-party Credit Enhancements, including any Credit Enhancement from a Controlling CDFI or any other affiliated entity, is a criterion that may affect the viability of a Guarantee Application by decreasing the estimated net present value of the long-term cost of the Guarantee to the Federal Government. Credit Enhancements are considered in the context of the structure and circumstances of each Guarantee Application.

(C) *On-Site Review:* The CDFI Fund may request an on-site review of an Eligible CDFI to confirm materials provided in the written application, as well as to gather additional due diligence information. The on-site reviews are a critical component of the application review process and will generally be conducted for all applicants not regulated by an Appropriate Federal Banking Agency or Appropriate State Agency. The CDFI Fund reserves the right to conduct a site visit of regulated entities, in its sole discretion.

(D) *Secondary Loan Asset Classes:* Eligible CDFIs that propose to use funds for new products or lines of business must demonstrate that they have the organizational capacity to manage such activities in a prudent manner. Failure to demonstrate such organizational capacity may be factored into the consideration of Asset Quality or Management criteria as listed above in this section.

3. *Credit subsidy cost.* The credit subsidy cost is the net present value of the estimated long-term cost of the Guarantee to the Federal Government as determined under the applicable provisions of the Federal Credit Reform Act of 1990, as amended (FCRA). Treasury has not received appropriated amounts from Congress to cover the credit subsidy costs associated with the Guarantees issued pursuant to this NOGA. In accordance with FCRA, Treasury must consult with, and obtain the approval of, OMB for Treasury's calculation of the credit subsidy cost of

each Guarantee prior to entering into any Agreement to Guarantee.

E. *Guarantee approval; Execution of documents.* 1. The Guarantor, in the Guarantor's sole discretion, may approve a Guarantee, after consideration of the recommendation from the CDFI Bond Guarantee Program's Credit Review Board and/or based on the merits of the Guarantee Application. The Guarantor shall approve or deny a Guarantee Application no later than 90 days after the date the Guarantee Application was advanced for substantive review.

2. The Guarantor reserves the right to approve Guarantees, in whole or in part, in response to any, all, or none of the Guarantee Applications submitted in response to this NOGA. The Guarantor also reserves the right to approve any Guarantees in an amount that is less than requested in the corresponding Guarantee Application. Pursuant to the Regulations at 12 CFR 1808.504(c), the Guarantor may limit the number of Guarantees made per year to ensure that a sufficient examination of Guarantee Applications is conducted.

3. The CDFI Fund will notify the Qualified Issuer in writing of the Guarantor's approval or disapproval of a Guarantee Application. If approved for a Guarantee, the Qualified Issuer will enter into an Agreement to Guarantee, which will include a term sheet that will be signed by each Eligible CDFI.

4. Following the execution and delivery of the Agreement to Guarantee (and the respective term sheets), the parties will proceed to the Bond Issue Date, when the parties will sign and enter into the remaining Bond Documents and Bond Loan documents.

5. Please note that the most recently dated templates of Bond Documents and Bond Loan documents that are posted on the CDFI Fund's Web site will not be substantially revised or negotiated prior to closing of the Bond and Bond Loan and issuance of the corresponding Guarantee. If a Qualified Issuer or a proposed Eligible CDFI does not understand the terms and conditions of the Bond Documents or Bond Loan documents (including those that listed in Section II.G., above), it should feel free to ask questions or seek technical assistance from the CDFI Fund. However, if a Qualified Issuer or a proposed Eligible CDFI disagrees or is uncomfortable with any term/condition, or if legal counsel to either cannot provide a legal opinion in substantially the same form and content of the required legal opinion, it should not apply for a Guarantee.

6. The Guarantee shall not be effective until the Guarantor signs and delivers the Guarantee.

F. *Guarantee denial.* The Guarantor, in the Guarantor's sole discretion, may deny a Guarantee, after consideration of the recommendation from the Credit Review Board and/or based on the merits of the Guarantee Application. In addition, the Guarantor reserves the right to deny a Guarantee Application if information (including any administrative error) comes to the Guarantor's attention that adversely affects the Qualified Issuer's eligibility, adversely affects the evaluation or scoring of an Application, or indicates fraud or mismanagement on the part of the Qualified Issuer, Program Administrator, Servicer, and/or Eligible CDFIs. Further, if the Guarantor determines that any portion of the Guarantee Application is incorrect in any material respect, the Guarantor reserves the right, in the Guarantor's sole discretion, to deny the Application.

V. Guarantee Administration

A. *Pricing information.* Bond Loans will be priced based upon the underlying Bond issued by the Qualified Issuer and purchased by the Federal Financing Bank (FFB or Bond Purchaser). The FFB will set the liquidity premium at the time of the Bond Issue Date, based on the duration and maturity of the Bonds according to the FFB's lending policies (*www.treasury.gov/ffb*). Liquidity premiums will be charged in increments of ⅛th of a percent (*i.e.,* 12.5 basis points).

B. *Fees and other payments.* The following table includes some of the fees that may be applicable to Qualified Issuers and Eligible CDFIs after approval of a Guarantee of a Bond Issue, as well as Risk-Share Pool funding, prepayment penalties or discounts, and Credit Enhancements. The table is not exhaustive; additional fees payable to the CDFI Fund or other parties may apply.

Fee	Description
Agency Administrative Fee	Payable annually to the CDFI Fund by the Qualified Issuer. Equal to 10 basis points on the amount of the unpaid principal of the Bond Issue.
Bond Issuance Fees	Amounts paid by an Eligible CDFI for reasonable and appropriate expenses, administrative costs, and fees for services in connection with the issuance of the Bond (but not including the Agency Administrative Fee) and the making of the Bond Loan. Bond Issuance Fees negotiated between the Qualified Issuer and the Eligible CDFI. Up of 1% of Bond Loan Proceeds may be used to finance the Bond Issuance Fee.
Servicer fee	The fees paid by the Eligible CDFI to the Qualified Issuer's Servicer. Servicer fees negotiated between the Qualified Issuer and the Eligible CDFI.
Program Administrator fee	The fees paid by the Eligible CDFI to the Qualified Issuer's Program Administrator. Program Administrator fees negotiated between the Qualified Issuer and the Eligible CDFI.
Master Servicer/Trustee fee	The fees paid by the Qualified Issuer and the Eligible CDFI to the Master Servicer/Trustee to carry out the responsibilities of the Bond Trust Indenture. In general, the Master Servicer/Trustee fee is the greater of 16 basis points per annum or $10,000 per month once the Bond Loans are fully disbursed. Any special servicing costs and resolution or liquidation fees due to a Bond Loan default are the responsibility of the Eligible CDFI. Please see the template legal documents at *www.cdfifund.gov/bond* for more specific information.
Risk-Share Pool funding	The funds paid by the Eligible CDFIs to cover Risk-Share Pool requirements; capitalized by pro rata payments equal to 3% of the amount disbursed on the Bond from all Eligible CDFIs within the Bond Issue.
Prepayment penalties or discounts	Prepayment penalties or discounts may be determined by the FFB at the time of prepayment.
Credit Enhancements	Pledges made to enhance the quality of a Bond and/or Bond Loan. Credit Enhancements include, but are not limited to, the Principal Loss Collateral Provision and letters of credit. Credit Enhancements must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank.

C. *Annual assessment.* In accordance with 12 CFR 1808.302(f), each year, beginning on the one year anniversary of the Bond Issue Date (and every year thereafter for the term of the Bond Issue), each Qualified Issuer must demonstrate that not less than 100 percent of the principal amount of the Guaranteed Bonds currently disbursed and outstanding has been used to make loans to Eligible CDFIs for Eligible Purposes. If a Qualified Issuer fails to demonstrate this requirement within the 90 days after the anniversary of the Bond Issue Date, the Qualified Issuer must repay on that portion of Bonds necessary to bring the Bonds that remain outstanding after such repayment is in compliance with the 100 percent requirement above.

D. *Secondary Loan Requirements.* In accordance with the Regulations, Eligible CDFIs must finance or refinance Secondary Loans for Eligible Purposes (not including loan loss reserves) that align with Secondary Loan Requirements. The Secondary Loan Requirements are found on the CDFI Fund's Web site at *www.cdfifund.gov.* Applicants should become familiar with the published Secondary Loan Requirements. Secondary Loan Requirements are classified by asset class and are subject to a Secondary Loan commitment process managed by the Qualified Issuer.

Eligible CDFIs must execute Secondary Loans documents (in the form of loan agreements and promissory notes) with Secondary Borrowers as follows: (i) Not later than twelve (12) months after the Bond Issue Date, Secondary Loan documents representing at least fifty percent (50%) of the Bond Loan proceeds allocated for Secondary Loans, and (ii) not later than twenty-four (24) months after the Bond Issue Date, Secondary Loan documents representing one hundred percent (100%) of the Bond Loan proceeds allocated for Secondary Loans. In the event that the Eligible CDFI does not comply with the foregoing requirements of clauses (i) and (ii) of this paragraph, the available Bond Loan proceeds at the end of the applicable period shall be reduced by an amount equal to the difference between the amount required by clauses (i) and (ii) minus the amount previously committed to the Secondary Loans in the applicable period. Secondary Loans shall carry loan maturities suitable to the loan purpose and consistent with loan-to-value requirements set forth in the Secondary Loan Requirements. Secondary Loan maturities shall not exceed the corresponding Bond or Bond Loan maturity date. It is the expectation of the CDFI Fund that such interest rates will be reasonable based on the borrower and loan characteristics.

E. *Secondary Loan collateral requirements.* 1. The Regulations state that Secondary Loans must be secured by a first lien of the Eligible CDFI on pledged collateral, in accordance with the Regulations (at 12 CFR 1808.307(f)) and within certain parameters. Examples of acceptable forms of collateral may include, but are not limited to: Real property (including land and structures); machinery, equipment and movables; cash and cash equivalents; accounts receivable; letters of credit; inventory; fixtures; contracted revenue streams from non-Federal counterparties, provided the Secondary Borrower pledges all assets, rights and interests necessary to generate such revenue stream; and a Principal Loss Collateral Provision. Intangible assets, such as customer relationships, intellectual property rights, and to-be-constructed real estate improvements, are not acceptable forms of collateral.

2. The Regulations require that Bond Loans must be secured by a first lien on a collateral assignment of Secondary Loans, and further that the Secondary Loans must be secured by a first lien or parity lien on acceptable collateral.

3. Valuation of the collateral pledged by the Secondary Borrower must be based on the Eligible CDFI's credit policy guidelines and must conform to the standards set forth in the Uniform Standards of Professional Appraisal Practice (USPAP).

4. Independent third-party appraisals are required for the following collateral: Real estate; fixtures, machinery and equipment, and movables stock valued in excess of $250,000; contracted revenue stream from non-Federal creditworthy counterparties. Secondary Loan collateral shall be valued using the cost approach, net of depreciation and shall be required for the following: Accounts receivable; machinery, equipment and movables; and fixtures.

F. *Qualified Issuer approval of Bond Loans to Eligible CDFIs.* The Qualified Issuer shall not approve any Bond Loans to an Eligible CDFI where the Qualified Issuer has actual knowledge, based upon reasonable inquiry, that within the past five (5) years the Eligible CDFI: (i) Has been delinquent on any payment obligation (except upon a demonstration by the Qualified Issuer satisfactory to the CDFI Fund that the delinquency does not affect the Eligible CDFI's creditworthiness), or has defaulted and failed to cure any other obligation, on a loan or loan agreement previously made under the Act; (ii) has been found by the Qualified Issuer to be in default of any repayment obligation under any Federal program; (iii) is financially insolvent in either the legal or equitable sense; or (iv) is not able to demonstrate that it has the capacity to comply fully with the payment schedule established by the Qualified Issuer.

G. *Credit Enhancements; Principal Loss Collateral Provision.* 1. In order to achieve the statutory zero-credit subsidy constraint of the CDFI Bond Guarantee Program and to avoid a call on the Guarantee, Eligible CDFIs are encouraged to include Credit Enhancements and Principal Loss Collateral Provisions structured to protect the financial interests of the Federal Government. Any Credit Enhancement or Principal Loss Collateral Provision must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank.

2. Credit Enhancements may include, but are not limited to, payment guarantees from third parties or Affiliate(s), non-Federal capital, lines or letters of credit, or other pledges of financial resources that enhance the Eligible CDFI's ability to make timely interest and principal payments under the Bond Loan.

3. As distinct from Credit Enhancements, Principal Loss Collateral Provisions may be provided in lieu of pledged collateral and in addition to pledged collateral. A Principal Loss Collateral Provision shall be in the form of cash or cash equivalent guarantees from non-Federal capital in amounts necessary to secure the Eligible CDFI's obligations under the Bond Loan after exercising other remedies for default. For example, a Principal Loss Collateral Provision may include a deficiency guarantee whereby another entity assumes liability after other default remedies have been exercised, and covers the deficiency incurred by the creditor. The Principal Loss Collateral Provision shall, at a minimum, provide for the provision of cash or cash equivalents in an amount that is not less than the difference between the value of the collateral and the amount of the accelerated Bond Loan outstanding.

4. In all cases, acceptable Credit Enhancements or Principal Loss Collateral Provisions shall be proffered by creditworthy providers and shall provide information about the adequacy of the facility in protecting the financial interests of the Federal Government, either directly or indirectly through supporting the financial strength of the Bond Issue. This includes, but is not limited to, the amount and quality of any Credit Enhancements, the financial strength of the provider of the Credit

Enhancement, the terms, specific conditions such as renewal options, and any limiting conditions or revocability by the provider of the Credit Enhancement.

5. For Secondary Loans benefitting from a Principal Loss Collateral Provision (*e.g.,* a deficiency guarantee), the entity providing the Principal Loss Collateral Provision must be underwritten based on the same criteria as if the Secondary Loan were being made directly to that entity with the exception that the guarantee need not be collateralized.

6. If the Principal Loss Collateral Provision is provided by a financial institution that is regulated by an Appropriate Federal Banking Agency or an Appropriate State Agency, the guaranteeing institution must demonstrate performance of financially sound business practices relative to the industry norm for providers of collateral enhancements as evidenced by reports of Appropriate Federal Banking Agencies, Appropriate State Agencies, and auditors, as appropriate.

H. *Reporting requirements.* 1. *Reports.* (a) *General.* As required pursuant to the Regulations at 12 CFR 1808.619, and as set forth in the Bond Documents and the Bond Loan documents, the CDFI Fund will collect information from each Qualified Issuer which may include, but will not be limited to: (i) Quarterly and annual financial reports and data (including an OMB single audit, as applicable) for the purpose of monitoring the financial health, ratios and covenants of Eligible CDFIs that include asset quality (non-performing assets, loan loss reserves, and net charge-off ratios), liquidity (current ratio, working capital, and operating liquidity ratio), solvency (capital ratio, self-sufficiency, fixed charge, leverage, and debt service coverage ratios); (ii) annual reports as to the compliance of the Qualified Issuer and Eligible CDFIs with the Regulations and specific requirements of the Bond Documents and Bond Loan documents; (iii) monthly reports on uses of Bond Loan proceeds and Secondary Loan proceeds; (iv) Master Service/Trustee summary of program accounts and transactions for each Bond Issue; (v) Secondary Loan certifications describing Eligible CDFI lending, collateral valuation, and eligibility; (vi) financial data on Secondary Loans to monitor underlying collateral, gauge overall risk exposure across asset classes, and assess loan performance, quality, and payment history; (vii) annual certifications of compliance with program requirements; (viii) material event disclosures including any reports of Eligible CDFI management and/or organizational changes; (ix) annual updates to the Capital Distribution Plan (as described below); (x) supplements and/or clarifications to correct reporting errors (as applicable); (xi) project level reports to understand overall program impact and the manner in which Bond Proceeds are deployed for Eligible Community or Economic Development Purposes; and (xii) such other information that the CDFI Fund and/or the Bond Purchaser may require, including but not limited to racial and ethnic data showing the extent to which members of minority groups are beneficiaries of the CDFI Bond Guarantee Program, to extent permissible by law.

(b) *Additional reporting by Qualified Issuers.* A Qualified Issuer receiving a Guarantee shall submit annual updates to the approved Capital Distribution Plan, including an updated Proposed Sources and Uses of Funds for each Eligible CDFI, noting any deviation from the original baseline with regards to both timing and allocation of funding among Secondary Loan asset classes. The Qualified Issuer shall also submit a narrative, no more than five (5) pages in length for each Eligible CDFI, describing the Eligible CDFI's capacity to manage its Bond Loan. The narrative shall address any Notification of Material Events and relevant information concerning the Eligible CDFI's management information systems, personnel, executive leadership or board members, as well as financial capacity. The narrative shall also describe how such changes affect the Eligible CDFI's ability to generate impacts in Low-Income or Underserved Rural Areas.

(c) *Change of Secondary Loan asset classes.* Any Eligible CDFI seeking to expand the allowable Secondary Loan asset classes beyond what was approved by the CDFI Bond Guarantee Program's Credit Review Board or make other deviations that could potentially result in a modification, as that term is defined in OMB Circulars A–11 and A–129, must receive approval from the CDFI Fund before the Eligible CDFI can begin to enact the proposed changes. The CDFI Fund will consider whether the Eligible CDFI possesses or has acquired the appropriate systems, personnel, leadership, and financial capacity to implement the revised Capital Distribution Plan. The CDFI Fund will also consider whether these changes assist the Eligible CDFI in generating impacts in Low-Income or Underserved Rural Areas. Such changes will be reviewed by the CDFI Bond Guarantee Program and presented to the Credit Review Board for approval, and appropriate consultation will be made with OMB to ensure compliance with OMB Circulars A–11 and A–129, prior to notifying the Eligible CDFI if such changes are acceptable under the terms of the Bond Loan Agreement. An Eligible CDFI may request such an update to its Capital Distribution Plan prior to Bond Issue Closing, and thereafter may only request such an update once per the CDFI's fiscal year.

(d) *Reporting by Affiliates and Controlling CDFIs.* In the case of an Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the CDFI Fund will require that the Affiliate and Controlling CDFI provide certain joint reports, including but not limited to those listed in subparagraph 2(a) above.

(e) Detailed information on specific reporting requirements and the format, frequency, and methods by which this information will be transmitted to the CDFI Fund will be provided to Qualified Issuers, Program Administrators, Servicers, and Eligible CDFIs through the Bond Loan Agreement, correspondence, and webinar trainings, and/or scheduled outreach sessions.

(f) Reporting requirements will be enforced through the Agreement to Guarantee and the Bond Loan Agreement, and will be assigned a valid OMB control number pursuant to the Paperwork Reduction Act, as applicable.

(g) Each Qualified Issuer will be responsible for the timely and complete submission of the annual reporting documents, including such information that must be provided by other entities such as Eligible CDFIs or Secondary Borrowers. If such other entities are required to provide annual report information or documentation, or other documentation that the CDFI Fund may require, the Qualified Issuer will be responsible for ensuring that the information is submitted timely and complete. Notwithstanding the foregoing, the CDFI Fund reserves the right to contact such entities and require that additional information and documentation be provided directly to the CDFI Fund.

(h) *Annual Assessments.* Each Qualified Issuer and Eligible CDFI will be required to have an independent third-party conduct an Annual Assessment of its Bond Loan portfolio. The Annual Assessment is intended to support the CDFI Fund's annual monitoring of the Bond Loan portfolio and to collect financial health, internal control, investment impact measurement methodology information

related to the Eligible CDFIs. This assessment is consistent with the program's requirements for Compliance Management and Monitoring (CMM) and Portfolio Management and Loan Monitoring (PMLM), and will be required pursuant to the Bond Documents and the Bond Loan documents. The assessment will also add to the Department of the Treasury's review and impact analysis on the use of Bond Loan proceeds in underserved communities and support the CDFI Fund in proactively managing portfolio risks and performance. The Annual Assessment form for Eligible CDFIs will be available on the CDFI Fund's Web site.

(i) The CDFI Fund reserves the right, in its sole discretion, to modify its reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Qualified Issuers. Additional information about reporting requirements pursuant to this NOGA, the Bond Documents and the Bond Loan documents will be subject to the Paperwork Reduction Act, as applicable.

2. *Accounting.* (a) In general, the CDFI Fund will require each Qualified Issuer and Eligible CDFI to account for and track the use of Bond Proceeds and Bond Loan proceeds. This means that for every dollar of Bond Proceeds and received from the Bond Purchaser, the Qualified Issuer is required to inform the CDFI Fund of its uses, including Bond Loan proceeds. This will require Qualified Issuers and Eligible CDFIs to establish separate administrative and accounting controls, subject to the applicable OMB Circulars.

(b) The CDFI Fund will provide guidance to Qualified Issuers outlining the format and content of the information that is to be provided on an annual basis, outlining and describing how the Bond Proceeds and Bond Loan proceeds were used.

VI. Agency Contacts

A. The CDFI Fund will respond to questions and provide support concerning this NOGA, the Qualified Issuer Application and the Guarantee Application between the hours of 9:00 a.m. and 5:00 p.m. ET, starting with the date of the publication of this NOGA. The final date to submit questions is June 5, 2015. Applications and other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's Web site at *http://www.cdfifund.gov.* The CDFI Fund will post on its Web site responses to questions of general applicability regarding the CDFI Bond Guarantee Program.

B. The CDFI Fund's contact information is as follows:

TABLE 2—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	Email addresses
CDFI Bond Guarantee Program	(202) 653–0421 Option 5	*bgp@cdfi.treas.gov.*
CDFI Certification	(202) 653–0423	*ccme@cdfi.treas.gov.*
Compliance Monitoring and Evaluation	(202) 653–0423	*ccme@cdfi.treas.gov.*
Information Technology Support	(202) 653–0422	*ithelpdesk@cdfi.treas.gov.*

C. *Communication with the CDFI Fund.* The CDFI Fund will use the myCDFIFund Internet interface to communicate with applicants, Qualified Issuers, Program Administrators, Servicers, Certified CDFIs and Eligible CDFIs, using the contact information maintained in their respective myCDFIFund accounts. Therefore, each such entity must maintain accurate contact information (including contact person and authorized representative, email addresses, fax numbers, phone numbers, and office addresses) in its respective myCDFIFund account. For more information about myCDFIFund (which includes information about the CDFI Fund's Community Investment Impact System), please see the Help documents posted at *http://www.cdfifund.gov/ciis/accessingciis.pdf.*

VII. Information Sessions and Outreach

The CDFI Fund may conduct webcasts, webinars, or information sessions for organizations that are considering applying to, or are interested in learning about, the CDFI Bond Guarantee Program. The CDFI Fund intends to provide targeted outreach to both Qualified Issuer and Eligible CDFI participants to clarify the roles and requirements under the CDFI Bond Guarantee Program. For further information, please visit the CDFI Fund's Web site at *http://www.cdfifund.gov.*

Authority: Pub. L. 111–240; 12 U.S.C. 4701, *et seq.;* 12 CFR part 1808; 12 CFR part 1805; 12 CFR part 1815.

Dated: April 7, 2015.

Mary Ann Donovan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2015–08355 Filed 4–9–15; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Minority Veterans

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Center for Minority Veterans (CMV), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Minority Veterans (''the Committee''). In accordance with 38 U.S.C. 544, the Committee advises the Secretary on the administration of VA benefits and services to minority Veterans; assesses the needs of minority Veterans with respect to such benefits; and evaluates whether VA compensation, medical and rehabilitation services, outreach, and other programs are meeting those needs. The Committee makes recommendations to the Secretary regarding such activities. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

Authority: The Committee was established in accordance with 38 U.S.C. 544 (Public Law 103–446, Sec. 510).

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on May 15, 2015.

ADDRESSES: All nominations should be mailed to the Center for Minority Veterans, Department of Veterans Affairs, 810 Vermont Ave. NW., (00M), Washington, DC 20420, or faxed to (202) 273–7092.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita J. Mullen, Center for Minority

Veterans, Department of Veterans Affairs, 810 Vermont Ave. NW., (00M), Washington, DC 20420, Telephone (202) 461–6191. A copy of the Committee

charter and list of the current membership can be obtained by contacting Ms. Mullen or by accessing the Web site managed by CMV at *www.va.gov/centerforminorityveterans/Advisory_Committee.asp.*

SUPPLEMENTARY INFORMATION: The Committee was established pursuant to 38 U.S.C. 544. The Committee responsibilities include: (1) Advising the Secretary and Congress on VA's administration of benefits and provisions of healthcare, benefits, and services to minority Veterans.

(2) Providing an Annual report to congress outlining recommendations, concerns and observations on VA's delivery of services to minority Veterans.

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts in providing benefits and outreach to minority Veterans.

(4) Making periodic site visits and holding town hall meetings with Veterans to address their concerns.

Management and support services for the Committee are provided by the Center for Minority Veterans (CMV).

Membership Criteria

CMV is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 12 members, in addition to ex-officio members. As required by statute, the members of the Committee are appointed by the Secretary from the general public, including:

(1) Representatives of Veterans who are minority group members;

(2) Individuals who are recognized authorities in fields pertinent to the needs of Veterans who are minority group members;

(3) Veterans who are minority group members and who have experience in a military theater of operations;

(4) Veterans who are minority group members and who do not have such experience and;

(5) Women Veterans who are minority group members recently separated from active military service.

Section 544 defines ''minority group member'' as an individual who is Asian American, Black, Hispanic, Native American (including American Indian, Alaska Native, and Native Hawaiian); or Pacific-Islander American.

In accordance with § 544, the Secretary determines the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any member for additional terms of service.

Professional Qualifications

In addition to the criteria above, VA seeks—

(1) Diversity in professional and personal qualifications;

(2) Experience in military service and military deployments (please identify Branch of Service and Rank);

(3) Current work with Veterans;

(4) Committee subject matter expertise;

(5) Experience working in large and complex organizations.

Requirements for Nomination Submission

Nominations should be type written (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae, and (4) a summary of the nominee's experience and qualification relative to the *professional qualifications* criteria listed above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, males & females, racial and ethnic minority groups, and the disabled are given consideration for membership. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: April 7, 2015.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2015–08279 Filed 4–9–15; 8:45 am]

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Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 438, 440, 456, et al.

Medicaid and Children's Health Insurance Programs; Mental Health Parity and Addiction Equity Act of 2008; the Application of Mental Health Parity Requirements to Coverage Offered by Medicaid Managed Care Organizations, the Children's Health Insurance Program (CHIP), and Alternative Benefit Plans; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 438, 440, 456, and 457

[CMS–2333–P]

RIN 0938–AS24

Medicaid and Children's Health Insurance Programs; Mental Health Parity and Addiction Equity Act of 2008; the Application of Mental Health Parity Requirements to Coverage Offered by Medicaid Managed Care Organizations, the Children's Health Insurance Program (CHIP), and Alternative Benefit Plans

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would address application of certain requirements set forth in the Public Health Service Act, as amended by the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, to coverage offered by Medicaid managed care organizations, Medicaid Alternative Benefit Plans, and Children's Health Insurance Programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on June 9, 2015.

ADDRESSES: In commenting, please refer to file code CMS–2333–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2333–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2333–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: John O'Brien or Jean Close at (410) 786–5529 (Alternative Benefit Plan), Debra Dombrowski at (312) 353–1403 (Managed Care) or Amy Lutzky (410) 786–0721.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

Acronyms, Abbreviations, and Short Forms

Because of the many terms to which we refer by acronym, abbreviation, or short form in this proposed rule, we are listing the acronyms, abbreviation, and short forms used and their corresponding terms in alphabetical order below.

2008 Extenders Act Tax Extenders and Alternative Minimum Tax Relief Act of 2008 (Division C)
The Act Social Security Act
The Affordable Care Act Patient Protection and Affordable Care Act (Pub. L. 111–148, enacted on March 23, 2010), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152)
The Departments Departments of the Treasury, Labor, and Health and Human Services
ABP Alternative Benefit Plan
BBA Balanced Budget Act of 1997
CHIP Children's Health Insurance Program
CHIPRA Children's Health Insurance Program Reauthorization Act of 2009
CMS Centers for Medicare and Medicaid Services
The Code Internal Revenue Code of 1986
DOL Department of Labor
DSM Diagnostic and Statistical Manual of Mental Disorders (current edition)
EHB Essential Health Benefit
EPSDT Early and Periodic Screening, Diagnostic and Treatment
ERISA Employee Retirement Income Security Act of 1974
FFS Fee for Service
HHS Department of Health and Human Services
ICD International Classification of Diseases
MCE Managed Care Entity
MCO Managed Care Organization
MH Mental Health
MH/SUD Mental Health or Substance Use Disorder
MHPA Mental Health Parity Act of 1996
MHPAEA Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008
NQTL Nonquantitative Treatment Limitation
PAHP Prepaid Ambulatory Health Plan
PHS Act Public Health Service Act
PIHP Prepaid Inpatient Health Plan
SHO State Health Official
SUD Substance Use Disorder
Treasury Department of the Treasury

Table of Contents

I. Executive Summary

This proposed rule addresses the application of certain provisions added to the Public Health Service Act (PHS Act) (mental health parity requirements) by the provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub. L. 110–343, enacted on October 3, 2008) to: (1) Medicaid managed care organizations (MCOs) as described in section 1903(m) of the Social Security Act (the Act); (2) Medicaid benchmark and benchmark-equivalent plans (referred to in this proposed rule as Medicaid Alternative Benefit Plans) as described in section 1937 of the Act; and (3) Children's Health Insurance Program (CHIP) under title XXI of the Act.

Under section 1932(b)(8) of the Act, Medicaid MCOs are required to comply with the requirements of subpart 2 of part A of title XXVII of the PHS Act, to the same extent that those requirements apply to a health insurance issuer that offers group health insurance. Subpart 2 includes mental health parity requirements added by MHPAEA at section 2726 of the PHS Act (as renumbered; formerly section 2705 of the PHS Act). Under section 1937(b)(6) of the Act, Medicaid Alternative Benefit Plans (ABPs) that are not offered by an MCO and that provide both medical and surgical benefits and mental health or substance use disorder benefits are required to ensure that financial requirements and treatment limitations for such benefits comply with the mental health parity requirements of the PHS Act (referencing section 2705(a) of the PHS Act, which is now renumbered 2726(a) of the PHS Act), in the same manner as such requirements apply to a group health plan. The section 1937 provision applies only to ABPs that are not offered by MCOs; ABPs offered by MCOs are already required to comply with these requirements under section 1932(b)(8) of the Act. Section 2103(c)(6) of the Act requires that state CHIP plans that provide both medical and surgical benefits and mental health or substance use disorder benefits shall ensure that financial requirements and treatment limitations for such benefits comply with mental health parity requirements of the PHS Act (referencing section 2705(a) of the PHS Act, now renumbered as section 2726(a) of the PHS Act) to the same extent as such requirements apply to a group health plan. In addition, section 2103(f)(2) of the Act requires that CHIP benchmark or benchmark equivalent plans comply with all of the requirements of subpart 2 of part A of the title XXVII of the PHS Act, which includes the mental health parity requirements of the PHS Act, insofar as such requirements apply to health insurance issuers that offer group health insurance coverage.

This proposed rule would incorporate these requirements into our regulations.

II. Background

A. Introduction

On September 26, 1996, the Congress enacted the Mental Health Parity Act of 1996 (Pub. L. 104–204) (MHPA), which required parity in aggregate lifetime and annual dollar limits for mental health benefits and medical/surgical benefits. Those mental health parity provisions were codified in section 712 of ERISA, section 2726 of the PHS Act (renumbered under section 1001 of the Affordable Care Act), and section 9812 of the Code, and applied to employment-related group health plans and health insurance coverage offered in connection with a group health plan. The Balanced Budget Act of 1997 (Pub. L. 105–33, enacted on August 5, 1997) (BBA) added sections 1932(b)(8) and 2103(f)(2) of the Act to generally apply certain aspects of MHPA, including the provisions of section 2726 of the PHS Act, to Medicaid MCOs and CHIP benefits.

MHPAEA was enacted as sections 511 and 512 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 (Division C of Pub. L. 110–343) (the 2008 Extenders Act). MHPAEA amends the Employee Retirement Income Security Act of 1974 (ERISA), the PHS Act, and the Internal Revenue Code of 1986 (the Code). The changes made by MHPAEA consist of new standards, including parity for substance use disorder benefits, as well as amendments to the existing mental health parity provisions enacted in MHPA.

In 2009, section 502 of the Children's Health Insurance Program Reauthorization Act of 2009 (Pub. L. 111–3) (CHIPRA) amended section 2103(c) of the Act by adding paragraph (6), which requires that CHIP plans that provide both medical and surgical benefits and mental health or substance use disorder benefits comply with the provisions of section 2705(a) of the PHS Act, as amended by MHPAEA, in the same manner as a group health plan.

The Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted on March 23, 2010 and the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) was enacted on March 30, 2010 (collectively referred to as the ''Affordable Care Act''). Section 1001 of the Affordable Care Act reorganized and renumbered certain provisions of the PHS Act, including renumbering section 2705 of the PHS Act as section 2726 of the PHS Act. The Affordable Care Act did not make conforming changes to cross-references to the renumbered provisions, and contained new cross-references to the former section numbers. But there was no indication that Congress intended to alter the meaning of the existing cross-references. As a result, we read the cross-references to continue to refer to the same section originally referenced, as renumbered. We believe it is clear that the new cross-references were also intended to refer to the renumbered provisions.

The Affordable Care Act expanded the application of section 2705(a) of the PHS Act, as amended by MHPAEA, and renumbered as section 2726(a) of the PHS Act, to benefits in Medicaid ABPs delivered outside of a MCO. ABPs delivered through a MCO would already have to comply with these requirements under section 1932(b)(8) of the Act.

Also, effective on March 23, 2010, section 2001(c) of the Affordable Care Act modified the benefit provisions of section 1937 of the Act. Specifically, section 2001(c) of the Affordable Care Act added mental health benefits and prescription drug coverage to the list of benefits that must be included in benchmark-equivalent coverage; required the inclusion of essential health benefits (EHBs) beginning in 2014; and directed that plans described in section 1937 of the Act (now known as ABPs) that include medical/surgical benefits and mental health or substance use disorder benefits ensure that the financial requirements and treatment limitations applicable to such mental

health or substance use disorder (MH/SUD) benefits comply with the mental health parity provisions of the PHS Act.

In 2013, we released a State Health Official (SHO) letter that provided guidance to states regarding the implementation of requirements under MHPAEA to Medicaid benchmark and benchmark-equivalent plans (referred to in the letter as ABPs) as described in section 1937 of the Act, CHIP under title XXI of the Act, and MCOs as described in section 1903(m) of the Act.[1] We previously issued a SHO letter on November 4, 2009, concerning the application of section 502 of CHIPRA.[2]

The Departments of Health and Human Services (HHS), Labor, and the Treasury (collectively the Departments) published interim final regulations implementing MHPAEA on February 2, 2010 (75 FR 5410), and final regulations applicable to group health plans and health insurance issuers on November 13, 2013 (78 FR 68240) (MHPAEA final regulations).[3] The MHPAEA final regulations do not apply to Medicaid MCOs, ABPs, or CHIP state plans. In this proposed rule, we are proposing regulations to address how the MHPAEA requirements in section 2726 of the PHS Act, as implemented in the MHPAEA final regulations, will apply to MCOs, ABPs and CHIP.

III. Provisions of the Proposed Rule

This proposed rule generally mirrors the policies set forth in the MHPAEA final regulations to implement the statutory provisions that require MCOs, ABPs and CHIP to comply with certain requirements of section 2726 of the PHS Act (mental health parity requirements).

State Medicaid programs vary in their coverage of MH/SUD services. For example, most MH/SUD services are optional services under the traditional Medicaid benefits package, so states can choose to cover some services and not others, or can choose to cover these services but impose treatment limitations (for example, day or visit limits). Additionally, states have the flexibility to provide services through a managed care delivery mechanism using entities other than MCOs, such as prepaid inpatient health plans (PIHPs) or prepaid ambulatory health plans (PAHPs). PIHPs and PAHPs are defined in § 438.2 as entities that provide medical services on the basis of prepaid capitation payments but provide a more limited benefit package than a comprehensive MCO defined in section 1903(m) of the Act and are subject to the requirements for managed care entities as specified in 42 CFR part 438. These entities are not described in section 1932 of the Act, which refers only to the application of mental health parity requirements to Medicaid MCOs. In many instances, states will provide the medical/surgical services through an MCO, but will not include in the MCO benefit package some or all of their MH/SUD state plan services. Instead, these services will be delivered through a PIHP or a PAHP or a non-managed care delivery system, typically fee-for-service (FFS). In many states, MCOs provide some MH/SUD services (for example, emergency department services regardless of presenting condition, or MH/SUD medications), and PIHPs, PAHPs, or FFS provide a more robust set of services for those individuals with serious mental health conditions or substance use disorders. These unique state MH/SUD delivery systems are an important distinction between Medicaid coverage and coverage available through the commercial market. Because the statutory provisions making mental health parity requirements applicable to MCOs do not explicitly address the situation in which medical/surgical benefits and MH/SUD benefits included in coverage are furnished through separate but interrelated and interdependent service delivery systems, additional guidance is needed.

As a general matter, this proposed rule would require that each MCO enrollee in a state must be provided access to a set of benefits that meets the requirements of this rule regardless of whether the MH/SUD services are provided by the MCO or through another service delivery system. We propose to apply MHPAEA in this way as we interpret section 1932(b)(8) of the Act to require that, if a state uses private health plans, or MCOs, to provide any of its state plan benefits under an MCO contract, enrollees in those MCOs (whether under a voluntary or mandatory managed care program) must receive the protections of MHPAEA parity requirements for MH/SUD services. We are concerned that the exclusion of MH/SUD services from MCO contracts could result in the elimination of the application of section 1932(b)(8) of the Act. To ensure that the goal of parity is met, we are proposing to require, by relying on our authority in section 1902(a)(4) of the Act to specify methods ''necessary for the proper and efficient operation of the state plan,'' that if MH/SUD state plan services are provided to MCO enrollees through a PIHP, PAHP, or under Medicaid FFS (because such services are carved out of the MCO contract scope), MCO enrollees will still receive the MHPAEA parity protections for MH/SUD state plan services. Specifically, states that do not provide all services through the MCO will be required to provide evidence of compliance with this rule when they submit MCO contracts to the CMS Regional Office for review and approval. Contracts with PIHPs and PAHPs would also be required to provide that the PIHPs and PAHPs take steps necessary to ensure such compliance with this proposed rule. For states that offer MH/SUD services to MCO enrollees through FFS (other than when the services are part of an ABP, as discussed below), states would similarly be obligated to ensure that MH/SUD services provided on a FFS basis, when combined with services furnished by the MCO, comply with MHPAEA. In such an instance, the state would have the option of either (1) making changes to the non-ABP state plan to provide MH/SUD services through the FFS system in a manner that is on parity with the MCO-provided medical/surgical services consistent with this proposed rule or (2) including relevant MH/SUD services in the MCO contract (or PIHP or PAHP contract as applicable), in which case the managed care entity would have to comply with this proposed rule. Failure to adopt these additional requirements using our authority under section 1902(a)(4) of the Act, as well as section 1932(b)(8) of the Act would result in de facto nullification of the MHPAEA protections that are provided in section 1932(b)(8) of the Act if states carved out MH/SUD benefits from the MCO contract.

We considered alternatives such as requiring, based as well on our authority at section 1902(a)(4) of the Act, that all state plan MH/SUD services be included under MCO contracts as the way to ensure that MCO enrollees receive the full protections of MHPAEA as we believe the Congress intended in section 1932(b)(8) of the Act, again relying on our authority under section 1902(a)(4) of the Act. But, we believe that the

[1] *http://www.medicaid.gov/federal-policy-guidance/downloads/sho-13-001.pdf.*

[2] *http://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SHO110409.pdf.*

[3] The MHPAEA final regulations generally apply to group health plans and health insurance issuers on the first day of the first plan year beginning on or after July 1, 2014. The preamble to the MHPAEA final regulations stated that each plan or issuer subject to the interim final regulations, issued on February 2, 2010 (75 FR 5410), must continue to comply with the applicable provisions of the interim final regulations until the corresponding provisions of these final regulations become applicable to that plan or issuer (78 FR 68252 and 253). Note: For ease of reference, the citations to provisions of the MHPAEA final rules throughout this document will only refer to the provisions adopted by HHS in 45 CFR part 146.

approach we are proposing would allow states the most flexibility when applying mental health parity requirements to their Medicaid services across delivery systems. Given that there are many different delivery system configurations that carve out MH/SUD services, this would allow states to comport with parity requirements for MCO enrollees without completely carving out MH/SUD services from their MCO or dropping MH/SUD coverage altogether. We solicit comments on whether to require that all state plan MH/SUD services be included under MCO contracts.

We recognize that this proposed regulation would require an analysis by the state to determine if the overall delivery system complies with the provisions of this proposed rule when all services are not included in the benefit package of a single MCO. In states where the MCO has sole responsibility for offering MH/SUD services, the MCO would be responsible for undertaking the parity analysis and informing the state what changes will be needed to the MCO contract to comply with the provisions of this proposed rule. As proposed in § 438.920, states would be required to make available to the public their methods of complying with these proposed rules within 18 months after the rule is finalized.

In states where some or all MH/SUD services are provided through some combination of MCOs, PIHPs, PAHPs or FFS, the state would have the responsibility for undertaking the parity analysis across these delivery systems and determining if the benefits and any financial requirements or treatment limitations are consistent with proposed § 438.920(b). The state, based on this analysis, would take the necessary steps to ensure mental health parity compliance for its Medicaid MCO enrollees. As previously discussed, we believe that the provisions of section 1902(a)(4) of the Act authorize CMS to adopt rules that require the state to perform the parity analysis when MH/SUD services are offered across delivery systems because we believe that this administrative responsibility is necessary and essential for full implementation of section 1932(b)(8) of the Act. In addition, we are proposing at § 438.920(b) that the state make available documentation of compliance with these proposed regulations to the general public within 18 months of the effective date of this rule and post it on the state Medicaid Web site.

For beneficiaries who are not enrolled in a MCO (FFS only), and thus not covered by section 1932(b)(8) of the Act, our proposed rule would not affect coverage (other than when the services are part of an alternative benefit plan, as discussed below). However, we encourage states to provide state plan benefits in a way that comports with the mental health parity requirements of section 2726 of the PHS Act.

We note that payment to MCOs must be actuarially sound under section 1903(m) of the Act; regulations implementing that requirement are currently codified at § 438.6 and are applicable to other managed care entities based on separate statutory authority. In particular, § 438.6(e) provides that actuarially sound rates may only be based on the cost to provide services covered under the state plan. As part of our proposal to implement the mental health parity requirements, we propose to revise § 438.6(e) to specify development of actuarially sound rates for MCOs, PIHPs and PAHPs that provide MH/SUD services may take into account the cost of providing services beyond those specified in the state plan which are necessary for the MCO, PIHP or PAHP to comply with the mental health parity requirements. Proposed § 438.6(e)[4] would require that states base the capitation rates set for MCOs, PIHPs, and PAHPs, where MH/SUD benefits are provided under contract with these entities, on their provision of a benefit package that is compliant with these proposed parity requirements even if services go beyond what is in the state plan; the additional non-state plan services that are used to develop the capitation rates would have to be necessary to comply with the requirements of new subpart K of part 438. This would ensure that states maintain an actuarially sound rate-setting structure that provides for payment of capitation rates to managed care plans rate that reflect the full scope of benefits the managed care plans are obligated to provide. To the extent this new subpart K would obligate an MCO, PIHP or PAHP to provide services that are not otherwise included in the state plan, costs associated with services that would not be included but for the parity requirements should be part of the actuarially sound capitation rates. We believe that proposed § 438.6(e) is sufficiently specific to only permit states to include those services needed for compliance with these proposed rules. Section 438.6(e) allows a state's rate-setting structure to account for services covered by an MCO, PIHP, or PAHP in excess of services and/or treatment limits that are listed in the state plan only to the extent that such services are necessary for the MCO, PIHP or PAHP to comply with § 438.910 of this rule. However, we are concerned about the potential for inappropriately broad readings of the regulation text and consequent use of this proposed section to include non-State plan services in rate setting for to the MCO, PIHP or PAHP benefit package that are not strictly necessary for compliance with these proposed parity requirements. We request comments on this risk and how we might mitigate it, such as a need for more prescriptive language or specific oversight activities to ensure that managed care plans and states develop rates that include only state plan services and the additional services necessary for compliance with subpart K. For states that offer MH/SUD services to MCO enrollees through FFS (other than when the services are part of an alternative benefit plan, as discussed below), states would similarly be obligated to ensure that MH/SUD services provided on a FFS basis, when combined with services furnished by an MCO, comply with the proposed parity provisions in part 438, subpart K. To ensure this full implementation of section 1932(b)(8) of the Act, we rely on our authority under section 1902(a)(4) of the Act to require methods of administration necessary for the proper and efficient administration of the state plan. If a state provides MH/SUD benefits to MCO enrollees through FFS, the state would have the option of either (1) making changes to the non-ABP state plan to provide MH/SUD services through the FFS system in a manner that is on parity with the MCO-provided medical/surgical services consistent with this rule, or (2) including relevant MH/SUD services in a MCO contract (or PIHP or PAHP contract when relevant), in which case the managed care entity would have to comply with this rule.

To ensure the appropriate application of mental health parity requirements to Medicaid services, we propose to amend current regulations to apply mental health parity requirements under section 2726 of the PHS Act to services provided to enrollees of Medicaid MCOs regardless of delivery system or limitations in the state plan. Specifically, we propose amending part 438 by adding a new subpart K to extend these mental health parity requirements to MCOs, and to PIHPs and PAHPs as applicable, to ensure that all enrollees of the MCO are provided access to a MHPAEA-compliant set of services when the state plan includes

[4] Our proposal is for this provision to be codified as part of the regulations controlling rate setting for MCOs, PIHPs and PAHPs and the paragraph designation may vary.

some MH/SUD services. Second, we are proposing to add a new provision in § 438.6 to require that all MCO contracts, and any PIHP and PAHP contracts providing services to MCO enrollees, ensure that enrollees receive services that are in compliance with the requirements of new subpart K insofar as those requirements are applicable. We would not apply mental health parity requirements to state plan services provided to beneficiaries covered only through a FFS delivery system, even if care for other beneficiaries is delivered through a managed care delivery system. However, as indicated in our 2013 SHO letter, we strongly encourage states to consider changes to the state plan benefit package to comport with the mental health parity requirements of section 2726 of the PHS Act. Several states have already implemented the necessary changes in their state plan (for example, adding SUD outpatient services and removing or aligning treatment limitations) to make their MH/SUD benefits consistent for all Medicaid beneficiaries. For clarity, we are not applying mental health parity requirements under section 2726 of the PHS Act to Medicare Parts A, B, or D services covered by Medicaid MCOs, such as those covered by integrated plans for people who are dually eligible for Medicare and Medicaid; Medicare benefits are controlled by the Medicare statute and regulations, which are not within the scope of this proposed rule.

The proposed rules pertaining to ABPs and CHIP cross-reference the proposed rules governing MCOs, PIHPs or PAHPs when states are using these organizations as their delivery system for ABP or CHIP benefits. Regardless of whether services are delivered in managed care or non-managed care arrangements, all Medicaid ABPs (including benchmark equivalent and Secretary–approved benchmark plans) and CHIP plans are required to meet the financial requirements and treatment limitations component of the mental health parity provisions set forth at section 2726(a) of the PHS Act.

Section 2726 of the PHS Act contains an increased cost exemption that is available for group health plans and health insurance issuers that make changes to comply with the law and incur an increased cost of at least 2 percent in the first year that mental health parity requirements apply to the plan or coverage, or an increased cost of at least 1 percent in any subsequent plan or policy year. Plans or issuer-offered coverage that comply with the parity requirements for one -full plan year and that satisfy the conditions for the increased cost exemption are exempt from the parity requirements for the following plan or policy year, and the exemption lasts for one plan or policy year.

This proposed rule does not include an increased cost exemption for MCOs, PIHPs, or PAHPs, and we do not believe that these Medicaid managed care entities will incur any net increase in costs because we are also proposing here that the actuarially sound payment methodology will take costs of compliance with parity requirements into account. As noted, we are proposing to allow states to include the cost of providing services beyond what is specified in the state plan which may include adding services or removing or aligning treatment limitations in managed care benefits into the actuarially sound rate methodology so long as those services beyond what is specified in the state plan are necessary to comply with mental health parity requirements. These changes to the managed care rate setting process would authorize states, in instances where they choose not to change their state plan, to include the cost of services beyond what is specified in the state plan into the capitation rate development to the extent the services are required to be provided by the MCO, PIHP or PAHP and outlined under contract to comply with this proposed rule. Therefore, the Medicaid program rather than the plan will bear the costs of these changes. This is different from the circumstances of the commercial market and removes the rationale for an increased cost exemption for Medicaid MCOs, PIHPs and PAHPs. In addition, we understand that few if any issuers and group health plans have sought an increased cost exemption in the commercial market. Therefore, in this proposed rule, we are not extending the cost exemption provision to the Medicaid and CHIP programs.

We recognize that state budgeting and contracting processes may necessitate additional time for compliance with these new contracting and rate setting parameters. We propose to afford states up to 18 months after the date of the publication of the final rule to comply with the finalized provisions of this proposed rule. This proposal would allow states to come into compliance with these regulations and take the actions to make the necessary budget requests to add new services or additional service units. Some states have a biannual budget cycle and may need this length of time to develop and obtain approval of these budget requests. In addition, states would need to make the necessary contract changes to their MCOs, PIHPs, or PAHPs once the budget has been approved. Some states may choose to request approval from CMS to make changes to their non-ABP state plan for services delivered through FFS. We believe that 18 months should provide states with sufficient time to implement the necessary policy, contract and budget changes to comply with the final regulations and are proposing a delayed compliance deadline accordingly. We invite comments on this proposal regarding the delay of required compliance and the treatment of a cost-based exemption.

The statutory requirements applying mental health parity requirements to CHIP are structured differently than the statutory direction to apply those requirements to Medicaid MCOs. For CHIP programs, sections 2103(c)(6) and 2103(f)(2) of the Act generally provide that MH/SUD parity requirements apply to all delivery systems, including FFS and managed care. Except where the CHIP state plan provides full coverage of EPSDT and the MHPAEA requirements are deemed as met, the MHPAEA parity requirements apply to the CHIP state plan in the same manner as the law applies to health insurance issuers and group health plans. Our proposal reflects this in the proposed regulations for part 457.

For CHIP enrollees in an MCO, we propose to apply all mental health parity provisions of section 2726 of the PHS Act. In addition to the language at sections 2103(c)(6) and section 2103(f)(2) of the Act previously discussed, section 2103(f)(3) of the Act makes applicable to CHIP MCOs certain requirements under section 1932 of the Act, including section 1932(b)(8) of the Act which requires that MCOs comply with MHPAEA parity requirements. Furthermore, we propose to require parity in connection with coverage provided by PIHPs and PAHPs to CHIP MCO enrollees.

For ABP benefits offered only through FFS delivery systems, financial requirements and treatment limitations under section 2726(a) of the PHS Act are the only mental health parity provisions that apply (based on section 1937(b)(6) of the Act). Section 2726(a)(3)(B) of the PHS Act excludes from the definition of the term ''financial requirement'' aggregate lifetime or annual dollar limits on benefits, and thus these are not included in the ''financial requirements and treatment limitations'' parity requirements applicable to Medicaid ABPs furnished through FFS service delivery systems. (Annual and lifetime limits are addressed separately under MHPAEA from financial requirements, at sections 2726(a)(1) and (2) of the PHS

Act.). In addition, the following mental health parity provisions are not applicable to FFS delivery systems for Medicaid ABP benefits because they are not ''financial or treatment limitations:'' those regarding access to out-of-network providers and the increased cost exemption. For ABP benefits provided through an MCO, PIHP or PAHP, our proposal is to require compliance with the part 438 provisions addressing MHPAEA parity requirements for Medicaid managed care.

A. Meaning of Terms (§ 438.900, § 440.395, § 457.496)

The definitions of terms in this proposed rule include most terms included in the MHPAEA final regulation at 45 CFR 146.136(a). This proposed rule proposes to modify or add several terms to reflect the terminology used in the Medicaid program and CHIP statutes, regulations or policies. Some terms that are not relevant to the Medicaid program or CHIP are not included in this proposed rule. For each term described in this proposed rule, when appropriate, we have identified where we have modified, added or deleted language that deviates from those definitions in the MHPAEA final regulations. The proposed terms are as follows:

For the definition of ''Aggregate lifetime dollar limit,'' we are proposing to replace the words ''group health plan (or health insurance coverage offered in connection with such a plan) for any coverage unit'' with ''MCO, PIHP or PAHP'' or ''ABP'' to reflect the common terms for health plans in the Medicaid program. For CHIP, we are proposing to replace these words with ''CHIP state plan or a Managed Care Entity (MCE).''

In § 440.395, we are proposing to add the term ''Alternative Benefit Plans''.

For the definition of ''Annual dollar limit,'' we are proposing to replace the words ''group health plan (or health insurance coverage offered in connection with such a plan) for any coverage unit'' with ''MCO, PIHP or PAHP'' to reflect the common terms for health plans in the Medicaid program and ''a CHIP state plan or a MCE'' for CHIP.

We are proposing to add the definition of ''Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefits''. Under section 1905(r) of the Act, EPSDT is a required benefit under the Medicaid program for categorically needy individuals under age 21. The EPSDT benefit is optional for the medically needy population and if elected for that population, the EPSDT benefit must be made available to all Medicaid eligible individuals under age 21. Under the EPSDT benefit, states must provide for screening, vision, hearing and dental services at intervals which meet reasonable standards of medical and dental practice established after consultation with recognized medical and dental organizations involved in child health care. States must also provide for medically necessary screening, vision, hearing and dental services regardless of whether such services coincide with established periodicity schedules for these services. Additionally, the Act requires that other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Act to correct or ameliorate defects and physical and mental illnesses, and conditions identified by the screening services, must be provided to EPSDT beneficiaries whether or not such services are otherwise covered under the Medicaid state plan.

In the proposed ABP parity rules, we are also proposing to add the definition of ''essential health benefits (EHB).'' Since 2014, all non-grandfathered health insurance coverage in the individual and small group markets, Medicaid benchmark and benchmark-equivalent plans (now also known as ABPs), and Basic Health Programs (if applicable) must cover EHBs, which include items and services in 10 statutory benefit categories, that are substantially equal in scope to a typical employer health plan. Consistent with the requirements set forth in 45 CFR part 156, EHBs are comprised of (1) Ambulatory patient services; (2) Emergency services; (3) Hospitalization; (4) Maternity and newborn care; (5) Mental health and substance use disorder services, including behavioral health treatment; (6) Prescription drugs; (7) Rehabilitative and habilitative services and devices; (8) Laboratory services; (9) Preventive and wellness services and chronic disease management; and (10) Pediatric services, including oral and vision care.

We are proposing a different definition for the term ''medical/surgical benefits,'' to reflect that the state defines these benefits in the Medicaid and CHIP contexts. Under existing Medicaid law, the state has the responsibility of identifying what is a covered benefit for MCOs, PIHPs, PAHPs, ABPs, and CHIP; MCOs, PIHPs or PAHPs are responsible for providing the covered benefits identified by the state. This is different from the MHPAEA final regulations, where medical/surgical benefits are defined under the terms of the group health plan or health insurance coverage and in accordance with applicable federal or state law. We are also proposing that the definition of ''medical/surgical services'' clearly exclude long term care services in the Medicaid and CHIP context. We believe this clarification is consistent with the intent of the MHPAEA final regulations, as the kinds of long term care services included in benefit packages for Medicaid and CHIP beneficiaries are not commonly provided in the commercial market as part of health benefits coverage. We are seeking comments on our proposal to exclude long term care services from the definition of medical/surgical services. This proposed rule further provides that states define which benefits are medical/surgical consistent with generally recognized independent standards of current medical practice (for example, the most current version of the International Classification of Diseases (ICD) or state guidelines).

We propose to define ''mental health benefits'' and ''substance use disorder benefits'', under these regulations, as benefits for items and services for mental health conditions and substance use disorders, respectively, as defined by the state and in accordance with applicable federal and state law. Thus, our proposal here for the terms ''mental health benefits'' and ''substance use disorder benefits'' in this Medicaid and CHIP context also varies from the MHPAEA final regulations, similar to our proposed definition for medical/surgical benefits, to reflect that the state (not the MCO, PIHP or PAHP) is responsible for defining these benefits. This proposed rule also proposes that when states define what benefits are MH/SUD benefits, the definitions must be consistent with generally recognized independent standards of current medical practice. Consistent with the MHPAEA final regulations, this requirement is included to ensure that a benefit is not misclassified to avoid complying with the parity requirements. The word ''generally'' in the requirement ''to be consistent with generally recognized independent standards of current medical practice'' is not meant to imply that the standard must be a national standard, but instead that a standard is largely accepted in the relevant medical community. There are many different sources that would meet this requirement. For example, a state may follow the most current version of the Diagnostic and Statistical Manual of Mental Disorders (current edition) (DSM), ICD, or a state guideline. All of these would be considered acceptable resources to determine whether benefits for a particular condition are classified

as medical/surgical or MH/SUD benefits for purposes of these rules.

This proposed rule duplicates the definition of the term ''treatment limitations'' in the MHPAEA final regulations, including distinguishing between a quantitative and a nonquantitative treatment limitation (NQTL). This proposed rule proposes that the parity requirements in the statute apply to both quantitative treatment limitations and NQTLs. A quantitative treatment limitation is a restriction that is expressed numerically, such as a limit of 50 outpatient visits per year. A NQTL is a restriction that is not expressed numerically, but otherwise limits the scope or duration of benefits for treatment, such as requirements for prior authorization for services. A non-exhaustive list of NQTLs is included in proposed § 438.910(d)(2), § 440.395(b) and § 457.496. This list, as well as the application of these regulations to NQTLs, is further discussed later in this proposed rule. However, these regulations propose that a permanent exclusion of all benefits for a specific condition or disorder is not a treatment limitation.

B. Parity Requirements for Aggregate Lifetime and Annual Dollar Limits

Proposed §§ 438.905 and 457.496(c) address the parity requirements for aggregate lifetime and annual dollar limits. The application of these requirements is generally the same as under the MHPAEA final regulations (45 CFR 146.136(b)). We note that for managed care arrangements, we are using our authority in section 1902(a)(4) of the Act to require PIHPs and PAHPs to comply with mental health parity requirements for MCO enrollees.

C. Parity Requirements for Financial Requirements and Treatment Limitations

Sections 438.910, 440.395(b), and 457.496(d) of this proposed rule set forth parity requirements for financial requirements and treatment limitations.

1. Clarification of Terms

In addition to proposing the meaning of terms in § 438.900, § 440.395, and § 457.496, this proposed rule clarifies certain terms that have been given specific meanings for purposes of MHPAEA.

a. Classification of Benefits

For the purposes of this proposed rule, ''classification of benefits'' means a classification as described in § 438.910, § 440.395(b), and § 457.496(d). This proposed rule would modify the classification of benefits set forth in the regulations that were adopted by the Departments, as discussed in section III.C.2.a of this proposed rule, and would provide that the parity requirements for financial requirements and treatment limitations are applied on a classification-by-classification basis.

b. Type

This proposed rule uses the term ''type'' to refer to financial requirements and treatment limitations of the same nature. Different types of financial requirements and treatment limitations include copayments, coinsurance, annual visit limits, and episode visit limits. States sometimes apply more than one financial requirement or treatment limitation to benefits. Also, this proposed rule specifies that a financial requirement or treatment limitation must be compared only to financial requirements or treatment limitations of the same type within a classification. For example, copayments are compared only to other copayments, and annual visit limits are compared only to other annual visit limits; copayments are not compared to coinsurance, and annual visit limits are not compared to episode visit limits.

c. Level

In this proposed rule, a ''level'' of a type of financial requirement or treatment limitation refers to the magnitude (such as, the dollar, percentage, day, or visit amount) of the financial requirement or treatment limitation. For example, a plan might impose a 20 unit annual limit on outpatient visits or a $3 copayment depending on the medical/surgical or MH/SUD benefit.

2. General Parity Requirement for Financial Requirements and Treatment Limitations

The general parity requirement proposed in § 438.910(b), § 440.395(b), and § 457.496(d) of this proposed rule prohibits a MCO, PIHP, or PAHP (when providing benefits to an MCO enrollee), or ABP (when used in a non-managed care arrangement), or CHIP state plan from applying any financial requirement or treatment limitation to MH/SUD benefits in any classification that is more restrictive than the predominant financial requirement or treatment limitation of that type applied to substantially all medical/surgical benefits in the same classification. For this purpose, the general parity requirement of MHPAEA applies separately for each type of financial requirement or treatment limitation (for example, unit limits are compared to unit limits). This general parity requirement also applies to NQTLs, which is discussed later in this proposed rule.

a. Classifications of Benefits

The MHPAEA final regulations at 45 CFR 146.136(c)(2)(ii) set forth the following classifications of benefits: Inpatient in-network; inpatient out-of-network; outpatient in-network; outpatient out-of-network; emergency care; and prescription drugs. Under those MHPAEA regulations, if a group health plan or health insurance coverage provides MH/SUD benefits in any classification of benefits, MH/SUD benefits must be provided in every classification in which medical/surgical benefits are provided. The parity requirements are applied to financial requirements and treatment limitations within each classification separately.

The benefit structure of traditional Medicaid (non-ABP state plan services), ABPs and CHIP may vary significantly from commercial health insurance coverage. For example, nursing facility long-term care services are a mandatory service in traditional Medicaid, but are not commonly provided in the commercial market as part of health benefits coverage. Additional long term care services and supports, such as personal care, home and community based services, or long term psycho-social rehabilitation programs, are also commonly included in benefit packages for all or targeted populations of Medicaid and CHIP beneficiaries, but these benefits are not typically provided in a commercial environment. Additionally, the cost-sharing structure and out-of-network coverage of Medicaid and CHIP services is often different than benefits provided in the commercial market. Therefore, issues arise over how similar or different the classifications should be for the Medicaid and CHIP programs. Our proposal follows the general structure of the classifications used in the MHPAEA final regulations with a significant distinction. For this proposed rule, we eliminated the in-network and out-of-network distinctions for the inpatient and outpatient classifications and propose four classifications: Inpatient; Outpatient; Emergency care; and Prescription drugs. We propose these classifications for the following reasons:

- Medicaid and CHIP are held to certain cost-sharing requirements for either managed care or non-managed care delivery systems. The dollar amount the beneficiary pays varies by income, and whether services are received through a network model does

not impact the amount for which the beneficiary is responsible.

• When CHIP or ABPs use a FFS delivery system or other non-managed care arrangement, payment is made for services to beneficiaries furnished by any qualified providers that have signed a Medicaid or CHIP provider agreement. Absent a waiver of section 1902(a)(23)(A) of the Act, beneficiaries have a choice from among qualified providers and are not limited to a network.

• In a Medicaid managed care environment, § 438.206(b)(4) states that if a managed care plan's provider network is unable to provide necessary services covered under the contract to a particular enrollee, the MCO, PIHP or PAHP must adequately (and on a timely basis) cover these services out-of-network for the enrollee for as long as the MCO, PIHP or PAHP is unable to provide them in network. This provision is not specific to medical/surgical services or MH/SUD services. We understand there may be continued concerns that access to out-of-network providers is provided by MCOs, PIHPs and PAHPs in compliance with MHPAEA. To address this concern, we are proposing to add access to out-of-network providers to the illustrative list of NQTLs.

For purposes of applying parity requirements to Medicaid, the classifications of benefits should relate to how states construct and manage their Medicaid benefits. All Medicaid benefits provided, with the exception of long term care services, should fall into one of the classifications of benefits.

We are proposing that parity requirements for financial requirements and treatment limitations are generally applied on a classification-by-classification basis. The four classifications proposed in this rule are the only classifications to be used for purposes of applying the parity requirements of MHPAEA to Medicaid and CHIP. Moreover, these classifications must be used for all financial requirements and treatment limitations to the extent that a MCO, PIHP, PAHP, ABP or CHIP provides benefits in a classification and imposes any separate financial requirement or treatment limitation (or separate level of a financial requirement or treatment limitation) for benefits in the classification.

The MHPAEA final regulations discussed the application of parity requirements to intermediate services (such as residential treatment, partial hospitalization, and intensive outpatient treatment) provided under the health plan. Specifically, the MHPAEA final regulations required group health plans and issuers to assign covered intermediate MH/SUD benefits to a benefit classification in the same manner they assign comparable intermediate medical/surgical benefits to a classification. The MHPAEA final regulations do not specifically define intermediate services; nor do the Medicaid and CHIP programs define intermediate services within state plan benefits. Therefore, we are not proposing to specify an intermediate classification to be used in the parity analysis for Medicaid or CHIP programs. As in the MHPAEA final rule, we propose to allow the applicable regulated entity (the MCO, PIHP or PAHP, or state in connection with the ABP and CHIP) to assign intermediate level services to any of the classifications listed, but assignment to those classifications must be done in a consistent manner for medical/surgical services and MH/SUD services. We request comment on this approach, as well as alternatives.

Similar to the MHPAEA final rule, this proposed rule would not define what services are included in the inpatient, outpatient, or emergency care classifications. These terms are subject to the design of a state's managed care program and their meanings may differ depending on the benefit packages. State health insurance laws may define these terms and in the event that these are not defined we would expect each regulated entity within a state to define these classifications in a similar manner. Further, each regulated managed care plan (MCOs, PIHPs and PAHPs) or the state in connection with ABP or CHIP must apply these terms uniformly for both medical/surgical benefits and MH/SUD benefits.

3. Applying the General Parity Requirement to Financial Requirements and Quantitative Treatment Limitations

Sections 438.910(c), 440.395(b) and, 457.496(d) of this proposed rule address the application of the general parity requirement of MHPAEA to financial requirements and quantitative treatment limitations in MCOs, PIHPs, PAHPs, ABP or CHIP state plans.

a. Determining the Portion of Medical/Surgical Benefits Subject to a Financial Requirement or Quantitative Treatment Limitation

As noted above, the general parity requirement proposed in § 438.910(b), § 440.395(b), and § 457.496(d) of this proposed rule prohibits a MCO, PIHP, or PAHP, or ABP state plan (when used in a non-managed care arrangement), or CHIP state plan or MCE contracting with a CHIP state plan from applying any financial requirement or treatment limitation to MH/SUD benefits in any classification that is more restrictive than the ''predominant'' financial requirement or treatment limitation of that type applied to ''substantially all'' medical/surgical benefits in the same classification. In these paragraphs of the proposed regulations, we propose standards similar to those in the MHPAEA final regulations for determining the portion of medical/surgical benefits subject to a financial requirement or quantitative treatment limitation for purposes of the parity analysis. Under this proposed rule, the portion of medical/surgical benefits in a classification subject to a financial requirement or quantitative treatment limitation would be based on the dollar amount of all payments for medical/surgical benefits in the classification expected to be paid during a specific year. For MCOs, PIHPS and PAHPs, this would be dollar amounts for payment during a contract year. For ABPs and CHIP state plans, it would be for the year starting the effective date of the approved ABP or CHIP state plan; effective dates for these plans will vary based on the date the ABP or CHIP state plan was approved by CMS. For purposes of this calculation, the MCOs, PIHPs and PAHPs (when such organizations are responsible for MH/SUD benefit) would collectively (with the assistance of the state) determine the total amount projected to be expended (including FFS) to determine the two-thirds threshold as discussed below. We are requesting comment on the approach to determine the threshold when there are multiple managed care delivery systems (for example, MCOs, PIHPs and PAHPs).

b. ''Substantially all''

Similar to the MHPAEA final regulations, the first step in applying the general parity requirement of MHPAEA to a given financial requirement or quantitative treatment limitation is to determine whether a type of financial requirement or quantitative treatment limitation applies to substantially all medical/surgical benefits in a classification. This proposed rule would define ''substantially all'' as meaning at least two-thirds of the medical/surgical benefits in that classification as measured by the total dollar amount of payments for medical/surgical benefits in the classification expected to be paid within a measurement year. In this proposed rule, we would apply ''substantially all'' consistent with the MHPAEA final regulations.

c. ''Predominant''

If a type of financial requirement or quantitative treatment limitation applies to substantially all medical/surgical benefits in a classification, the second step is to determine the predominant level of that type of financial requirement or quantitative treatment limitation that may be applied to MH/SUD benefits in the classification. Under this proposed rule, the level of a type of financial requirement or quantitative treatment limitation would be the predominant level if it applies to more than one-half of medical/surgical benefits subject to the financial requirement or quantitative treatment limitation in that classification. If a single level of a type of financial requirement or quantitative treatment limitation applies to more than one-half of medical/surgical benefits subject to the financial requirement or quantitative treatment limitation in a classification (based on expected payments, as discussed earlier in this proposed rule), the applicable regulated entity (under proposed §§ 438.910(b), 440.395(b), or 457.496(d)) may not apply that particular financial requirement or quantitative treatment limitation to MH/SUD benefits at a level that is higher (for example, more expensive beneficiary cost-sharing) or more restrictive than the level that has been determined to be predominant for medical/surgical benefits. As proposed in § 438.920(b), states that choose to use PIHPs, PAHPs or the FFS delivery system to provide some of the MH/SUD benefits to MCO enrollees would be required to complete an analysis to determine if the benefits comply with these rules. For example, all projected payments for services provided to the MCO enrollees (regardless of whether the payments are made by the MCO, PIHP, PAHP or FFS) would need to be considered in determining if the level of financial requirement or treatment limitation is the predominant level. If no single level applies to more than one-half of medical/surgical benefits subject to the financial requirement or quantitative treatment limitation in a classification, multiple levels of the same type of financial requirement or quantitative treatment limitation can be combined by the state, in cases where some MH/SUD services are provided outside the MCO, or the MCO, in cases where all services are carved-in, until the portion of medical/surgical benefits subject to the financial requirement or quantitative treatment limitation exceeds one-half. For any combination of levels that applies to more than one-half of medical/surgical benefits subject to the financial requirement or quantitative treatment limitation in a classification, the state or the MCO may not apply that particular financial requirement or quantitative treatment limitation to MH/SUD benefits at a level that is more restrictive than the least restrictive level within the combination. The state or the MCO may combine projected payments for benefits subject to the most restrictive levels first, with each less restrictive level added to the combination until the combination applies to more than one-half of the benefits subject to the financial requirement or treatment limitation. The following example illustrates the application of quantitative treatment limitations to medical/surgical and MH/SUD benefits.

Example. Facts. A state is providing a comprehensive service package through an MCO. The MCO is currently providing coverage of services with limits that are consistent with the approved state plan. The MCO benefit package includes:

- Inpatient Hospital services for medical/surgical—30 days per year limit
- Inpatient Hospital services for MH/SUD—30 days per year limit
- Primary Care Physician Services for medical/surgical—unlimited
- Specialist Physician Services for medical/surgical—50 visits per year
- Outpatient MH services—20 visits per year limit
- Physical Therapy—20 visits per year limit
- Occupational Therapy—20 visits per year limit
- Emergency Services—Unlimited for medical/surgical or MH/SUD

The MCO projects its payments as follows for medical/surgical benefits:

TABLE 1—EXAMPLE OF QUANTITATIVE TREATMENT LIMIT

Benefit/classification—medical/surgical	Projected payment	Percent of total costs	Percent of classification subject to a limit
Inpatient Hospital	$400x	100	100
Inpatient total	400x	100	100
Physician Services	150x	27	0
Specialist Services	250x	46	46
Physical Therapy	75x	13.5	13.5
Occupational Therapy	75x	13.5	13.5
Outpatient total	550x	100	73
Emergency Services	100x	100	0
Emergency total	100x	100	0

Example. Conclusion. In this example, the MCO would be able to maintain some level of day and visit limits on benefits in both the inpatient and outpatient MH/SUD classifications because both classifications meet the ''substantially all'' standard—in other words, more than two-thirds of the medical/surgical benefits in each classification are subject to those types of limits (100 percent of all medical/surgical inpatient benefits are subject to a day limit, and 73 percent of all medical/surgical outpatient benefits are subject to a visit limit).

With regards to the level of the quantitative treatment limitation on inpatient MH/SUD services, the MCO may maintain its 30 day limit because 100 percent of all inpatient medical/surgical benefits are also subject to a 30 day limit, making it the predominant level.

However, with regards to the level of the quantitative treatment limitation on outpatient MH/SUD services, the MCO may not maintain its current limit of 20 visits per year. Of the total amount of outpatient medical/surgical benefits subject to a visit limit ($400x), 62.5 percent ($250x) are subject to a 50 visit limit (specialist services), and only 37.5 percent ($150x) are subject to a 20 visit limit (physical therapy and occupational therapy). Because the 20 visit limitation is not the predominant level (that is, it does not apply to at least 50 percent of the medical/surgical benefits in the classification subject to

the visit limit), the MCO would need to either remove the visit limits altogether on outpatient MH/SUD services or increase the visit limitation to at least 50 visits per year to align with the least restrictive level of visit limits on outpatient medical/surgical benefits.

Lastly, because there are currently unlimited emergency visits under the medical/surgical benefits, the MCO would need to maintain unlimited visits for emergency services for MH/SUD, and would not be able to impose any limits on MH/SUD unless limits were also imposed on medical/surgical services and such limits were consistent with parity requirements.

4. Special Rules for Multi-Tiered Prescription Drug Benefits and Other Benefits (§§ 438.910(c)(2), 440.395(b)(3)(ii), 457.496(d)(3)(ii))

In addition, the MHPAEA final regulations at 45 CFR 146.136(c)(3)(iii)(A) permit plans under certain circumstances to apply different levels of financial requirements to different tiers of prescription drugs and still satisfy the parity requirements. This proposed rule would allow a MCO, PIHP, PAHP, ABP or CHIP state plan to subdivide the prescription drug classification into tiers based on reasonable factors as described in the proposed regulations and without regard to whether a drug is generally prescribed for medical/surgical benefits or for MH/SUD benefits.

The MHPAEA final regulations at 45 CFR 146.136(c)(3)(iii)(C) permit a sub-classification for office visits, separate from other outpatient items and services. Other sub-classifications not specifically permitted, such as separate sub-classifications for generalists and specialists, cannot be used for purposes of determining parity. We propose to retain this approach to sub-classifications in the application of these parity requirements established in parts 438, 440 and 457 (that is, to services provided to enrollees in Medicaid MCOs, and to ABPs and CHIP). After the sub-classifications are established, a MCO, PIHP, PAHP, ABP or CHIP state plan may not impose any financial requirement or quantitative treatment limitation on MH/SUD benefits in any sub-classification (for example, office visits or non-office visits) that is more restrictive than the predominant financial requirement or quantitative treatment limitation that applies to substantially all medical/surgical benefits in the sub-classification, using the parity analysis for financial requirements and quantitative treatment limitations.

In the MHPAEA final regulations, the Departments recognized that tiered networks have become an important tool for health plan efforts to manage care and control costs. Therefore, for purposes of applying the financial requirement and treatment limitation rules under MHPAEA, the MHPAEA final regulations provide that if a plan (or health insurance coverage) provides benefits through multiple tiers of in-network providers (such as an in-network tier of preferred providers with more generous cost-sharing to participants than a separate in-network tier of participating providers in any classification), the plan may divide its benefits furnished on an in-network basis into sub-classifications that reflect those network tiers, if the tiering is done without regard to whether a provider is a MH/SUD provider or a medical/surgical provider. While network tiers may also be used in Medicaid managed care, we do not believe that the use of network tiers for the purposes of the parity analysis is needed. As discussed later in section F. of this proposed rule, Medicaid cost-sharing rules apply regardless of network status. Additionally, any quantitative treatment limitation outlined in the contract must be applied to the service broadly and therefore cannot have separate limitations based on network tiers. We recognize there may be network tiers used to commonly refer enrollees or for purposes of building the network and have varying payment rates to providers, but the use of multiple network tiers for NQTLs is discussed in section E. of this proposed rule.

D. Cumulative Financial Requirements (§ 438.910(c)(3), § 440.395(b)(3)(iii), § 457.496(d)(3)(iii))

While financial requirements such as copayments and coinsurance generally apply separately to each covered expense, other financial requirements (in particular, deductibles) accumulate across covered expenses. In the case of deductibles, generally an amount of otherwise covered expenses must be accumulated before the plan pays benefits. Financial requirements that determine whether and to what extent benefits are provided based on accumulated amounts are defined in these proposed rules as cumulative financial requirements. The MHPAEA final regulations provide that a group health plan or issuer may not apply cumulative financial requirements or cumulative quantitative treatment limitations to MH/SUD benefits in a classification that accumulate separately from any such cumulative financial requirements or cumulative quantitative treatment limitations established for medical/surgical benefits in the same classification. As in the MHPAEA final rule at 45 CFR 146.136(c)(2)(v), we propose that any separate cumulative financial requirement (separate for mental health, substance use or medical/surgical) will not be permitted for entities subject to our proposed requirements (namely, MCOs, PIHPs and PAHPs in connection with coverage provided to MCO enrollees, and in ABP and CHIP). However, we propose to permit quantitative treatment limitations to accumulate separately for medical/surgical and MH/SUD services as long as they comply with the general parity requirement. We are proposing to allow this separate accumulation of treatment limits in Medicaid and CHIP for several reasons. First, benefits for MCO beneficiaries must be provided in at least the same amount, duration and scope as set forth in the state plan. Requiring plans to have cumulative limits across medical/surgical benefits and MH/SUD benefits within a classification may incentivize MCOs to retain the quantitative treatment limitation level applied on the medical/surgical benefits in the state plan as the total cumulative limit for both medical/surgical and MH/SUD benefits. This would comply with the requirements of parity, but would not meet the requirements of providing at least what is in the state plan. In addition, we believe that requiring quantitative treatment limitations within a classification of benefits to accumulate jointly toward a unified limit level may be operationally challenging for states with multiple delivery systems. Specifically, in Medicaid the state determines which entities will provide the specific medical/surgical and MH/SUD benefits covered under their respective contracts, including if some services will be provided under FFS. These potentially complex service delivery arrangements in Medicaid in turn determine whether the MCO or the state have the responsibility for complying with parity requirements. In commercial coverage, the parity obligations remain with the same entity—the group health plan or issuer—that determines which entities will provide each individual medical/surgical or MH/SUD benefits. Due to the difficulty that the MCO will face in administering unified treatment limits that accumulate across entities that the MCO has no contractual relationship with, we propose to permit the MCO, PIHP or PAHP to maintain separate treatment limitations, provided such limit for MH/SUD benefits is no more

restrictive than the predominant limit applied to substantially all medical/surgical benefits in a given classification.

E. Compliance With Other Cost-Sharing Rules (§ 438.910(c)(4))

States and the MCOs, PIHPs and PAHPs that contract with states are bound by the existing Medicaid and CHIP cost-sharing rules (§ 438.108 and part 457, subpart E). As previously indicated, the Medicaid program and CHIP are held to strict cost-sharing requirements for both managed care and non-managed care delivery systems. We emphasize here that all financial requirements included in a MHPAEA analysis must also be in compliance with both existing cost-sharing rules and the requirements of this proposed rule. Compliance with the parity requirements does not mean that a state, or MCO, PIHP or PAHP can violate existing cost-sharing requirements. Therefore, some cost-sharing structures in a state's Medicaid program or CHIP may need to change to be compliant with MHPAEA. To clarify this, we propose at § 438.910(c)(4) to reiterate that requirement with a cross-reference to the cost-sharing rules applicable to MCOs, PIHPs and PAHPs.

F. Nonquantitative Treatment Limitations (NQTLs) (§ 438.910(d), § 440.395(b)(4), and § 457.496(d)(4))

MCOs, PIHPs, PAHPs, ABP and CHIP state plans may impose a variety of limits affecting the scope or duration of benefits that are not expressed numerically (nonquantitative treatment limitations or NTQLs). Nonetheless, such nonquantitative provisions are also treatment limitations affecting the scope or duration of benefits. Sections 438.910(d), 440.395(b)(4), and 457.496(d)(4) of this proposed rule would prohibit the imposition of any NQTL to MH/SUD benefits unless certain requirements are met. In addition, this proposed rule provides an illustrative list of NQTLs, including medical management standards; prescription drug formulary design; standards for provider admission to participate in a network; and conditioning benefits on completion of a course of treatment.

Under the MHPAEA final regulations at 45 CFR 146.136(c)(4), an NQTL may not be imposed for MH/SUD benefits in any classification unless, under the terms of the plan (or health insurance coverage) as written and in operation, any factors used in applying the NQTL to MH/SUD benefits in a classification are comparable to and applied no more stringently than factors used in applying the limitation for medical surgical/benefits in the classification. For these purposes, factors mean the processes, strategies, evidentiary standards, or other considerations used in determining limitations on coverage of services. The phrase ''applied no more stringently'' requires that any processes, strategies, evidentiary standards, or other factors that are comparable on their face be applied in the same manner to medical/surgical benefits and MH/SUD benefits.

We propose to duplicate this approach to NQTLs in the application of parity requirements to Medicaid MCOs, PIHPs and PAHPs providing services to MCO enrollees, ABPs, and CHIP state plans. For states that are using a non-managed care delivery system for their ABPs and CHIP, the state (through its ABP and CHIP state plan) may only impose an NQTL on a MH/SUD benefit in any classification if it has written and operable processes, strategies, evidentiary standards or other factors used in applying—to MH/SUD benefits in that classification—the NQTL that are comparable to or less restrictive and applied no more stringently than any processes, strategies, evidentiary standards, or other factors used in applying the limitation for medical/surgical services in that classification.

In addition, we propose to add another example of an NQTL regarding standards for accessing out-of-network providers. As discussed earlier in this proposed rule, in the context of CHIP or ABPs that use a FFS delivery system or other non-managed care arrangement, beneficiaries may choose from any qualified provider that has signed a Medicaid or CHIP provider agreement and are not limited to a network. In a Medicaid managed care environment, if a provider network is unable to provide necessary services covered under the contract to a particular enrollee, the MCO, PIHP or PAHP must adequately (and on a timely basis) cover these services out-of-network for the enrollee as long as the MCO, PIHP or PAHP is unable to provide them in-network.[5] To address continued concerns about access to these services out-of-network when they cannot be provided in-network, these proposed rules would add this example of an NQTL, so that providing access to out-of-network providers for MH/SUD benefits in any classification would have to use the same processes, strategies, evidentiary standards, or other factors as are used in providing access to out-of-network providers for medical/surgical benefits within the same classification. If MCOs, PIHPs or PAHPs, and ABPs provided through managed care, are found to be in compliance with § 438.206(b)(4), that would be evidence that they are in compliance with proposed § 438.910(d)(3), although the state will want to review how the plan is doing this in practice. This additional example of an NQTL is not relevant for states that are using a non-managed care delivery system for ABPs and CHIP state plan, since providers must be enrolled in Medicaid or CHIP and would not be considered out-of-network.

We note that we propose to use in § 438.910(d)(2)(iii), the example of an NQTL pertaining to network design for MCOs, PIHPs and PAHPs with multiple network tiers because although network tiers may not be used to impose financial requirements or quantitative treatment limitations in Medicaid and CHIP, we believe MCOs, PIHPs and PAHPs may still use them in developing NQTLs. For example, the MCO, PIHP or PAHP may use network tiers when recommending providers to enrollees, or how they structure their provider directories. MCOs, PIHPs and PAHPs with multiple network tiers should be constructing them and providing beneficiary access to them in a way that is consistent with the parity standard for NQTLs.

The examples below illustrate the operation of the requirements for NQTLs.

Example 1. Facts. A MCO requires prior authorization that a treatment is medically necessary for all inpatient medical/surgical benefits and for all inpatient MH/SUD benefits. In practice, inpatient benefits for medical/surgical conditions are routinely approved for 7 days, after which a treatment plan must be submitted by the patient's attending provider and approved by the MCO. Conversely, for inpatient MH/SUD benefits, routine approval is given only for 1 day, after which a treatment plan must be submitted by the beneficiary's attending provider and approved by the MCO.

Example 1. Conclusion. In this example, the MCO violates the NQTL provision of this proposed rule (§ 438.910(d)) because it is applying a stricter NQTL in practice to MH/SUD benefits than is applied to medical/surgical benefits.

Example 2. Facts. A MCO applies concurrent review to inpatient care where there are high levels of variation in length of stay (as measured by a coefficient of variation exceeding 0.8). In practice, the application of this standard affects 60 percent of MH/SUDs, but only 30 percent of medical/surgical conditions.

[5] See § 438.206(b)(4).

Example 2. Conclusion. In this example, the MCO complies with the NQTL provisions of this proposed rule because the evidentiary standard used by the MCO is applied no more stringently for MH/SUD benefits than for medical/surgical benefits, even though it results in an overall difference in the application of concurrent review for MH/SUDs than for medical/surgical conditions.

Example 3. Facts. A MCO requires prior approval that a course of treatment is medically necessary for outpatient medical/surgical and MH/SUD benefits and uses comparable criteria in determining whether a course of treatment is medically necessary. For MH/SUD treatments that do not have prior approval, no benefits will be paid; for medical/surgical treatments that do not have prior approval, providers will only receive a 25 percent reduction in payments for these treatments from the MCO.

Example 3. Conclusion. In this example, the MCO violates the NQTL provision of this proposed rule. Although the same NQTL—medical necessity—is applied both to MH/SUD benefits and to medical/surgical benefits for outpatient services, it is not applied in a comparable way. The penalty for failure to obtain prior approval for MH/SUD benefits is not comparable to the penalty for failure to obtain prior approval for medical/surgical benefits.

Example 4. Facts. A MCO generally covers medically appropriate treatments. For both medical/surgical benefits and MH/SUD benefits, evidentiary standards used in determining whether a treatment is medically appropriate are based on recommendations made by panels of experts with appropriate training and experience in the fields of medicine involved. The evidentiary standards are applied in a manner that is based on clinically appropriate standards of care for a condition.

Example 4. Conclusion. In this example, the MCO complies with the NQTL provision of the proposed rule because the processes for developing the evidentiary standards used to determine medical appropriateness and the application of these standards to MH/SUD benefits are comparable to and are applied no more stringently than for medical/surgical benefits. This is the result even if the application of the evidentiary standards does not result in similar numbers of visits, days of coverage, or other benefits utilized for MH/SUDs as it does for any particular medical/surgical condition.

Example 5. Facts. Training and state licensing requirements often vary among types of providers. A MCO applies a general standard that any provider must meet the highest licensing requirement related to supervised clinical experience under applicable state law in order to participate in the MCO's provider network. Therefore, the MCO requires master's-level mental health therapists to have post-degree, supervised clinical experience but does not impose this requirement on master's-level general medical providers because the scope of their licensure under applicable state law already requires supervised clinical experience. In addition, the MCO does not require post-degree, supervised clinical experience for psychiatrists or Ph.D. level psychologists since their licensing already requires supervised training.

Example 5. Conclusion. In this example, the MCO complies with the provision of this proposed rule pertaining to NQTLs. The requirement that master's-level mental health therapists must have supervised clinical experience to join the network is permissible, as long as the MCO consistently applies the same standard to all providers, even though it may have a disparate impact on certain mental health providers.

Example 6. Facts. A state contracts with an external utilization review entity to review inpatient admissions for all beneficiaries participating in its ABP. All inpatient services in the ABP are delivered on a FFS basis. The state's utilization review contractor considers a wide array of factors in designing medical management techniques for both MH/SUD and medical/surgical inpatient benefits, such as cost of treatment; high cost growth; variability in cost and quality; elasticity of demand; provider discretion in determining diagnosis, or type or length of treatment; clinical efficacy of any proposed treatment or service; licensing and accreditation of providers; and claim types with a high percentage of fraud. Based on application of these factors in a comparable fashion, prior authorization is required for some (but not all) inpatient MH/SUD benefits, as well as for some (but not all) medical/surgical benefits. The evidence considered in developing its medical management techniques includes consideration of a wide array of recognized medical literature and professional standards and protocols (including comparative effectiveness studies and clinical trials). This evidence and how it was used to develop these medical management techniques is also well documented by the state's utilization review organization.

Example 6. Conclusion. In this example, the state and its utilization review contractor comply with the NQTL rules. Under the terms of the ABP as written and in operation, the processes, strategies, evidentiary standards, and other factors considered by the contractor in implementing the prior authorization requirement for MH/SUD inpatient benefits are comparable to, and applied no more stringently than, those applied to medical/surgical benefits.

Example 7. Facts. A MCO provides coverage for medically appropriate medical/surgical benefits, as well as MH/SUD benefits. The MCO excludes coverage for inpatient SUD services when obtained outside of the state. There is no similar exclusion for medical/surgical benefits within the same classification.

Example 7. Conclusion. In this example, the MCO violates the NQTL provisions of this proposed rule. The MCO is imposing a NQTL that restricts benefits based on geographic location. Because there is no comparable exclusion that applies to medical/surgical benefits, this exclusion may not be applied to MH/SUD benefits.

Example 8. Facts. A state's CHIP program requires prior authorization for all outpatient MH/SUD services after the ninth visit and will only approve up to 5 additional visits per authorization. For outpatient medical/surgical benefits, the state's CHIP program allows an initial visit without prior authorization. After the initial visit, benefits must be pre-approved based on the individual treatment plan recommended by the attending provider based on that individual's specific medical condition. There is no explicit, predetermined cap on the amount of additional visits approved per authorization.

Example 8. Conclusion. In this example, the state's CHIP program violates the NQTL provisions of the proposed rule. Although the same NQTL—prior authorization to determine medical appropriateness—is applied to both MH/SUD benefits and medical/surgical benefits for outpatient services, it is not applied in a comparable way. While the state CHIP plan is more generous in the number of visits initially provided without pre-authorization for MH/SUD benefits, treating all MH/SUDs in the same manner, while providing for individualized treatment of medical conditions, is not a comparable application of this NQTL.

Example 9. Facts. A state provides an ABP that is compliant with EHB

requirements, including the provision of MH/SUD services. The state aligns its ABP's outpatient benefits with those described in the state plan and applies the same prior authorization requirements. For outpatient MH/SUD services, prior authorization is required for each individual treatment session. In contrast, for outpatient medical/surgical services, a series of treatments is provided under a single authorization.

Example 9. Conclusion. In this example, the state's ABP design does not comply with the NQTL provisions of this proposed rule. Although the same NQTL—prior authorization to determine medical appropriateness—is applied to both MH/SUD benefits and medical/surgical benefits for outpatient services, it is not applied in a comparable way.

Example 10. Facts. A state's ABP requires preauthorization for all outpatient substance use disorder services. The state APB does not require preauthorization for any medical/surgical services.

Example 10. Conclusion. The state ABP does not comply with the NQTL requirements in this proposed rule. If a state plan requires preauthorization for each outpatient SUD service it cannot remain in compliance if there is no comparable limitation on medical/surgical services.

Example 11. Facts. In cases where an MCO is unable to provide necessary outpatient services to a particular enrollee, the MCO requires that the enrollee must get prior approval in order to see any outpatient out-of-network provider. The MCO approves the use of an out-of-network provider for medical/surgical outpatient services if there is not an in-network provider within 10 miles of the person's residence. Approval of an out-of-network provider for outpatient MH/SUD services is only authorized if there is not an in-network provider within 30 miles of a person's residence.

Example 11. Conclusion. In this example, the MCO violates the NQTL provisions of this proposed rule. The MCO is imposing a restriction that limits access to out-of-network providers. Although the same nonquantitative treatment limitation is applied to both the MH/SUD benefits and to medical/surgical benefits for outpatient services, it is not applied in a comparable way.

G. Application to CHIP and EPSDT Deemed Compliance (§ 457.496(b))

The CHIPRA applies MH/SUD parity requirements to the entire ''state child health plan'' including, but not limited to, any MCOs that contract with the state CHIP. Specifically, section 502 of the CHIPRA requires that state child health plans ensure financial requirements and treatment limitations applicable to MH/SUD benefits comply with the requirements of section 2726(a) of the PHS Act (as renumbered) ''in the same manner'' as such requirements apply to a group health plan. Therefore, if a CHIP state plan provides both medical/surgical benefits and MH/SUD benefits, any treatment limitations, lifetime or annual dollar limits or financial requirements (such as out-of-pocket costs) on MH/SUD benefits must comply with the provisions of section 2726 of the PHS Act made applicable to CHIP by section 502 of the CHIPRA adding section 2103(c)(6) to the Act and by section 2103(f)(2) of the Act. Section 2103(c)(6)(B) of the Act also specifies that state CHIP plans are deemed to satisfy the requirement under section 2103(c)(6)(A) of the Act to ensure that financial requirements and treatment limitations comply with the provisions of section 2726 of the PHS Act if they provide coverage of EPSDT benefits (as defined under title XIX of the Act). For individuals receiving EPSDT services through the CHIP state plan, proposed § 457.496(b) provides that the state will be deemed to meet parity requirements for financial requirements and treatment limitations. However, states that do apply NQTLs to EPSDT services must ensure that these limitations are applied consistent with the intent of MHPAEA.

H. Availability of Information (§ 438.915, § 440.395(c), § 457.496(e))

Under the MHPAEA final regulations, the criteria for medical necessity determinations made under a group health plan or health insurance coverage for MH/SUD benefits must be made available by the plan administrator or the health insurance issuer offering such coverage in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The MHPAEA final regulations also state that the reason for any denial under a group health plan or health insurance coverage of reimbursement or payment for services for MH/SUD benefits in the case of any participant or beneficiary must be made available, upon request or as otherwise required, by the plan administrator or the health insurance issuer to the participant or beneficiary in accordance with the regulations. Through this proposed rule, we are proposing to apply the requirements imposed on the health insurance issuer through the MHPAEA final regulations regarding availability of information in a similar manner to MCOs and to PIHPs and PAHPs that provide coverage to MCO enrollees. We propose to add § 438.915(a) to provide that MCOs, PIHPs and PAHPs subject to MHPAEA requirements must make their medical necessity criteria for MH/SUD benefits available to any enrollee, potential enrollee or contracting provider upon request. MCOs, PIHPs and PAHPs found to be in compliance with § 438.236(c)—which requires dissemination by MCOs, PIHPs and PAHPs of practice guidelines to all affected providers and, upon request, to enrollees and potential enrollees—will be deemed to meet this proposed requirement. As proposed, § 438.915(b) would also require the MCO, PIHP or PAHP to make available the reason for any denial of reimbursement or payment for services for MH/SUD benefits to the enrollee. We also note that § 438.210(c) requires each contract with an MCO, PIHP, or PAHP to provide for the MCO, PIHP, or PAHP to notify the requesting provider and give the enrollee written notice of any decision by the MCO, PIHP, or PAHP to deny a service authorization request or to authorize a service in an amount, duration, or scope that is less than requested.

The MHPAEA final regulations, at 45 CFR 146.136(d)(2), state that non-federal governmental group health plans (or health insurance coverage offered in connection with such plans) providing the reason for claim denial in a form and manner consistent with the requirements of 29 CFR 2560.503–1 for group health plans will be found in compliance with the reason for denial disclosure requirements.[6] The provisions under 29 CFR 2560.503–1 which discuss requirements related to notices for group health plans subject to ERISA, do not apply to Medicaid, and we are not proposing to make them applicable as a condition for deemed compliance because similar requirements are already applicable. MCOs, PIHPs, PAHPs and states are required to give a ''reason'' for any adverse benefit determinations under requirements for notices in, respectively, § 438.404 and § 431.210. The information provided in this disclosure of the reason for the adverse benefit determination must be made in compliance with these and all other provisions of applicable federal or state law, as noted in proposed § 438.915(c).

[6] The requirements of 29 CFR 2560.503–1 are applicable to ERISA plans, as well as all non-grandfathered group health plans and health insurance issuers in the group and individual markets, through the claims and appeals regulations adopted under the Affordable Care Act. See 78 FR 68247 for a full discussion.

For similar reasons, we are not proposing to make the claim denial requirements of 29 CFR 2560.503–1 a condition of deemed compliance for CHIP programs. CHIP enrollees have an opportunity for an external review of denials, reduction or suspension of health services under § 457.1130.

Although the statute that applies MHPAEA to ABPs does not include specific provisions regarding the availability of plan information, we propose to use our authority under section 1902(a)(4) of the Act to extend this provision to all ABPs, as well as those ABPs with services delivered through MCOs, PIHPs and all PAHP. At § 440.395(c)(1), we propose that all states delivering ABP services through a non-MCO must make available to beneficiaries and contracting providers on request the criteria for medical necessity determinations for MH/SUD benefits. Similarly, § 440.395(c)(2) would require the state to make available to the enrollee the reason for any denial of reimbursement or payment for services for MH/SUD benefits.

Current rules related to notices of adverse benefit determinations are consistent with the intent of 29 CFR 2560.503–1. This proposed rule proposes to apply provisions regarding the availability of plan information for ABP services. We request comment on any additional provisions concerning the availability of plan information or notice of adverse determinations that may be necessary to facilitate compliance with MHPAEA for MCOs, PIHPs, PAHPs, ABPs and CHIP.

I. Application to EHBs and Other ABP Benefits (§ 440.395 and § 440.347)

Section 1937(b)(6) of the Act, as added by section 2001(c) of the Affordable Care Act, and implemented through regulations at § 440.345(c) directs that ABPs that provide both medical/surgical benefits and MH or SUD benefits must comply with certain parity requirements. Further, ABPs must provide the 10 EHBs, including MH/SUD services. As states determine their ABP service package, states must use all of the EHB services from the base-benchmark plan selected by the state to define EHBs, consistent with the applicable requirements in 45 CFR part 156.

Section 1937 of the Act offers flexibility for states to provide medical assistance by designing different benefit packages, including other services beyond the EHBs for different groups of eligible individuals, as long as each benefit package contains all of the EHBs and meets certain other requirements, including parity provisions under section 2726 of the PHS Act.

J. Application of Parity Requirements to the Medicaid State Plan

The provisions of section 2726 of the PHS Act that are incorporated through section 1932 of the Act do not apply directly to the benefit design for Medicaid non-ABP state plan services. Under this proposed rule, the requirements would apply to the benefits offered by the MCO (or, as discussed above, if benefits are carved out, to all benefits provided to MCO enrollees regardless of service delivery system) but do not apply to all Medicaid state plan benefit designs. As stated earlier in this proposed rule, states that have individuals enrolled in MCOs and have MH/SUD services offered through FFS will have the option of amending their non-ABP state plan to be consistent with these proposed regulations or offering MH/SUD services through a managed care delivery system (MCOs, PIHPs, and/or PAHPs) to be compliant with these proposed rules.

K. Scope and Applicability of the Proposed Rule (§ 438.920(a) and (b), § 440.395(d), and § 457.496(f)(1))

Sections 438.920, 440.395(d), and 457.496(f) propose to address the applicability and scope of this proposed rule. Specifically under our proposal:

- Section 438.920(a) would provide that the requirements of the subpart apply to delivery of Medicaid services when an MCO is used to deliver some or all of the Medicaid services; section 438.920(b) (also discussed below) addresses state responsibilities when the MCO delivers only some of the Medicaid services.
- Section 440.395 would apply to ABPs that are not delivered through managed care.
- Section 457.496 would apply to CHIP state plans, including when benefits are furnished under a contract with MCEs.

The MHPAEA final regulations state that if a group health plan or health insurance coverage provides MH/SUD benefits in any classification of benefits, MH/SUD benefits must be provided in every classification in which medical/surgical benefits are provided. Under our proposed amendments to part 438, for these parity standards to apply, a beneficiary must be enrolled in an MCO under a Medicaid contract. Whether the MCO provides medical/surgical or MH/SUD benefits under that contract is irrelevant.

While many Medicaid MCOs are contracted to offer benefits in each of the classifications of benefits described in this proposed rule, there are other state-initiated ''carve out'' arrangements (for example, PIHPs, PAHPs or FFS) in which the MCOs are only contracted to provide benefits in one MH/SUD classification, while PIHPs, PAHPs, FFS, or a combination of all 3 provide coverage of benefits in other classifications. For example, MCOs in these carve out arrangements are likely to have contracts that include MH/SUD benefits in the prescription drug and emergency care classifications of benefits, but some or all of the MH/SUD outpatient or inpatient benefits may be offered instead through a PIHP, PAHP or FFS delivery system.

In instances where the MH/SUD services are delivered through multiple managed care delivery vehicles, we are proposing in § 438.920 that parity provisions apply across the managed care delivery systems in the Medicaid program and CHIP. MHPAEA requirements apply to the entire package of services MCO enrollees receive, whether from the MCO, PIHP, PAHP, or FFS. If states carve out some MH/SUD services from the MCO contract and furnish those services by PIHPs, PAHPs, or FFS, we are proposing to apply the foregoing MHPAEA requirement to the entire package of services MCO enrollees receive. Requiring the standards for parity to be applied to the overall package of benefits received by MCO enrollees will allow MCOs to comply with MHPAEA requirements without requiring inclusion of additional MH/SUD benefits in the MCO benefit package, as long as these MH/SUD benefits are provided elsewhere within the delivery system. In states where MH/SUD benefits are provided across multiple delivery systems (including FFS), we propose in § 438.920(b) that states would be required to review the full scope of benefits provided to MCO enrollees to ensure compliance with the proposed parity requirements. As part of complying with this regulation, we would expect states to work with their MCOs (or PIHPs and PAHPs) to determine the best method of achieving compliance with these proposed parity requirements for benefits provided to the MCO enrollees. For MH/SUD benefits offered through FFS, states would not necessarily be required to amend their non-ABP state plan to meet parity requirements, but could use their existing state plan or waiver services to achieve parity when individuals are receiving some MH/SUD benefits from a MCO (including PIHPs or PAHPs) and also some benefits through FFS. However, if a state did not have MH/

SUD benefits in every classification in which medical/surgical benefits are provided across all authorities, the state would have to choose either to offer these services through a MCO, PIHP or PAHP or amend its state plan (or a waiver of its state plan) to include these benefits to achieve compliance with proposed § 438.920(a) and (b). Applying various parity provisions across the different delivery system would allow states the most flexibility in designing delivery systems while ensuring that parity in medical/surgical and MH/SUD services is provided to MCO enrollees. Given that there are many different delivery system configurations that carve out MH/SUD services, this would allow compliance with parity requirements while reducing incentives for states to completely carve in all MH/SUD benefits to a MCO or carve out or terminate coverage of MH/SUD services.

In states where the MCO has responsibility for offering all medical/surgical and MH/SUD benefits, the MCO would be responsible for undertaking the parity analysis and informing the state what additional changes will be needed to the MCO contract to be compliant with parity requirements. In states where some or all MH/SUD benefits are provided through MCOs, PIHPs, PAHPs, or FFS, the state would have the responsibility for undertaking the parity analysis across these delivery systems and determining if the existing benefits and any financial or treatment limitations are consistent with MHPAEA. The state, based on this analysis, would have to make the necessary changes to ensure compliance with parity requirements for its Medicaid MCO enrollees. We also propose at § 438.920(b)(1) that the state provide documentation of its compliance with this analysis to the general public within 18 months of the effective date of this rule.

If states offer benefits through an ABP or CHIP state plan with various delivery systems (managed care and non-managed care), the state would need to apply the provisions of the proposed rule across the delivery systems utilized for its ABP and CHIP state plan.

For ABPs and CHIP state plans, we would also require states to apply the provisions of this proposed rule across all delivery systems to ensure that beneficiaries have access to MH/SUD benefits in every classification in which medical/surgical benefits are provided. These provisions would apply when states offer services through an ABP or CHIP state plan using only a non-managed care arrangement (FFS). If states offer services through an ABP or CHIP state plan with various delivery systems (managed care and non-managed care), the state would need to apply the provisions of the proposed rule across the delivery systems utilized for their ABP and CHIP state plan. Provided below is an example of how this proposed rule would be applied across the delivery system in Medicaid.

Example 1. Facts. A Medicaid MCO enrollee can access Medicaid benefits in the following way at any given time during their MCO enrollment:

- The MCO comprehensive benefits include inpatient medical/surgical benefits; outpatient medical/surgical benefits; emergency for medical/surgical, MH, and SUD benefits; and prescription drugs for medical/surgical and MH/SUD benefits.
- The PIHP carve out benefits include inpatient MH benefit and the outpatient MH benefit.
- The PAHP carve out benefits include outpatient SUD benefits.
- The FFS system provides access to inpatient SUD benefits.

For purposes of this example, we assume there are no financial requirements or treatment limitations imposed on any of the benefits in any of the delivery systems noted above.

Example 1. Conclusion. In this example, the MCO, PIHP or PAHP would not need to add any additional services to its benefit package because the MCO enrollee has access to MH/SUD services through PIHPs, PAHPs and FFS and the state is responsible for undertaking the parity analysis across delivery systems and making sure the coverage complies with parity requirements under our proposed § 438.920(a) and (b). The example would apply in the same way to a CHIP enrollee.

L. Scope of Services (§ 438.920(c), § 457.496(f)(2))

We propose provisions relating to the scope of the parity requirements for Medicaid MCOs and CHIP state plans that are similar to the provisions set forth in the MHPAEA final regulations (45 CFR 146.136(e)(3)). Specifically, the proposed regulations would not require a MCO, PIHP, or PAHP to provide any MH/SUD benefits for conditions or disorders beyond the conditions or disorders that are covered as required by their contract with the state. For MCOs, PIHPs or PAHPs that provide benefits for one or more specific MH conditions or SUDs under their contracts, the proposed regulations would not require the MCO, PIHP or PAHP to provide benefits for additional MH conditions or SUDs. The proposed regulations would not affect the terms and conditions relating to the amount, duration, or scope of MH/SUD benefits under the MCO, PIHP or PAHP contract except as specifically provided in § 438.905 and § 438.910 of the part.

M. ABP State Plan Requirements (§ 440.395(d))

We are proposing to add a section in part 440, subpart C that requires states using ABPs to provide sufficient information in ABP state plan amendment requests to assure compliance with MHPAEA. We will review ABP state plan amendments to ensure their compliance with applicable federal statutes and regulations, including MHPAEA, and EHB anti-discrimination provisions.

N. Increased Cost Exemption

As discussed above in this proposed rule, we are not proposing an increased cost exemption for MCOs, PIHPs or PAHPs. As indicated previously, we are proposing to change payment provisions in part 438 to allow states to include the cost of providing additional services or removing or aligning treatment limitations in their actuarially sound rate methodology where such costs are necessary to comply with the MHPAEA parity provisions. These proposed changes to the managed care rate setting process give states and MCOs the ability to fully comply with these mental health parity requirements by giving them flexibility to provide services compliant with this proposed regulation or remove or align service limits. We believe that the Medicaid program rather than the plan should bear the costs of these changes. We propose to provide states sufficient time to comply with this regulation: States would have up to 18 months after the date of the publication of the final rule to comply with the provisions of this regulation. This will allow states to take the actions to make the policy and budgetary changes needed for compliance.

We are not proposing to permit states delivering services through an ABP or CHIP state plan to apply for a cost exemption due to the mandatory delivery of EHB and the requirement that ABPs be compliant with MHPAEA.

O. Enforcement, Managed Care Rate Setting (§ 438.6(e)) and Contract Review and Approval (§ 438.6(n))

Medicaid and CHIP programs are administered by states in partnership with the federal government. States have the responsibility of administering the state plan in compliance with federal law, so states will be required to provide an assurance of compliance with parity requirements when submitting ABP or CHIP state plans. In

addition, we propose to require the state Medicaid agency to include contract provisions requiring compliance with parity requirements in all applicable MCO, PIHP, and PAHP contracts. As noted earlier in this proposed rule, we believe that the intent of the parity requirements implemented through section 1932(b)(8) of the Act is to provide access to services meeting parity requirements to any enrollee of a MCO in a state that provides some MH/SUD benefits through its state plan, regardless of the scope of benefits covered through the MCO itself. Therefore, states would have the responsibility of ensuring that appropriate contract language is included in all MCO contracts and any applicable PIHP or PAHP contracts under proposed § 438.6(n). We expect that states will include in the MCO, PIHP and PAHP contracts a methodology for the MCO, PIHP or PAHP that will establish and demonstrate compliance with parity requirements (including, in some instances, developing a crosswalk with other entities that are part of the service delivery system for enrollees). This methodology would have to ensure that all MCOs, PIHPs, or PAHPs included in the delivery system work together to ensure any MCO enrollee in a state is provided access to a set of benefits that meets the requirements of this rule regardless of the MH/SUD benefits provided by the MCO.

In accordance with section 1903(m) of the Act, all MCO contracts must comply with applicable requirements in section 1932 of the Act, which includes section 1932(b)(8) of the Act referencing MHPAEA provisions in the PHS Act. As we have discussed previously, if the state provides some MH/SUD benefits within its state plan, all MCO contracts must include provisions requiring compliance with parity requirements because all MCO enrollees must be provided access to MHPAEA compliant services even if the MCO itself does not provide the MH/SUD services. Therefore, if it is not shown through the MCO contract itself that an enrollee has access to MH/SUD services in each classification in which medical and surgical services are provided that are fully compliant with these parity requirements, the state will be asked to provide supplemental materials to the MCO contract or an amendment to the contract to demonstrate that the standards proposed here are met.

Further, we may defer federal financial participation (FFP) on expenditures for the MCO contract to the extent that the state has not documented that the contract would comply with the requirements of section 1903(m) of the Act, including the requirement that the MCO contract and the MCO itself comply with applicable provisions of section 1932 of the Act. We understand that with the flexibility afforded to states to provide MH/SUD services across the delivery system there may be services outside of the MCO contract that may be needed to demonstrate compliance. If this is the case, the state would be required to show how the MCO enrollees are provided all the services needed to comply with the requirements in this proposed rule, and if the state cannot provide evidence of this compliance outside of the MCO contract, CMS would have the ability to defer FFP on the MCO contract amount until evidence of compliance is provided. Again, a state would have the option to make changes to the MCO, PIHP or PAHP contracts or make changes to its Medicaid state plan to provide evidence of compliance.

P. Applicability and Compliance (§ 438.930, § 440.395(d), § 457.496(f))

This proposed rule would be effective based on the date of the publication of the final rule. However, MCOs, PIHPs, PAHPs and states would have 18 months to comply with the provisions of this final regulation. Specifically:

- *Managed care considerations:* Although the requirements of MHPAEA have applied to Medicaid MCOs through section 1932(b)(8) of the Act since MHPAEA was passed in 2008, Medicaid MCOs, PIHPs or PAHPs would have to comply with the specific provisions in the proposed rule in contract years starting 18 months after the publication of the final rule. New managed care contracts, or amendments, would be required to be compliant in most cases.
- *ABPs:* Although the requirements of MHPAEA have applied since January 1, 2014, states would have 18 months after the publication of the final rule to have the ABPs compliant with provisions in this proposed rule.
- *CHIP:* The requirements of MHPAEA have applied for CHIP since October 1, 2009, however, states would have 18 months after the publication date of the final rule for CHIP plans to be compliant with provisions in this proposed rule.

Q. Utilization Management

Current Medicaid regulations prescribe requirements for the control of utilization management of inpatient services in mental hospitals (§ 456.171). These regulations specifically require medical and other professionals within the Medicaid agency (or its designee) to evaluate each beneficiary's need for admission into inpatient services in a mental hospital. There is not a similar requirement for the Medicaid agency to review medical/surgical admissions to other hospitals. States have indicated that this regulation presents challenges to achieving parity for inpatient services rendered in a mental hospital. In addition, these states have interpreted the term ''mental hospitals'' to include distinct part units of a general hospital, as well as freestanding institutions of mental diseases for children under the age of 21 and adults 65 years and older. This proposed rule would eliminate current language from existing regulations that require Medicaid agencies to evaluate the need for these admissions. A state could continue these evaluations, but would need to ensure that the standards and processes were consistent with the provisions in this regulation regarding nonquantitative treatment limits.

IV. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (PRA), we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the PRA requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of the section 3506(c)(2)(A)–required issues for the following information collection requirements.

A. Wage Estimates

To derive average costs, we used data from the U.S. Bureau of Labor Statistics' May 2013 National Occupational Employment and Wage Estimates for all salary estimates (*www.bls.gov/oes/current/oes_nat.htm*). In this regard, Table 2 presents the mean hourly wage, the cost of fringe benefits (calculated at 100 percent of salary), and the adjusted hourly wage.

TABLE 2—PROPOSED HOURLY WAGE ESTIMATES

Occupation title	Occupation code	Mean hourly wage (per hr)	Fringe benefit (at 100%) (per hr)	Adjusted hourly wage (per hr)
Business Operations Specialists	13–1000	$33.19	$33.19	$66.38
Medical Secretaries	43–6013	15.93	15.93	31.86

We propose to adjust all our employee hourly wage estimates by a factor of 100 percent. This is necessarily a rough adjustment, both because fringe benefits and overhead costs vary significantly from employer to employer, and because methods of estimating these costs vary widely from study to study. Nonetheless, there is no practical alternative and we believe that doubling the hourly wage to estimate total cost is a reasonably accurate estimation method.

B. Proposed Information Collection Requirements (ICRs)

1. ICRs Regarding the Availability of Information and the Criteria for Medical Necessity Determinations (§§ 438.915(a), 440.395(c)(1), and 457.496(e)(1))

Proposed §§ 438.915(a), 440.395(c)(1), and 457.496(e)(1) would require that the medical necessity determination criteria used by regulated entities for MH/SUD benefits be made available to potential participants, beneficiaries, or contracting providers upon request.

In the November 13, 2013, MHPAEA final rule, the regulatory impact analysis (78 FR 68253 through 68266) quantified the costs to disclose medical necessity criteria. For consistency and comparability, we are using the same method for determining this rule's disclosure costs, with adjustments to account for Medicaid MCOs, ABP and CHIP and the population covered.

Labor Costs for Medical Necessity Disclosures. We are unable to estimate with certainty the number of requests for medical necessity criteria disclosures that will be received by regulated entities. However, the MHPAEA final rule's impact analysis did set forth assumptions that we believe are relevant for calculating costs for the Medicaid and CHIP program. In that impact analysis, it was assumed that each plan would receive three medical necessity criteria disclosure requests for every 1,000 beneficiaries. This assumption equated to 0.003 requests per enrollee. This assumption was applied to the number of enrollees enrolled in Medicaid (33.1 million), ABP (8.7 million) and CHIP (5.7 million) to project the number of expected requests: 99,328 for MCOs; 26,100 for ABPs; and 16,975 for CHIP.

To estimate the time it will take a medical staff to respond to each request, we used the same assumption as the MHPAEA final rule. Specifically, we assumed that it took a staff member (in this case, a Medical Secretary) 5 minutes to respond to the request. In this proposed rule, this results in a total annual burden of 11,867 hours for Medicaid and CHIP programs.

The adjusted hourly rate for Medical Secretaries responding to these requests is estimated to be $31.86/hour. Multiplying the total annual burden of 11,867 hours by the hourly wage, yields an associated equivalent cost of about $378,083 for all requests to Medicaid and CHIP programs.

Mailing and Supply Costs. The MHPAEA final rule's impact analysis estimated that 38 percent of the requests would be delivered electronically with *de minimis* cost. The remaining requests would require materials, printing, and postage amounting to approximately 66 cents per request. We believe that the same mailing and supply costs per request will apply to the disclosure requirements of this proposed rule.

Table 3 displays the added burden estimates, nationally and per program, for Medicaid MCOs and CHIP to comply with the proposed medical necessity determination criteria's disclosure procedures. The number of enrollees for MCOs/HIOs is based on the CMS national breakout as of July 2012 while the number for ABPs is based on the estimated enrollment growth due to Medicaid expansion (''National Health Expenditure Projections 2012–2022,'' CMS). CHIP enrollment is based on Medicaid and Children's Health Insurance Program (CHIP) Payment and Access Commission's 2014 estimates. The proposed requirements and burden will be submitted to OMB for approval under control number 0938–New (CMS–10556).

TABLE 3—NATIONAL AND PER PROGRAM BURDEN FOR THE PROPOSED MEDICAL NECESSITY DETERMINATION CRITERIA'S DISCLOSURE REQUIREMENTS

Plan type	Number of enrollees	Number of expected requests (.003 requests per enrollee)	Time (@5 min/ response (hr)	Labor cost ($) @$31.86/hr	Mailed responses (62% of expected enrollees)	Mailing and supply cost ($) @$.66/mailing	Total cost ($)
MCO/HIO	33,109,462	99,328	8,277	263,705	61,584	40,645	304,350
ABP	8,700,000	26,100	2,175	69,296	16,182	10,680	79,976
CHIP	5,658,460	16,975	1,415	45,082	10,525	6,947	52,029
Total	47,467,922	142,403	11,867	378,083	88,291	58,272	436,355

2. ICRs Regarding the Availability of Information and Reason for Any Denial (§§ 438.915(b), 440.395(c)(2), and 457.496(e)(2))

MHPAEA requires that the reason for any denial—under a group health plan or health insurance coverage—of reimbursement or payment for MH/SUD benefits must be made available (upon request or as otherwise required) by the plan administrator (or the health insurance issuer) to the beneficiary in accordance with MHPAEA regulations (45 CFR 146.136(d)(2)).

For the proposed provisions, this proposed rule would not impose any new or revised third-party disclosure requirements, and therefore, does not

require additional OMB review under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The proposed text only clarifies the expectations for disclosing information concerning the denial of reimbursement or payment for MH/SUD benefits. We believe that the proposed requirements are already met by complying with existing disclosure requirements in part 438, and therefore, do not create any requirements or burden beyond what is currently approved by OMB under control number 0938–1080 (CMS–10307). We also believe that the proposed requirements are already met for CHIP by complying with existing notification and disclosure requirements in §§ 457.110 and 457.1130, and therefore, do not create any requirements or burden beyond what is currently approved by OMB under control number 0938–1148 (CMS–10398 #34) (formerly, CMS–R–211, control number 0938–0707). Furthermore, the proposed provisions do not create any new or revised third-party disclosure requirements for ABPs beyond what is currently approved by OMB under control number 0938–1188 (CMS–10434).

3. ICRs Regarding Parity in Mental Health and Substance Use Disorder Benefits Under § 440.395 (Alternative Benefit Plan) and § 457.496 (CHIP State Plan)

The ABP State Plan Application is employed by states to identify benefits offered to Medicaid beneficiaries receiving services under section 1937 of the Act. The application requires that states identify the MH/SUD services that will be offered under the plan. The plan also collects information on any limitations (quantitative and nonquantitative treatment limitations) and financial requirements across all benefit categories (including all medical/surgical services). For states needing to come into compliance with MHPAEA, the state is required to submit an ABP SPA amendment.

The parity requirements proposed in § 440.395 would not impose any new or revised reporting, recordkeeping, or third-party disclosure requirements, and therefore, do not require additional OMB review under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The proposed provisions only clarify parity requirements and the meaning of terms for ABPs and do not create any information collection requirements or burden beyond what is currently approved by OMB under control number 0938–1188 (CMS–10434).

The single streamlined application is employed by states to determine Medicaid or CHIP eligibility. It is not used to determine benefits of any kind. However, states are required to review their respective CHIP state plans to determine if they are in compliance with MHPAEA. For states needing to come into compliance, the state must submit a CHIP SPA amendment.

The parity requirements proposed in § 457.496 would not impose any new or revised reporting, recordkeeping, or third-party disclosure requirements, and therefore, do not require additional OMB review under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The information collection requirements and burden are approved by OMB under control number 0938–1148 (CMS–10398 #34) (formerly CMS–R–211, control number 0938–0707).

4. ICRs Regarding State Plan Amendments

While this proposed rule discusses a number of optional and mandatory SPA amendments, this proposed rule would not impose any new or revised SPA-specific reporting, recordkeeping, or third-party disclosure requirements and therefore, does not require additional OMB review under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The currently approved ABP SPA application was designed to capture the MHPAEA final rule classifications and identify if there are specific treatment limitations or financial requirements. The information collection requirements and burden are approved by OMB under control number 0938–1188 (CMS–10434).

5. ICRs Regarding State Health Official (SHO) Letters SHO #09–014 (November 4, 2009) and SHO #13–001 (January 16, 2013)

The January 2013 SHO letter addressed the application of the MHPAEA requirements in Medicaid and expanded upon the CMS' CHIP guidance provided in the November 2009 letter regarding section 502 of CHIPRA. The letters are discussed in section II.A. of this proposed rule as background. This proposed rule does not propose any new or revised reporting, recordkeeping, or third-party disclosure requirements pertaining to either of the letters. Consequently, the PRA does not apply.

6. ICRs Regarding Contract Requirements (§ 438.6(n))

In § 438.6(n), states would be required to include contract provisions in all applicable MCO, PIHP, and PAHP contracts to comply with part 438, subpart K. We estimate a one-time state burden of 30 minutes for a Business Operations Specialist at $66.38/hour to amend each contract with the applicable requirements. In aggregate, we estimate 301 hours (602 contracts × 0.5 hours) and $16,049 (301 hours × $53.32/hr). The proposed requirements and burden will be submitted to OMB for approval under control number 0938–New (CMS–10556).

C. Summary of Proposed Burden Estimates

TABLE 4—PROPOSED ANNUAL RECORDKEEPING AND REPORTING REQUIREMENTS

Regulation Section(s) under Title 42 of the CFR	OMB Control No. (CMS ID No.)	Respondents	Total responses	Burden per response (min)	Total annual burden (hours)	Hourly labor cost of reporting ($/hr)	Total labor cost of reporting ($)	Total capital/ maintenance costs ($)	Total cost ($)
438.915(a), 440.395(c)(1), and 457.496(e)(1).	0938–New (CMS–10556).	602	142,403	5	11,867	31.86	378,082	40,645	436,355
438.6(n)		36	602	30	301	66.38	19,980	0	19,980
Total		638	143,005	35	12,168		398,062	40,645	456,335

D. Submission of PRA-Related Comments

We have submitted a copy of this proposed rule to OMB for its review of the rule's information collection requirements. These requirements are not effective until they have been approved by OMB.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site

at *http://www.cms.hhs.gov/PaperworkReductionActof1995;* email your request, including your address, phone number, OMB control number, and CMS document identifier, to *Paperwork@cms.hhs.gov;* or call the Reports Clearance Office at 410–786–1326.

We invite public comments on these potential information collection requirements. If you comment on these information collection and recordkeeping requirements, please submit your comments electronically as specified in the **ADDRESSES** section of this proposed rule. Please include ''CMS–2333–P,'' the ICR's OMB control number, and the CMS document ID number in your comment.

PRA-specific comments must be received by June 9, 2015.

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

VI. Regulatory Impact Analysis

A. Statement of Need

This proposed rule addresses the applicability of the requirements under the MHPAEA to Medicaid non-managed care benchmark and benchmark-equivalent plans (referred to in this proposed rule as Medicaid ABPs) as described in section 1937 of the Act, CHIP under title XXI of the Act, and Medicaid MCOs as described in section 1932 of the Act.

In 2013, we released a SHO letter that provided guidance to states regarding the implementation of requirements under MHPAEA to Medicaid benchmark and benchmark-equivalent plans (referred to in this letter as ABPs), CHIP, and Medicaid MCOs.

Final regulations implementing MHPAEA were published by HHS, the Department of Labor, and the Department of Treasury in the November 13, 2013 **Federal Register**. The MHPAEA final regulations do not apply to Medicaid MCOs, ABPs, or CHIP state plans.

We believe that in absence of a regulation specific to the application of the parity requirements under MHPAEA to Medicaid and CHIP, states would not be compelled to implement the necessary changes to these programs, resulting in an inequity between beneficiaries who have MH/SUD conditions in the commercial market (including the state and federal marketplace) and Medicaid and CHIP. Even for states that are attempting to comply with parity requirements under MHPAEA, the absence of regulation could lead to inconsistent state-specific policies based on a state's interpretation of how policies set forth in the MHPAEA final regulations might apply in the Medicaid and CHIP contexts.

This proposed rule provides the specificity and clarity needed to effectively implement the policies set forth by MHPAEA and prevent the use of prohibited limits on coverage, including nonquantitative treatment limitations that disproportionately limit coverage of treatment for MH/SUD conditions. The Department's assessment of the expected economic effects of this proposed rule is discussed in detail below.

B. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) (Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). We estimate that this rulemaking is ''economically significant'' as measured by the $100 million threshold, and hence, also a major rule under the Congressional Review Act. Accordingly, we have prepared a RIA, which to the best of our ability presents the costs and benefits of the rulemaking.

Because the application of parity requirements to ABPs; MCOs and PIHPs and PAHPs providing services to MCO enrollees; and the CHIP is likely to have an effect on the economy of $100 million or more in any given year, this proposed rule is economically significant within the meaning of section 3(f)(1) of the Executive Order As elaborated below, we believe the benefits of the rule justify the costs.

C. Anticipated Effects

This proposed rule would benefit approximately 21.6 million Medicaid beneficiaries and 850,000 CHIP beneficiaries in 2015, based on service utilization estimates from 2012 Medicaid and CHIP enrollment. We expect that a significant benefit associated with the application of the parity requirements under MHPAEA and these proposed regulations will be derived from applying parity requirements to the quantitative treatment limits such as annual or lifetime day or visit limits. Applying parity requirements to visit or stay limits will help ensure that vulnerable populations—those accessing substantial amounts of MH/SUD services—have better access to appropriate care. Among adults aged 18 through 64 with Medicaid coverage, approximately 9.6 percent have a serious mental illness, 30.5 percent have any mental illness, and 11.9 percent have a substance use disorder.[7] Among CHIP beneficiaries, approximately 8 percent of children experience serious behavioral or emotional difficulties.[8]

[7] Calculations were based on the Substance Abuse and Mental Health Services Administration (SAMHSA) National Survey of Drug Use and Health.

[8] Pastor PN, Reuben CA, Duran CR. Identifying Emotional And Behavioral Problems in Children Aged 4–17 Years: United States, 2001–2007. National Health Statistics Report No. 48. Hyattsville, MD: National Center for Health Statistics; 2012.

Evidence-based treatment for severe and persistent mental illness, and for substance use disorders, often requires prolonged (possibly lifetime) treatment that consists of pharmacotherapy, supportive counseling, and often rehabilitative services. Individuals with severe MH/SUD conditions often quickly exhaust their benefits under Medicaid managed care. In addition, CHIP programs may restrict coverage, such as covering only 40 hours of psychotherapy or 5 days of detoxification per year. These coverage restrictions often result in people forgoing outpatient treatment and a higher likelihood of non-adherence to treatment regimes, which produce poor health and welfare outcomes and create the potential for increased hospitalization costs.[9] [10] For those with substance use disorders, treatment retention is of key importance when assessing outcomes, where those who stayed in treatment longer had more success in decreasing their substance use.[11] [12] In 2011, approximately 8 percent of adults with Medicaid coverage reported at least one occurrence in the past 12 months of feeling the need for mental health or substance use treatment or counseling but not receiving it.[13] Between 2007 and 2009, approximately 72 percent of children in Medicaid with a potential mental health need did not receive mental health services.[14] The most frequently cited reasons for not seeking MH/SUD treatment are cost and/or a lack of health insurance coverage, low perceived need, stigma, or structural barriers (for example, no transportation, did not know where to go).[15] [16]

Removing quantitative limits on treatment may be particularly beneficial for individuals with severe mental illness and substance use disorders who may need to receive more services than the average individual.[17] [18] Improved coverage may also reduce the financial burden on individuals and families, particularly those families of children mental health service needs.[19] Finally, improving coverage of MH/SUD treatment may also improve employment, productivity, and earnings among those with these conditions.[20] *Wang, et al,* found that implementing a care program for those identified with depression yielded not only enhanced clinical outcomes relative to depression, but also produced positive outcomes relative to decreased sick leave and increased productivity.[21] Similarly, the State of Washington implemented a substance abuse treatment program for those receiving Aid to Families with Dependent Children (AFDC), and found that access to treatment increased both earnings for those with jobs, and increased rates of employment.[22]

Application of parity requirements may also result in changes to payers' utilization management approaches, specifically when requiring preauthorization of mental health services. It was found that even when approval for continued access to mental health services was in essence guaranteed, patients sought out less treatment, perhaps believing they ''should not'' access further needed treatment.[23] *Hodgkin, et al,* found that removal of utilization management approaches (including preauthorization for the first set of mental health visits) increased use of mental health services.[24] *Cuffel, et al,* note that there are various reasons for why an approach like preauthorization can impact provider behavior relative to mental health service. Providers may believe that the preauthorization process is too laborious and not worth their time; they may fear that those reviewing the request will penalize them for submitting a preauthorization request; they may assume that the set limits on services preclude additional requests for services; providers may believe that the initial limits are in place as an implied recommendation towards shorter treatment cycles; and some may believe requests for preauthorization simply will not be approved at all.[25] *Liu, et al,* found a significant correlation between preauthorization processes and the probability of ending mental health treatment prematurely.[26]

Application of parity requirements under MHPAEA may also have benefits in terms of reduced medical costs. Mental health and physical health are interrelated, and individuals with poor mental health are likely to have physical health problems as well.[27] [28] [29] Increased access to and utilization of MH/SUD benefits may result in a reduction of medical and surgical costs for individuals with mental health conditions and substance use disorders (so called ''medical cost offsets''). For example, after receiving treatment, individuals with substance use

[9] Medication-Assisted Treatment for Opioid Addiction in Opioid Treatment Programs. Rockville (MD): Substance Abuse and Mental Health Services Administration (US); 2005. Treatment Improvement Protocol (TIP) Series, No. 43.

[10] Trivedi AN, Swaminathan S, Mor V. Insurance parity and the use of outpatient mental health care following a psychiatric hospitalization. JAMA. 2008 Dec 24;300(24):2879–85.

[11] Simpson D D, Joe G W, Rowan-Szal G. Drug abuse treatment retention and process effects on follow-up outcomes. Drug and Alcohol Dependence. 1997b;47(3):227–235.

[12] Hartel D M, Schoenbaum E E. Methadone treatment protects against HIV infection: Two decades of experience in the Bronx, New York City. Public Health Reports. 1998;113(Suppl. 1):107–115.

[13] Substance Abuse and Mental Health Services Administration (SAMHSA). Behavioral Health United States 2012. HHS Publication No. (SMA)13–4797. Rockville, MD: SAMHSA; 2013.

[14] GAO. Children's Mental Health: Concerns Remain about Appropriate Services for Children in Medicaid and Foster Care. December 2012. *http://www.gao.gov/assets/660/650716.pdf.* Accessed June 27, 2014.

[15] Affordability Most Frequent Reason for Not Receiving Mental Health Services. Rockville (MD): Substance Abuse and Mental Health Services Administration (US); 2013. The NSDUH Report Data Spotlight.

[16] Results from the 2012 National Survey on Drug Use and Health: Summary of National Findings and Detailed Tables. Rockville (MD): Substance Abuse and Mental Health Services Administration (US); 2013.

[17] Zuvekas SH, Banthin JS, Selden TM. How would mental health parity affect the marginal price of care? Health Serv Res. 2001 Feb;35(6):1207–27. Review.

[18] McConnell KJ. The effect of parity on expenditures for individuals with severe mental illness. Health Serv Res. 2013 Oct;48(5):1634–52. doi: 10.1111/1475–6773.12058. Epub 2013 Apr 5.

[19] Barry CL, Busch SH. Do state parity laws reduce the financial burden on families of children with mental health care needs? Health Serv Res. 2007 Jun;42(3 Pt 1):1061–84.

[20] Dunigan R, Acevedo A, Campbell K, Garnick DW, Horgan CM, Huber A, Lee MT, Panas L, Ritter GA. Engagement in outpatient substance abuse treatment and employment outcomes. J Behav Health Serv Res. 2014 Jan;41(1):20–36. doi: 10.1007/s11414-013-9334–2

[21] Wang P, Simon GE, Avorn J, Azocar F, Ludman EJ, McCulloch J, Petukhova MZ, Kessler RC. Telephone screening, outreach and care management for depressed workers and impact on clinical and work productivity outcomes. JAMA 2007;298(12):1401–11.

[22] Wickizer TM, Campbell K, Krupski A, Stark K. Employment outcomes among AFDC recipients treated for substance abuse in Washington State. Milbank Q. 2000;78(4):585–608, iv. PubMed PMID: 11191450.

[23] Liu, X., R. Sturm, and B. J. Cuffel. 2000. ''The Impact of Prior Authorization on Outpatient Utilization in Managed Behavioral Health Plans.'' Medical Care Research Review 57: 182–95.

[24] Hodgkin D, Merrick EL, Horgan CM, Garnick DW, McLaughlin TJ. ''Does Type of Gatekeeping Model Affect Access to Outpatient Specialty Mental Health Services?.'' *Health Services Research* 42. 1 (2007): 104–123.

[25] Cuffel, B., McCulloch, J., Wade, R., Tam, L., Brown-Mitchell, R., & Goldman, W. (2000). Patients' and providers' perceptions of outpatient treatment termination in a managed behavioral health organization. *Psychiatric Services, 51(4),* 469–473.

[26] Liu, X., Sturm, R., Cuffel, B. (2000) *The impact of prior authorization on outpatient utilization in managed behavioral health plans.* Med Care Res Rev. Jun;57(2):182–95.

[27] Druss BG, Walker ER. Mental disorders and medical comorbidity. Synth Proj Res Synth Rep. 2011 Feb;(21):1–26. Review.

[28] National Institute on Drug Abuse. (December 2012). *Medical Consequences of Drug Abuse.* Retrieved from *http://www.drugabuse.gov/related-topics/medical-consequences-drug-abuse.*

[29] Bouchery, E. E., Harwood, H. J., Sacks, J. J., Simon, C. J., & Brewer, R. D. (2011). Economic costs of excessive alcohol consumption in the US, 2006. *American Journal of Preventive Medicine, 41*(5), 516–524.

disorders may experience fewer hospitalizations and emergency room visits stemming from unintended injuries such as accidents and drug overdose. The evidence that treatment results in medical care offsets is stronger for substance abuse treatment than for mental health treatment. For example, an evaluation on the expansion of substance abuse treatment in Washington State's Medicaid program found per member per month savings of $160 to $385 depending on the welfare cohort.[30] Another study done on welfare clients in Washington State found that those accessing substance use disorder treatment had $2500 less in medical costs than those who did not access treatment. This estimated savings equaled the cost of SUD treatment for individuals accessing SUD treatment.[31] While a similar reduction in medical costs may be expected from mental health treatment, most empirical studies have not found a significant medical cost offset from mental health treatment.[32] [33]

1. Costs

a. Cost Associated With Increased Utilization of MH/SUD Benefits

A primary objective of Congress in enacting MHPAEA was to eliminate barriers that impeded access to and utilization of MH/SUD benefits. Cost increases and increases in capitated rates may occur as a result of increased access and utilization from the application of parity requirements and these proposed regulations, but the evidence suggests that any increases will not be large. The impact of parity requirements will depend on the extent to which MCOs, ABPs, and CHIP plans lack benefits in some classifications or manage these benefits inconsistent with such parity requirements.

In the April 30, 2010 final rule on State Flexibility for Medicaid Benefit Packages (75 FR 23068), the assumptions utilized in modeling the estimated economic impact of the associated provisions took into account the costs of the benefit package for the new adult group served through ABPs. Coverage of these benefits was already accounted for in the April 30, 2010 final rule, and therefore, does not need to be repeated here. Because we approved ABPs only after ensuring compliance with MHPAEA, we project that this proposed regulation will result in no additional costs to ABPs.

(1) Effect of Removing Non-Compliant Quantitative Treatment Limitations

A review of Medicaid managed care benefits in all 50 states and the District of Columbia revealed that a subset of states (18 states) had Medicaid managed care plans that imposed quantitative treatment limits on outpatient visits, inpatient stays, and intermediate services (for example, intensive outpatient treatment). As indicated in the preamble, some of these quantitative treatment limits are a result of what is currently in a state's Medicaid plan.

A review of CHIP plans indicated that most are already compliant with MHPAEA. CHIP plans that include Medicaid EPSDT are already required to cover mental health and substance abuse services as needed and they are deemed compliant with MHPAEA parity requirements for financial requirements and treatment limitations. It is not permissible to apply annual or lifetime limits to the EPSDT benefit. CHIP stand-alone programs are also already compliant with MHPAEA because of changes to treatment limitations for both mental health or substance use disorder benefits and medical and surgical benefits required under the Affordable Care Act.[34] Among CHIP plans that are Medicaid expansion plans, we found only one to have an explicit quantitative limit.[35]

We conducted an analysis to determine how the use of services might increase if quantitative limits on Medicaid MCO and CHIP programs were eliminated. Where quantitative limits exist that are non-compliant with parity requirements, states also have the option to align these limits for MH/SUD and medical/surgical benefits consistent with the provisions of this proposed rule. However, to estimate the highest possible cost impact that could be expected, we simulated the effect of removing visit and day limits in states with limits for treatment users by anticipating that utilization would increase for beneficiaries who were near or exceeded current limits to equal utilization patterns observed in states without limits for Medicaid managed care beneficiaries. This simulation indicated the maximum impact of removing quantitative day and visit limits on MH/SUD services by Medicaid MCOs to be $103 million nationwide (including federal and state costs) in undiscounted dollars in 2015. Using a similar approach, we estimated the maximum impact of removing quantitative limits on CHIP expenditures to be $39.1 million in undiscounted dollars in 2015.

However, these estimates are the largest possible cost impacts and the actual impact is likely to be lower. One reason is that some states with quantitative limits may have mechanisms in place for beneficiaries to obtain hospital days or outpatient visits beyond the state's limit if such care is determined to be medically necessary. In practice, we anticipate a potentially lower impact than estimated currently, given that quantitative limits may already be routinely exceeded. We found that in most of the 18 states with visit limits, a number of recipients (for example, 5 to 20 percent) used services beyond the treatment limit, suggesting that exceptions to the quantitative limits may occur in these states. This does not appear to be the case in all states, because in a few states with visit limits ranging from approximately 24 to 40 visits, only 1 or 2 percent of recipients exceeded the limit.

There are no studies to date on how the application of federal parity requirements affects Medicaid spending. However information from states that have passed state-specific parity legislation (which includes application to Medicaid) provides additional support for the projected impact of these proposed regulations on service utilization and spending. For instance, an evaluation of the Oregon parity law found no significant increases in aggregate behavioral health spending or in the percent of individuals using behavioral health services associated with its implementation.[36] The evaluators surmised that the flexibility in quantitative limits prior to the parity law may be one reason that the

[30] Wickizer, T. M., Mancuso, D., & Huber, A. (2012). Evaluation of an innovative Medicaid health policy initiative to expand substance abuse treatment in Washington State. Medical Care Research and Review, 69(5), 540–559.

[31] Wickizer, T. M., Krupski, A., Stark, K. D., Mancuso, D., & Campbell, K. (2006). The effect of substance abuse treatment on Medicaid expenditures among general assistance welfare clients in Washington State. Milbank Quarterly,84(3), 555–576.

[32] Simon GE, Katzelnick DJ. Depression, use of medical services and cost-offset effects. J Psychosom Res. 1997 Apr;42(4):333–44. Review.

[33] Sturm R. Economic grand rounds: The myth of medical cost offset. PsychiatryServ. 2001 Jun;52(6):738–40.

[34] Sarata AK. Mental health parity and the Patient Protection and Affordable Care Act of 2010. Washington, DC: Congressional Research Service; 2011.

[35] McConnell KJ, Gast SH, Ridgely MS, Wallace N, Jacuzzi N, Rieckmann T, McFarland BH, McCarty D. Behavioral health insurance parity: Does Oregon's experience presage the national experience with the Mental Health Parity and Addiction Equity Act? Am J Psychiatry 2012 Jan;169(1):31–8.

[36] McConnell KJ, Gast SH, Ridgely MS, Wallace N, Jacuzzi N, Rieckmann T, McFarland BH, McCarty D. Behavioral health insurance parity: Does Oregon's experience presage the national experience with the Mental Health Parity and Addiction Equity Act? Am J Psychiatry 2012 Jan;169(1):31–8.

implementation of parity did not lead to large increases in spending. Specifically, they found that prior to the implementation of the state parity law, approximately 5 percent of beneficiaries with any behavioral health visits exceeded the specified limits of that plan.

Vermont's parity law is also very similar to MHPAEA. A study of Vermont's parity law found that the share of spending on mental and substance use disorders increased only slightly, from 2.30 percent to 2.47 percent of total spending for one health plan.[37]

Finally, a recent evaluation of the effect of MHPAEA on the commercial market revealed a modest increase in spending on substance use disorder treatment per enrollee ($9.99, 95 percent CI: 2.54, 18.21), but no significant change in the percent of individuals using substance use disorder services.[38]

(2) Effect of Classification of Services Requirements

This proposed rule requires that if the state provides for MH/SUD services under the state plan, MH/SUD services must be provided to MCO enrollees in every classification in which medical/surgical benefits are provided. After reviewing the MH/SUD services provided under Medicaid managed care plans, we identified only two states providing for MH/SUD services under the state plan in which MH/SUD services were excluded from a classification in which medical/surgical benefits are provided. In both states, the excluded services were substance abuse inpatient services. For the purposes of this analysis, we assumed that substance abuse inpatient services would need to be included to the extent that they were provided in a distinct part or unit of a general hospital or facility with 16 or fewer beds. Using data on current use of Medicaid substance use disorder inpatient services and the cost of those services from Medicaid claims data, we estimated that the additional coverage for these services would have led to an increase of $11.7 million nationwide in undiscounted dollars in 2012.

Table 5 displays the total costs of removing non-compliant QTLs by service and meeting classification of services requirements in 2012.

TABLE 5—DETAILS OF ESTIMATED COSTS OF MEETING QTL AND CLASSIFICATION OF SERVICES REQUIREMENTS IN 2012

Inpatient	Outpatient	Intermediate	Administrative	Total
Mental Health—Medicaid ($million/year)				
$19.8	$62.3	$0	$0.3	$82.4
Mental Health—CHIP ($million/year)				
0	30.8	0.4	0.04	31.2
Substance Use Disorder—Medicaid ($million/year)				
11.7	0	0	0	11.7
Substance Use Disorder—CHIP ($million/year)				
0	0	0	0	0
Total Costs of Removing Quantitative Limits in 2012 ($million/year)				
				125.3

Note: Administrative costs are listed once for Medicaid and CHIP because the expense is all-inclusive for each program; costs are not broken down by service.

Costs for complying with parity rules for each service category were estimated based on a simulation of additional utilization states may incur as a result of removing quantitative treatment limits. For the analysis of intermediate services, we examined limits on partial hospitalization and intensive outpatient care.

These figures are calculated based on 2012 Medicaid and CHIP expenditures, which equate to approximately $125.3 million in additional costs as a result of parity compliance. To determine the percent impact to Medicaid expenditures in 2012, we divided $125.3 million (the additional costs of increased utilization) by $408.8 billion (total Medicaid expenditures). Based on this calculation, Medicaid expenditures would increase by 0.03 percent each year. As total Medicaid expenditures increase over time, the cost impact of mental health parity is expected to rise proportionally. Therefore, given that Medicaid expenditures overall are projected to equal approximately $513.4 billion in 2015,[39] the predicted impact of mental health parity is expected to equal $157.4 million in 2015, and to rise in proportion to the growth in overall Medicaid spending in future years. Costs for 2015–2019 are displayed in Table 6.

[37] Rosenbach M, Lake T, Young C, et al. Effects of the Vermont Mental Health and Substance Abuse Parity Law. DHHS Pub. No. SMA 03–3822, Rockville, MD: Substance Abuse and Mental Health Services Administration; 2003.

[38] Busch SH, Epstein AJ, Harhay MO, Fiellin DA, Un H, Leader D Jr, Barry CL. The effects of federal parity on substance use disorder treatment. Am J Manag Care. 2014 Jan;20(1):76–82.

[39] President's Budget for Fiscal Year 2015, available at *http://www.whitehouse.gov/omb/budget/*.

TABLE 6—ESTIMATED COSTS OF CMS–2333 FY 2015–2019

[In millions]

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Federal	94.6	102.0	108.4	114.0	120.3
State	62.8	66.8	71.2	75.0	79.4
Total	157.4	168.8	179.6	188.9	199.8

(3) Effect of Medical Cost Offsets

As described above, the cost of improving access to MH/SUD treatment may be offset by a decline in the expenditures on treatments for medical conditions resulting from substance use disorders. There is strong evidence from Medicaid programs to assume a cost offset resulting from improved access to substance use disorder benefits. In contrast, the evidence for cost offset resulting from improved access to mental health benefits is weaker. We anticipate that, on balance, costs stemming from increased utilization of substance use disorder services resulting from application of parity requirements will be largely offset by the savings from reduced medical costs, yielding very little increase in overall costs from increased utilization of substance use disorder services. However, given the difficulty of quantifying the precise cost impact of this reduced use of medical services that is expected to result from enhanced access to substance use disorder services, we have not included any cost offset in our estimates.

b. Effect of Aligning NQTLs

Under the MHPAEA final rules, medical management can be applied to MH/SUD benefits if the processes, strategies, evidentiary standards, or other factors used in applying medical management are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying medical management to medical and surgical benefits. It is difficult to determine whether, at baseline, Medicaid MCOs, ABPs and CHIP programs are applying medical management more stringently to MH/SUD benefits than to medical and surgical benefits. A state-by-state search of available Medicaid documents indicated that most states that use inpatient utilization management techniques for MH/SUD services, such as prior approval or continuing utilization review for inpatient stays, have similar restrictions for medical and surgical conditions. Surveys of commercial plans have also found that inpatient managed care restrictions, such as pre-admission prior approval, are common for medical and surgical admissions.[40] [41] There may be important distinctions in the processes, strategies, evidentiary standards, or other factors between MH/SUD services and medical and surgical services, but current data do not indicate that this is the case in a way that would lead to a clear cost impact.

Moreover, if some Medicaid plans have stricter management controls for MH/SUD services than for medical services, there is scant evidence at this time as to how utilization management will evolve with the application of parity requirements and whether stricter controls would result in higher costs.[42] For example, stricter controls may lead to underutilization of sub-acute levels of care for MH/SUD conditions, leading to the worsening of both MH/SUD conditions and medical or surgical conditions that ultimately require more costly acute levels of care. Studies of the effect of utilization review and prior approval on MH/SUD inpatient services have revealed mixed results, with some studies showing that these managed care techniques result in lower costs, quantities of treatment, or both, and other studies finding only weak or no effects, or effects that are short term.[43] [44] [45] [46] As noted above, the studies of Oregon and Vermont, whose parity laws include similar restrictions on medical management, have not shown increases in costs resulting from application of these laws. There is uncertainty regarding the level of increased costs that will result from application of the parity requirement for NQTLs, but there is evidence that any increases may be small. We invite comments related to any additional evidence on the impact of aligning NQTLs for Medicaid services.

2. Transfers Resulting From Increased Access Under Medicaid

Transfer payments are monetary payments from one group to another that do not affect total resources available to society. There is a potential that application of parity requirements under MHPAEA will result in transfers among different government entities. MH/SUD services receive greater funding from public sources, such as Medicaid, federal government block grants, state government general funds, and local government funding, than do medical and surgical services.[47] Over time, MH/SUD spending has been shifting away from state and local funding, toward federal financing, especially Medicaid.[48] The potential increase in the availability of MH/SUD services under Medicaid and CHIP as a result of the MHPAEA parity requirements may result in a reduction in use of, and spending on, services financed by other public sources such as state and local governments and federal block grants.[49] Limited sound evidence exists about the size of this effect on states.

[40] Baker CA, Diaz IS. Managed care plans and managed care features: Data from the EBS to the NCS. *Compensation and Working Conditions* Spring 2011:30–6.

[41] Claxton, G., DiJulio, B., Whitmore, H., Pickreign, J., McHugh, M., Finder, B., & Osei-Anto, A. (2009). Job-based health insurance: Costs climb at a moderate pace. Health Aff 2009; 28(6):w1002–12.

[42] Hodgkin D. The impact of private utilization management and psychiatric care: A review of the literature. Journal of Mental Health Administration 1992; 19(2):143–57.

[43] Dickey B, Azeni H. Impact of managed care on mental health services. Health Aff 1992 Fall; 11(3):197–204.

[44] Frank RG, Brookmeyer R. Managed mental health care and patterns of inpatient utilization for treatment of affective disorders. Soc Psychiatry Psychiatric Epidemiol 1995 Aug; 30(5):220–3.

[45] Wickizer TM, Lessler D, Travis KM.. Controlling inpatient psychiatric utilization through managed care. Am J Psychiatry 1996; 153:339–45.

[46] Wickizer TM, Lessler D. Do treatment restrictions imposed by utilization management increase the likelihood of readmission for psychiatric patients? Med Care 1998; 36(6):844–50.

[47] Levit KR, Mark TL, Coffey RM, Frankel S, Santora P, Vandivort-Warren R, Malone K. Federal spending on behavioral health accelerated during recession as individuals lost employer insurance. Health Aff 2013 May; 32(5):952–62.

[48] Levit KR, Mark TL, Coffey RM, Frankel S, Santora P, Vandivort-Warren R, Malone K. Federal spending on behavioral health accelerated during recession as individuals lost employer insurance. Health Aff 2013 May; 32(5):952–62.

[49] Frank RG, Goldman HH, Hogan M. Medicaid and mental health: Be careful what you ask for. Health Aff 2003 Jan–Feb; 22(1):101–13.

D. Alternatives Considered

We considered several other approaches for providing guidance to states regarding the application of the MHPAEA to Medicaid MCOs, ABPs, and CHIP. As stated in the preamble of this proposed rule, under our current policies, there is no affirmative obligation to ensure that MCO enrollees receive state plan benefits in a way that fully complies with MHPAEA. This is because section 1932(b)(8) of the Act does not apply to the design of the traditional Medicaid state plan, and state plans thus may be designed in a way that does not comply with MHPAEA requirements. Under current guidance, we have said that if an MCO is simply properly applying state plan benefits, there is no violation of section 1932(b)(8) of the Act even if that benefit design does not conform to MHPAEA, because the MCO did not adopt that benefit design and thus was not at fault in its non-compliance. As explained above, we do not believe that this policy effectuates Congressional intent in enacting section 1932(b)(8) of the Act. Further, we believe that implementation of the statute requires that MCO enrollees receive benefits in a manner that complies with MHPAEA.

We considered requiring that all state plan MH/SUD services be included under MCO contracts as the way to ensure that MCO enrollees receive the full protections of MHPAEA. However, we believe the approach we are proposing would allow states the most flexibility when applying mental health parity requirements to their Medicaid services across delivery systems. Given that there are many different delivery system configurations that carve out MH/SUD services, the proposed approach would allow states to comport with parity requirements for MCO enrollees without completely carving out MH/SUD services from their MCO or dropping MH/SUD coverage altogether.

Also, under current statutes, regulations and policies, states would not be required under Federal law to apply MHPAEA provisions to PIHPs and PAHPs (many of which provide MH/SUD services) since these arrangements were not specifically addressed in section 1932(b)(8) of the Act, and MHPAEA does not directly apply to such contracts. Consideration of these unique state MH/SUD delivery systems is an important distinction in Medicaid when compared to the commercial market. Further, because the statutory provisions making mental health parity requirements applicable to MCOs do not explicitly address these situations, additional interpretation is needed.

In addition to the delivery system issues, states would not be required to remove or align limits on services that were in the state plan for individuals enrolled in an MCO. As stated previously in this proposed regulation, these limits would be carried through in the development of rates, and cost of services outside of the state plan or a waiver of the state plan cannot be included. Without the proposed change in this rule, individuals enrolled in an MCO could still be subject to treatment limitations that are not compliant with parity requirements, which we believe is inconsistent with the intent of Congress in requiring in section 1932(b)(8) of the Act that MCOs deliver services in a manner consistent with MHPAEA requirements and the policies regarding application of MHPAEA to ABPs and CHIP that operate in a FFS arrangement. In addition, without these changes to the managed care rate setting process, it will be difficult for MCOs to comply with statutory requirements regarding financial requirements and treatment limitations.

Finally, there are mental health parity provisions that are not applicable to the FFS delivery systems for Medicaid ABP benefits. These include: Annual and lifetime dollar limits, availability of plan information, and access to out-of-network providers.

In addition, we considered the ability to provide guidance and enforce the provisions of MHPAEA's application to Medicaid and CHIP through sub-regulatory guidance. Over the past 5 years, we have used two SHO letters to provide guidance to states regarding MHPAEA and Medicaid and CHIP. While states and other stakeholders found this guidance useful, there were many questions or concerns regarding the lack of specificity regarding application of MHPAEA parity requirements to Medicaid and CHIP. There were several issues that states raised regarding this sub-regulatory guidance. One issue was the actuarial soundness requirements, which mandate that MCO payments be based on services as covered under state plans. Another was additional clarification of NQTLs and states' concerns regarding existing federal and state policies that required utilization management strategies that were inconsistent with the intent of MHPAEA. States also raised additional questions regarding application of MHPAEA parity requirements to other delivery systems including PIHPs, PAHPs, and FFS. We do not believe that additional subregulatory guidance would provide the necessary authority for MCOs and states to implement or enforce MHPAEA parity requirements for Medicaid beneficiaries enrolled in an MCO.

We request public comment on our rationale for having regulations that are specific to Medicaid and CHIP.

E. Accounting Statement and Table

As required by OMB Circular A–4 (available at *http://www.whitehouse.gov/omb/circulars_a004_a-4/*), in Table 7 we have prepared an accounting statement showing the classification of the impacts associated with implementation of this proposed rule.

The projected impact on costs in 2015 was calculated by multiplying the percent anticipated increase in cost due to the application of parity requirements by expected Medicaid expenditures in 2015. Based on our analysis, the parity rule will lead to an increase of approximately 0.03 percent in total Medicaid spending each year over 10 years. In 2015, Medicaid expenditures overall are projected to equal approximately $513.4 billion.[50] Thus, the undiscounted cost of the rule is estimated to be $157.4 million in 2015, and to rise proportionate to the growth in overall Medicaid spending in future years. These costs are split between the federal and state governments based on the population covered and the statutory matching rate.

[50] Centers for Medicare & Medicaid Services. National Health Expenditure Projections 2012–2022. Forecast Summary. *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Downloads/Proj2012.pdf.* Accessed June 25, 2014.

TABLE 7—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED BENEFIT, COSTS, AND TRANSFERS

Category	Estimates	Units		
		Year dollar	Discount rate %	Period covered
Transfers from Federal Government to Providers				
Annualized Monetized ($million/year)	107.0	2015	7	2015–2019
	107.5	2015	3	2015–2019
Transfers from State Government to Providers				
Annualized Monetized ($million/year)	70.5	2015	7	2015–2019
	70.8	2015	3	2015–2019

Note. The displayed numbers are rounded to the nearest thousand and therefore may not add up to the totals.

F. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief for small entities, if a rule has a significant impact on a substantial number of small entities. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the SBA definition of a small business (having revenues of less than $7.5 million to $38.5 million in any 1 year). States are not included in the definition of a small entity. This proposed rule does not change the rates at which providers would be reimbursed for any additional treatments and services that may be required, and MCOs, PIHPs, and PAHPs will be paid on an actuarially sound basis for any additional coverage that they will be required to provide. As indicated previously in this proposed rule, the increased costs will be borne by states and the federal government, which are not considered small entities. Therefore, the Secretary has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as that term is used in the RFA.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. The Secretary has determined that this proposed rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

G. Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2015, that is approximately $144 million. UMRA does not address the total cost of a rule. Rather, it focuses on certain categories of cost, mainly those ''Federal mandate'' costs resulting from (A) imposing enforceable duties on state, local, or tribal governments, or on the private sector, or (B) increasing the stringency of conditions in, or decreasing the funding of, state, local, or tribal governments under entitlement programs. The average state share of total Medicaid spending in 2015 is projected to be 39.9 percent. The total cost impact of this rule is estimated to be $157.4 million in 2015. Therefore, the total cost to states is projected to be approximately $62.8 million. Therefore, this proposed rule is not subject to UMRA.

H. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it issues a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications.

In the Secretary's view, this proposed rule has Federalism implications, because it has direct effects on the states, the relationship between the federal government and states, or on the distribution of power and responsibilities among various levels of government. However, in the Secretary's view, the Federalism implications of this proposed rule are substantially mitigated because, with regards to MCOs, ABPs, and CHIP, the Secretary expects that many states already offer benefits under their state plan and MCO contracts that meet or exceed the Federal mental health parity standards that would be implemented in this rule.

Throughout the process of developing these regulations, to the extent feasible within the relevant provisions of the Act, PHS Act and MHPAEA, the Secretary has attempted to balance the latitude for states to structure their state plan services and MCO contracts according to the needs and preferences of the state, and the Congress' intent to provide uniform minimum protections to Medicaid and CHIP beneficiaries in every state. By doing so, it is the Secretary's view that this proposed rule complies with the requirements of Executive Order 13132.

I. Conclusion

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 438

Grant programs-health, Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 440

Grant programs-health, Medicaid reporting.

42 CFR Part 456

Administrative practice and procedure, Drugs, Grant programs-health, Health facilities, Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 457

Administrative practice and procedure, Grant programs-health, Health insurance, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 438—MANAGED CARE

■ 1. The authority citation for part 438 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

■ 2. Section 438.6 is amended by revising paragraph (e) and adding paragraph (n) to read as follows:

§ 438.6 Contract requirements.

* * * * *

(e) *Additional services that may be covered by a MCO, PIHP, or PAHP.* A MCO, PIHP, or PAHP may cover, for enrollees, services that are in addition to those covered under the state plan as follows:

(1) Any services necessary for compliance by the MCO, PIHP, or PAHP with the requirements of subpart K of this part and only to the extent such services are necessary for the MCO, PIHP, or PAHP to comply with § 438.910; and

(2) Any services that the MCO, PIHP, or PAHP voluntarily agrees to provide.

(3) Only the costs associated with services in paragraph (e)(1) of this section may be included when determining the payment rates under paragraph (c) of this section.

* * * * *

(n) *Parity in mental health and substance use disorder benefits.* (1) All MCO contracts, and any PIHP and PAHP contracts providing services to MCO enrollees, must ensure that enrollees receive services that are compliant with the requirements of subpart K of this part insofar as those requirements are applicable.

(2) Any state providing any services to MCO enrollees using a delivery system other than the MCO delivery system must provide documentation of how the requirements of subpart K of this part are met with the submission of the MCO contract for review and approval under paragraph (a) of this section.

■ 3. Subpart K is added to part 438 to read as follows:

Subpart K—Parity in Mental Health and Substance Use Disorder Benefits

Sec.

Subpart K—Parity in Mental Health and Substance Use Disorder Benefits

§ 438.900 Meaning of terms.

For purposes of this subpart, except where the context clearly indicates otherwise, the following terms have the meanings indicated:

Aggregate lifetime dollar limit means a dollar limitation on the total amount of specified benefits that may be paid under a MCO, PIHP, or PAHP.

Annual dollar limit means a dollar limitation on the total amount of specified benefits that may be paid in a 12-month period under a MCO, PIHP, or PAHP.

Cumulative financial requirements are financial requirements that determine whether or to what extent benefits are provided based on accumulated amounts and include deductibles and out-of-pocket maximums. (However, cumulative financial requirements do not include aggregate lifetime or annual dollar limits because these two terms are excluded from the meaning of financial requirements.)

Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefits are benefits defined in section 1905(r) of the Act.

Financial requirements include deductibles, copayments, coinsurance, or out-of-pocket maximums. Financial requirements do not include aggregate lifetime or annual dollar limits.

Medical/surgical benefits means benefits for items or services for medical conditions or surgical procedures, as defined by the state and in accordance with applicable federal and state law, but do not include mental health or substance use disorder benefits. Any condition defined by the state as being or as not being a medical/surgical condition must be defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the International Classification of Diseases (ICD) or state guidelines). Medical/surgical benefits do not include long-term care services.

Mental health benefits means benefits for items or services for mental health conditions, as defined by the state and in accordance with applicable federal and state law. Any condition defined by the state as being or as not being a mental health condition must be defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM), the most current version of the ICD, or state guidelines). Mental health benefits do not include long-term care services.

Substance use disorder benefits means benefits for items or services for substance use disorders, as defined by the state and in accordance with applicable federal and state law. Any disorder defined by the state as being or as not being a substance use disorder must be defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the DSM, the most current version of the ICD, or state guidelines). Substance use disorder benefits do not include long-term care services.

Treatment limitations include limits on benefits based on the frequency of treatment, number of visits, days of coverage, days in a waiting period, or other similar limits on the scope or duration of treatment. Treatment limitations include both quantitative treatment limitations, which are expressed numerically (such as 50 outpatient visits per year), and nonquantitative treatment limitations, which otherwise limit the scope or duration of benefits for treatment under a plan or coverage. (*See* § 438.910(d)(2) for an illustrative list of nonquantitative treatment limitations.) A permanent exclusion of all benefits for a particular condition or disorder, however, is not a treatment limitation for purposes of this definition.

§ 438.905 Parity requirements for aggregate lifetime and annual dollar limits.

(a) *General*—(1) *General parity requirement.* Each MCO, PIHP, and PAHP providing services to MCO enrollees must comply with paragraphs (b), (c), or (e) of this section for all enrollees of a MCO in states that cover both medical/surgical benefits and mental health or substance use disorder benefits under the state plan. This section details the application of the parity requirements for aggregate lifetime and annual dollar limits.

(b) *MCOs, PIHPs, or PAHPs with no limit or limits on less than one-third of all medical/surgical benefits.* If a MCO, PIHP, or PAHP does not include an aggregate lifetime or annual dollar limit on any medical/surgical benefits or includes an aggregate lifetime or annual dollar limit that applies to less than one-third of all medical/surgical benefits provided to enrollees through a contract with the state, it may not impose an aggregate lifetime or annual dollar limit, respectively, on mental health or substance use disorder benefits.

(c) *MCOs, PIHPs, or PAHPs with a limit on at least two-thirds of all medical/surgical benefits.* If a MCO,

PIHP, or PAHP includes an aggregate lifetime or annual dollar limit on at least two-thirds of all medical/surgical benefits provided to enrollees through a contract with the state, it must either—

(1) Apply the aggregate lifetime or annual dollar limit both to the medical/surgical benefits to which the limit would otherwise apply and to mental health or substance use disorder benefits in a manner that does not distinguish between the medical/surgical benefits and mental health or substance use disorder benefits; or

(2) Not include an aggregate lifetime or annual dollar limit on mental health or substance use disorder benefits that is more restrictive than the aggregate lifetime or annual dollar limit, respectively, on medical/surgical benefits.

(d) *Determining one-third and two-thirds of all medical/surgical benefits.* For purposes of this section, the determination of whether the portion of medical/surgical benefits subject to an aggregate lifetime or annual dollar limit represents one-third or two-thirds of all medical/surgical benefits is based on the total dollar amount of all combinations of MCO, PIHP, and PAHP payments for medical/surgical benefits expected to be paid under the MCO, PIHP, or PAHP for a contract year (or for the portion of a contract year after a change in benefits that affects the applicability of the aggregate lifetime or annual dollar limits). Any reasonable method may be used to determine whether the dollar amount expected to be paid under the MCOs, PIHPs, and PAHPs will constitute one-third or two-thirds of the dollar amount of all payments for medical/surgical benefits.

(e) *MCO, PIHP, or PAHP not described in this section*—(1) *In general.* A MCO, PIHP, or PAHP that is not described in paragraph (b) or (c) of this section for aggregate lifetime or annual dollar limits on medical/surgical benefits, must either—

(i) Impose no aggregate lifetime or annual dollar limit, on mental health or substance use disorder benefits; or

(ii) Impose an aggregate lifetime or annual dollar limit on mental health or substance use disorder benefits that is no more restrictive than an average limit calculated for medical/surgical benefits in the following manner. The average limit is calculated by taking into account the weighted average of the aggregate lifetime or annual dollar limits, as appropriate, that are applicable to the categories of medical/surgical benefits. Limits based on delivery mechanisms, such as inpatient/outpatient treatment or normal treatment of common, low-cost conditions (such as treatment of normal births), do not constitute categories for purposes of this paragraph (e)(1)(ii). In addition, for purposes of determining weighted averages, any benefits that are not within a category that is subject to a separately-designated dollar limit under the contract are taken into account as a single separate category by using an estimate of the upper limit on the dollar amount that a MCO, PIHP, or PAHP may reasonably be expected to incur for such benefits, taking into account any other applicable restrictions.

(2) *Weighting.* For purposes of this paragraph (e), the weighting applicable to any category of medical/surgical benefits is determined in the manner set forth in paragraph (d) of this section for determining one-third or two-thirds of all medical/surgical benefits.

§ 438.910 Parity requirements for financial requirements and treatment limitations.

(a) *Clarification of terms*—(1) *Classification of benefits.* When reference is made in this section to a classification of benefits, the term ''classification'' means a classification as described in paragraph (b)(2) of this section.

(2) *Type of financial requirement or treatment limitation.* When reference is made in this section to a type of financial requirement or treatment limitation, the reference to type means its nature. Different types of financial requirements include deductibles, copayments, coinsurance, and out-of-pocket maximums. Different types of quantitative treatment limitations include annual, episode, and lifetime day and visit limits. *See* paragraph (d)(2) of this section for an illustrative list of nonquantitative treatment limitations.

(3) *Level of a type of financial requirement or treatment limitation.* When reference is made in this section to a level of a type of financial requirement or treatment limitation, level refers to the magnitude of the type of financial requirement or treatment limitation.

(b) *General parity requirement*—(1) *General rule and scope.* Each MCO, PIHP and PAHP providing services to MCO enrollees in a state that covers both medical/surgical benefits and mental health or substance use disorder benefits under the state plan, must not apply any financial requirement or treatment limitation to mental health or substance use disorder benefits in any classification that is more restrictive than the predominant financial requirement or treatment limitation of that type applied to substantially all medical/surgical benefits in the same classification furnished to enrollees (whether or not the benefits are furnished by the same MCO, PIHP, or PAHP). Whether a financial requirement or treatment limitation is a predominant financial requirement or treatment limitation that applies to substantially all medical/surgical benefits in a classification is determined separately for each type of financial requirement or treatment limitation. The application of the rules of this paragraph (b) to financial requirements and quantitative treatment limitations is addressed in paragraph (c) of this section; the application of the rules of this paragraph (b) to nonquantitative treatment limitations is addressed in paragraph (d) of this section.

(2) *Classifications of benefits used for applying rules.* If an MCO enrollee is provided mental health or substance use disorder benefits in any classification of benefits described in this paragraph (b)(2), mental health or substance use disorder benefits must be provided to the enrollee in every classification in which medical/surgical benefits are provided. In determining the classification in which a particular benefit belongs, a MCO, PIHP, or PAHP must apply the same standards to medical/surgical benefits and to mental health or substance use disorder benefits. To the extent that a MCO, PIHP, or PAHP provides benefits in a classification and imposes any separate financial requirement or treatment limitation (or separate level of a financial requirement or treatment limitation) for benefits in the classification, the rules of this section apply separately for that classification for all financial requirements or treatment limitations. The following classifications of benefits are the only classifications used in applying the rules of this section:

(i) *Inpatient.* Benefits furnished on an inpatient basis.

(ii) *Outpatient.* Benefits furnished on an outpatient basis. See special rules for office visits in paragraph (c)(2) of this section.

(iii) *Emergency care.* Benefits for emergency care.

(iv) *Prescription drugs.* Benefits for prescription drugs. *See* special rules for multi-tiered prescription drug benefits in paragraph (c)(2) of this section.

(c) *Financial requirements and quantitative treatment limitations*—(1) *Determining ''substantially all'' and ''predominant''*—(i) *Substantially all.* For purposes of this section, a type of financial requirement or quantitative treatment limitation is considered to apply to substantially all medical/

surgical benefits in a classification of benefits if it applies to at least two-thirds of all medical/surgical benefits in that classification. If a type of financial requirement or quantitative treatment limitation does not apply to at least two-thirds of all medical/surgical benefits in a classification, then that type cannot be applied to mental health or substance use disorder benefits in that classification.

(ii) *Predominant.* (A) If a type of financial requirement or quantitative treatment limitation applies to at least two-thirds of all medical/surgical benefits in a classification as determined under paragraph (c)(1)(i) of this section, the level of the financial requirement or quantitative treatment limitation that is considered the predominant level of that type in a classification of benefits is the level that applies to more than one-half of medical/surgical benefits in that classification subject to the financial requirement or quantitative treatment limitation.

(B) If, for a type of financial requirement or quantitative treatment limitation that applies to at least two-thirds of all medical/surgical benefits in a classification, there is no single level that applies to more than one-half of medical/surgical benefits in the classification subject to the financial requirement or quantitative treatment limitation, the MCO, PIHP, or PAHP may combine levels until the combination of levels applies to more than one-half of medical/surgical benefits subject to the financial requirement or quantitative treatment limitation in the classification. The least restrictive level within the combination is considered the predominant level of that type in the classification. (For this purpose, a MCO, PIHP, or PAHP may combine the most restrictive levels first, with each less restrictive level added to the combination until the combination applies to more than one-half of the benefits subject to the financial requirement or treatment limitation.)

(iii) *Portion based on MCO, PIHP or PAHP payments.* For purposes of this section, the determination of the portion of medical/surgical benefits in a classification of benefits subject to a financial requirement or quantitative treatment limitation (or subject to any level of a financial requirement or quantitative treatment limitation) is based on the total dollar amount of all combinations of MCO, PIHP, and PAHP payments for medical/surgical benefits in the classification expected to be paid under the MCOs, PIHPs, and PAHPs for a contract year (or for the portion of a contract year after a change in benefits that affects the applicability of the financial requirement or quantitative treatment limitation).

(iv) *Clarifications for certain threshold requirements.* For any deductible, the dollar amount of MCO, PIHP, or PAHP payments includes all payments for claims that would be subject to the deductible if it had not been satisfied. For any out-of-pocket maximum, the dollar amount of MCO, PIHP, or PAHP payments includes all payments associated with out-of-pocket payments that are taken into account towards the out-of-pocket maximum as well as all payments associated with out-of-pocket payments that would have been made towards the out-of-pocket maximum if it had not been satisfied. Similar rules apply for any other thresholds at which the rate of MCO, PIHP, or PAHP payment changes.

(v) *Determining the dollar amount of MCO, PIHP, or PAHP payments.* Subject to paragraph (c)(1)(iv) of this section, any reasonable method may be used to determine the dollar amount expected to be paid under a MCO, PIHP, or PAHP for medical/surgical benefits subject to a financial requirement or quantitative treatment limitation (or subject to any level of a financial requirement or quantitative treatment limitation).

(2) *Special rules*—(i) *Multi-tiered prescription drug benefits.* If a MCO, PIHP, or PAHP applies different levels of financial requirements to different tiers of prescription drug benefits based on reasonable factors determined in accordance with the rules in paragraph (d)(1) of this section (relating to requirements for nonquantitative treatment limitations) and without regard to whether a drug is generally prescribed for medical/surgical benefits or for mental health or substance use disorder benefits, the MCO, PIHP, or PAHP satisfies the parity requirements of this section for prescription drug benefits. Reasonable factors include cost, efficacy, generic versus brand name, and mail order versus pharmacy pick-up/delivery.

(ii) *Sub-classifications permitted for office visits, separate from other outpatient services.* For purposes of applying the financial requirement and treatment limitation rules of this section, a MCO, PIHP, or PAHP may divide its benefits furnished on an outpatient basis into the two sub-classifications described in this paragraph (c)(2)(ii). After the sub-classifications are established, the MCO, PIHP or PAHP may not impose any financial requirement or quantitative treatment limitation on mental health or substance use disorder benefits in any sub-classification that is more restrictive than the predominant financial requirement or quantitative treatment limitation that applies to substantially all medical/surgical benefits in the sub-classification using the methodology set forth in paragraph (c)(1) of this section. Sub-classifications other than these special rules, such as separate sub-classifications for generalists and specialists, are not permitted. The two sub-classifications permitted under this paragraph (c)(2)(ii) are:

(A) Office visits (such as physician visits); and

(B) All other outpatient items and services (such as outpatient surgery, facility charges for day treatment centers, laboratory charges, or other medical items).

(3) *No separate cumulative financial requirements.* A MCO, PIHP, or PAHP may not apply any cumulative financial requirement for mental health or substance use disorder benefits in a classification that accumulates separately from any established for medical/surgical benefits in the same classification.

(4) *Compliance with other cost-sharing rules.* Each MCO, PIHP. and PAHP must meet the cost-sharing requirements in § 438.108 when applying Medicaid cost-sharing.

(d) *Nonquantitative treatment limitations*—(1) *General rule.* A MCO, PIHP, or PAHP may not impose a nonquantitative treatment limitation for mental health or substance use disorder benefits in any classification unless, under the policies and procedures of the MCO, PIHP, or PAHP as written and in operation, any processes, strategies, evidentiary standards, or other factors used in applying the nonquantitative treatment limitation to mental health or substance use disorder benefits in the classification are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the limitation for medical/surgical benefits in the classification.

(2) *Illustrative list of nonquantitative treatment limitations.* Nonquantitative treatment limitations include—

(i) Medical management standards limiting or excluding benefits based on medical necessity or medical appropriateness, or based on whether the treatment is experimental or investigative;

(ii) Formulary design for prescription drugs;

(iii) For MCOs, PIHPs, or PAHPs with multiple network tiers (such as preferred providers and participating providers), network tier design;

(iv) Standards for provider admission to participate in a network, including reimbursement rates;

(v) MCO, PIHP, or PAHP methods for determining usual, customary, and reasonable charges;

(vi) Refusal to pay for higher-cost therapies until it can be shown that a lower-cost therapy is not effective (also known as fail-first policies or step therapy protocols);

(vii) Exclusions based on failure to complete a course of treatment;

(viii) Restrictions based on geographic location, facility type, provider specialty, and other criteria that limit the scope or duration of benefits for services provided under the MCO, PIHP, or PAHP; and

(ix) Standards for providing access to out-of-network providers

(3) *Application to out-of-network providers.* Any MCO, PIHP or PAHP providing access to out-of-network providers for medical/surgical benefits within a classification, must use the same processes, strategies, evidentiary standards, or other factors in determining access to out-of-network providers for MH/SUD benefits. If a MCO, PIHP or PAHP is found to be in compliance with § 438.206(b)(4), it will be deemed in compliance with the standards in this paragraph (d)(3).

§ 438.915 Availability of information.

(a) *Criteria for medical necessity determinations.* The criteria for medical necessity determinations, made by a MCO or by a PIHP or PAHP providing services to an MCO enrollee, for mental health or substance use disorder benefits must be made available by the MCO, PIHP, or PAHP administrator to any enrollee, potential enrollee, or contracting provider upon request. MCOs, PIHPs, and PAHPs operating in compliance with § 438.236(c) will be deemed compliant with the requirements in this paragraph (a).

(b) *Reason for any denial.* The reason for any denial by a MCO, PIHP, or PAHP of reimbursement or payment for services for mental health or substance use disorder benefits in the case of any enrollee must be made available by the MCO, PIHP, or PAHP administrator to the enrollee.

(c) *Provisions of other law.* Compliance with the disclosure requirements in paragraphs (a) and (b) of this section is not determinative of compliance with any other provision of applicable federal or state law.

§ 438.920 Applicability.

(a) *MCOs, PIHPs, and PAHPs.* The requirements of this subpart apply to each MCO, PIHP, and PAHP offering services to enrollees of a MCO, in states covering medical/surgical and MH/SUD services under the state plan. These requirements regarding coverage for services that must be provided to enrollees of an MCO apply regardless of the delivery system of the medical/surgical or MH/SUD services under the State plan.

(b) *State responsibilities.* (1) In any instance where the full scope of medical/surgical and MH/SUD services are not provided through the MCO, the State must review the MH/SUD benefits provided in the MCO, PIHP, PAHP, or FFS state plan service to ensure the full scope of services available to all enrollees of the MCO complies with the requirements in this subpart. The state must provide documentation of compliance with requirements in this subpart to the general public within 18 months of the effective date of the final rule.

(2) In any instance where the full scope of medical/surgical and MH/SUD services are not provided through the MCO, the State must ensure that the enrollees of the MCO receive services in compliance with this subpart.

(c) *Scope.* This subpart does not—

(1) Require a MCO, PIHP, or PAHP to provide any mental health benefits or substance use disorder benefits beyond what is specified in its contract, and the provision of benefits by a MCO, PIHP, or PAHP for one or more mental health conditions or substance use disorders does not require the MCO, PIHP or PAHP to provide benefits for any other mental health condition or substance use disorder;

(2) Require a MCO, PIHP, or PAHP that provides coverage for mental health or substance use disorder benefits only to the extent required under 1905(a)(4)(D) of the Act to provide additional mental health or substance use disorder benefits in any classification in accordance with this section; or

(3) Affect the terms and conditions relating to the amount, duration, or scope of mental health or substance use disorder benefits under the Medicaid MCO, PIHP, or PAHP contract except as specifically provided in §§ 438.905 and 438.910.

§ 438.930 Compliance dates.

In general, contracts with MCOs, PIHPs, and PAHPs offering Medicaid state plan services to enrollees, and those entities, must comply with the requirements of this subpart no later than the beginning of the contract year starting 18 months after the [DATE OF PUBLICATION OF THE FINAL RULE].

PART 440—SERVICES: GENERAL PROVISIONS

■ 4. The authority citation for part 440 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

■ 5. Section 440.395 is added to read as follows:

§ 440.395 Parity in mental health and substance use disorder benefits.

(a) *Meaning of terms.* For purposes of this section, except where the context clearly indicates otherwise, the following terms have the meanings indicated:

Aggregate lifetime dollar limit means a dollar limitation on the total amount of specified benefits that may be paid under an Alternative Benefit Plan (ABP).

Annual dollar limit means a dollar limitation on the total amount of specified benefits that may be paid in a 12-month period under an ABP.

Alternative Benefit Plans (ABPs) mean benefit packages in one or more of the benchmark coverage packages described in §§ 440.330(a) through (c) and 440.335. Benefits may be delivered through managed care and non-managed care delivery systems. Consistent with the requirements of § 440.385, states must comply with the managed care provisions at section 1932 of the Act and part 438 of this chapter, if benchmark and benchmark-equivalent benefits are provided through a managed care entity.

Cumulative financial requirements are financial requirements that determine whether or to what extent benefits are provided based on accumulated amounts and include deductibles and out-of-pocket maximums. (However, cumulative financial requirements do not include aggregate lifetime or annual dollar limits because these two terms are excluded from the meaning of financial requirements.)

EPSDT means benefits defined in section 1905(r) of the Act.

Financial requirements include deductibles, copayments, coinsurance, or out-of-pocket maximums. Financial requirements do not include aggregate lifetime or annual dollar limits.

Medical/surgical benefits means benefits for items or services for medical conditions or surgical procedures, as defined by the state under the terms of the ABP and in accordance with applicable federal and state law, but does not include mental health or substance use disorder benefits. Any condition defined by the state as being or as not being a medical/surgical

condition must be defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the International Classification of Diseases (ICD) or state guidelines). Medical/surgical benefits do not include long-term services.

Mental health benefits means benefits for items or services for mental health conditions, as defined by the state under the terms of the ABP and in accordance with applicable federal and state law. Any condition defined by the state as being or as not being a mental health condition must be defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM), the most current version of the ICD, or state guidelines. Mental health benefits do not include long-term care services.

Substance use disorder benefits means benefits for items or services for substance use disorders, as defined by the state under the terms of the ABP and in accordance with applicable federal and state law. Any disorder defined by the state as being or as not being a substance use disorder must be defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the DSM, the most current version of the ICD, or state guidelines). Substance use disorder benefits do not include long-term care services.

Treatment limitations include limits on benefits based on the frequency of treatment, number of visits, days of coverage, days in a waiting period, or other similar limits on the scope or duration of treatment. Treatment limitations include both quantitative treatment limitations, which are expressed numerically (such as 50 outpatient visits per year), and nonquantitative treatment limitations, which otherwise limit the scope or duration of benefits for treatment under an ABP. (*See* paragraph (b)(4)(ii) of this section for an illustrative list of nonquantitative treatment limitations.) A permanent exclusion of all benefits for a particular condition or disorder, however, is not a treatment limitation for purposes of this definition.

(b) *Parity requirements for financial requirements and treatment limitations*—(1) *Clarification of terms*—(i) *Classification of benefits.* When reference is made in this paragraph (b) to a classification of benefits, the term ''classification'' means a classification as described in paragraph (b)(2)(ii) of this section.

(ii) *Type of financial requirement or treatment limitation.* When reference is made in this paragraph (b) to a type of financial requirement or treatment limitation, the reference to type means its nature. Different types of financial requirements include deductibles, copayments, coinsurance, and out-of-pocket maximums. Different types of quantitative treatment limitations include annual, episode, and lifetime day and visit limits. *See* paragraph (b)(4)(ii) of this section for an illustrative list of nonquantitative treatment limitations.

(iii) *Level of a type of financial requirement or treatment limitation.* When reference is made in this paragraph (b) to a level of a type of financial requirement or treatment limitation, level refers to the magnitude of the type of financial requirement or treatment limitation.

(2) *General parity requirement*—(i) *General rule.* A state may not apply within an ABP any financial requirement or treatment limitation to mental health or substance use disorder benefits in any classification that is more restrictive than the predominant financial requirement or treatment limitation of that type applied to substantially all medical/surgical benefits in the same classification. Whether a financial requirement or treatment limitation is a predominant financial requirement or treatment limitation that applies to substantially all medical/surgical benefits in a classification is determined separately for each type of financial requirement or treatment limitation. The application of the rules of this paragraph (b)(2) to financial requirements and quantitative treatment limitations is addressed in paragraph (b)(3) of this section; the application of the rules of this paragraph (b)(2) to nonquantitative treatment limitations is addressed in paragraph (b)(4) of this section.

(ii) *Classifications of benefits used for applying rules.* ABPs must include mental health or substance use disorder benefits in every classification of benefits described in this paragraph (b)(2)(ii) in which medical/surgical benefits are provided. In determining the classification in which a particular benefit belongs, the state must apply the same standards to medical/surgical benefits and to mental health or substance use disorder benefits. To the extent that a state provides ABP benefits in a classification and imposes any separate financial requirement or treatment limitation (or separate level of a financial requirement or treatment limitation) for benefits in the classification, the rules of this paragraph (b) apply separately for that classification for all financial requirements or treatment limitations. The following classifications of benefits are the only classifications used in applying the rules of this paragraph (b):

(A) *Inpatient.* Benefits furnished on an inpatient basis.

(B) *Outpatient.* Benefits furnished on an outpatient basis. See special rules for office visits in paragraph (b)(3)(ii)(B)(*1*) of this section.

(C) *Emergency care.* Benefits for emergency care.

(D) *Prescription drugs.* Benefits for prescription drugs. See special rules for multi-tiered prescription drug benefits in paragraph (b)(3)(ii) of this section.

(3) *Financial requirements and quantitative treatment limitations*—(i) *Determining ''substantially all'' and ''predominant''*—(A) *Substantially all.* For purposes of this paragraph (b), a type of financial requirement or quantitative treatment limitation is considered to apply to substantially all medical/surgical benefits in a classification of benefits if it applies to at least two-thirds of all medical/surgical benefits in that classification. If a type of financial requirement or quantitative treatment limitation does not apply to at least two-thirds of all medical/surgical benefits in a classification, then that type cannot be applied to mental health or substance use disorder benefits in that classification.

(B) *Predominant*—(*1*) If a type of financial requirement or quantitative treatment limitation applies to at least two-thirds of all medical/surgical benefits in a classification as determined under paragraph (b)(3)(i)(A) of this section, the level of the financial requirement or quantitative treatment limitation that is considered the predominant level of that type in a classification of benefits is the level that applies to more than one-half of medical/surgical benefits in that classification subject to the financial requirement or quantitative treatment limitation.

(*2*) If, for a type of financial requirement or quantitative treatment limitation that applies to at least two-thirds of all medical/surgical benefits in a classification, there is no single level that applies to more than one-half of medical/surgical benefits in the classification subject to the financial requirement or quantitative treatment limitation, the state may combine levels until the combination of levels applies to more than one-half of medical/surgical benefits subject to the financial

requirement or quantitative treatment limitation in the classification. The least restrictive level within the combination is considered the predominant level of that type in the classification. (For this purpose, a state may combine the most restrictive levels first, with each less restrictive level added to the combination until the combination applies to more than one-half of the benefits subject to the financial requirement or treatment limitation.)

(C) *Portion based on ABP payments.* For purposes of this paragraph (b), the determination of the portion of medical/surgical benefits in a classification of benefits subject to a financial requirement or quantitative treatment limitation (or subject to any level of a financial requirement or quantitative treatment limitation) is based on the dollar amount of all ABP payments for medical/surgical benefits in the classification expected to be paid under the ABP for the plan year (or for the portion of the plan year after a change in ABP benefits that affects the applicability of the financial requirement or quantitative treatment limitation).

(D) *Clarifications for certain threshold requirements.* For any deductible, the dollar amount of ABP payments includes all payments for claims that would be subject to the deductible if it had not been satisfied. For any out-of-pocket maximum, the dollar amount of ABP payments includes all payments associated with out-of-pocket payments that are taken into account towards the out-of-pocket maximum as well as all payments associated with out-of-pocket payments that would have been made towards the out-of-pocket maximum if it had not been satisfied. Similar rules apply for any other thresholds at which the rate of payment changes.

(E) *Determining the dollar amount of ABP payments.* Subject to paragraph (b)(3)(i)(D) of this section, any reasonable method may be used to determine the dollar amount expected to be paid for medical/surgical benefits subject to a financial requirement or quantitative treatment limitation (or subject to any level of a financial requirement or quantitative treatment limitation).

(ii) *Special rules*—(A) *Multi-tiered prescription drug benefits.* If a state or plan administrator applies different levels of financial requirements to different tiers of prescription drug benefits based on reasonable factors determined in accordance with the rules in paragraph (b)(4)(i) of this section (relating to requirements for nonquantitative treatment limitations) and without regard to whether a drug is generally prescribed for medical/surgical benefits or for mental health or substance use disorder benefits, the ABP satisfies the parity requirements of this paragraph (b) for prescription drug benefits. Reasonable factors include cost, efficacy, generic versus brand name, and mail order versus pharmacy pick-up/delivery.

(B) *Sub-classifications permitted for office visits, separate from other outpatient services.* For purposes of applying the financial requirement and treatment limitation rules of this paragraph (b), a state may divide its benefits furnished on an outpatient basis into the two sub-classifications described in this paragraph (b)(3)(ii)(B). After the sub-classifications are established, the state may not impose any financial requirement or quantitative treatment limitation on mental health or substance use disorder benefits in any sub-classification that is more restrictive than the predominant financial requirement or quantitative treatment limitation that applies to substantially all medical/surgical benefits in the sub-classification using the methodology set forth in paragraph (b)(3)(i) of this section. Sub-classifications other than these special rules, such as separate sub-classifications for generalists and specialists, are not permitted. The two sub-classifications permitted under this paragraph (b)(3)(ii)(B) are:

(*1*) Office visits (such as physician visits); and

(*2*) All other outpatient items and services (such as outpatient surgery, laboratory services, or other medical items).

(iii) *No separate cumulative financial requirements.* A state may not apply any cumulative financial requirement for mental health or substance use disorder benefits in a classification that accumulates separately from any established for medical/surgical benefits in the same classification.

(iv) *Compliance with other cost-sharing rules.* States must meet the requirements of §§ 447.50 through 447.57 of this chapter when applying Medicaid cost-sharing.

(4) *Nonquantitative treatment limitations*—(i) *General rule.* A state may not impose a nonquantitative treatment limitation for mental health or substance use disorder benefits in any classification unless, under the terms of the ABP as written and in operation, any processes, strategies, evidentiary standards, or other factors used in applying the nonquantitative treatment limitation to mental health or substance use disorder benefits in the classification are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the limitation for medical/surgical benefits in the classification.

(ii) *Illustrative list of nonquantitative treatment limitations.* Nonquantitative treatment limitations include—

(A) Medical management standards limiting or excluding benefits based on medical necessity or medical appropriateness, or based on whether the treatment is experimental or investigative;

(B) Formulary design for prescription drugs;

(C) Standards for provider admission to participate in a network, including reimbursement rates;

(D) Methods for determining usual, customary, and reasonable charges;

(E) Refusal to pay for higher-cost therapies until it can be shown that a lower-cost therapy is not effective (also known as fail-first policies or step therapy protocols);

(F) Exclusions based on failure to complete a course of treatment; and

(G) Restrictions based on geographic location, facility type, provider specialty, and other criteria that limit the scope or duration of benefits or services provided under the ABP.

(c) *Availability of information*—(1) *Criteria for medical necessity determinations.* The criteria for medical necessity determinations made by the state for beneficiaries served through the ABP for mental health or substance use disorder benefits must be made available by the state to any beneficiary or Medicaid provider upon request.

(2) *Reason for any denial.* The reason for any denial made by the state in the case of a beneficiary served through an ABP of reimbursement or payment for services for mental health or substance use disorder benefits must be made available by the state to the beneficiary.

(3) *Provisions of other law.* Compliance with the disclosure requirements in paragraphs (c)(1) and (2) of this section is not determinative of compliance with any other provision of applicable federal or state law.

(d) *Applicability*—(1) *Alternative Benefit Plans (ABPs).* The requirements of this section apply to states providing benefits through ABPs. For those states providing ABPs through an MCO, PIHP, or PAHP the rules of 42 CFR part 438, subpart K also apply, and approved contracts will be viewed as evidence of compliance with the requirements of this section.

(2) *Scope.* This section does not—

(i) Require a state to provide any specific mental health benefits or substance use disorder benefits;

however, in providing coverage through an ABP, the state must include the ten essential health benefits as required in § 440.347, which include mental health and substance use disorder benefits or

(ii) Affect the terms and conditions relating to the amount, duration, or scope of mental health or substance use disorder benefits under the ABP except as specifically provided in paragraph (b) of this section.

(3) *State plan requirement.* If a state plan provides for an ABP, the state must provide sufficient information in ABP state plan amendment requests to assure compliance with the requirements of this subpart.

(4) *Compliance dates*—(i) *In general.* ABP coverage offered by states must comply with the requirements of this section no later than 18 months after the publication of the final rule.

(ii) [Reserved]

PART 456—UTILIZATION CONTROL

■ 6. The authority citation for part 456 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

§ 456.171 [Removed and Reserved]

■ 7. Section 456.171 is removed and reserved.

PART 457—ALLOTMENTS AND GRANTS TO STATES

■ 8. The authority citation for part 457 continues to read as follows:

Authority: Section 1102 of the Social Security Act (42 U.S.C. 1302).

■ 9. Section 457.496 is added to subpart D to read as follows:

§ 457.496 Parity in mental health and substance use disorder benefits.

(a) *Meaning of terms.* For purposes of this section, except where the context clearly indicates otherwise, the following terms have the meanings indicated:

Aggregate lifetime dollar limit means a dollar limitation on the total amount of specified benefits that may be paid under a CHIP state plan or a Managed Care Entity (MCE) (as defined at § 457.10) that contracts with the CHIP state plan. CHIP state plans must meet the requirements of § 457.480.

Annual dollar limit means a dollar limitation on the total amount of specified benefits that may be paid in a 12-month period under a CHIP state plan or a MCE that contracts with a CHIP state plan. CHIP state plans must meet the requirements at § 457.480.

CHIP State Plan has the meaning assigned at § 457.50.

Cumulative financial requirements are financial requirements that determine whether or to what extent benefits are provided based on accumulated amounts and include deductibles and out-of-pocket maximums. (However, cumulative financial requirements do not include aggregate lifetime or annual dollar limits because these two terms are excluded from the meaning of financial requirements.)

Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefits has the meaning defined in section 1905(r) of the Act.

Financial requirements include deductibles, copayments, coinsurance, or out-of-pocket maximums. Financial requirements do not include aggregate lifetime or annual dollar limits.

Medical/surgical benefits means benefits for items or services for medical conditions or surgical procedures, as defined under the terms of the CHIP state plan in accordance with applicable federal and state law, but does not include mental health or substance use disorder benefits. Any condition defined by the CHIP state plan as being or not being a medical/surgical condition must be defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the International Classification of Diseases (ICD) or generally applicable state guidelines). Medical/surgical benefits do not include long-term care services.

Mental health benefits means benefits for items or services that treat or otherwise address mental health conditions, as defined under the terms of the CHIP state plan in accordance with applicable federal and state law, and consistent with generally recognized independent standards of current medical practice. Standards of current medical practice can be based on the most current version of the DSM, the most current version of the ICD, or generally applicable state guidelines. The term does not include long term care services.

Substance use disorder benefits means benefits for items or services for substance use disorders, as defined under the terms of the CHIP state plan in accordance with applicable federal and state law, and consistent with generally recognized independent standards of current medical practice. Standards of current medical practice can be based on the most current version of the DSM, the most current version of the ICD, or generally applicable state guidelines. The term does not include long term care services.

Treatment limitations include limits on benefits based on the frequency of treatment, number of visits, days of coverage, days in a waiting period, or other similar limits on the scope or duration of treatment. Treatment limitations include both quantitative treatment limitations, which are expressed numerically (such as 50 outpatient visits per year), and nonquantitative treatment limitations, which otherwise limit the scope or duration of benefits for treatment under the CHIP state plan. (*See* paragraph (d)(4)(ii) of this section for an illustrative list of nonquantitative treatment limitations.) A permanent exclusion of all benefits for a particular condition or disorder, however, is not a treatment limitation for purposes of this definition.

(b) *State CHIP plan providing EPSDT benefits.* A state CHIP plan that provides benefits through expansion of Medicaid programs and provides EPSDT benefits is deemed to be in compliance with the parity requirements for financial requirements and treatment limitations. Annual or lifetime limits are not permissible in EPSDT benefits.

(c) *Parity requirements for aggregate lifetime and annual dollar limits.* This paragraph (c) details the application of the parity requirements for aggregate lifetime and annual dollar limits. A CHIP state plan that provides both medical/surgical benefits and mental health or substance use disorder benefits must comply with paragraph (c)(1), (2), or (4) of this section.

(1) *Plan with no limit or limits on less than one-third of all medical/surgical benefits.* If a CHIP state plan does not include an aggregate lifetime or annual dollar limit on any medical/surgical benefits or includes an aggregate lifetime or annual dollar limit that applies to less than one-third of all medical/surgical benefits, it may not impose an aggregate lifetime or annual dollar limit, respectively, on mental health or substance use disorder benefits.

(2) *CHIP state plans with a limit on at least two-thirds of all medical/surgical benefits.* If a CHIP state plan includes an aggregate lifetime or annual dollar limit on at least two-thirds of all medical/surgical benefits, it must either—

(i) Apply the aggregate lifetime or annual dollar limit both to the medical/surgical benefits to which the limit would otherwise apply and to mental health or substance use disorder benefits in a manner that does not distinguish between the medical/

surgical benefits and mental health or substance use disorder benefits; or

(ii) Not include an aggregate lifetime or annual dollar limit on mental health or substance use disorder benefits that is more restrictive than the aggregate lifetime or annual dollar limit, respectively, on medical/surgical benefits. (For cumulative limits other than aggregate lifetime or annual dollar limits, see paragraph (d)(3)(iii) of this section prohibiting separately accumulating cumulative financial requirements.)

(3) *Determining one-third and two-thirds of all medical/surgical benefits.* For purposes of this paragraph (c), the determination of whether the portion of medical/surgical benefits subject to an aggregate lifetime or annual dollar limit represents one-third or two-thirds of all medical/surgical benefits is based on the dollar amount of all plan payments for medical/surgical benefits expected to be paid under the CHIP state plan for the state plan year (or for the portion of the plan year after a change in plan benefits that affects the applicability of the aggregate lifetime or annual dollar limits). Any reasonable method may be used to determine whether the dollar amount expected to be paid under the CHIP state plan will constitute one-third or two-thirds of the dollar amount of all plan payments for medical/surgical benefits.

(4) *Plan not described in this section*—(i) *In general.* A CHIP state plan that is not described in paragraph (c)(1) or (2) of this section for aggregate lifetime or annual dollar limits on medical/surgical benefits, must either—

(A) Impose no aggregate lifetime or annual dollar limit, as appropriate, on mental health or substance use disorder benefits; or

(B) Impose an aggregate lifetime or annual dollar limit on mental health or substance use disorder benefits that is no more restrictive than an average limit calculated for medical/surgical benefits in the following manner. The average limit is calculated by taking into account the weighted average of the aggregate lifetime or annual dollar limits, as appropriate, that are applicable to the categories of medical/surgical benefits. Limits based on delivery systems, such as inpatient/outpatient treatment or normal treatment of common, low-cost conditions (such as treatment of normal births), do not constitute categories for purposes of this paragraph (c)(4)(i)(B). In addition, for purposes of determining weighted averages, any benefits that are not within a category that is subject to a separately-designated dollar limit under the plan are taken into account as a single separate category by using an estimate of the upper limit on the dollar amount that a plan may reasonably be expected to incur for such benefits, taking into account any other applicable restrictions under the plan.

(ii) *Weighting.* For purposes of this paragraph (c)(4), the weighting applicable to any category of medical/surgical benefits is determined in the manner set forth in paragraph (c)(3) of this section for determining one-third or two-thirds of all medical/surgical benefits.

(d) *Parity requirements for financial requirements and treatment limitations*—(1) *Clarification of terms*—(i) *Classification of benefits.* When reference is made in this paragraph (d) to a classification of benefits, the term ''classification'' means a classification as described in paragraph (d)(2)(ii) of this section.

(ii) *Type of financial requirement or treatment limitation.* When reference is made in this paragraph (d) to a type of financial requirement or treatment limitation, the reference to type means its nature. Different types of financial requirements include deductibles, copayments, coinsurance, and out-of-pocket maximums. Different types of quantitative treatment limitations include annual, episode, and lifetime day and visit limits. *See* paragraph (d)(4)(ii) of this section for an illustrative list of nonquantitative treatment limitations.

(iii) *Level of a type of financial requirement or treatment limitation.* When reference is made in this paragraph (d) to a level of a type of financial requirement or treatment limitation, level refers to the magnitude of the type of financial requirement or treatment limitation.

(2) *General parity requirement*—(i) *General rule.* A CHIP state plan or a MCE that contracts with CHIP through its state plan that provides both medical/surgical benefits and mental health or substance use disorder benefits, including when such benefits are delivered through an MCE, may not apply any financial requirement or treatment limitation to mental health or substance use disorder benefits in any classification that is more restrictive than the predominant financial requirement or treatment limitation of that type applied to substantially all medical/surgical benefits in the same classification. Whether a financial requirement or treatment limitation is a predominant financial requirement or treatment limitation that applies to substantially all medical/surgical benefits in a classification is determined separately for each type of financial requirement or treatment limitation. The application of the rules of this paragraph (d)(2) to financial requirements and quantitative treatment limitations is addressed in paragraph (d)(3) of this section; the application of the rules of this paragraph (d)(2) to nonquantitative treatment limitations is addressed in paragraph (d)(4) of this section.

(ii) *Classifications of benefits used for applying rules.* If a CHIP state plan provides mental health or substance use disorder benefits in any classification of benefits described in this paragraph (d)(2)(ii), mental health or substance use disorder benefits must be provided in every classification in which medical/surgical benefits are provided. In determining the classification in which a particular benefit belongs, the same standards must apply to medical/surgical benefits and to mental health or substance use disorder benefits. To the extent that a CHIP state plan provides benefits in a classification and imposes any separate financial requirement or treatment limitation (or separate level of a financial requirement or treatment limitation) for benefits in the classification, the rules of this paragraph (d) apply separately for that classification for all financial requirements or treatment limitations. The following classifications of benefits are the only classifications used in applying the rules of this paragraph (d):

(A) *Inpatient.* Benefits furnished on an inpatient basis.

(B) *Outpatient.* Benefits furnished on an outpatient basis. See special rules for office visits in paragraph (d)(3)(iii) of this section.

(C) *Emergency care.* Benefits for emergency care.

(D) *Prescription drugs.* Benefits for prescription drugs. See special rules for multi-tiered prescription drug benefits in paragraph (d)(3)(iii) of this section.

(3) *Financial requirements and quantitative treatment limitations*—(i) *Determining ''substantially all'' and ''predominant''*—(A) *Substantially all.* For purposes of this paragraph (d), a type of financial requirement or quantitative treatment limitation is considered to apply to substantially all medical/surgical benefits in a classification of benefits if it applies to at least two-thirds of all medical/surgical benefits in that classification. If a type of financial requirement or quantitative treatment limitation does not apply to at least two-thirds of all medical/surgical benefits in a classification, then that type cannot be applied to mental health or substance use disorder benefits in that classification.

(B) *Predominant.* (*1*) If a type of financial requirement or quantitative treatment limitation applies to at least two-thirds of all medical/surgical benefits in a classification as determined under paragraph (d)(3)(i)(A) of this section, the level of the financial requirement or quantitative treatment limitation that is considered the predominant level of that type in a classification of benefits is the level that applies to more than one-half of medical/surgical benefits in that classification subject to the financial requirement or quantitative treatment limitation.

(*2*) If, for a type of financial requirement or quantitative treatment limitation that applies to at least two-thirds of all medical/surgical benefits in a classification, there is no single level that applies to more than one-half of medical/surgical benefits in the classification subject to the financial requirement or quantitative treatment limitation, the CHIP state plan (or health insurance issuer) may combine levels until the combination of levels applies to more than one-half of medical/surgical benefits subject to the financial requirement or quantitative treatment limitation in the classification. The least restrictive level within the combination is considered the predominant level of that type in the classification. (For this purpose, a CHIP state plan may combine the most restrictive levels first, with each less restrictive level added to the combination until the combination applies to more than one-half of the benefits subject to the financial requirement or treatment limitation.)

(C) *Portion based on plan payments.* For purposes of this paragraph (d), the determination of the portion of medical/surgical benefits in a classification of benefits subject to a financial requirement or quantitative treatment limitation (or subject to any level of a financial requirement or quantitative treatment limitation) is based on the dollar amount of all CHIP state plan payments and combinations of MCE payments for medical/surgical benefits in the classification expected to be paid under the plan or MCE or combination that contracts with the CHIP state plan for the plan year (or for the portion of the plan year after a change in plan benefits that affects the applicability of the financial requirement or quantitative treatment limitation).

(D) *Clarifications for certain threshold requirements.* For any deductible, the dollar amount of a CHIP state plan payments includes all plan payments for claims that would be subject to the deductible if it had not been satisfied. In accordance with the cumulative cost-sharing maximum in § 457.560, or any other out-of-pocket maximum in the CHIP state plan, the dollar amount of plan payments includes all CHIP state plan payments associated with out-of-pocket payments that are taken into account towards the out-of-pocket maximum as well as all plan payments associated with out-of-pocket payments that would have been made towards the out-of-pocket maximum if it had not been satisfied. Similar rules apply for any other thresholds at which the rate of health plan payment changes.

(E) *Determining the dollar amount of CHIP state plan payments.* Subject to paragraph (d)(3)(i)(D) of this section, any reasonable method may be used to determine the dollar amount expected to be paid under a CHIP state plan for medical/surgical benefits subject to a financial requirement or quantitative treatment limitation (or subject to any level of a financial requirement or quantitative treatment limitation).

(ii) *Special rules*—(A) *Multi-tiered prescription drug benefits.* If a CHIP state plan applies different levels of financial requirements to different tiers of prescription drug benefits based on reasonable factors determined in accordance with the rules in paragraph (d)(4)(i) of this section (relating to requirements for nonquantitative treatment limitations) and without regard to whether a drug is generally prescribed for medical/surgical benefits or for mental health or substance use disorder benefits, the health plan satisfies the parity requirements of this paragraph (d) for prescription drug benefits. Reasonable factors include cost, efficacy, generic versus brand name, and mail order versus pharmacy pick-up/delivery.

(B) *Sub-classifications permitted for office visits, separate from other outpatient services.* For purposes of applying the financial requirement and treatment limitation rules of this paragraph (d), a CHIP state plan may divide its benefits furnished on an outpatient basis into the two sub-classifications described in this paragraph (d)(3)(ii)(B). After the sub-classifications are established, the CHIP state plan may not impose any financial requirement or quantitative treatment limitation on mental health or substance use disorder benefits in any sub-classification that is more restrictive than the predominant financial requirement or quantitative treatment limitation that applies to substantially all medical/surgical benefits in the sub-classification using the methodology set forth in paragraph (d)(3)(i) of this section. Sub-classifications other than these special rules, such as separate sub-classifications for generalists and specialists, are not permitted. The two sub-classifications permitted under this paragraph (d)(3)(ii)(B) are:

(*1*) Office visits (such as physician visits); and

(*2*) All other outpatient items and services (such as outpatient surgery, facility charges for day treatment centers, laboratory charges, or other medical items).

(iii) *No separate cumulative financial requirements.* A CHIP state plan may not apply any cumulative financial requirement for mental health or substance use disorder benefits in a classification that accumulates separately from any established for medical/surgical benefits in the same classification.

(4) *Nonquantitative treatment limitations*—(i) *General rule.* A CHIP state plan may not impose a nonquantitative treatment limitation for mental health or substance use disorder benefits in any classification unless, under the terms of the CHIP state plan as written and in operation, any processes, strategies, evidentiary standards, or other factors used in applying the nonquantitative treatment limitation to mental health or substance use disorder benefits in the classification are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the limitation for medical/surgical benefits in the classification.

(ii) *Illustrative list of nonquantitative treatment limitations.* Nonquantitative treatment limitations include—

(A) Medical management standards limiting or excluding benefits based on medical necessity or medical appropriateness, or based on whether the treatment is experimental or investigative;

(B) Formulary design for prescription drugs;

(C) For plans with multiple network tiers (such as preferred providers and participating providers), network tier design;

(D) Standards for provider admission to participate in a network, including reimbursement rates;

(E) Plan methods for determining usual, customary, and reasonable charges;

(F) Refusal to pay for higher-cost therapies until it can be shown that a lower-cost therapy is not effective (also known as fail-first policies or step therapy protocols);

(G) Exclusions based on failure to complete a course of treatment; and

(H) Restrictions based on geographic location, facility type, provider

specialty, and other criteria that limit the scope or duration of benefits for services provided under the plan or coverage.

(I) Standards for providing access to out-of-network providers

(5) *Application to out-of-network providers.* Any CHIP state plan providing access to out-of-network providers for medical/surgical benefits within a classification must use the same processes, strategies, evidentiary standards, or other factors in determining access to out-of-network providers for mental health and substance use disorder benefits. If the CHIP state plan is found to be in compliance with § 438.206(b)(4) of this chapter, they will be deemed in compliance with the standards in this paragraph (d)(5).

(e) *Availability of plan information*—(1) *Criteria for medical necessity determinations.* The criteria for medical necessity determinations made under a CHIP state plan including when benefits are furnished through a MCE contractor for mental health or substance use disorder benefits must be made available by the plan administrator (or the state offering the coverage) to any current enrollee or potential enrollee or contracting provider upon request. Health plans operating in compliance with § 438.236(c) of this chapter will be determined compliant with the requirements in this paragraph (e).

(2) *Reason for any denial.* The reason for any denial under a health plan of reimbursement or payment for services for mental health or substance use disorder benefits in the case of any enrollee must be made available by the plan administrator or the state to the enrollee.

(3) *Provisions of other law.* Compliance with the disclosure requirements in paragraphs (e)(1) and (2) of this section is not determinative of compliance with any other provision of applicable federal or state law.

(f) *Applicability*—(1) *CHIP state plans.* The requirements of this section apply to CHIP state plans offering medical/surgical benefits and mental health or substance use disorder benefits to their enrollees including when benefits are furnished under a contract with MCEs. If, under an arrangement or arrangements to provide CHIP state plan benefits any enrollee can simultaneously receive coverage for medical/surgical benefits and coverage for mental health or substance use disorder benefits, then the requirements of this section apply separately for each combination of medical/surgical benefits and of mental health or substance use disorder benefits that any enrollee can simultaneously receive from the state Medicaid agency.

(2) *Scope.* This section does not—

(i) Require a CHIP state plan or a MCE that contracts with a CHIP state plan to provide any mental health benefits or substance use disorder benefits, and the provision of benefits by a CHIP state plan or a MCE that contracts with a CHIP state plan for one or more mental health conditions or substance use disorders does not require the plan or health insurance coverage under this section to provide benefits for any other mental health condition or substance use disorder;

(ii) Affect the terms and conditions relating to the amount, duration, or scope of mental health or substance use disorder benefits under the CHIP state plan or a MCE that contracts with a CHIP state plan except as specifically provided in paragraphs (c) and (d) of this section.

(g) *Compliance dates*—(i) *In general.* CHIP state plans (including those that contract with a MCE) must comply with the requirements of this section no later than [DATE 18 MONTHS AFTER THE PUBLICATION OF THE FINAL RULE].

(ii) [Reserved]

Dated: March 18, 2015.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: April 1, 2015.

Sylvia M. Burwell,

Secretary, Department of Health and Human Services.

[FR Doc. 2015–08135 Filed 4–6–15; 4:15 pm]

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Part III

Environmental Protection Agency

40 CFR Part 82
Protection of Stratospheric Ozone: Listing of Substitutes for Refrigeration and Air Conditioning and Revision of the Venting Prohibition for Certain Refrigerant Substitutes; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2013–0748; FRL–9922–26–OAR]

RIN 2060–AS04

Protection of Stratospheric Ozone: Listing of Substitutes for Refrigeration and Air Conditioning and Revision of the Venting Prohibition for Certain Refrigerant Substitutes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy program, this action lists five flammable refrigerants as acceptable substitutes, subject to use conditions, in several end-uses: Household refrigerators and freezers, stand-alone retail food refrigeration equipment, very low temperature refrigeration, non-mechanical heat transfer, vending machines, and room air conditioning units. This action also exempts from Clean Air Act Section 608's prohibition on venting, release, or disposal the four hydrocarbon refrigerant substitutes listed in this action as acceptable, subject to use conditions, in specific end-uses. We are finalizing this exemption for those substitutes, subject to those use conditions and in those end-uses, on the basis of current evidence that their venting, release, or disposal does not pose a threat to the environment.

DATES: This rule is effective on May 11, 2015. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of May 11, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2013–0748. All documents in the docket are listed on the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard, Stratospheric Protection Division, Office of Atmospheric Programs, Mail Code 6205T, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number (202) 343–9163; fax number (202) 343–2338, email address: *sheppard.margaret@epa.gov.* Notices and rulemakings under EPA's Significant New Alternatives Policy (SNAP) program are available on EPA's Stratospheric Ozone Web site at *www.epa.gov/ozone/snap/regs.*

SUPPLEMENTARY INFORMATION:

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I. General Information

A. Executive Summary

Pursuant to the SNAP program under Clean Air Act (CAA) Section 612, this final rule lists five flammable refrigerant substitutes as acceptable, subject to use conditions, in several refrigeration and air conditioning end-uses: Household refrigerators and freezers; retail food refrigeration, stand-alone equipment only; very low temperature refrigeration; non-mechanical heat transfer; vending machines; and room air conditioning (AC) units. The five refrigerant substitutes are: Difluoromethane (also known as hydrofluorocarbon (HFC)-32), ethane, isobutane, propane, and the hydrocarbon blend R–441A. The use conditions address safe use of flammable refrigerants and include incorporation by reference of portions of certain safety standards from Underwriters Laboratories (UL), refrigerant charge size limits, and requirements for markings on equipment using these refrigerants. This action also exempts from CAA Section 608's prohibition on venting, release, or disposal the hydrocarbon refrigerant substitutes ethane, isobutane, propane, and R–441A in specific end-uses for which they are being listed in this rulemaking. We are finalizing this exemption for those substitutes on the basis of current evidence that their venting, release, or disposal from these specific end-uses does not pose a threat to the environment.

This final rule lists all five refrigerants as acceptable, subject to use conditions, in the same end-uses as in the proposed

rule. This final rule retains the same use conditions as proposed for household refrigerators and freezers; retail food refrigeration, stand-alone equipment only; very low temperature refrigeration; non-mechanical heat transfer; and vending machines. For room AC units, EPA is retaining the same use conditions as proposed, with one exception. For portable AC units, EPA is not applying the proposed charge limits for packaged terminal AC (PTAC) units, packaged terminal heat pumps (PTHP), and other floor mounted AC units, which are set forth in Table D. In this final rule, Table E (new) establishes charge limits for portable AC units, consistent with the requirements in Appendix F of UL 484, ''Room Air Conditioners,'' 8th Edition, dated August 2, 2012. EPA is making this change because we agree with commenters that the final rule should incorporate specific provisions for charge limits for portable units in UL 484, which is the standard that is the basis of EPA's other charge limits, as well. This final rule exempts the four hydrocarbon refrigerants for the end-uses addressed in the proposed rule from the venting prohibition under CAA Section 608. HFC–32 remains prohibited from being knowingly vented or otherwise knowingly released or disposed of by any person maintaining, servicing, repairing, or disposing appliances containing HFC–32.

EPA received a total of 37 comments from 35 commenters. Major topics raised by commenters included: The acceptability of each refrigerant; the environmental, flammability, and toxicity characteristics of the proposed refrigerants; the cost impacts of using the proposed refrigerants; the proposed use conditions; EPA's recommendations for safe handling of the refrigerants; technician training; the relationship between this proposed rule and the proposed rule *Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program* (August 6, 2014, 79 FR 46126); and the proposed exemption from CAA Section 608's prohibition on venting, release, or disposal of the four hydrocarbon refrigerant substitutes.

B. Background

Consistent with the Climate Action Plan announced June 2013, which calls on EPA to ''use its authority through the Significant New Alternatives Policy Program to encourage private sector investment in low-emissions technology by identifying and approving climate-friendly chemicals'' (Climate Action Plan, 2013), this final rule approves a number of climate-friendly alternatives for various kinds of refrigeration and AC equipment. Using low-GWP alternatives instead of high-GWP HFCs reduces climate-damaging emissions. Use and emissions of HFCs are rapidly increasing because they are the primary substitutes for ozone-depleting substances, especially in many of the largest end-uses. Though they represent a small fraction of current total greenhouse gas (GHG) emissions, their warming impact is hundreds to thousands of times higher than that of CO_2 and other GHGs. Further, if left unregulated, emissions of HFCs in the United States are expected to double from current levels of 1.5 percent of GHG emissions to 3 percent by 2020 and nearly triple by 2030.[1]

This action lists as acceptable, subject to use conditions, five flammable refrigerant substitutes that EPA believes present overall lower risk to human health and the environment compared to other available or potentially available alternatives in the same end-uses. The refrigerants include one HFC refrigerant—HFC–32—and four hydrocarbon refrigerants—ethane, isobutane, propane, and R–441A. We are listing these substitutes as acceptable, subject to use conditions, in a number of stationary AC and refrigeration end-uses under the SNAP program, including: Household refrigerators and freezers, retail food refrigeration, very low temperature refrigeration, non-mechanical heat transfer, vending machines, and residential and light commercial AC and heat pumps. The use conditions set requirements to ensure that these substitutes do not present significantly greater risk in the end-use than other substitutes that are currently or potentially available for that same end-use. This action is another regular update to EPA's lists of acceptable substitutes through the SNAP program under the authority of CAA Section 612.

This action responds to a number of SNAP submissions for four hydrocarbon refrigerants and HFC–32. Additionally, this action exempts from the prohibition under CAA Section 608 on venting, release, or disposal, the four hydrocarbon refrigerant substitutes that are listed as acceptable, subject to use conditions, in specific end-uses, on the basis of current evidence that their venting, release, or disposal does not pose a threat to the environment. Note, however, that other applicable environmental regulatory requirements still apply. For example, for those refrigerant substitutes listed in this action that contain volatile organic compounds (VOC) as defined in 40 CFR 50.100(s), *i.e.,* isobutane, propane, and R–441A,[2] a state might adopt additional control strategies if necessary for an ozone nonattainment area to attain the National Ambient Air Quality Standard (NAAQS) for ozone.

With the exception of HFC–32, the refrigerants listed as acceptable, subject to use conditions, in this action are hydrocarbons or blends consisting solely of hydrocarbons. Hydrocarbon refrigerants have been in use for over 15 years in countries such as Germany, the United Kingdom, Australia, and Japan in household and commercial refrigerators and freezers. To a lesser extent, hydrocarbon refrigerants have also been used internationally in small AC units such as portable room air conditioners.

Because hydrocarbon refrigerants have zero ozone depletion potential (ODP) and very low global warming potentials (GWPs) compared to most other refrigerants, many companies recently have expressed interest in using hydrocarbons in the United States. Also, some companies have reported improved energy efficiency with hydrocarbon refrigerants (A.S. Trust & Holdings, 2012; A/S Vestfrost, 2012; CHEAA, 2013).

In a final rule published in the **Federal Register** (FR) on December 20, 2011, at 76 FR 78832, EPA's SNAP program listed isobutane and R–441A as acceptable, subject to use conditions, in household refrigerators, freezers, and combination refrigerators and freezers, and listed propane as acceptable, subject to use conditions, in retail food refrigerators and freezers (stand-alone units only). In this action, EPA is listing isobutane, propane, and R–441A as acceptable, subject to use conditions, in additional end-uses.

This final action lists HFC–32 (difluoromethane, Chemical Abstracts Service Registry Number [CAS Reg. No.] 75–10–5) as acceptable, subject to use conditions, in room air conditioners for residential and light commercial AC and heat pumps end-use. There appears to be interest in using HFC–32 for many reasons, including its GWP of 675, which is considerably lower than the GWPs of hydrochlorofluorocarbon (HCFC)-22 (1,810) and most other HFC-based refrigerants (approximately 1,500 to 4,000) currently used in this end-use. It also has mild flammability compared to hydrocarbon refrigerants. Mini-split

[1] Climate Change and President Obama's Action Plan. June, 2013. Available in the docket and online at *www.whitehouse.gov/share/climate-action-plan.*

[2] Neither ethane nor HFC–32 are VOC under the definition at 40 CFR 51.100(s).

systems using HFC–32 are now being sold in Japan and are being introduced in India and Indonesia.

All of the end-uses in this final rule are for stationary refrigeration or AC. EPA previously issued several final rules addressing the use of flammable refrigerants in motor vehicle air conditioning (MVAC). On June 13, 1995, at 60 FR 31092, the Agency found all flammable substitutes to be unacceptable for use in MVAC unless specifically listed as acceptable, subject to use conditions, because of flammability risks and the lack of sufficient risk assessment and other relevant information to demonstrate safe use in that end-use at that time. Some of these risks are unique to motor vehicles. In recent years, EPA has listed three low-GWP refrigerants as acceptable, subject to use conditions, for MVAC systems (*i.e.,* R–152a, R–1234yf, and R–744). Two of these refrigerants are flammable, although less flammable than hydrocarbons. Under 40 CFR part 82, subpart G, Appendix B, all other flammable substitutes remain unacceptable for use in MVAC because EPA has not taken action to specifically list them as acceptable, subject to use conditions.

As stated above, this action is being taken under the President's Climate Action Plan. HFCs are accumulating rapidly in the atmosphere. For example, the atmospheric concentration of HFC–134a, the most abundant HFC, has increased by about 10% per year from 2006 to 2012, and concentrations of HFC–143a and HFC–125 have risen over 13% and 16% per year from 2007–2011, respectively (Montzka, 2012; NOAA, 2013).

The alternatives addressed in this action have GWPs significantly lower than both the ozone-depleting substances (ODS) and HFC substitute refrigerants in the end-uses in which they are being listed. ODS in the end-uses in this final rule include chlorofluorocarbon (CFC)-12 (ODP [3] of 1 and GWP of 10,900), R–13B1 (also known as bromotrifluoromethane or halon 1301, with ODP of 10 and GWP of 7,140), CFC–113 (ODP of 0.8 and GWP of 6,130), R–502 (a blend of CFC–115 and HCFC–22, with ODP of 0.334 and GWP of 4,660), and HCFC–22 (ODP of 0.055 and GWP of 1,810). The GWPs [4] of the hydrocarbon refrigerants we are adding to the SNAP lists in this rule are less than 10, while HFCs listed as acceptable in the end-uses in this rule have GWPs ranging from 1,430 to 3,920. Thus, the listed refrigerants provide industry additional options with lower atmospheric impacts. In this rulemaking, however, EPA did not limit its review to atmospheric impacts, but evaluated each of the SNAP criteria for each substitute in each end-use addressed by this action. EPA then considered overall risk to human health and the environment for each substitute in comparison to other available or potentially available alternatives in the same end-uses.

C. Does this action apply to me?

This action lists the following refrigerants as acceptable, subject to use conditions, for use in specific end-uses within the refrigeration and AC sector: Ethane (R–170), HFC–32 (R–32), isobutane (R–600a), propane (R–290), and the hydrocarbon blend R–441A. Types of residential and light commercial AC equipment addressed in this action include window AC units; packaged terminal AC units and heat pumps; and portable room AC units. Types of refrigeration equipment include stand-alone retail food refrigeration equipment, very low temperature freezers, thermosiphons (non-mechanical heat transfer equipment), household refrigerators and freezers, and vending machines.

Table 1 identifies industry subsectors that may wish to explore the use of ethane, HFC–32, R–441A, isobutane, and propane in these end-uses or that may work with equipment using these refrigerants in the future.

TABLE 1—POTENTIALLY REGULATED ENTITIES BY NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODE OR SUBSECTOR

Category	NAICS code or subsector	Description of regulated entities
Industry	325412	Pharmaceutical Preparations (e.g., Capsules, Liniments, Ointments, Tablets) Manufacturing.
Industry	333415	Manufacturers of Refrigerators, Freezers, and Other Refrigerating or Freezing Equipment, Electric or Other; Heat Pumps Not Elsewhere Specified or Included (NESOI); and Parts Thereof.
Industry	333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.
Industry	443111	Appliance Stores: Household-type.
Industry	445120	Convenience Stores.
Industry	445110	Supermarkets and Other Grocery (except Convenience) Stores.
Industry	722211	Limited-Service Restaurants.
Industry	238220	Plumbing, Heating, and Air Conditioning Contractors.
Industry	811412	Appliance Repair and Maintenance.
Industry	423930	Recyclable Material Merchant Wholesalers.
Industry	423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers.
Industry	423740	Refrigeration Equipment and Supplies Merchant Wholesalers.

This table is not intended to be exhaustive, but rather a guide regarding entities likely to adopt, service or dispose of the substitutes that are being listed in this action. If you have any questions about whether this action

[3] Unless otherwise stated, the ODP values used in this document are those published in Appendices A and B to Subpart A of 40 CFR part 82. For refrigerant blends, EPA has taken the ODPs for the component compounds and multiplied them by the weight fraction of each component in the blend to obtain an approximate ODP.

[4] GWPs for HFC–134a, HFC–32, the component HFCs comprising R–404A and R–410A, propane and ethane are listed in IPCC, 2007: *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. This document is accessible at *www.ipcc.ch/publications_and_data/ar4/wg1/en/contents.html.* GWPs for isobutane and R–441A were provided by the submitters to EPA and they are consistent with available information for their components and the range of GWPs found for other hydrocarbons in IPCC, 2007. For refrigerant blends, EPA has taken the 100-year integrated time horizon GWP from IPCC, 2007 for the component compounds and multiplied them by the weight fraction of each component in the blend to obtain an approximate GWP. Unless otherwise stated, GWPs stated in this document are 100-year integrated time horizon values taken from IPCC, 2007.

applies to a particular entity, consult the person listed in the preceding section, **FOR FURTHER INFORMATION CONTACT**.

D. What acronyms and abbreviations are used in the preamble?

Below is a list of acronyms and abbreviations used in this preamble.

AC—air conditioning
ACGIH—American Conference of Governmental Industrial Hygienists
ACH—air changes per hour
AEGL—acute exposure guideline level
AHAM—Association of Home Appliance Manufacturers
AHRI—Air Conditioning, Heating and Refrigeration Institute
AIRAH—Australian Institute of Refrigeration, Air Conditioning and Heating
ANSI—American National Standards Institute
ARA—Australian Refrigeration Association
ASHRAE—American Society of Heating, Refrigerating and Air-Conditioning Engineers
BTU—British thermal unit
CAA—Clean Air Act
CAS Reg. No.—Chemical Abstracts Service Registry Number
CARB—California Air Resources Board
CBI—Confidential Business Information
CFC—chlorofluorocarbon
CFR—Code of Federal Regulations
CHEAA—Chinese Household Electrical Appliance Association
CMAQ—Community Multiscale Air Quality
CRA—Congressional Review Act
DOE—the United States Department of Energy
EIA—Environmental Investigation Agency-U.S.
EO—Executive Order
EPA—the United States Environmental Protection Agency
EU—European Union
FR—Federal Register
ft—foot
g—gram
GHG—greenhouse gas
GWP—global warming potential
HCFC—hydrochlorofluorocarbon
HF—hydrogen fluoride
HFC—hydrofluorocarbon
HVACR—heating, ventilation, air conditioning and refrigeration
ICF—ICF International, Inc.
ICOR—ICOR International, Inc.
IEC—International Electrotechnical Commission
in.Hg—inches of mercury
IPCC—Intergovernmental Panel on Climate Change
IPR—industrial process refrigeration
ISRI—Institute of Scrap Recycling Industries
JTG—Joint Task Group
kg—kilogram
kJ—kilojoule
kPa—kilopascal
lb—pound
LFL—lower flammability limit
m—meter
mm—millimeter
MMTCO$_2$eq—million metric tons of carbon dioxide equivalents
MSDS—Material Safety Data Sheet
MVAC—motor vehicle air conditioning
NAAQS—National Ambient Air Quality Standard
NAFEM—North American Association of Food Equipment Manufacturers
NAICS—North American Industrial Classification System
NIOSH—the United States National Institute for Occupational Safety and Health
NOAA—the United States National Oceanic and Atmospheric Administration
NOAEL—No Observed Adverse Effect Level
NTTAA—National Technology Transfer and Advancement Act
OEM—original equipment manufacturer
ODP—ozone depletion potential
ODS—ozone-depleting substances
OHA—Office of Hearing and Appeals
OMB—the United States Office of Management and Budget
OSHA—the United States Occupational Safety and Health Administration
oz—ounce
PPE—personal protective equipment
PEL—permissible exposure limit
PFC—perfluorocarbon
PMS—Pantone Matching System
ppb—parts per billion
ppm—parts per million
ppmv—parts per million by volume
PRA—Paperwork Reduction Act
psi—pounds per square inch
PTAC—packaged terminal air conditioner
PTHP—packaged terminal heat pump
RCRA—Resource Conservation and Recovery Act
REL—Recommended Exposure Limit
RFA—Regulatory Flexibility Act
RSES—Refrigeration Service Engineers Society
SIP—State Implementation Plan
SNAP—Significant New Alternatives Policy
STEL—short-term exposure limit
STP—Standards Technical Panels
TFA—trifluoroacetic acid
The Alliance—The Alliance for Responsible Atmospheric Policy
TLV—threshold limit value
TWA—time-weighted average
UL—Underwriters Laboratories Inc.
UMRA—Unfunded Mandates Reform Act
U.S.C.—United States Code
VOC—volatile organic compounds

II. How does the Significant New Alternatives Policy (SNAP) program work?

A. What are the statutory requirements and authority for the SNAP program?

Section 612 of the CAA requires EPA to develop a program for evaluating alternatives to ozone depleting substances (ODS). EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of Section 612 are the following:

1. Rulemaking

Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I substance (chlorofluorocarbon (CFC), halon, carbon tetrachloride, methyl chloroform, and hydrobromofluorocarbon) or class II substance (HCFC) with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment and (2) is currently or potentially available.

2. Listing of Unacceptable/Acceptable Substitutes

Section 612(c) requires EPA to publish a list of the substitutes unacceptable for specific uses and to publish a corresponding list of acceptable alternatives for specific uses. The list of acceptable substitutes may be found at *www.epa.gov/ozone/snap/lists,* and the lists of ''unacceptable,'' ''acceptable subject to use conditions,'' and ''acceptable subject to narrowed use limits'' substitutes are found in the appendices to Subpart G of 40 CFR part 82 as well as at *www.epa.gov/ozone/snap/lists.*

3. Petition Process

Section 612(d) grants the right to any person to petition EPA to add a substance to, or delete a substance from, the lists published in accordance with Section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional six months.

4. 90-Day Notification

Section 612(e) directs EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.

5. Outreach

Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.

6. Clearinghouse

Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are

available for products and manufacturing processes which use class I and II substances.

B. What is EPA's regulation implementing Section 612?

On March 18, 1994, EPA published the original rulemaking (59 FR 13044) which established the process for administering the SNAP program and issued EPA's first lists identifying acceptable and unacceptable substitutes in the major industrial use sectors (Subpart G of 40 CFR part 82). These eight sectors—refrigeration and AC; foam blowing; cleaning solvents; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion—are the principal industrial sectors that historically consumed the largest volumes of ODS.

Section 612 of the CAA instructs EPA to list as acceptable those substitutes that present a lower overall risk to human health and the environment as compared with other substitutes that are currently or potentially available for a specific use.

C. How do the regulations for the SNAP program work?

Under the SNAP regulations, anyone who plans to market or produce a substitute in one of the eight major industrial use sectors where class I or class II substances have been used must provide notice to the Agency, including health and safety information on the substitute, at least 90 days before introducing it into interstate commerce for significant new use as an alternative (40 CFR 82.176(a)). This requirement applies to the persons planning to introduce the substitute into interstate commerce,[5] who typically are chemical manufacturers but may include importers, formulators, equipment manufacturers, and end users when they are responsible for introducing a substitute into commerce.[6] The CAA and the SNAP regulations, 40 CFR 82.174(a), prohibit use of a substitute earlier than 90 days after notice has been provided to the Agency. EPA considers that notice has been received once EPA receives the submission and determines that the submission includes complete and adequate data (40 CFR 82.180(a)). At that point, the SNAP review begins.

The Agency has identified four possible decision categories for substitutes that are submitted for evaluation: Acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; and unacceptable[7] (40 CFR 82.180(b)). Use conditions and narrowed use limits are both considered ''use restrictions'' and are explained below. Substitutes that are deemed acceptable with no use restrictions (no use conditions or narrowed use limits) can be used for all applications in the relevant end-uses within the sector. Substitutes that are acceptable, subject to use conditions, may be used only in accordance with those restrictions.

After reviewing a substitute, the Agency may make a determination that a substitute is acceptable only if certain conditions are met in the way that the substitute is used to minimize risks to human health and the environment. EPA describes such substitutes as ''acceptable subject to use conditions.'' Entities that use these substitutes without meeting the associated use conditions are in violation of Section 612 of the CAA and EPA's SNAP regulations (40 CFR 82.174(c)).

For some substitutes, the Agency may permit a narrowed range of use within an end-use or sector. For example, the Agency may limit the use of a substitute to certain end-uses or specific applications within an industry sector. EPA describes these substitutes as ''acceptable subject to narrowed use limits.'' A person using a substitute that is acceptable subject to narrowed use limits in applications and end-uses that are not consistent with the narrowed use limit is using the substitute in an unacceptable manner and is in violation of Section 612 of the CAA and EPA's SNAP regulations (40 CFR 82.174(c)).

The Agency publishes its SNAP program decisions in the **Federal Register**. EPA publishes proposed decisions concerning substitutes that are deemed acceptable subject to use restrictions (use conditions and/or narrowed use limits), or substitutes deemed unacceptable, as proposed rulemakings to provide the public an opportunity to comment, before publishing final decisions.

In contrast, EPA publishes decisions concerning substitutes that are deemed acceptable with no restrictions as ''notices of acceptability'' or ''determinations of acceptability,'' rather than as proposed and final rules. As described in the preamble to the rule initially implementing the SNAP program in the **Federal Register** at 59 FR 13044 on March 18, 1994, EPA does not believe that rulemaking procedures are necessary to list alternatives that are acceptable without restrictions because such listings neither impose any sanction nor prevent anyone from using a substitute.

Many SNAP listings include ''Comments'' or ''Further Information'' to provide additional information on substitutes. Since this additional information is not part of the regulatory decision, these statements are not binding for use of the substitute under the SNAP program. However, regulatory requirements so listed may be binding under other regulatory programs (*e.g.,* worker protection regulations promulgated by the Occupational Safety and Health Administration (OSHA)). The ''Further Information'' identified in the listing does not necessarily include all other legal obligations pertaining to the use of the substitute. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the ''Further Information'' column in their use of these substitutes. In many instances, the information simply refers to sound operating practices that have already been identified in existing industry and/or building codes or standards. Thus many of the statements, if adopted, would not require the affected user to make significant changes in existing operating practices.

D. Where do I find additional information about the SNAP program?

For copies of the comprehensive SNAP lists of substitutes or additional information on SNAP, refer to EPA's Ozone Depletion Web site at: *www.epa.gov/ozone/snap.* For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the SNAP final rulemaking in the **Federal Register** at 59 FR 13044 on March 18, 1994, codified at 40 CFR part 82, Subpart G. A complete chronology of SNAP decisions and the appropriate citations are found at: *www.epa.gov/ozone/snap/chron.html.*

[5] As defined at 40 CFR 82.104, ''interstate commerce'' means the distribution or transportation of any product between one state, territory, possession or the District of Columbia, and another state, territory, possession or the District of Columbia, or the sale, use or manufacture of any product in more than one state, territory, possession or District of Columbia. The entry points for which a product is introduced into interstate commerce are the release of a product from the facility in which the product was manufactured, the entry into a warehouse from which the domestic manufacturer releases the product for sale or distribution, and at the site of United States Customs clearance.

[6] As defined at 40 CFR 82.172, ''end-use'' means processes or classes of specific applications within major industrial sectors where a substitute is used to replace an ODS.

[7] The SNAP regulations also include ''pending,'' referring to submissions for which EPA has not reached a determination under this provision.

III. What action is the Agency taking?

A. Listing Decisions: Substitutes and End-Uses

In this action, EPA is listing the following refrigerants as acceptable, subject to use conditions, in the identified end-uses.

1. Retail food refrigeration. EPA finds isobutane (also referred to as R–600a) and the hydrocarbon blend R–441A acceptable, subject to use conditions, as substitutes in retail food refrigeration (new stand-alone retail food refrigeration equipment only). The use conditions require the following:

i. The quantity of the substitute refrigerant (*i.e.,* ''charge size'') must not exceed 150 g (5.29 oz);

ii. These refrigerants may be used only in new equipment designed specifically and clearly identified for the refrigerant—*i.e.,* none of these substitutes may be used as a conversion or ''retrofit'' [8] refrigerant for existing equipment;

iii. These refrigerants may be used only in stand-alone retail food refrigeration equipment that meets all requirements listed in Supplement SB to the 10th edition of UL Standard 471, dated November 24, 2010. In cases where this final rule includes requirements more stringent than those of the 10th edition of UL Standard 471, the appliance would need to meet the requirements of the final rule in place of the requirements in the UL Standard;

iv. The refrigerator or freezer must have red Pantone Matching System (PMS) #185 marked pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be present at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch in both directions from such locations.

v. The following markings, or the equivalent, must be provided and must be permanent:

(a) ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing.'' This marking must be provided on or near any evaporators that can be contacted by the consumer.

(b) ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.'' This marking must be located near the machine compartment.

(c) ''CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.'' This marking must be located near the machine compartment.

(d) ''CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.'' This marking must be provided on the exterior of the refrigeration equipment.

(e) ''CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used.'' This marking must be provided near all exposed refrigerant tubing.

All of these markings must be in letters no less than 6.4 mm (¼ inch) high.

Retail food refrigeration includes the refrigeration systems, including cold storage cases, designed to chill food or keep it at a cold temperature for commercial sale. Stand-alone retail food refrigeration equipment includes appliances that use a sealed hermetic compressor and for which all refrigerant-containing components, including but not limited to the compressor, condenser, and evaporator, are assembled into a single piece of equipment before delivery to the ultimate consumer or user. Such equipment does not require the addition or removal of refrigerant when placed into initial operation. Stand-alone equipment is used to chill or to store chilled beverages or frozen products (*e.g.,* reach-in beverage coolers, stand-alone ice cream cabinets, and wine coolers in commercial settings).

This acceptability decision does not apply to large commercial refrigeration systems such as, but not limited to, remote direct expansion refrigeration systems typically found in supermarkets. This acceptability decision also does not apply to walk-in coolers. The SNAP submission did not apply to these types of systems. Moreover, these types of equipment typically require larger charges than those established in this use condition for the end-use addressed in this rule and are sufficiently different that we would need additional information before making a listing decision.

2. Very low temperature refrigeration and non-mechanical heat transfer. EPA finds ethane (also referred to as R–170) acceptable, subject to use conditions, in very low temperature refrigeration equipment and in non-mechanical heat transfer, subject to the same use conditions described above for isobutane and R–441A in stand-alone retail food refrigeration equipment.

Very low temperature refrigeration equipment is intended to maintain temperatures considerably lower than for refrigeration of food—for example, −80 °C (−170 °F) or lower. Examples of very low temperature refrigeration equipment include medical freezers and freeze-dryers, which generally require extremely reliable refrigeration cycles to maintain low temperatures and must meet stringent technical standards. In some cases, very low temperature refrigeration equipment may use a refrigeration system with two refrigerant loops or with a direct expansion refrigeration loop coupled with an alternative refrigeration technology (*e.g.,* Stirling cycle). This allows a greater range of temperatures and may reduce the overall refrigerant charge.

There is no U.S. standard that we are aware of that applies specifically to very low temperature refrigeration or non-mechanical heat transfer. The submitter of information for use of ethane in very low temperature refrigeration has indicated that UL has tested their equipment for compliance with the UL 471 Standard for commercial refrigeration equipment, which addresses stand-alone commercial refrigerators and freezers. In this final rule, we are requiring compliance with the UL 471 Standard as one of the conditions for use of ethane in very low temperature refrigeration equipment.

This submission also addressed the use of ethane in a type of non-mechanical heat transfer equipment called a thermosiphon. Non-mechanical heat transfer involves cooling systems that rely on convection to remove heat from an area, rather than mechanical refrigeration. A thermosiphon is a type of heat transfer system that relies on natural convection currents, as opposed to using a mechanical pump. This final rule lists ethane as acceptable, subject to use conditions, for use in non-mechanical heat transfer. The use conditions include a requirement to meet Supplement B to the UL 471 Standard and a charge limit of 150 g. We note that some other types of non-mechanical heat transfer equipment would be expected to present different technical issues than a thermosiphon in a freezer and are not part of this decision, *e.g.,* equipment designed for cooling the engine compartment of heavy duty vehicles, organic Rankine cycle equipment, or geothermal systems.

3. Household refrigerators and freezers. EPA finds propane (also

[8] Sometimes conversion refrigerant substitutes are inaccurately referred to as ''drop in'' replacements.

referred to as R–290) acceptable, subject to use conditions, as a substitute in household refrigerators and freezers and combination refrigerator/freezers. The use conditions require the following:

i. The charge size for any household refrigerator, freezer, or combination refrigerator and freezer for each circuit using R–290 must not exceed 57 g (2.01 oz);

ii. This refrigerant may be used only in new equipment specifically designed and clearly identified for the refrigerant—*i.e.,* none of these substitutes may be used as a conversion or ''retrofit'' refrigerant for existing equipment;

iii. This substitute may be used only in equipment that meets all requirements in Supplement SA to the 10th edition of UL Standard 250, dated August 25, 2000. In cases where this final rule includes requirements more stringent than those of the 10th edition of UL Standard 250, the appliance would need to meet the requirements of the final rule in place of the requirements in the UL Standard;

iv. The refrigerator or freezer must have red PMS #185 marked pipes, hoses, and other devices through which the refrigerant passes to indicate the use of a flammable refrigerant;

v. Permanent markings must be provided on the equipment, as described above for stand-alone commercial refrigerators and freezers. All of these markings must be in letters no less than 6.4 mm (¼ inch) high.

Household refrigerators, freezers, and combination refrigerator/freezers are intended primarily for residential use, although they may be used outside the home. Household freezers only offer storage space at freezing temperatures, unlike household refrigerators. Products with both a refrigerator and freezer in a single unit are most common. Wine coolers used in residential settings are considered part of this end-use. EPA previously found the flammable hydrocarbon refrigerants isobutane and R–441A acceptable, subject to use conditions, in this end-use (December 20, 2011, at 76 FR 78832, codified at Appendix R of Subpart G of 40 CFR part 82).

4. Vending machines. EPA finds R–441A, isobutane, and propane as acceptable substitutes in vending machines, subject to the same use conditions described above for stand-alone retail food refrigeration equipment, except that paragraph iii. reads as follows:

Equipment must meet all requirements of Supplement SA to the 7th edition of UL Standard 541, ''Refrigerated Vending Machines,'' dated December 30, 2011 (instead of Supplement SB to the 10th edition of UL 471). Supplement SA specifically addressing flammable refrigerants is very similar to the Supplement SB in the UL 471 Standard for commercial refrigerators and freezers, and thus, similar requirements apply to these types of refrigeration equipment. In UL 541, the relevant references on equipment markings for flammable refrigerants in Supplement A are Sections SA 6.1.2–SA 6.1.5.

Vending machines are self-contained units for refrigerating beverages or food which dispense goods that must be kept cold or frozen. This end-use differs from other retail food refrigeration because goods are dispensed, rather than allowing the consumer to reach in to grab a beverage or food product. The design of the refrigeration system of a vending machine is similar to that of a self-contained commercial refrigerator or freezer. Typically the difference lies in how payment for goods is made and in the selection mechanisms found in vending machines but not in self-contained commercial refrigerator-freezers, and possibly the outer casing (*e.g.,* glass doors and open, reach-in designs are generally used in self-contained commercial refrigerator-freezers whereas glass wall and other types of casings are used for vending machines). We are aware that for vending machines, it is possible to detach easily and replace the refrigeration circuit from the outer casing of the equipment. In such a situation, replacing the old refrigeration circuit with a new one within the old casing would be considered ''new'' equipment and not a retrofit of the old, existing equipment.

5. Residential and light commercial AC and heat pumps. EPA finds propane (also known as R–290), difluoromethane (also known as HFC–32 or R–32), and R–441A acceptable, subject to use conditions, as substitutes in residential and light commercial AC for self-contained room air conditioners, including PTAC units and PTHPs, window AC units, and portable AC units designed for use in a single room. The use conditions require the following:

i. These refrigerants may be used only in new equipment designed specifically, and clearly identified, for the refrigerant—*i.e.,* none of these substitutes may be used as a conversion or ''retrofit'' refrigerant for existing equipment;

ii. These refrigerants may be used only in air conditioners that meet all requirements listed in Supplement SA to the 8th edition, dated August 2, 2012, of UL Standard 484, ''Room Air Conditioners.'' In cases where this final rule includes requirements more stringent than those of the 8th edition of UL Standard 484, the appliance would need to meet the requirements of the final rule in place of the requirements in the UL Standard;

iii. UL 484 includes charge limits for room air conditioners and adherence to those charge limits would normally be confirmed by the installer. In addition to requiring the charge limits in the UL 484 Standard, EPA is requiring the following charge size limits, adherence to which must be confirmed by the original equipment manufacturer (OEM). In cases where the charge size limit listed is different from those determined by UL 484, the smaller of the two charge sizes would apply. For a review of how these charge size limits were derived, see ''Derivation of Charge Limits for Room Air Conditioners,'' (EPA, 2015) in the docket. The charge size limit must be determined based on the type of equipment, the alternative refrigerant used, and the normal rated capacity of the unit. The limits are presented in Tables 2 through 6 below in Section III.C.3, ''Charge size,'' and in Tables A, B, C, D and E of the regulatory text at the end of this preamble.

iv. The air conditioner must have red PMS #185 marked pipes, hoses, or other devices through which the refrigerant passes to indicate the use of a flammable refrigerant. This color must be present at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch in both directions from such locations;

v. The following markings, or the equivalent, must be provided and must be permanent:

(a) On the outside of the air conditioner: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.''

(b) On the outside of the air conditioner: ''CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.''

(c) On the inside of the air conditioner near the compressor: ''CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.''

(d) For portable air conditioners, PTAC and PTHP, on the outside of the

product: ''WARNING: Appliance shall be installed, operated and stored in a room with a floor area larger than ''X'' m^2 (Y ft^2).'' The value ''X'' must be determined using the minimum room size in m^2 calculated using Appendix F of UL 484. The evaporator must remain no higher than 0.6 m above the floor.

(e) For window air conditioners, on the outside of the product: ''WARNING: Appliance shall be installed, operated and stored in a room with a floor area larger than ''X'' m^2 (Y ft^2).'' The value ''X'' must be determined using the minimum room size in m^2 calculated using Appendix F of UL 484. The evaporator must remain no higher than 1.06 m above the floor. All of these markings must be in letters no less than 6.4 mm (¼ inch) high.

The residential and light commercial AC and heat pumps end-use includes equipment for cooling air in individual rooms, in single-family homes, and sometimes in small commercial buildings. This end-use differs from commercial comfort AC, which uses chillers that cool water that is then used to cool air throughout a large commercial building, such as an office building or hotel. Examples of equipment for residential and light commercial AC and heat pumps include:

- Central air conditioners, also called unitary AC or unitary split systems. These systems include an outdoor unit with a condenser and a compressor, refrigerant lines, an indoor unit with an evaporator, and ducts to carry cooled air throughout a building. Central heat pumps are similar but offer the choice to either heat or cool the indoor space. These systems are not addressed in this rule.[9]
- Multi-split air conditioners. These systems include one or more outdoor unit(s) with a condenser and a compressor and multiple indoor units, each of which is connected to the outdoor unit by refrigerant lines. These systems are not addressed in this rule.
- Mini-split air conditioners. These systems include an outdoor unit with a condenser and a compressor and a single indoor unit that is connected to the outdoor unit by refrigerant lines. Cooled air exits directly from the indoor unit rather than being carried through ducts. These systems are not addressed in this rule.
- Window air conditioners. These are self-contained units that fit in a window with the condenser extending outside the window. These types of units are regulated under this rule.
- PTAC and PTHP. These are self-contained units that consist of a separate, un-encased combination of heating and cooling assemblies mounted through a wall.[10] These types of units are regulated under this rule.
- Portable room air conditioners. These are self-contained, factory-sealed, single package units that are designed to be moved easily from room to room and are intended to provide supplemental cooling within a room. These units typically have wheels or casters for portability and, under the UL 484 Standard for room air conditioners, must have a fan which operates continuously when the unit is on. Portable room air conditioners may contain an exhaust hose that can be placed through a window or door to eject heat to the outside. These types of units are regulated under this rule.

Of these types of equipment, window air conditioners, PTAC, PTHP, and portable room air conditioners are self-contained equipment with the condenser, compressor, evaporator, and tubing all within casing in a single unit. These units all fall under the scope of the UL 484 Standard for room air conditioners. In contrast, unitary split systems, multi-split systems and mini-split systems have an outdoor condenser that is separated from an indoor unit. Compared to split systems, self-contained equipment typically has smaller charge sizes, has fewer locations that are prone to leak, and is less likely to require servicing by a technician, thereby causing refrigerant releases. A lower risk of refrigerant releases and a potential for smaller releases and lower concentration releases results in lower risk that flammable refrigerant could be ignited. Thus, self-contained air conditioners and heat pumps using a flammable refrigerant have lower risk for fire than split systems using a flammable refrigerant. EPA notes that split system AC systems present different technical challenges than self-contained room AC equipment and are not part of this decision.

6. Summary. In summary, EPA is listing ethane, isobutane, propane, HFC–32, and R–441A as acceptable, subject to use conditions, as substitute refrigerants in certain refrigeration and AC end-uses. It is legal to use those refrigerants in the specified types of equipment under the conditions identified above. Use in the specified types of equipment that is not consistent with the use conditions is a violation of CAA Section 612 and EPA's implementing regulations for the SNAP program. Both the equipment manufacturers and the end users must comply with these use conditions.

The regulatory text of our decisions for the end-uses discussed above appears in tables at the end of this preamble. This text will be codified at 40 CFR part 82 Subpart G. We note that there may be other legal obligations pertaining to the manufacture, use, handling, and disposal of hydrocarbons that are not included in the information listed in the tables (*e.g.,* Section 608 prohibition on venting, releasing, or disposing of refrigerant substitutes or Department of Transportation requirements for transport of flammable gases).

B. What are ethane, isobutane, propane, HFC–32, R–441A, and the ASHRAE classifications for refrigerant flammability?

Ethane, isobutane, and propane are hydrocarbons and R–441A is a hydrocarbon blend. Hydrocarbons are highly flammable organic compounds made up of hydrogen and carbon. Ethane has two carbons, the chemical formula of C_2H_6, and the CAS Reg. No. 74–84–0. Propane has three carbons, the formula C_3H_8, and the CAS Reg. No. 74–98–6. Isobutane has four carbons, the formula C_4H_{10}, also written as $CH(CH_3)_2CH_3$ to distinguish it from n-butane, and the CAS Reg. No. 75–28–5. As refrigerants, ethane, propane, and isobutane can be referred to by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) designations R–170, R–290, and R–600a, respectively. R–441A, also known by the trade name ''HCR–188C,'' is a hydrocarbon blend[11] consisting of 55% propane, 36% n-butane, 6% isobutane, and 3% ethane by weight.

HFC–32 is a mildly flammable organic compound made up of hydrogen,

[9] EPA has received submissions for HFC–32 and the hydrocarbon blends R–441A and R–443A, and no other flammable refrigerants, in new unitary central air conditioners.This action does not address flammable refrigerants in unitary central air conditioners. Introduction into interstate commerce of refrigerants without giving timely and adequate notice to EPA is in violation of Section 612(e) of the CAA and the SNAP regulations at 40 CFR part 82, subpart G.

[10] Packaged terminal air conditioners are intended for use in a single room, or potentially for two rooms next to each other, and use no external refrigerant lines. Typical applications include motel or dormitory air conditioners.

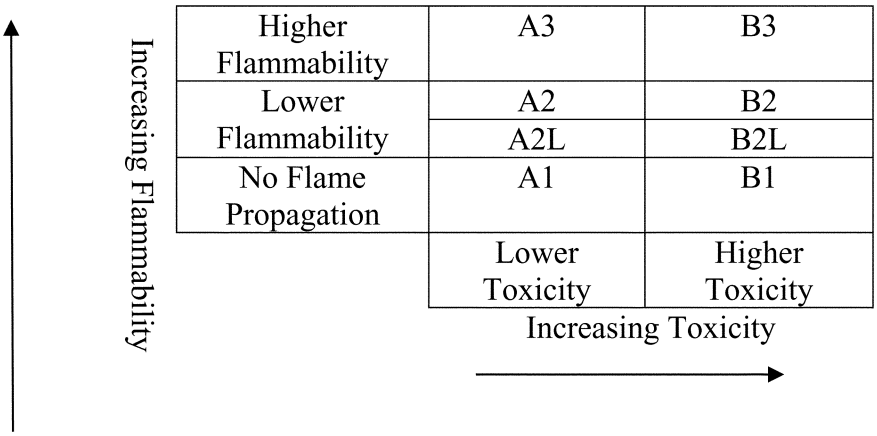
[11] EPA notes that under the SNAP program, we review and list refrigerants with specific compositions (59 FR 13044; March 18, 1994). To the extent possible, we follow ASHRAE's designations for refrigerants. Blends of refrigerants must be reviewed separately. For example, we consider each blend of propane with isobutane to be a different and unique refrigerant, and each would require separate submission, review and listing. Thus, blends of the refrigerants that we are listing as acceptable, subject to use conditions, in this rule are not acceptable.

carbon, and fluorine with the chemical formula CF_2H_2 (CAS Reg. No. 75–10–5).

The American National Standards Institute (ANSI)/ASHRAE Standard 34–2010 assigns a safety group classification for each refrigerant which consists of two alphanumeric characters (*e.g.,* A2 or B1). The capital letter indicates the toxicity and the numeral denotes the flammability. ASHRAE classifies Class A refrigerants as refrigerants for which toxicity has not been identified at concentrations less than or equal to 400 parts per million (ppm) by volume, based on data used to determine threshold limit value-time-weighted average (TLV–TWA) or consistent indices. Class B signifies refrigerants for which there is evidence of toxicity at concentrations below 400 ppm by volume, based on data used to determine TLV–TWA or consistent indices. The refrigerants are also assigned a flammability classification of 1, 2, or 3. Tests are conducted in accordance with ASTM E681 using a spark ignition source at 60 °C and 101.3 kPa (ASHRAE, 2010). Figure 1 in ANSI/ASHRAE Standard 15–2007 uses the same safety group but limits its concentration to 3,400 ppm.

The flammability classification ''1'' is given to refrigerants that, when tested, show no flame propagation. The flammability classification ''2'' is given to refrigerants that, when tested, exhibit flame propagation, have a heat of combustion less than 19,000 kJ/kg (8,174 British thermal units (BTU)/lb), and have a lower flammability limit (LFL) greater than 0.10 kg/m^3. Refrigerants within flammability classification 2 may optionally be designated in the LFL subclass ''2L'' if they have a maximum burning velocity of 10 cm/s or lower when tested at 23.0 °C and 101.3 kPa. The flammability classification ''3'' is given to refrigerants that, when tested, exhibit flame propagation and that either have a heat of combustion of 19,000 kJ/kg (8,174 BTU/lb) or greater or an LFL of 0.10 kg/m^3 or lower. Thus, refrigerants with flammability classification ''3'' are highly flammable, while those with flammability classification ''2'' are less flammable and those with flammability classification ''2L'' are mildly flammable. For both toxicity and flammability classifications, refrigerant blends are designated based on the worst-case of fractionation determined for the blend (which may be different when evaluating toxicity than when evaluating flammability).

Figure 1. Refrigerant Safety Group Classification



Using these safety group classifications, ANSI/ASHRAE Standard 34–2010 categorizes ethane, isobutane, propane, and R–441A in the A3 Safety Group and categorizes HFC–32 in the A2L Safety Group.

C. Use Conditions

EPA is listing ethane, isobutane, propane, HFC–32, and R–441A as acceptable, subject to use conditions, in the specified end-uses. The use conditions include conditions consistent with industry standards, limits on charge size, and requirements for warnings and markings on equipment to inform consumers and technicians of potential flammability hazards. The listings with specific use conditions are intended to allow for the use of these flammable refrigerants in a manner that will ensure they do not pose a greater risk to human health or the environment than other substitutes that are currently or potentially available.

1. New Equipment Only; Not Intended for Use as a Retrofit Alternative

The refrigerants listed in this final rule may be used only in new equipment [12] designed to address concerns unique to flammable refrigerants—*i.e.,* none of these substitutes may be used as a conversion or ''retrofit'' refrigerant for existing equipment. The flammable refrigerants were not submitted under the SNAP program to be used in retrofitted equipment, and no information was provided on how to address hazards of flammable refrigerants when used in equipment that was designed for non-flammable refrigerants. Introduction into interstate commerce of these refrigerants for use in existing equipment, or for other end-uses, without giving timely and adequate notice to EPA is in violation of Section 612(e) of the CAA and the SNAP regulations at 40 CFR part 82, subpart G. In addition, use of these refrigerants in existing equipment is in violation of Section 612(c) of the CAA and the corresponding SNAP regulations at 40 CFR part 82, subpart G.

2. Standards

The flammable refrigerants may be used only in equipment that meets all requirements in the relevant supplements for flammable refrigerants in certain applicable UL standards for refrigeration and AC equipment. Specifically, the cited supplements include Supplement SB to UL 471 10th edition for commercial refrigerators and freezers (including stand-alone freezers

[12] This is intended to mean a completely new refrigeration circuit containing a new evaporator, condenser and refrigerant tubing.

for very low temperature refrigeration), Supplement SA to UL 250 10th edition (for household refrigerators and freezers), Supplement SA to UL 541 7th edition for refrigerated vending machines, and Supplement SA to UL 484 8th edition for room air conditioners.

UL has tested equipment for flammability risk in household and retail food refrigeration, vending machines, and room AC. Further, UL has developed acceptable safety standards including requirements for construction, for markings, and for performance tests concerning refrigerant leakage, ignition of switching components, surface temperature of parts, and component strength after being scratched. These standards were developed in an open and consensus-based approach, with the assistance of experts in the refrigeration and AC industry as well as experts involved in assessing the safety of products. While similar standards exist from other bodies such as the International Electrotechnical Commission (IEC), this rule relies on UL standards because they are most applicable and recognized by the U.S. market.

i. Incorporation by Reference

This approach is the same as that in our previous rule on flammable refrigerants (December 20, 2011 at 76 FR 78832), through which EPA incorporated by reference to 40 CFR part 82, appendix R to subpart G, Supplement SA to UL 250 10th edition and Supplement SB to UL 471 10th edition. Through this action the EPA is incorporating by reference relevant supplements from two additional UL standards: Supplement SA to UL 541 7th edition and Supplement SA to UL 484 8th edition. These supplements are summarized elsewhere in this document.

The UL Standards are available for purchase by mail at: COMM 2000; 151 Eastern Avenue; Bensenville, IL 60106; Email: *orders@comm-2000.com;* Telephone: 1–888–853–3503 in the U.S. or Canada (other countries dial +1–415–352–2168); Internet address: *http://ulstandardsinfonet.ul.com/* or *www.comm-2000.com.* The cost of a single standard is $400–$500 for electronic and $500-$630 for hardcopy. An outline of UL 484 may be purchased for $150 electronically or $175 for a hardcopy. UL also offers a subscription service to the Standards Certification Customer Library (SCCL) that allows unlimited access to their standards and related documents. The cost of obtaining these standards is not a significant financial burden for equipment manufacturers and purchase is not required for those selling, installing and servicing the equipment. Therefore, EPA concludes that the UL standards being incorporated by reference are reasonably available.

3. Charge Size

The refrigerants listed in this final rule are subject to use conditions that limit the amount of refrigerant allowed in each type of appliance. Consistent with previous actions, EPA believes it is necessary to set limits on charge size in order for these refrigerants not to pose a risk to human health or the environment that is greater than the risk posed by other available substitutes. These limits will reduce the risk to workers and consumers since under worst-case scenario analyses, a leak of the maximum charge sizes allowed under the use conditions did not result in concentrations of the refrigerant that met or exceeded the LFL, as explained below in Section IV.B, ''Flammability.''

The limitations on refrigerant charge size for household and stand-alone retail food refrigeration equipment, vending machines, and room AC units reflect the UL 250, UL 471, UL 541 and UL 484 Standards. As discussed above in Section III.C.2, ''Standards,'' we believe UL standards are most applicable to the U.S. market and offer requirements developed by a consensus of experts. EPA is requiring a charge size not to exceed 57 g (2.01 oz) for household refrigerators and freezers, not to exceed 150 g (5.29 oz) for retail food refrigeration in stand-alone units, and not to exceed 150 g (5.29 oz) for vending machines. The maximum charge size limit for room AC units varies, as discussed below. To place these quantities in context, the charge size of a disposable lighter is approximately 30 g (1.06 oz).

The UL 250 Standard for household refrigerators and freezers limits the amount of refrigerant that may leak to no more than 50 g (1.76 oz). EPA is requiring a charge size of 57 g (2.01 oz) to allow for up to 7 g (0.25 oz) of refrigerant that might be solubilized in the oil (and assumed not to leak or immediately vaporize with the refrigerant in case of a leak). EPA bases this estimate on information received from a manufacturer of hydrocarbon-based refrigerator-freezers (see EPA–HQ–OAR–2009–0286–0033 on *www.regulations.gov*).

UL Standards 471 (retail food refrigeration) and 541 (vending machines) limit the amount of refrigerant leaked to 150 g (5.29 oz). Furthermore, the charge size limit for A3 refrigerants (for retail food refrigeration) is in line with the IEC 60335–2–89 Standard for commercial appliances, which has a charge size limit of 150 g (5.29 oz).

As noted above, EPA is requiring a varying charge size for room AC units. The maximum charge must be no greater than the amount calculated for a given sized space according to Appendix F to Supplement SA of UL Standard 484. This section of the UL standard uses a formula for the charge of a fixed room air conditioner based upon the size of the space where the refrigerant may escape and the LFL of the refrigerant. Height of the mounting of the unit is also a variable, because empirical studies have found that leaked refrigerant is more likely to mix thoroughly with the surrounding air, rather than pooling, when the AC unit is mounted higher. The formula is as follows:

$$m_{max} = 2.5\ (LFL)^{\frac{5}{4}}\ h_o\sqrt{A}$$

Where,

M_{max} is the maximum charge size allowed for the space, in kg,

LFL is the lower flammability limit of the refrigerant in kg/m^3,

h_0 is the installation height of the indoor unit in m (0.6 m for an AC unit on the floor, 1.0 m for an AC unit in a window, 1.8 m for a wall-mounted AC unit, and 2.2 m for a ceiling-mounted AC unit), and

A is the floor area of the room, in m^2.

The equipment manufacturer would then design AC units to be used in rooms with a minimum size and would label the minimum room size on the equipment.

In addition to the formula above, UL 484 has a requirement that the maximum charge for a fixed room air conditioner may not exceed the amount calculated using the following formula:

$$m_2 = (26\ m^3) \times LFL$$

Where,

m_2 is the maximum charge size allowed, in kg,

26 m^3 is a constant, and

LFL is the lower flammability limit of the refrigerant in kg/m^3.

That formula sets maximum limits on refrigerant in a room air conditioner. With the A3 refrigerants, the maximum value is 1 kg.

In addition, Appendix F of UL 484 sets alternative requirements for non-fixed units such as portable air conditioners. Portable air conditioners are usually located on the floor of a room, and thus, if they followed the formula for fixed appliances, they would be assumed to have a height of 0.6 m, and would have relatively low charge sizes. However, Sections F.1.7 uses a different formula that allows for

a potentially larger charge size for non-fixed units. Sections F.1.8 through F.1.14 of UL 484 set additional requirements for non-fixed units to further reduce flammability risk. Among these provisions are requirements for a drop test, a vibration test, and a continuously operating fan, which would ensure that any leaked refrigerant is rapidly mixed and its concentration reduced. Thus, a different approach is used in the formula for determining charge sizes of non-fixed units; for example, the height of 0.6 m that might otherwise be assumed for PTACs is not used for a portable unit.

Although using a formula to determine the maximum charge size and minimum room size is appropriate from an engineering perspective, it does not ensure that a consumer will select an appropriate AC unit for the size of their room. It is likely that some consumers may be unaware of the exact size of the room to be cooled and thus may select an inappropriately sized AC unit that increases the flammability risk. Or, a consumer may believe that a larger, more powerful AC unit will provide better, faster cooling and therefore may select an inappropriately sized AC unit that increases the flammability risk. To address these concerns, EPA is supplementing the charge size guidelines in Appendix F of UL 484 with a use condition that restricts the maximum refrigerant charge of equipment based upon the cooling capacity needed, in BTU/hour. Equipment manufacturers are responsible for designing equipment below a maximum charge size consistent with the intended cooling capacity. This will allow the manufacturer, who is better positioned than the consumer, to address these challenges. Placing the responsibility on the manufacturer to design equipment that restricts the maximum refrigerant charge based upon the cooling capacity needed also provides a better means for EPA to ensure compliance with the use conditions, and thus to ensure that the risk to human health will not be greater than that posed by other available substitutes. We believe that these requirements, in combination with the other use conditions and commonly found informational materials, provide sufficient safeguards against instances of consumers selecting inappropriately-sized equipment.

EPA has based its charge limits upon appropriate capacity needs for an area to be cooled and the requirements for refrigerant charge relative to room size in Appendix F of UL 484, discussed above. A document in the docket describes this relationship in tables in a spreadsheet (EPA, 2015). The charge limits for each refrigerant by equipment type and mounting location are as follows:

TABLE 2—WINDOW AC UNITS *

[Maximum charge size by unit capacity and refrigerant used]

Refrigerant	Charge size in kg (by associated capacity in BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R–32	1.73	2.12	2.74	3.00	3.24	3.47	3.68	4.07	4.59	5.48	6.01	6.49	6.72	7.76
R–290	0.13	0.16	0.20	0.22	0.24	0.26	0.27	0.30	0.34	0.40	0.44	0.48	0.50	0.57
R–441A	0.14	0.17	0.22	0.24	0.26	0.28	0.30	0.33	0.37	0.44	0.49	0.53	0.54	0.63

* Assumes the evaporator is at least 1 m, but not more than 1.8 m, above the floor. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

TABLE 3—PACKAGED TERMINAL AC UNITS AND HEAT PUMPS *

[Maximum charge size by unit capacity and refrigerant used]

Refrigerant	Charge size in kg (by associated capacity in BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R–32	1.04	1.27	1.65	1.80	1.95	2.08	2.21	2.44	2.75	3.29	3.60	3.89	4.03	4.65
R–290	0.08	0.09	0.12	0.13	0.14	0.15	0.16	0.18	0.20	0.24	0.27	0.29	0.30	0.34
R–441A	0.08	0.10	0.13	0.15	0.16	0.17	0.18	0.20	0.22	0.27	0.29	0.32	0.33	0.38

* Assumes the evaporator is at least 0.6 m, but not more than 1.0 m, above the floor. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

TABLE 4—WALL-MOUNTED AC UNITS * WITH COMPRESSOR 1.8 m ABOVE FLOOR LEVEL *

[Maximum charge size by unit capacity and refrigerant used]

Refrigerant	Charge size in kg (by associated capacity in BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R–32	3.12	3.82	4.94	5.41	5.84	6.24	6.62	7.32	7.96	7.96	7.96	7.96	7.96	7.96
R–290	0.23	0.28	0.36	0.40	0.43	0.46	0.49	0.54	0.61	0.73	0.80	0.86	0.89	1.00
R–441A	0.25	0.31	0.40	0.44	0.47	0.51	0.54	0.59	0.67	0.80	0.88	0.95	0.98	1.00

* Assumes the evaporator is at least 1.8 m, but not more than 2.2 m, above the floor. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

TABLE 5—CEILING-MOUNTED AC UNITS *
[Maximum charge size by unit capacity and refrigerant used]

Refrigerant	Charge size in kg (by associated capacity in BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R–32	3.82	4.67	6.03	6.61	7.14	7.63	7.96	7.96	7.96	7.96	7.96	7.96	7.96	7.96
R–290	0.28	0.34	0.44	0.49	0.53	0.56	0.60	0.66	0.74	0.89	0.97	1.00	1.00	1.00
R–441A	0.31	0.38	0.49	0.54	0.58	0.62	0.66	0.73	0.82	0.98	1.00	1.00	1.00	1.00

* Assumes the evaporator is at least 2.2 m above the floor. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

TABLE 6—PORTABLE ROOM AC UNITS *
[Maximum charge size by unit capacity and refrigerant used]

Refrigerant	Charge size in kg (by associated capacity in BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R–32	1.56	2.35	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45
R–290	0.19	0.29	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30
R–441A	0.21	0.31	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33

* Assumes equipment meeting UL 484 requirements for non-fixed equipment. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

In cases where the rated capacity exceeds the maximum shown on the table, the maximum charge size in the table for that refrigerant applies. In cases where the normal rated capacity lies between two values listed next to each other in the table, the maximum charge size should be determined based on a linear interpolation between the two respective charge sizes. We assume that room air conditioners will be at least 5,000 BTU/hr in capacity; this corresponds to cooling a floor area of roughly 100 square feet or 9.3 m^2 and it is the lowest value observed at a popular retailer's Web site (*www.homedepot.com*).

4. Color-Coded Hoses and Piping

Equipment must have distinguishing color-coded hoses and piping to indicate use of a flammable refrigerant. This will help alert technicians immediately to the use of a flammable refrigerant, thereby reducing the risk of using sparking equipment or otherwise having an ignition source nearby. The AC and refrigeration industry currently uses distinguishing colors as a means of identifying different refrigerants in containers, and so this approach is consistent with industry practice. Likewise, distinguishing coloring has been used elsewhere to indicate an unusual and potentially dangerous situation, for example in the use of orange-insulated wires in hybrid electric vehicles. Currently, no industry standard exists for color-coded hoses or pipes for ethane, HFC–32, isobutane, propane, or R–441A. The final use condition requires all such refrigerator tubing to be colored red PMS #185 to match the red band displayed on the container of flammable refrigerants under the Air Conditioning, Heating and Refrigeration Institute (AHRI) Guideline ''N'' 2012, ''2012 Guideline for Assignment of Refrigerant Container Colors.''

A cost-effective alternative to painting or dying the hose or pipe would be to instead add a colored plastic sleeve or cap to the service tube that is the same red color (PMS #185). The sleeve could also be boldly marked with a graphic to indicate that the refrigerant is flammable. The colored plastic sleeve or cap would have to be installed in such a way as to require that it be forcibly removed in order to access the service tube. This would alert the technician that the refrigeration circuit that she/he was about to access contained a flammable refrigerant, even if all warning labels were somehow removed. EPA is also concerned with ensuring adequate notification of the presence of flammable refrigerants for personnel disposing of appliances containing flammable refrigerants.

EPA believes the use of color-coded hoses or piping (including the use of sleeves), as well as the use of warning labels discussed below, is reasonable and consistent with other general industry practices. This approach is the same as that adopted in our previous rule on flammable refrigerants (December 20, 2011, at 76 FR 78832).

5. Labeling

As a use condition, EPA is requiring labeling of new household and retail refrigerators and freezers, vending machines, non-mechanical heat transfer equipment, very low temperature refrigeration equipment, and room air conditioners that are designed to use one of the refrigerants subject to the acceptability determinations in this action. EPA is requiring that the warning labels on the equipment contain letters at least ¼ inch high, and be permanently affixed to the equipment. Warning label language requirements are found in Section III.A of this rule, ''Listing decisions: substitutes and end-uses,'' as well as in the regulatory text. The warning label language is similar to or exactly the same as that required in the following UL standards: UL 250 in Section SA6.1 for household refrigerators and freezers; UL 541 in Section SA6.1 for vending machines; UL 471 in Section SB6.1 for commercial refrigerators and freezers; and UL 484 in Section SA6.1 for room AC units.

EPA believes that it would be difficult to see warning labels with the minimum lettering height requirement of ⅛ inch provided in these UL standards. Therefore, consistent with the use conditions in our previous hydrocarbon refrigerants rule (December 20, 2011 at 76 FR 78832), the minimum height for lettering must be ¼ inch as opposed to ⅛ inch, which will make it easier for technicians, consumers, retail storeowners, and emergency first responders to view the warning labels. We understand that UL is considering revising its standards to be consistent with this requirement.

D. Venting Prohibition

1. What are the statutory requirements concerning venting, release, or disposal of refrigerants and refrigerant substitutes under section 608 of the CAA?

The statutory requirements concerning venting, release, or disposal of refrigerants and refrigerant substitutes are under Section 608 of the CAA. Section 608 of the Act as amended, titled *National Recycling and Emission Reduction Program,* requires EPA to establish regulations governing the use and disposal of ODS used as refrigerants, such as certain CFCs and HCFCs, during the service, repair, or disposal of appliances and industrial process refrigeration (IPR). EPA's authority to promulgate the regulatory revisions in this action is based in part on Section 608 of the CAA. Section 608(c)(1) provides that it is unlawful for any person, in the course of maintaining, servicing, repairing, or disposing of an appliance (or IPR), to knowingly vent, or otherwise knowingly release or dispose of, any class I or class II substance used as a refrigerant in that appliance (or IPR) in a manner which permits the ODS to enter the environment.

Section 608(c)(1) further exempts from this self-effectuating prohibition *de minimis* releases associated with good faith attempts to recapture and recycle or safely dispose of such a substance. EPA, as set forth in its regulations, interprets releases to meet the criteria for exempted *de minimis* releases if they occur when the recycling and recovery requirements of regulations promulgated under sections 608 and 609 are followed. 40 CFR 82.154(a)(2).

Section 608(c)(2) extends the prohibition in Section 608(c)(1) to knowingly venting or otherwise knowingly releasing or disposing of any refrigerant substitute for class I or class II substances by any person maintaining, servicing, repairing, or disposing of appliances or IPR. This prohibition applies to any substitute unless the Administrator determines that such venting, releasing, or disposing does not pose a threat to the environment. Thus, section 608(c) provides EPA authority to promulgate regulations to interpret, implement, and enforce this prohibition on venting, releasing, or disposing of class I or class II substances and their refrigerant substitutes, which we refer to as the ''venting prohibition'' in this action. EPA's authority under Section 608(c) includes authority to implement Section 608(c)(2) by exempting certain substitutes for class I or class II substances from the venting prohibition when the Administrator determines that such venting, release, or disposal does not pose a threat to the environment.

2. What are EPA's regulations concerning venting, releasing, or disposing of refrigerant substitutes?

Regulations promulgated under Section 608 of the Act, published on May 14, 1993 (58 FR 28660), established a recycling program for ozone-depleting refrigerants recovered during the servicing and maintenance of refrigeration and AC appliances. In the same 1993 rule, EPA also promulgated regulations implementing the Section 608(c) prohibition on knowingly venting, releasing, or disposing of class I or class II controlled substances. These regulations were designed to substantially reduce the use and emissions of ozone-depleting refrigerants.

EPA issued a final rule on March 12, 2004, at 69 FR 11946, and a second rule on April 13, 2005, at 70 FR 19273, clarifying how the venting prohibition in Section 608(c) applies to substitutes for CFC and HCFC refrigerants (*e.g.,* HFCs and perfluorocarbons (PFCs)) during the maintenance, service, repair, or disposal of appliances. These regulations are codified at 40 CFR part 82, subpart F. In relevant part, they provide that no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environment any refrigerant or substitute from such appliances, with the exception of the following substitutes in the following end-uses, effective June 23, 2014:

(A) Isobutane and R–441A in household refrigerators, freezers, and combination refrigerators and freezers; or

(B) Propane in retail food refrigerators and freezers (stand-alone units only).

As explained in an earlier EPA rulemaking concerning refrigerant substitutes, EPA has not promulgated regulations requiring certification of refrigerant recycling/recovery equipment intended for use with substitutes to date (70 FR 19275; April 13, 2005). However, as EPA noted, the lack of a current regulatory provision should not be considered as an exemption from the venting prohibition for substitutes that are not expressly exempted in Section 82.154(a) (id.). EPA has also noted that, in accordance with Section 608(c) of the Act, the regulatory prohibition at Section 82.154(a) reflects the statutory references to *de minimis* releases of substitutes as they pertain to good faith attempts to recover and recycle or safely dispose of non-exempted substitutes (id.).

On May 23, 2014, at 79 FR 29682, EPA exempted from the venting prohibition three hydrocarbon refrigerant substitutes listed as acceptable, subject to use conditions, in the specified end-uses: isobutane and R–441A, as refrigerant substitutes in household refrigerators, freezers, and combination refrigerators and freezers; and propane as a refrigerant substitute in retail food refrigerators and freezers (stand-alone units only). That rule does not apply to blends of hydrocarbons with other refrigerants or containing any amount of any CFC, HCFC, HFC, or PFC.

In that action, EPA determined that for the purposes of CAA Section 608(c)(2), the venting, release, or disposal of such hydrocarbon refrigerant substitutes in the specified end-uses does not pose a threat to the environment, considering both the inherent characteristics of these substances and the limited quantities used in the relevant applications. EPA further concluded that other authorities, controls, or practices that apply to such refrigerant substitutes help to mitigate environmental risk from the release of those three hydrocarbon refrigerant substitutes. For example, state and local air quality agencies may include VOC emissions reduction strategies in State Implementation Plans (SIPs) developed to meet and maintain the NAAQS that would apply to hydrocarbon refrigerants.

3. What is EPA requiring regarding venting, release, or disposal of refrigerant substitutes, other than hydrocarbons, included in this action?

This rule regulates the use of HFC–32 in room AC units. All HFCs are currently subject to the venting prohibition. EPA is not extending the exemption to the venting prohibition in this action to HFC–32 or any refrigerant blends that contain HFC–32 or any other HFC. Further, the exemption to the venting prohibition in this action does not extend to blends containing hydrocarbons with other types of compounds, *e.g.,* blends of HFCs and hydrocarbons. Such refrigerant substitutes are still subject to the statutory and regulatory venting prohibition.

4. What is EPA's determination regarding whether venting of hydrocarbons listed as acceptable, subject to use conditions, in the end-uses in this action poses a threat to the environment?

For purposes of Section 608(c)(2) of the CAA, EPA considers two factors in determining whether or not venting, release, or disposal of a refrigerant

substitute during the maintenance, servicing, repairing, or disposing of appliances poses a threat to the environment. See 69 FR 11948 (March 12, 2004); 79 FR 29682 (May 23, 2014). First, EPA analyzes the threat to the environment due to inherent characteristics of the refrigerant substitute, such as GWP. Second, EPA determines whether and to what extent venting, release, or disposal actually takes place during the maintenance, servicing, repairing, or disposing of appliances, and to what extent such actions are controlled by other authorities, regulations, or practices. To the extent that such releases are adequately controlled by other authorities, EPA defers to those authorities. In addition, we considered the public comments we received on the proposed rule on this topic. We received no comments that caused us to change our proposed conclusion that venting, release, or disposal of the specified refrigerant substitutes in the specified end-uses does not pose a threat to the environment. Therefore, we are finalizing this portion of the rule as originally proposed.

i. Potential environmental impacts

EPA has evaluated the potential environmental impacts of releasing into the environment the four hydrocarbon refrigerant substitutes that we are listing under the SNAP program as acceptable, subject to use conditions, in the specified end-uses—*i.e.,* ethane in very low temperature refrigeration equipment and equipment for non-mechanical heat transfer; isobutane in retail food refrigerators and freezers (stand-alone equipment only) and vending machines; propane in household refrigerators and freezers and combination refrigerators and freezers, vending machines, and self-contained room air conditioners for residential and light commercial air conditioning and heat pumps; and R–441A in retail food refrigerators and freezers (stand-alone equipment only), vending machines, and self-contained room air conditioners for residential and light commercial air conditioning and heat pumps. In particular, we assessed the potential impact of the release of additional hydrocarbons on local air quality and their ability to decompose in the atmosphere, their ODP, their GWPs, and potential impacts on ecosystems.

As explained in Section IV.A, ''Effects on the environment,'' the ODP of these hydrocarbons is zero, the GWPs are less than 10, and effects on aquatic life are expected to be small. As to potential effects on local air quality, based on the analysis and modeling results described in the proposal and in Section IV.A of this preamble, EPA concludes that the four hydrocarbon refrigerant substitutes listed in this action for their specific end-uses are expected to have little impact on local air quality.

In addition, when examining all hydrocarbon substitute refrigerants in those uses for which UL currently has standards in place, for which the SNAP program has already listed the uses as acceptable subject to use conditions, or for which the SNAP program is reviewing a submission, including those in this rule, we found that even if all the refrigerant in appliances in end-uses addressed in this rule were to be emitted, there would be a worst-case impact of less than 0.15 ppb for ground-level ozone in the Los Angeles area. In light of its evaluation of potential environmental impacts, EPA concludes that the four hydrocarbon refrigerant substitutes in the end-uses at issue in this rule are not expected to pose a threat to the environment on the basis of the inherent characteristics of these substances and the limited quantities used in the relevant end-uses (ICF, 2014a).

ii. Toxicity and Flammability

As discussed in Sections IV.B, ''Flammability'' and IV.C., ''Toxicity and asphyxiation,'' EPA's SNAP program evaluated the flammability and toxicity risks from the substitute refrigerants in this rule. EPA is providing some of that information in this section as well.

Hydrocarbons, including ethane, propane, isobutane and the hydrocarbon blend R–441A, are classified as A3 refrigerants by ASHRAE Standard 34–2010, indicating that they have low toxicity and high flammability. Hydrocarbons in this rule have LFLs ranging from 1.8% to 3.0% (18,000 ppm to 30,000 ppm). To address flammability risks, this rule contains recommendations for their safe use (see Section III.E., ''Recommendations for the safe use of flammable substitute refrigerants'' below) and specified use conditions. The SNAP program's analysis suggests that the use conditions in this rule mitigate flammability risks.

Like most refrigerants, at high concentrations hydrocarbons can displace oxygen and cause asphyxiation. Various industry and regulatory standards exist to address asphyxiation and toxicity risks. The SNAP program's analysis of asphyxiation and toxicity risks suggests that the use conditions in this rule mitigate asphyxiation and toxicity risks. Furthermore, the Agency believes that the flammability risks and occupational exposures to hydrocarbons are adequately regulated by OSHA and building and fire codes at a local and national level.

iii. Authorities, Controls, or Practices

EPA believes that existing authorities, controls, or practices will mitigate environmental risk from the release of these hydrocarbon refrigerant substitutes. Analyses performed for both this rule and the SNAP rules issued in 1994 and 2011 (March 17, 1994, at 59 FR 13044 and December 20, 2011, at 76 FR 38832, respectively) indicate that existing regulatory requirements and industry practices designed to limit and control these substances adequately control the emission of the hydrocarbon refrigerant substitutes listed in this action. As explained below, EPA concludes that the limits and controls under other authorities, regulations, or practices adequately control the release of and exposure to the four hydrocarbon refrigerant substitutes and mitigate risks from any possible release.

As mentioned above, the determination of whether venting, release, or disposal of a substitute refrigerant poses a threat to the environment includes considering the extent that such venting, release, or disposal is adequately controlled by other authorities, regulations, or practices. As such, this conclusion is another part of the determination that the venting, release, or disposal of these four hydrocarbon refrigerant substitutes, in the specified end-uses and subject to the use conditions in this action, does not pose a threat to the environment.

Industry service practices and OSHA standards and guidelines that address hydrocarbon refrigeration equipment, include monitoring efforts, engineering controls, and operating procedures. OSHA requirements that apply during servicing include continuous monitoring of explosive gas concentrations and oxygen levels. In general, hydrocarbon emissions from refrigeration systems are likely to be significantly smaller than those emanating from the industrial process and storage systems, which are controlled for safety reasons. In the SNAP listings in Section III.A, ''Listing decisions: substitutes and end-uses,'' we note that the amount of refrigerant substitute from a refrigerant loop is limited: 57 g for household refrigerators and freezers; 150 g for commercial stand-alone refrigerators and freezers, very low temperature refrigeration equipment non-mechanical heat transfer equipment, and vending machines; with larger but still limited charges for room

air conditioners (1,000 g for hydrocarbon refrigerants). This indicates that hydrocarbon emissions from such uses are likely to be relatively small.

Hydrocarbons that are also VOC may be regulated as VOC under sections of the CAA that address nonattainment, attainment, and maintenance of the NAAQS for ground-level ozone, including those sections addressing development of SIPs and those addressing permitting of VOC sources.

The release and/or disposal of many refrigerant substitutes, including hydrocarbons, are controlled by other authorities including those established by OSHA and the National Institute for Occupational Safety and Health's (NIOSH) guidelines, various standards, and state and local building codes. To the extent that release during maintaining, repairing, servicing, or disposing of appliances is controlled by regulations and standards of other authorities, EPA believes these practices and controls for the use of hydrocarbons are sufficiently protective. These practices and controls mitigate the risk to the environment that may be posed by the venting, release, or disposal of these four hydrocarbon refrigerants during the maintaining, servicing, repairing, or disposing of appliances.

EPA is now aware of equipment that can be used to recover hydrocarbon refrigerants. While there are no relevant U.S. standards for such recovery equipment, to the extent that these hydrocarbons are recovered rather than vented in specific end-uses and equipment, EPA recommends the use of recovery equipment designed specifically for flammable refrigerants in accordance with applicable safe handling practices.

iv. Conclusion

EPA has reviewed the potential environmental impacts of the four hydrocarbon refrigerant substitutes in the end-uses in this action, as well as the authorities, controls, and practices in place for those hydrocarbon refrigerant substitutes. EPA also considered the public comments on the proposal for this action. Based on this review, EPA concludes that these four hydrocarbon refrigerant substitutes in these end-uses and subject to these use conditions are not expected to pose a threat to the environment based on the inherent characteristics of these substances and the limited quantities used in the relevant applications. EPA additionally concludes that existing authorities, controls, or practices help mitigate environmental risk from the release of those four hydrocarbons in these end-uses and subject to these use conditions. In light of these conclusions and those described or identified above in this section, EPA is determining that based on current evidence and risk analyses, the venting, release, or disposal of these four hydrocarbon refrigerant substitutes in these end-uses, and during the maintenance, servicing, repairing or disposing of the relevant appliances or equipment, does not pose a threat to the environment. Furthermore, EPA is exempting from the venting prohibition at 40 CFR 82.154(a)(1) these additional end-uses for which these hydrocarbons are being listed as acceptable, subject to use conditions, under the SNAP program.

This exemption does not mean that hydrocarbons can be vented in all situations at this time. Hydrocarbons being recovered, vented, or otherwise disposed of from commercial and industrial appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 261–270). As discussed in the final rule allowing for the venting of isobutane and R–441A as refrigerant substitutes in household refrigerators, freezers, and combination refrigerators and freezers, and propane as a refrigerant substitute in retail food refrigerators and freezers (stand-alone units only), incidental releases may occur during the maintenance, service, and repair of appliances. Nor would this activity be subject to RCRA requirements for the disposal of hazardous waste, as such releases would not constitute disposal of the refrigerant charge as a solid waste, *per se.* Disposal of hydrocarbons from household appliances is also not considered disposal of a hazardous waste under the existing RCRA regulations and could be vented under the household hazardous waste exemption. See 40 CFR 261.4(b)(1). However, for commercial and industrial appliances, it is likely that flammable hydrocarbon refrigerant substitutes would be classified as hazardous waste and would need to be managed as hazardous waste under the RCRA regulations (40 CFR parts 261–270).

E. Recommendations for the Safe use of Flammable Substitute Refrigerants

EPA recommends that only technicians specifically trained in handling flammable refrigerant substitutes dispose of or service refrigeration and AC equipment containing these substances. Technicians should know how to minimize the risk of fire and the procedures for using flammable refrigerant substitutes safely. Releases of large quantities of flammable refrigerants during servicing and manufacturing, especially in enclosed, poorly ventilated spaces or in areas where large amounts of refrigerant are stored, could cause an explosion if an ignition source exists nearby. For these reasons, it is important that only properly trained technicians handle flammable refrigerant substitutes when maintaining, servicing, repairing, or disposing of household and retail food refrigerators and freezers, very low temperature freezers, non-mechanical heat transfer equipment (*e.g.,* thermosiphons), and room air conditioners. In addition, EPA recommends that if hydrocarbon refrigerant substitutes are vented, released, or disposed of (rather than recovered), as would be allowed in most of the specified end-uses in this rule, the release should be in a well-ventilated area, such as outside of a building.

We are aware that at least two organizations, Refrigeration Service Engineers Society (RSES) and the ESCO Institute, have developed technician training programs in collaboration with refrigeration equipment manufacturers and users that address safe use of flammable refrigerant substitutes. In addition, EPA has reviewed several training programs provided as part of SNAP submissions from persons interested in flammable refrigerant substitutes. The agency intends to update the test bank for technician certification under Section 608 of the CAA as we have done previously, and will consider including additional questions on flammable refrigerants. By adding such questions to the test bank, EPA would supplement but would not replace technician training programs currently provided by non-government entities. EPA will seek additional information and guidance on how best to incorporate this content through a separate process outside of this final rule.

IV. What criteria did EPA consider in determining whether to list the substitutes as acceptable and in determining the use conditions, and how does EPA consider those criteria?

As discussed above, Section 612(c) of the CAA directs EPA to publish lists of acceptable substitutes for specific uses. EPA considers whether the risks to human health and the environment of a substitute poses less risk than that posed by other substitutes that are currently or potentially available. EPA also considers whether the substitute for class I and class II ODS poses lower overall risk to human health and the

environment as compared to the ODS historically used in the end-use. The criteria we review are listed at 40 CFR 82.180(a)(7). These criteria are: (i) atmospheric effects and related health and environmental impacts; (ii) general population risks from ambient exposure to compounds with direct toxicity and to increased ground-level ozone; (iii) ecosystem risks; (iv) occupational risks; (v) consumer risks; (vi) flammability; and (vii) cost and availability of the substitute.

EPA evaluated each of the criteria for each substitute in each end-use in this action and then for each substitute, we considered overall risk to human health and the environment in comparison to other available or potentially available alternatives in the same end-uses. Based on our evaluations, we may reach different conclusions about the same substitute in different end-uses, because of different risk profiles (*e.g.,* different exposure levels and usage patterns) and different sets of available or potentially available substitutes for each end-use.

As we have noted previously, environmental and human health exposures can vary significantly depending on the particular application of a substitute—and over time, information available regarding a substitute can change. See 78 FR at 29035 (May 17, 2013). SNAP's comparative risk framework does not imply fundamental tradeoffs with respect to different types of risk, either to the environment or to human health. For example, in this rule, we considered all the human health and environmental criteria, and addressed the potential risks from flammability by imposing use conditions, rather than deciding that other criteria were more important. EPA recognizes that during the more than two-decade history of the SNAP program, new information about alternatives already found acceptable has become available and new alternatives have emerged. To the extent possible, for each SNAP review, EPA considers information current at the time of the review which has improved our understanding of the risk factors for the environment and human health in the context of the available or potentially available alternatives for a given use.

A. Effects on the Environment

The SNAP program considers a number of environmental criteria when evaluating substitutes: ODP; climate effects, primarily based on GWP; local air quality impacts, particularly potential impacts on smog formation from emissions of VOC; and ecosystem effects, particularly from negative impacts on aquatic life. These and other environmental and health risks are discussed below.

The ODP is the ratio of the impact on stratospheric ozone of a chemical compared to the impact of an identical mass of CFC–11. Thus, the ODP of CFC–11 is defined to be one (1.0). Other ODS have ODPs that range from 0.01 to ten (10.0).

All refrigerant substitutes in this final rule have an ODP of zero, lower than the ODP of ozone depleting refrigerants such as CFC–12 (ODP = 1.0); HCFC–22 (ODP = 0.055); R–13B1 (ODP = 10) and R–502 (ODP = 0.334). The most commonly used substitutes in the end-uses addressed in this final rule also have an ODP of zero (*e.g.,* R–404A, R–134a, R–410A, and R–407C).[13] Some less common alternatives for these end-uses, such as R–401A, R–414A, and other blends containing HCFC–22 or HCFC–142b,[14] have ODPs ranging from 0.01 to 0.047. Thus, the refrigerant substitutes in this rule have ODPs lower than or identical to the ODPs of other available substitutes and of ODS historically used in the end-uses addressed in this rule.

The GWP is a means of quantifying the potential integrated climate forcing of various GHGs relative to carbon dioxide. Each of the hydrocarbon refrigerants in this final rule has a relatively low 100-year integrated GWP of less than ten while HFC–32 has a GWP of 675. For comparison, some other commonly used refrigerants currently listed as acceptable in retail food refrigeration, vending machines, and household refrigerators and freezers end-uses are R–134a, R–404A, and R–407C, with GWPs of about 1,430, 3,920, and 1,770, respectively. In very low temperature refrigeration, a commonly-used substitute is R–508B, with a GWP of 13,400. An ODS in this end-use is R–13B1/halon 1301 with a GWP of 7,140. The GWPs of the substitutes in this final rule are significantly lower than those of other refrigerants currently being used in the residential and light commercial AC and heat pump end-use, such as the HFC blend substitute R–410A. In addition, the substitutes in this rule have lower GWPs than those of ODS in this end-use, CFC–12 (GWP = 10,900); HCFC–22 (GWP = 1,810); and R–502 (GWP = 4,660) (IPCC, 2007).

As stated above, EPA considers overall risk to human health and the environment compared to alternatives that are available and potentially available in a given end-use. Therefore, while the GWP of 675 for HFC–32 is considered low for the residential and light-commercial AC and heat pumps end-use, it may not be considered low in other end-uses that have a larger variety of substitutes with lower GWPs. Among the acceptable substitutes listed in the residential and light-commercial AC and heat pumps end-use, only ammonia absorption and the non-vapor compression technologies evaporative cooling and desiccant cooling have lower GWPs than the substitutes listed in this final rule in this end-use.

The total environmental effects impacts of these refrigerants also depend upon the energy use of appliances, since the ''indirect'' GHG emissions associated with electricity consumption typically exceed those from refrigerants over the full lifecycle of refrigerant-containing products. (ORNL, 1997). If appliances designed to use refrigerants listed as acceptable in this final rule are less energy efficient than the appliances they replace, then it is possible that these appliances would result in higher lifecycle GHG emissions than appliances using a higher GWP refrigerant or refrigerant substitute. Conversely, higher energy efficiency of these appliances would lead to even lower lifecycle GHG emissions.

While we have not undertaken a comprehensive assessment of all sources of GHG emissions associated with substituting ODS and other commonly used refrigerants with the refrigerants in this final rule, we note that energy efficiency standards exist for most of the types of equipment covered here.[15] Thus, total energy use with the substitute refrigerants we are finding acceptable in this action can be expected to be no higher than that required by the standards for those classes of equipment.[16] Further, testing

[13] We assume that substitutes containing no chlorine, bromine, or iodine have an ODP of zero.

[14] Under EPA's phaseout regulations, virgin HCFC–22, HCFC–142b, and blends containing HCFC–22 or HCFC–142b may only be used to service existing appliances. Consequently, virgin HCFC–22, HCFC–142b and blends containing HCFC–22 or HCFC–142b may not be used to manufacture new pre-charged appliances or appliance components or to charge new appliances assembled onsite.

[15] For example, Department of Energy (DOE) standards apply to portable air conditioners, room air conditioners, PTACs and PTHPs, household refrigerators and freezers, refrigerated beverage vending machines, and commercial refrigeration equipment. See *https://www1.eere.energy.gov/buildings/appliance_standards/standards_test_procedures.html.*

[16] Refrigeration or air conditioning equipment in the applicable covered equipment class would still be subject to DOE's standards, regardless of the refrigerant that the equipment uses. If a manufacturer believes that its design is subjected to undue hardship by DOE's regulations, the manufacturer may petition DOE's Office of Hearing and Appeals (OHA) for exception relief or

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data, peer-reviewed journal articles, and other information provided by the submitters for these substitute refrigerants indicate that equipment using these refrigerants is likely to have a higher coefficient of performance and use less energy than equipment currently being manufactured that uses the most commonly used refrigerants that are listed as acceptable under SNAP. This indicates that equipment using the refrigerants listed will have the same or lower climate impacts than other available substitutes (Daikin, 2011; A.S. Trust & Holdings, 2012; A/S Vestfrost, 2012; CHEAA, 2013).

In addition to global impacts on the atmosphere, EPA evaluated potential impacts of the substitutes on local air quality. Ethane and HFC–32 are exempt from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS. The other refrigerants, isobutane, propane, and components of R–441A, including isobutane, n-butane, and propane, are VOC. Potential emissions of VOC from all substitutes for all end-uses in the refrigeration and AC sector are addressed by the venting prohibition under Section 608 of the CAA. Under that prohibition, refrigerant substitutes (and thus the VOC they contain) may only be emitted where EPA issues a final determination exempting a refrigerant substitute from the venting prohibition on the basis that venting, releasing or disposing of such substance does not pose a threat to the environment. Based on an analysis described below, EPA estimates that potential emissions of hydrocarbons if used as refrigerant substitutes in all end-uses in the refrigeration and AC sector would have little impact on local air quality, with the possible exception of unsaturated hydrocarbons such as propylene (ICF, 2014a).

EPA analyzed a number of scenarios to consider the potential impacts on local air quality if hydrocarbon refrigerants were used widely. We used EPA's Vintaging Model to estimate the hydrocarbon emissions from these scenarios and EPA's Community Multiscale Air Quality (CMAQ) model to assess their potential incremental contributions to ground-level ozone concentrations (ICF, 2014a). That analysis was conservative in that it assumed that the most reactive hydrocarbon subject to this action—isobutane—was used in all refrigeration and AC uses even though isobutane was not proposed or listed as acceptable for use in all refrigeration and AC uses. In addition, the analysis assumed that all refrigerant used was emitted to the atmosphere. In that highly conservative scenario, the model predicted that the maximum increase in the 8-hour average ground-level ozone concentration would be 0.72 ppb in Los Angeles.

For further information on the potential impacts of this rule and other decisions we might make, EPA also performed a less conservative analysis, looking at a set of end-uses that would be more likely to use hydrocarbon refrigerants between now and 2030. The analysis assumed use of hydrocarbon refrigerants in those uses for which UL currently has standards in place, for which the SNAP program has already listed the uses as acceptable, subject to use conditions, or for which the SNAP program is reviewing a submission, including those in this rule.[17] In addition, the air quality analysis assumed several different hydrocarbons[18] would be used based upon those under review by the SNAP program in the end-uses for which they were submitted. For example, we assumed use of propane, R–441A, and another hydrocarbon refrigerant under review in room air conditioners; and isobutane, propane, and R–441A in vending machines, stand-alone retail food refrigeration equipment, and household refrigerators and freezers; but no use of hydrocarbons in chillers used for AC of large buildings. (For further information on the specific assumptions, see ICF, 2014a, in the docket for this rulemaking.)

Based on this still conservative but more probable assessment of refrigerant use, we found that even if all the refrigerant in appliances in end-uses addressed in this final rule were to be emitted, there would be a worst-case impact of 0.15 ppb ozone in the Los Angeles area, which is the area with the highest level of ozone pollution in the United States. In the other cities examined in the analysis, Houston and Atlanta, impacts were smaller (no more than 0.03 and 0.01 ppb, respectively) (ICF, 2014a). Because both the highly conservative as well as the conservative but more probable assessments indicated there would be relatively low air quality impacts of these refrigerants if they are released to the atmosphere in limited amounts, EPA believes that these refrigerants would not have a substantially greater impact on local air quality than other refrigerants listed as acceptable in the end-uses in this final rule.

Effects on aquatic life of the substitutes are expected to be small and pose no greater risk of aquatic or ecosystem effects than those of other available substitutes for these uses. The refrigerant substitutes in this rule are all highly volatile and would evaporate or partition to air, rather than contaminate surface waters.

B. Flammability

The flammability risks of the substitutes are of concern because household and retail food refrigerators and freezers and room AC units have traditionally used refrigerants that are not flammable. Without appropriate use conditions, the flammability risk posed by these refrigerants could be higher than non-flammable refrigerants because individuals may not be aware that their actions could potentially cause a fire, and because without the requirements of this rule, these refrigerants could be used in existing equipment that has not been designed specifically to minimize flammable risks. In this section, we discuss the flammability risks posed by the refrigerants in this rule and explain the use conditions we believe are necessary to mitigate those risks to ensure that the overall risk to human health and the environment posed by these substitutes is not greater than the overall risk posed by other substitutes in the same end-uses. In addition, we discuss why the flammability risks have led us to find that these substitutes are only acceptable for use in new equipment specifically designed for these flammable refrigerants.

Due to their flammable nature, ethane, isobutane, propane, HFC–32, and R–441A could pose a significant safety concern for workers and consumers in the end-uses addressed in this rule if they are not handled correctly. In the presence of an ignition source (*e.g.,*

exemption from the standard pursuant to OHA's authority under Section 504 of the DOE Organization Act (42 U.S.C. 7194), as implemented at subpart B of 10 CFR part 1003. OHA has the authority to grant such relief on a case-by-case basis if it determines that a manufacturer has demonstrated that meeting the standard would cause hardship, inequity, or unfair distribution of burdens.

[17] The analysis included stand-alone retail food refrigeration equipment and coolers; vending machines; refrigerated transport; water coolers; commercial ice machines; household refrigerators and freezers; and room air conditioners (window AC, PTAC, and PTHP). The analysis did not expressly break out very low temperature refrigeration or non-mechanical heat transfer from commercial refrigerators and freezers.

[18] Refrigerants in this scenario included propane, isobutane, and R–441A in the end-uses where they are listed to be acceptable, subject to use conditions, among others. Ethane was not expressly included, since the type of equipment using ethane is not broken out separately in the analysis. However, ethane is less reactive than the other refrigerants included in the analysis, so this omission is expected to result in a slight overestimation of impacts, if any.

static electricity spark resulting from closing a door, using a torch during service, or a short circuit in wiring that controls the motor of a compressor), an explosion or a fire could occur when the concentration of refrigerant exceeds its LFL. The LFLs of the substitutes are: ethane—30,000 ppm; HFC–32—139,000 ppm; isobutane—18,000 ppm; propane—21,000 ppm; and R–441A—20,500 ppm. Therefore, to use these substitutes safely, it is important to minimize the presence of potential ignition sources and to reduce the likelihood that the levels of ethane, HFC–32, isobutane, propane, or R–441A will exceed the LFL.

To determine whether flammability would be a concern for manufacturing and service personnel or for consumers, EPA analyzed a plausible worst-case scenario to model a catastrophic release of the refrigerants. The worst-case scenario analysis for each refrigerant revealed that even if the unit's full charge is emitted within one minute, none of these refrigerants reached their respective LFLs of 1.8% for isobutane, 2.1% for propane, 2.05% for R–441A, or 3.0% for ethane, provided that the charge sizes were no greater than those specified in the relevant standard from UL (ICF, 2014b,c,d,e,f,g,h,i,j,k). Thus, there would not be a significant risk of fire or explosion, even under those worst-case assumptions, so long as the charge meets the use conditions in this final rule. Detailed analysis of the modeling results are discussed below in the next section regarding ''Toxicity and asphyxiation.''

EPA also reviewed the submitters' detailed assessments of the probability of events that might create a fire and engineering risk and approaches to avoid sparking from the refrigeration equipment. Further information on these analyses and EPA's risk assessments are available in public docket EPA–HQ–OAR–2013–0748 at *www.regulations.gov.* Although the analysis showed no potential for the released refrigerant from one piece of equipment to reach the LFL, manufacturing and service personnel or consumers may not be familiar with refrigeration or AC equipment containing a flammable refrigerant. Therefore, use conditions are necessary to ensure that people handling such equipment are aware that the equipment contains a flammable refrigerant and to ensure safe handling. Because of existing OSHA and building code requirements, we expect that the equipment manufacturer, who would be storing large quantities of the refrigerant, is familiar with and uses proper safety precautions to minimize the risk of explosion. We are including in the ''Further Information'' section of the SNAP listings recommendations that these facilities be equipped with proper ventilation systems and be properly designed to reduce possible ignition sources. The use conditions allow the flammable refrigerants to be used without a higher risk to human health and the environment than that posed by nonflammable substitutes.

C. Toxicity and asphyxiation

In evaluating potential toxicity impacts of ethane, HFC–32, isobutane, propane, and R–441A on human health, EPA considered both occupational and consumer risks. EPA investigated the risk of asphyxiation and of exposure to toxic levels of refrigerant for a plausible worst-case scenario and a typical use scenario for each refrigerant. In the worst-case scenario of a catastrophic leak, we modeled release of the unit's full charge within one minute into a confined space to estimate concentrations that might result. We considered a conservatively small space appropriate to each end-use, such as a small convenience store of 244 m^3 for retail food refrigeration, a small galley kitchen of 18 m^3 for a household refrigerator/freezer, or a small bedroom of 41 m^3 for a room air conditioner.

To evaluate toxicity of all five refrigerants, EPA estimated the maximum TWA exposure both for a short-term exposure scenario, with a 15-minute and 30-minute TWA exposure, and for an 8-hour TWA that would be more typical of occupational exposure for a technician servicing the equipment. We compared these short-term and long-term exposure values to relevant industry and government workplace exposure limits for ethane, HFC–32, isobutane, propane, and components of R–441A (including potential impurities). The modeling results indicate that both the short-term (15-minute and 30-minute) and long-term (8-hour) worker exposure concentrations would be below the relevant workplace exposure limits, such as the OSHA permissible exposure limit (PEL), the NIOSH recommended exposure limit (REL), the American Conference of Governmental Industrial Hygienists' (ACGIH) TLV, or in the case of HFC–32, the manufacturer's recommended workplace exposure limit. In some cases where there was not an established short-term exposure limit (STEL), we considered information on short-term exposure such as the no observed adverse effect level (NOAEL) from available toxicity studies or the National Research Council's Acute Emergency Guideline Limits (AEGL).[19] The respective workplace exposure limits we considered for the various compounds, including components of the refrigerant blend R–441A, are as follows:

- n-Butane, a component in R–441A: 800 ppm NIOSH REL on 10-hr TWA; 6,900 ppm AEGL–1 over 30 minutes
- Ethane: 1,000 ppm TLV on 8-hour TWA; 3,000 ppm over 15 minutes
- HFC–32: 1,000 ppm manufacturer's exposure guideline on 8-hour TWA; 3,000 ppm over 15 minutes
- Isobutane: 800 ppm REL on 10-hr TWA; 6,900 ppm over 30 minutes
- Propane: 1,000 ppm PEL on 8-hr TWA; 6,900 ppm AEGL–1 over 30 minutes

For equipment with which consumers might come into contact, such as retail food refrigerators and freezers, vending machines, household refrigerators and freezers, and room air conditioners, EPA performed a consumer exposure analysis. In this analysis, we examined potential catastrophic release of the entire charge of the substitute in one minute under a worst-case scenario. We did not examine exposure to consumers in very low temperature refrigeration, since such equipment is typically used in workplaces, such as in laboratories, and not in homes or public spaces. The analysis was undertaken to determine the 15-minute or 30-minute TWA exposure levels for the substitute, which were then compared to the toxicity limits to assess the risk to consumers.

EPA considered toxicity limits for consumer exposure that reflect a short-term exposure such as might occur at home or in a store or other public setting where a member of the general public could be exposed and could then escape. Specific toxicity limits that we used in our analysis of consumer exposure include:

[19] The AEGL limit is an emergency guideline for exposures to the general population (including susceptible populations) and is not time-weighted. It also considers the chemical's flammability in addition to its toxicity. EPA develops a set of AEGL values for chemical for five exposure periods (10 and 30 minutes, 1 hour, 4 hours and 8 hours). For each exposure period, three different AEGL values are developed to address different levels of toxicological impacts. Of relevance for the modeled scenarios is the AEGL–1 (10,000 ppm), which is defined as: ''the airborne concentration, expressed as parts per million or milligrams per cubic meter (pm or mg/m^3) of a substance above which it is predicted that the general population including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic nonsensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.'' While permanent toxicological effects are not expected up to the AEGL–2 value, this limit is not relevant for this analysis because at that level, flammability would be a greater concern.

- n-Butane: 6,900 ppm AEGL–1 over 30 minutes
- HFC–32: cardiotoxic NOAEL of 350,000 ppm over 5 minutes
- Isobutane: 6,900 ppm over 30 minutes
- Propane: 6,900 ppm AEGL–1 over 30 minutes

The analysis of consumer exposure assumed that 100 percent of the unit's charge would be released over one minute, at which time the concentration of refrigerant would peak in an enclosed space, and then steadily decline. Refrigerant concentrations were modeled under two air change scenarios, believed to represent the baseline of potential flow rates for a home or other public space, assuming flow rates of 2.5 and 4.5 air changes per hour (ACH) (Sheldon, 1989). The highest concentrations of the refrigerant occur in the lower stratum of the room when assuming the lower ventilation level of 2.5 ACH. Calculating the TWA exposure using 2.5 ACH results in a higher concentration than calculating the TWA exposure using 4.5 ACH. Even under the very conservative assumptions used in the consumer exposure modeling, the estimated 15-minute or 30-minute consumer exposures to the refrigerants are much lower than the relevant toxicity limits and thus should not pose a toxicity risk any greater than that of other acceptable refrigerants in the end-uses in this final rule. Other acceptable refrigerants pose similar toxicity risks.

For further information, including EPA's risk screens and risk assessments as well as fault tree analyses from the submitters of the substitutes, see docket number EPA–HQ–OAR–2013–0748 at *www.regulations.gov*.

V. What are the differences between the proposed and final rules?

This final rule lists all five refrigerants as acceptable, subject to use conditions, in the same end-uses as in the proposed rule. This final rule retains the same use conditions as proposed for very low temperature refrigeration equipment; non-mechanical heat transfer equipment; retail food refrigeration, stand-alone equipment only; household refrigerators, freezers, and combination refrigerator/freezers; and vending machines.

For *room AC units,* EPA is retaining the same use conditions as proposed, with one exception. For portable AC units, EPA is not applying the proposed charge limits for PTAC, PTHP, and other floor mounted AC units, which are set forth in Table D. New Table E establishes charge limits for portable AC units, consistent with the requirements in Appendix F of UL 484, 8th Edition. This change allows larger charge sizes for small portable units than in the proposed rule and limits the charge size to no more than 2.45 kg of HFC–32, 300 g of propane, or 330 g of R–441A. Proposed Table D was based on a different section of Appendix F of UL 484, 8th Edition. EPA is making this change because we agree with commenters that the final rule should incorporate specific provisions for charge limits for portable units in UL 484, which is the standard that is the basis of EPA's other charge limits, as well.

This final rule exempts the four hydrocarbon refrigerants for the end-uses addressed in the proposed rule from the venting prohibition under Section 608. HFC–32 remains prohibited from being knowingly vented or otherwise knowingly released or disposed of by any person maintaining, servicing, repairing, or disposing appliances containing HFC–32.

VI. What are EPA's responses to public comments?

A. EPA's Acceptability Determinations

1. R–441A

Comment: The Environmental Investigation Agency-U.S. (EIA), an environmental organization, and A.S. Trust & Holdings, the submitter for R–441A, supported the listing of R–441A as an acceptable substitute in new stand-alone retail food refrigeration equipment, residential and light commercial AC, and vending machines. EIA noted the climate benefits, improved energy efficiency, and reduced flammability for this refrigerant.

Response: EPA agrees and thanks the commenters for their support of this listing decision. We are taking final action in this rule to list R–441A as acceptable subject to use conditions for use in new retail food refrigerators and freezers (stand-alone units only); new residential and light commercial room AC units; and vending machines.

Comment: A.S. Trust & Holdings requested clarification as to whether EPA is approving the SNAP applications (*i.e.,* submissions) for R–441A in household window AC units, vending machines, new commercial refrigerators, commercial freezers, and stand-alone refrigerated display cases, and new residential split-system AC units, residential heat pumps, and portable (floor) room air conditioners.

Response: This final rule lists R–441A as acceptable, subject to use conditions, for use in (1) residential and light commercial room AC units, (2) vending machines, and (3) stand-alone retail food refrigeration equipment, including refrigerators, freezers, and refrigerated display cases. These correspond to the submissions for R–441A for household window AC units, vending machines, new commercial refrigerators, commercial freezers, and stand-alone refrigerated display cases, and the portable room air conditioners portion of the submission for new residential split-system AC units, residential heat pumps, and portable room air conditioners. EPA is reviewing R–441A separately for new residential and light commercial split-system AC units and heat pumps, and so is not in this action listing R441A as acceptable in these uses at this time.

2. Ethane

Comment: EIA supported the listing of ethane as acceptable subject to use conditions for use in very low temperature refrigeration and non-mechanical heat transfer, and indicated that equipment using ethane is available that will reduce impacts on climate and cut energy use.

Response: EPA appreciates the support for listing ethane as acceptable subject to use conditions in very low temperature refrigeration and non-mechanical heat transfer.

Comment: Hoshizaki America, a manufacturer of commercial refrigeration equipment, questioned the test methods used to evaluate ethane's flammability and fire safety.

Response: The commenter provided no support for why they believed this was necessary or what, if anything else, they question in the test methods used to evaluate ethane. EPA evaluated flammability risks in the risk screen included in the docket (Docket ID EPA–HQ–OAR–2014–0748–0004). This evaluation followed the standard approach for evaluating health and environmental risks that the SNAP program has used over its 20-year history. The results found worst-case leaks of ethane to result in concentrations far below the LFL of 30,000 ppmv, showing a lack of flammability risk. We note that a use condition requires that the ethane-containing equipment meet the requirements of Supplement SB to the 10th edition of UL Standard 471 and this use condition will ensure ethane will be tested and will meet specific safety testing requirements.

3. Isobutane

Comment: EIA and a private citizen supported EPA's proposal to list isobutane as acceptable subject to use conditions for the proposed end-uses

and noted that it is already available and in use in the United States and global markets in vending machines and in stand-alone retail food refrigeration equipment. Hoshizaki America questioned the listing of isobutane and does not agree that it should be listed as acceptable without proper safety analysis.

Response: EPA appreciates the support for listing isobutane as acceptable subject to use conditions in vending machines and stand-alone retail food refrigeration equipment. EPA evaluated flammability risks in the risk screens included in the docket (Docket ID EPA–HQ–OAR–2014–0748–0013 and -0021). The commenter that suggested isobutane should not be listed provided no support for their statement and did not explain what they meant by ''proper safety analysis.'' EPA's evaluations followed the standard approach for evaluating health and environmental risks that the SNAP program has used over its 20-year history. The results found leaks of isobutane in stand-alone retail food refrigeration equipment and vending machines to result in concentrations far below the LFL of 30,000 ppmv, showing a lack of flammability risk. We note that a use condition requires that retail food refrigeration equipment using isobutane meet the requirements of Supplement SB to the 10th edition of UL Standard 471 and that vending machines using isobutane meet the requirements of Supplement SA to the 7th edition of UL Standard 541. This use condition will ensure isobutane is further tested in equipment and will meet specific safety testing requirements.

4. HFC–32

Comment: A.S. Trust & Holdings; ComStar, a distributor of R–441A and other chemicals, and several private citizens expressed concerns with the listing of HFC–32 as an acceptable substitute in room AC units due to its toxicity, flammability, and high GWP relative to hydrocarbon refrigerants. These commenters said that HFC–32's higher GWP, in combination with its flammability and other characteristics, is reason for not finding this substitute acceptable. Most of these commenters were specifically concerned, due to the GWP and toxicity of HFC–32, that EPA might exempt HFC–32 from the venting prohibition. EIA and Daikin, the submitter of HFC–32, supported listing HFC–32 as acceptable subject to use conditions.

Response: EPA appreciates the support from the commenters who support listing HFC–32 as acceptable subject to use conditions for use in room AC units.

EPA disagrees with the commenters who suggest that the toxicity, flammability and GWP of HFC–32 indicate it should not be listed as acceptable, subject to use conditions, for use in room AC units. The GWP of HFC–32 (675) is two-thirds less than that of the most commonly used alternative for this type of equipment, R–410A (approximately 2,090) and also significantly lower than that of HCFC–22 (1,810) and R–407C (approximately 1,770). The only currently acceptable alternatives in this end-use with lower GWP include ammonia absorption and the non-vapor compression technologies evaporative cooling and desiccant cooling. However, there are technical limits on the effective use of the non-vapor compression technologies in different climates, and ammonia has a higher toxicity that HFC–32 and the other alternatives. HFC–32 also has a higher GWP than two other substitutes being listed in this end-use in this final rule—propane (GWP of 3) and R–441A (GWP of less than 5). However, it is considerably less flammable than either propane or R–441A. For example, HFC–32 has an LFL of 13.8% and a burning velocity of 6.7 cm/s compared to an LFL of 2.1% and a burning velocity of 46 cm/s for propane and an LFL of 2.05% and a burning velocity of 47.6 cm/s for R–441A (Daikin, 2011; A.S. Trust & Holdings, 2012). EPA's risk screen on the use of HFC–32 in residential and light commercial AC is available in the docket for this rulemaking (Docket ID EPA–HQ–OAR–2014–0748–0005). This risk screen indicates that HFC–32's LFL is not reached where the charge size is consistent with the use conditions, so we do not expect a significant risk of fire.

The commenters did not provide any information concerning why they believed that HFC–32 should be listed as unacceptable based on its toxicity; the commenters merely provided general information such as Material Data Safety Sheets (MSDSs) without giving analysis specific to HFC–32. The potential health effects listed in the MSDSs provided by the commenters, such as freeze burns, anesthetic effects, and asphyxia, are common to many refrigerants already in the same end-use, such as HCFC–22, R–410A, or HFC–134a. Further, these health effects apply to both HFC–32 and to the two hydrocarbon refrigerant substitutes that we are also listing in this action as acceptable, subject to use conditions, in this end-use, and the commenters did not raise concerns for the health effects for those substitutes. EPA's risk screen evaluates exposure and toxicity risks. In the End-Use Exposure Assessment the modeled 15-minute and 30-minute TWA exposures for consumers were well below the relevant short-term limit, the cardiotoxic NOAEL for HFC–32, for all charge sizes. Based on the Occupational Risk Assessment, occupational exposure to HFC–32 is anticipated to be significantly below the STEL during servicing and installation.

In addition, as discussed below in section VI.G, ''Venting prohibition,'' EPA did not propose, nor is it finalizing, an exemption to the venting prohibition for HFC–32.

5. Propane

Comment: EIA supported listing propane for use in all of EPA's proposed end-uses (household refrigerators and freezers, vending machines, and room air conditioners), since hydrocarbons are already being used successfully in these types of equipment around the world. A private citizen agreed with the listing of propane specifically for AC units. Hozishaki America disagreed with the proposed listing of propane without proper safety analysis.

Response: EPA appreciates the comments supporting our decision to list propane as acceptable subject to use conditions in the proposed end-uses and agrees that hydrocarbons are already being used safely and successfully in such types of equipment around the world.

The commenter opposing listing of propane provided no support for their statements and did not explain what they meant by ''proper safety analysis.'' EPA's evaluations followed the standard approach for evaluating health and environmental risks that the SNAP program has used over its 20-year history. EPA performed risk screens on the use of propane in household refrigerators and freezers, vending machines, and room air conditioners which are available in the docket for this rulemaking (Docket IDs EPA–HQ–OAR–2013–0748–0006, –0007, and –0008). EPA's vending machine risk screen indicates that propane's LFL is not reached in the typical scenario, and for room air conditioners and household refrigerators and freezers, worst-case concentrations would be well below propane's LFL, showing a lack of flammability risk. We note that EPA is including a use condition that requires that household refrigerators and freezers using propane meet the requirements of Supplement SA to the 10th edition of UL Standard 250, that vending machines using propane meet the requirements of Supplement SA to the 7th edition of UL Standard 541, and that

room air conditioners meet the requirements of Supplement A and Appendices B through F of the 8th edition of UL Standard 484.[20]

Comment: Some commenters suggested that propane should be added to the list of acceptable substitutes for the very low temperature refrigeration end-use, particularly since it could be used with the same UL 471 Standard as for commercial refrigeration equipment.

Response: EPA did not receive a submission and thus has not evaluated propane for the very low temperature refrigeration end-use. EPA may consider it in a future rulemaking action.

B. Environmental and Public Health Impacts

1. GWP and Direct Climate Impacts

Comment: The Alliance for Responsible Atmospheric Policy (the Alliance), California's Air Resources Board (CARB), EIA, the Institute of Scrap Recycling Industries (ISRI), and private citizens stated that the proposed list of substitutes is an important step towards mitigating the industry's environmental impact, specifically by broadening availability of substitutes that would reduce GHG emissions from the refrigeration and AC sector. CARB estimates that if the proposed low-GWP refrigerants replace the high-GWP HFCs in the identified end-use sectors, nationwide annual emissions of GHGs would be reduced by between 9 and 11 million metric tons of carbon dioxide equivalents ($MMTCO_2eq$). CARB also stated that while the reductions are a modest three percent decrease from current fluorinated gas emissions, they believe the proposal is an important step in mitigating the anticipated growth in emissions of HFCs.

Response: EPA agrees that listing these five substitutes as acceptable subject to use conditions in the specified end-uses is an important step towards mitigating GHG emissions and the anticipated growth in emissions of HFCs. We thank the commenter for the calculated estimate of the potential environmental benefits associated with this rule. We do not know if the market penetration for these newly-listed alternatives will align with the assumptions used by CARB in developing their estimates. However, we agree that the entrance of these alternatives into the market and the decrease in use of higher GWP alternatives will mitigate climate impacts from the end-uses addressed in this rule.

2. Energy Efficiency and Indirect Climate Impacts

Comment: CARB and EIA stated that the use of low-GWP hydrocarbon refrigerants also indirectly reduces GHG emissions through decreased energy use. In contrast, Master-Bilt Products, a manufacturer of commercial refrigeration equipment, said that some of the proposed alternatives have poor energy efficiency.

Response: EPA agrees with CARB and EIA that, based on the available information, the hydrocarbon refrigerants may decrease energy use and thereby reduce GHG emissions indirectly. Each submission provided information showing reduced energy consumption when using the alternative refrigerants listed in this rule (Daikin, 2011; A.S. Trust & Holdings, 2012; A/S Vestfrost, 2012; CHEAA, 2013). However, we note that the specific energy benefits will depend on a number of factors other than the refrigerant, such as the design of the equipment and efforts made to fine-tune the equipment once it is installed. Master-Bilt did not submit any specific information regarding energy efficiency and EPA is not aware of information supporting a claim that any of the refrigerants being listed have poor energy efficiency.

3. Ozone Depletion

Comment: A private citizen stated that ''hydrofluorocarbon refrigerants and CHFC [*sic*] refrigerants all have significant, demonstrated negative impacts on our atmospheric ozone, while hydrocarbons have no effect on stratospheric ozone depletion.'' The commenter also stated that ''[i]t is accepted fact that these synthetic fluorinated gases including HFC–32 rapidly accumulate in the atmosphere destroying ozone by breaking molecular bonds of O_3'' and requested that EPA remove HFC–32 from the rule.

Response: The role of HCFCs in ozone depletion is well-documented (WMO, 2010) and these substances are in the process of being phased out of production and consumption globally in steps. EPA agrees that hydrocarbons do not contribute to stratospheric ozone depletion. However, we disagree with the commenter's statement that HFC refrigerants have significant, demonstrated negative impact on atmospheric ozone or that they break molecular bonds of ozone. On the contrary, HFCs have long been considered to have a negligible impact on stratospheric ozone depletion (Ravishankara et al, 1994;[21] WMO, 2010). Thus, EPA considers the impact of HFCs on the ozone layer to be comparable to those of hydrocarbons.

4. Local Air Quality Impacts

Comment: Regarding the air quality modeling using CMAQ, A.S. Trust & Holdings stated that that the assumption of rapid transition to all hydrocarbon refrigerants (in Scenarios 1, 2, and 3) is not a viable assumption, and disregards simple market realities. CARB referred to Scenarios 1 through 3 as upper-bound maximums that are not expected to occur.

Response: In Scenarios 1, 2, and 3 of the air quality analysis (ICF, 2014a), isobutane or propylene were assumed to be the only refrigerant used, respectively, in (1) all refrigeration and air conditioning uses, (2) all refrigeration and air conditioning uses except for MVAC, or (3) all refrigeration and air conditioning uses except for MVAC and large commercial chillers. EPA agrees that these scenarios are not likely to occur. These scenarios were not intended to project what is likely to happen in the market, but rather, to provide screening estimates to see if there would be some level of refrigerant emissions that could result in unacceptably high increases in ground-level ozone. The modeling indicated that widespread use of isobutane, propane, R–441A, and other saturated hydrocarbon refrigerants are not likely to result in significant increases in ground-level ozone concentrations. In contrast, the screening estimates in Scenarios 1, 2, and 3 indicated that there could be significant increases in ground-level ozone concentrations if use (and emissions) of propylene were widespread. Thus, further analysis of potential air quality impacts based on likely use of propylene in the market may be needed for evaluating propylene or refrigerants containing propylene in any future action in which EPA considers listing propylene for these end-uses.

Comment: A.S. Trust & Holdings commented that the air quality modeling focuses on only one year (2005) of meteorological data. The commenter stated it is standard practice in ambient air modeling studies to focus on typically five years of meteorological data to provide a more representative sample of conditions on different days

[20] Similarly, EPA previously listed propane as acceptable, subject to use conditions, in stand-alone retail food refrigeration equipment, including a condition requiring that such equipment meet the requirements of Supplement SB to the 10th edition of UL Standard 471. December 20, 2011; 76 FR 78832.

[21] Ravishankara, A. R., A. A. Turnipseed, N. R. Jensen, S. Barone, M. Mills, C. J. Howard, and S. Solomon. 1994. Do hydrofluorocarbons destroy stratospheric ozone? *Science* 263: 71–75.

and thus reduce the uncertainties in the analysis.

Response: It is standard practice to use five years of meteorological data in regulatory analyses where the assessment is for a single facility or small group of facilities seeking an air quality permit, such as a permit for prevention of significant deterioration, authority to construct, or air contaminant discharge. However, in state implementation plans or nationwide regulatory impact assessments where an entire state or the continental United States is modeled, a full ozone season or a single year of meteorology is generally considered sufficient (EPA, 2007). In the case of the CMAQ analysis performed for this rule, modeling was performed based upon refrigerant emissions from the entire United States and thus, use of one year of meteorological data was appropriate.

Comment: A.S. Trust & Holdings noted that specific hydrocarbon refrigerants were not separately modeled in the air quality model. This commenter states that each refrigerant should be assessed separately by the Agency and that it does not seem reasonable to regulate a single refrigerant based on a whole family of refrigerants. This commenter also stated that it is difficult to make any substantial conclusions regarding propylene without assessing the more realistic Scenario 4. CARB stated that Scenario 4 of the analysis is a good representation of anticipated emissions and useful for assessing the potential ozone impacts of the proposal. This commenter also stated that the small estimated impact based on national modeling is consistent with its own estimate of the magnitude of potential emission increases and the lower ozone formation potential of the hydrocarbon refrigerants.

Response: Scenario 4 is a scenario that analyzed potential air quality impacts of hydrocarbon refrigerants in a set of end-uses that would be more likely to use hydrocarbon refrigerants between now and 2030. These included end-uses for which UL currently has standards in place, for which the SNAP program has already listed hydrocarbon refrigerants as acceptable, subject to use conditions, or for which the SNAP program is reviewing a submission, including those end-uses addressed in this final rule. EPA agrees with the second commenter that this scenario is useful for assessing the potential ozone impacts of the proposal.

We disagree with the first commenter that EPA should have assessed each refrigerant separately in Scenario 4 as we did in the bounding Scenarios 1, 2, and 3. We are listing a number of refrigerants as acceptable, subject to use conditions, in several end-uses and we expect that they all will be present in the market and in the atmosphere at the same time. The interactions of the different compounds in the atmosphere are interdependent and are not linear. Modeling each refrigerant separately would result in a less realistic, and for some refrigerants an unrealistically low, estimate of environmental impacts. The current air quality analysis found that the peak 8-hr ozone increase of 0.15 ppb for Los Angeles is about 75% associated with the use of propylene as a refrigerant and 21% from propane under Scenario 4 (ICF, 2014a, p. 10).

5. Trifluoroacetic Acid

Comment: The Australian Refrigeration Association (ARA) stated that the toxic buildup of trifluoroacetic acid (TFA) (which they claimed is a byproduct of HFC–32 decomposition) in fragile eco-systems is not reversible. This commenter also stated that if TFA levels are allowed to build up until algae and plant life is destroyed, it will be too late to prevent the collapse of the food chain and global catastrophe. The same commenter also noted that even before catastrophic levels are reached, crop yields and marine life will be adversely affected.

Response: Available information indicates that TFA is not a byproduct of the decomposition of HFC–32 (Wellington and Nielsen, 1999, as cited in ICF, 2015a). We note that even if TFA were a minimal byproduct of HFC–32, HFC–32 would not pose significantly greater risk than other available substitutes because TFA is generated by some other acceptable substitutes used in the same end-uses as in this rule.

C. Toxicity

1. Toxicity of Proposed Refrigerants

Comment: Master-Bilt Products stated that the non-drop-in alternatives available and proposed by EPA have many negative characteristics including toxicity. The commenter stated that as a result, much more testing is going to be required now than was required with the switch from CFCs to HFCs. This commenter stated that before these newly redesigned products can be sold, many additional steps will need to take place, such as upgrading appliance manufacturing facilities; training service technicians in using toxic refrigerants; achieving customer acceptance of having toxic refrigerants in their facilities, near their employees and customers, and around their food products; an expansion in capacity of testing companies such as UL, the Canadian Standards Association, and Intertek; and updating building codes to allow for toxic refrigerants.

Response: EPA recognizes that steps by industry and government such as physical upgrades to equipment manufacturer facilities, capital investments, technician training, third-party testing of equipment, and revisions to building codes may be needed before manufacturers of refrigeration equipment and their customers will be able to adopt the refrigerants listed in this final rule. We also recognize that finalizing this rule removes regulatory uncertainty about EPA's requirements for use of these refrigerants in the listed end-uses, another required step before these refrigerants will be adopted.

Concerning toxicity of the proposed refrigerants, our risk screens find that even a worst-case release of isobutane or R–441A from stand-alone retail food refrigeration equipment will not result in exceeding exposure limits such as the TLVs of 1,000 ppm for isobutane or for the four components of R–441A or the relevant short-term exposure limits for these compounds. Similarly, for propane in household refrigerators and freezers, a worst-case release would not exceed exposure limits such as the AEGL–1 of 6,900 ppm for propane. For vending machines, propane, isobutane, and the components of R–441A do not exceed exposure limits in the typical scenario, such as the AEGL–1 of 6,900 ppm for propane. We found similar results for the other types of equipment in this rule, as discussed above in Section IV.C, ''Toxicity and asphyxiation.'' Thus, the refrigerants that we are finding acceptable subject to use conditions present comparable toxicity risk to other acceptable refrigerants already used in these end-uses.

Comment: A private citizen stated that EPA should confirm there is no health threat to society before approving this rule.

Response: EPA has assessed risks to human health and the environment—including the flammability and toxicity, considering exposure to workers, consumers, and the general public of each substitute listed in this final rule. In addition, we have evaluated the environmental impacts, including potential increases in generation of ground-level ozone, impacts on the ozone layer and global climate, all of which can impact human health. Based on these assessments, we have determined that the human health risks of the listed refrigerants are comparable to or less than those from other

acceptable refrigerants in the same end-uses.

2. Toxicity of Decomposition Products of HFC–32

Comment: ARA and A.S. Trust & Holdings expressed concern about the potential for HFC–32 to decompose into hydrogen fluoride (HF), carbonyl fluoride, and other toxic chemicals because it is a fluorocarbon refrigerant. A.S. Trust & Holdings suggested that HFC–32 should not be acceptable because of the toxicity of its decomposition products.

Response: EPA disagrees that the potential for toxic decomposition products from HFC–32, when used consistent with the established use conditions, creates a risk more significant than the risks posed by other available refrigerants in the same end-uses. The risks of decomposition products from HFC–32 in room air conditioners are no greater than that from currently used refrigerants such as HCFC–22 or R–410A, all of which contain fluorine. Indeed, the most commonly used acceptable alternative refrigerant for room air conditioners, R–410A, is a blend that contains 50% HFC–32.

It is true that hydrocarbon refrigerants do not contain fluorine and thus do not have the potential for the same toxic byproducts such as HF or carbonyl fluoride. However, the risk of generating HF only exists when HFC–32 burns. Even in the worst-case scenario in our risk screen for use of HFC–32 in room AC units, the concentration of HFC–32 would not exceed 69% of the LFL. Therefore, the flammability risks of HFC–32, and the related potential to generate HF are extremely low. Based on analysis of all of the relevant health and environmental factors, EPA concluded that HFC–32 does not present a significantly higher risk to human health or the environment than other currently or potentially available substitutes in the room AC end-use.

D. Flammability

Comment: Traulsen, a manufacturer of commercial refrigeration equipment, and Hoshizaki America, believed there has been an incomplete safety assessment for listing flammable substitutes as acceptable. The North American Association of Food Equipment Manufacturers (NAFEM) requested that the Agency reevaluate the safety and enforcement issues that must be addressed before flammable refrigerants are ubiquitous in the marketplace. Hoshizaki America requested further testing and analysis on actual machines to provide more concrete evidence that there is no significant risk for this use. This commenter specifically questioned the test method used for the flammability and fire safety for isobutane and ethane and disagreed with the listing of isobutane or propane without proper safety analysis.

Response: EPA agrees that flammability is an important consideration with regard to substitutes evaluated in this rulemaking. EPA evaluated the safety of these refrigerants prior to issuing the proposal for this rule. EPA believes flammability risks can be mitigated to ensure the substitutes can be used as safely as other available substitutes in these uses. EPA also notes that more than 400 million hydrocarbon refrigerators are in use worldwide, as well as millions of smaller residential air conditioners using hydrocarbons or HFC–32. Reports of refrigerator ignition incidents resulting from leaked hydrocarbons have been rare. To determine whether the refrigerants would present flammability concerns for consumers or for workers, including those servicing or disposing of appliances. EPA reviewed the submitters' detailed assessments of the probability of events that might create a fire, as well as engineering approaches to avoid sparking from the refrigerant equipment. EPA also conducted risk screens, available in the docket for this rulemaking, evaluating reasonable worst-case and more typical, yet conservative, scenarios to model the effects of the sudden release of the refrigerants. This final rule establishes maximum charge sizes for each type of equipment, and analysis for each of the substitutes revealed that even if the unit's full charge were emitted within one minute, the concentration would not reach the LFL for that refrigerant.

The listings of ethane, HFC–32, isobutane, propane, and R–441A as acceptable, subject to use conditions, will allow manufacturers to develop equipment that will use these substitutes as refrigerants. It is not necessary for EPA to pre-test the actual equipment as part of its threshold analysis of whether refrigerants, used consistent with the use conditions, will pose a flammability risk of concern. In addition, we note that the use conditions required by this rule include testing requirements in the relevant UL standards which are intended, among other things, to ensure that any leaks will result in concentrations well below the LFL, and that potential ignition sources will not be able to create temperatures high enough to start a fire. EPA believes risks can be mitigated to ensure the substitutes can be used as safely as other available substitutes.

EPA believes that complying with the use conditions listed in this final action, as well as with use conditions listed in previous SNAP rules, reduces overall risk to human health and the environment. These use conditions will ensure the substitutes are further tested in equipment and will meet specific safety testing requirements.

EPA believes that (1) these evaluations have followed standard SNAP methods and showed low risk, (2) our decisions rely on consensus-based safety standards developed specifically to test and to assure safe use of flammable refrigerants, and (3) the required use conditions reduce the flammability risk associated with the listed substitutes. For these reasons, these alternatives provide lower overall risk to human health and the environment than other available or potentially available alternatives in very low temperature refrigeration equipment, non-mechanical heat transfer, retail food refrigeration equipment (stand-alone units only), vending machines, room air conditioners and household refrigerators and freezers. In response to the comment requesting EPA to ''evaluate the safety and enforcement issues that must be addressed before flammable refrigerants are ubiquitous in the marketplace,'' we note that the commenter did not elaborate on what it meant regarding ''enforcement issues.'' We considered compliance concerns as we developed the proposed and final rule. For example, EPA notes elsewhere in this final rule that placing the responsibility on the manufacturer to design equipment that restricts the maximum refrigerant charge based upon the cooling capacity needed provides a better means for EPA to ensure compliance with the use conditions and thus to ensure that the risk to human health will not be greater than that posed by other available substitutes.

Comment: Several commenters noted the flammability of HFC–32. A.S. Trust & Holdings indicated surprise at the charge size allowed for HFC–32, as provided in the proposed use conditions, given its flammability. ARA states that HFC–32 is extremely flammable and notes the high ignition temperature of HFC–32. ComStar believes HFC–32's flammability, and proposed high refrigerant charges in indoor systems, are compelling reasons to keep HFC–32 out of all indoor refrigerant applications.

Response: As discussed above in section VI.A.4, HFC–32 is significantly less flammable than the other

refrigerants considered in this rulemaking for use in room AC equipment. The charge sizes are calculated using the same formulas from UL 484 as those for propane and R–441A. The charge size is larger for HFC–32 because it has a much higher (safer) LFL.

Comment: Enertech Global, a manufacturer of heat pumps, noted that one disadvantage of hydrocarbon refrigerants is their flammability. However, the commenter believes that careful design, manufacturing, and use can ensure ''safe operation and handling in every step of the value chain.'' Daikin has sold approximately three million units worldwide and indicated that it is unaware of any incidents where the refrigerant ignited during installation, servicing, or removal of these systems. Additionally, the commenter stated that in Sweden, more than 100,000 packaged heat pumps that use flammable refrigerants have been used in safe operation for over two decades. Daikin noted that service technician training materials already developed could reduce flammability risks associated with hydrocarbon refrigerants.

Response: EPA agrees that the flammability risks of concern with hydrocarbon refrigerants can be adequately managed through proper design, controls, and use conditions. EPA also believes that service technician training materials will help provide protection and minimize risks associated with hydrocarbon refrigerants. The safe operating history of millions of HFC–32 AC units and more than 100,000 packaged heat pumps that use flammable refrigerants is encouraging.

Comment: NAFEM, ICOR International (ICOR), Traulsen, and Hoshizaki America expressed various other concerns regarding the flammability of proposed substitutes in the heating, ventilation, air conditioning and refrigeration (HVACR) industry including: the capital costs associated with using flammable refrigerants; the need to redesign equipment; the lack of awareness and training for service personnel and consumers; the need for proper technician training; and industry codes and standards. NAFEM and ICOR expressed concerns for the technicians being able to recognize potential ignition sources.

Response: Refrigeration and AC equipment manufacturers are not required to use any of the flammable refrigerants listed as acceptable subject to use conditions in this action; we expect that those who choose to do so will make appropriate capital investments in their facilities. For example, EPA would expect private sector investments in safety upgrades similar to those made when we listed certain hydrocarbon refrigerants previously for household refrigerators and freezers and stand-alone retail food refrigeration equipment. In addition, manufacturers would need to invest in training their staff in safe handling of flammable refrigerants, including how to recognize ignition sources. For example, technicians need to be aware that standard refrigerant recovery equipment manufactured for non-flammable refrigerants should not be used for recovering flammable refrigerants, because even though it technically is capable of recovering many of these hydrocarbons at similar pressure levels, such equipment may lack adequate explosion proofing or non-sparking parts. Further, they need to be aware that plugging or unplugging either the refrigeration and AC equipment or electrical refrigerant recovery equipment is an ignition source. In addition, we note that many of the use conditions, such as the labeling and colored hoses, are for the express purpose of ensuring that technicians are aware that the refrigerant is flammable.

Second, EPA believes that greater awareness of the presence, risks, and benefits of flammable refrigerants among consumers, industry code- and standard-setting organizations, fire marshals, and first responders will lead to a smoother, safer transition to flammable refrigerants. EPA is working with standards setting organizations such as UL and ASHRAE and with technician certifying organizations to improve the level of knowledge of technicians. EPA also intends to update the test bank for technician certification under Section 608 of the CAA, and could include additional questions on the safe handling of flammable refrigerants. EPA will seek additional information and guidance on how best to incorporate this content through a separate process outside of this rule.

Comment: NAFEM and ICOR expressed concern about what to do when a leak occurs and a trained technician is not present. NAFEM suggested that EPA should consider other foreseeable conditions in which flammable refrigerants are used, and specify precautionary measures in situations such as a leak where no trained technician is present.

Response: We expect that owners of this kind of equipment will follow the manufacturer's recommendations for safe use and, for retail food refrigeration and other commercial equipment, OSHA requirements, as discussed in our risk screens for each refrigerant and end-use (ICF, 2014b,c,d,e,f,g,h,i,j,k). These would assist the owner in planning for situations where there is a leak of flammable refrigerant but no trained technician is available. For retail food refrigeration equipment and very low temperature refrigeration equipment, such plans could include training staff to recognize signs of leaks (*e.g.,* odors, sounds, reduced cooling ability, and alarm signals where there is leak monitoring equipment) and to actively seek steps to remove or avoid ignition sources (*e.g.,* post signs prohibiting smoking or open flames, avoid plugging in or unplugging electrical equipment when a leak is suspected). For household appliances, consumers would have guidance provided by the equipment manufacturer in the owner's manual. In addition, we note that the use conditions provide additional safety measures that make equipment owners, consumers, and emergency first responders aware of the presence of a flammability risk and that minimize the risk that refrigerant concentrations would reach flammable or explosive levels.

Comment: NAFEM noted that some local building and fire safety codes still do not allow even small quantities of flammable refrigerants and that manufacturers will be forced to maintain their current use of R–134a and R–404A until states and municipalities update their codes. Traulsen believed that all issues regarding codes, standards, safe handling and venting can and should be resolved before the option to switch to a flammable refrigerant is the only choice available to a manufacturer or equipment purchaser.

Response: This current rule expands rather than limits the refrigerant choices available in each of the proposed end-uses; thus, no one is restricted to using a flammable refrigerant in those end-uses. There are multiple acceptable nonflammable refrigerants available for use in these end-uses. Government and industry cooperation, such as the task force formed to examine and work towards updating building codes to allow use of alternative refrigerants, has begun to address barriers to revising building codes. However, in the absence of any flammable refrigerant being acceptable for use, government and other code-setting bodies may not have an incentive to revise codes to address the use of flammable refrigerants. EPA supports the concept of a national training program for flammable refrigerants and welcomes industry efforts to educate technicians on proper

refrigerant use and proper service and disposal practices, including safe handling and venting.

Comment: NAFEM is concerned the rulemaking will result in danger to the public as flammable refrigerants are forced into certain market applications.

Response: This rule does not require the use of flammable refrigerants; other, non-flammable refrigerants remain available for use in each of the end-uses addressed in this action. Further, as discussed in the proposed rule and elsewhere in the preamble to the final rule, this action requires that when the listed flammable refrigerants are used in the specific end-uses, they will be used under specific conditions that will mitigate the flammability risks.

Comment: Hoshizaki America requested that refrigerants used in the commercial refrigeration sector be from the A1 group. The commenter noted that refrigerant manufacturers are in the phase of gaining approval of nonflammable refrigerants that have low GWPs. The commenter claims that these refrigerants would be near drop-in replacements with added efficiency benefits. Structural Concepts, a manufacturer of commercial refrigeration equipment, requested EPA to approve R–448A, R–449A, and R–450A (nonflammable refrigerant blends of HFOs and HFCs) for the stand-alone, supermarket, and condensing unit end-uses.

Response: There are multiple non-flammable A1 refrigerants listed as acceptable for commercial refrigeration (retail food refrigeration and vending machines), including CO_2 and, as mentioned by the commenter, R–450A, a non-flammable refrigerant blend that performs very similarly to HFC–134a but with a lower GWP. As of the writing of this final rule, EPA was still reviewing submissions for R–448A and R–449A.

Comment: Hoshizaki America noted that stand-alone refrigeration equipment is well-known for having low probability of field leaks as leaks in such equipment would prevent the equipment from maintaining safe temperature for food. Due to low probability of leaks, the commenter believes the evaluation of commercial refrigeration products should be considered separate from other fields which exhibit larger leakage to the atmosphere.

Response: EPA agrees that stand-alone refrigeration equipment is less likely to leak than other types of refrigeration equipment, such as remote systems. This final rule lists a number of flammable refrigerants acceptable, subject to use conditions, for use in stand-alone refrigeration equipment such as stand-alone retail food refrigeration equipment, very low temperature refrigeration equipment, and household refrigerators, freezers, and combination refrigerator/freezers. We note that for purposes of our review, we consider each end-use separately.

E. Use Conditions

1. New Equipment Only; Not Intended for Use a Retrofit Alternative

Comment: Traulsen, ISRI, and Hudson Technologies, a refrigerant reclaimer, supported limiting the use of the substitutes to new equipment.

Response: EPA appreciates the support for our proposal to establish use conditions to limit the use of the substitutes to new equipment only and agrees with the commenters. EPA is including this use condition in this final action.

2. Compliance With UL Standards

Comment: AHRI, DuPont, and GE Appliances stated that the UL 484 Standard (for room AC units) is being revised to match the fourth edition of IEC 60335–2–40, and that these revisions will likely include a reduced allowable charge level for flammable refrigerants. According to the commenters, this reduction was determined to be necessary for safe use by a group of U.S. experts. The new limit is determined by the equation ''Charge limit = 3 $m^3 \times$ LFL, where LFL is the lower flammable limit in kg/m^3 for the refrigerant used.'' The commenters noted that the charge level is small enough that restriction based on room size is not necessary. As such, the commenters recommended that EPA modify the methodology used to determine maximum charge level and revise the 3rd paragraph of use conditions as follows:

''The charge size for the entire air conditioner must not exceed the maximum refrigerant mass determined according to Appendix F of UL 484, 8th edition for the room size where the air conditioner is used. The charge size for these three refrigerants must in no case exceed 918 g (32.4 oz or 2.02 lb) of HFC–32; 114 g (4.0 oz or 0.25 lbs) of propane; or 123 g (4.3 oz or 0.27 lb) of R–441A..'' [The previous sentence is in place of the proposed statements, ''The charge size for these three refrigerants must in no case exceed 7960 g (280.8 oz or 17.55 lb) of HFC–32; 1000 g (35.3 oz or 2.21 lb) of propane; or 1000 g (35.3 oz or 2.21 lb) of R–441A. The manufacturer must design a charge size for the entire air conditioner that does not exceed the amount specified for the unit's cooling capacity, as specified in Table A, B, C, or D of this appendix.'']. The commenters note that they expect the next revision to UL 484 to be published by the end of 2014 or early 2015.

Response: EPA understands that the consensus-based standards that are the basis of the use conditions in the proposed rule are under review and may change in the future. This is true for all standards controlled by an active organization such as UL. EPA does not believe that it would be appropriate to adopt use conditions to reflect standards that are not yet final and may still be subject to change. EPA believes the consensus-based standards it relied upon are protective of human health, rest upon sound science and reflect the currently used and accepted guidelines in the appliance industry. Our risk screens found that equipment that met EPA's proposed charge limits based on the current, 8th Edition of UL 484 did not exceed the LFL or exposure limits for each of the three refrigerants proposed for use in room AC units, even in relatively small spaces. If UL 484 is revised in the future, or if other information becomes available that would support a change in charge size limits, particularly to address specific risks, EPA remains open to revising the charge size use condition and/or the specific edition of the UL standard, whether in response to a petition or in an action initiated by EPA.

Furthermore, the commenters did not provide any technical support for the changes they anticipate will be made to the UL 484 Standard, nor do they provide information demonstrating that the charge sizes we proposed present unacceptable risks. We also note that while the commenters suggest that the charge size they anticipate will be included in a revision to the UL 484 Standard will be small enough that no restrictions based on room size would be needed, our understanding is that the current UL 484 standard includes formulas for charge limits based upon a peer-reviewed study (Kataoka et al., 2000) and the IEC 60335–2–40 Standard (EPA, 2015).

By relying on the existing UL standard, EPA remains consistent with our approach in listing other flammable refrigerants acceptable, subject to use conditions, including charge size limits (76 FR 78832; December 20, 2011) as set forth in the applicable UL standards at the time of our final listing action.

We believe that reliance on current standards, developed with a focus on U.S. products and applications, are more appropriate than potential future standards that have not yet been

adopted. We believe reliance on existing standards provides certainty for manufacturers, while reducing the flammability risks that may exist due to use of the flammable refrigerants listed in this action. While charge size limits may change in the future, EPA cannot anticipate the timing or extent of such changes.

Should a manufacturer seek UL approval of their equipment in a possible future where the standard has changed, they would need to meet both the use conditions EPA has finalized today and meet the presumably more restrictive requirements of the UL standard applicable at the time they are seeking UL approval. We also note that should a manufacturer choose to adopt one of the refrigerants covered by today's action, they must decide what charge size they will design their equipment for and may choose any charge size equal to or below the maximums set under today's action.

Comment: The Association of Home Appliance Manufacturers (AHAM) and the Alliance stated that EPA should work towards a harmonized international standard. UL noted their organization's work towards harmonizing standards through the introduction of the UL 60335–2–40 Standard. This commenter suggested that EPA allow compliance with both the UL 484 and the UL 60335–2–40 Standards. UL also clarified that the UL 484 Standard will eventually be withdrawn and replaced with the UL 60335–2–40 Standard, possibly in 2020.

Response: EPA appreciates information regarding efforts that may result in the withdrawal of UL 484 and its being replaced by UL 60335–2–40 perhaps by 2020. As provided in the previous response, however, EPA believes it is appropriate to rely on the existing UL 484 Standard in this final rule. If UL 484 is replaced with UL 60335–2–40 in the future or is otherwise modified, EPA remains open to revising the use condition, whether in response to a petition or in an action initiated by EPA. Regarding the comment that the use condition allows compliance with either UL 484 or UL 60335–2–40, we note that today there are some differences in labeling requirements and in the specific tests to be performed that could lead to confusion and difficulty in enforcing requirements of two standards simultaneously. Moreover, as noted in our previous response, EPA's consistent practice for flammable refrigerants has been to base the use conditions on the applicable UL standard.

Comment: Daikin notes a discrepancy between UL 484, which allows for limited ducts used in PTAC installations, and the EPA footnote 10, which indicates that no ducts can be used for PTACs using HFC–32. This commenter believes that the UL 484 standard should be followed, as ducts present no additional fire risk in systems with hermetically sealed refrigerant loops.

Response: EPA agrees with the commenter that UL 484 does allow for limited ducts in PTAC installations, contrary to footnote 10 in the preamble to the proposal. In this final action, we are clarifying by correcting that footnote to be consistent with the 8th edition of the UL 484 standard by removing the statement about ducts.

Comment: Traulsen recommends that EPA consider that equipment being manufactured specifically for markets outside the United States is governed by the applicable standards and guidelines of those countries. The commenter states that the proposed use conditions would restrict a manufacturer's ability to place a product on the market in another country. The commenter encourages the EPA to allow flexibility for products to be sold into global markets, providing that such equipment is clearly marked for export purposes only. For example, Traulsen requested that equipment manufactured exclusively for export only be subject to the charge sizes in regulations applicable to the destination country.

Response: Under Section 612 of the CAA and EPA's implementing regulations in Subpart G of 40 CFR part 82, the SNAP program is applicable to any person introducing a substitute into interstate commerce. This applies to the introduction into interstate commerce of any appliances produced in the United States, including appliances that will be exported. EPA has previously responded to comments about the applicability of the SNAP program to products destined for export. Most recently, in a final rule issued December 20, 2011, EPA responded to a comment concerning whether appliances manufactured for export should be allowed to have larger charge sizes than those being sold in the United States (and thus not have to comply with the use conditions being established in that rule). EPA stated that:

> Under Section 612 of the Clean Air Act, the SNAP program is applicable to any person introducing a substitute into interstate commerce. Interstate commerce is defined in 40 CFR 82.104(n) as: The distribution or transportation of any product between one state, territory, possession or the District of Columbia, and another state, territory, possession or the District of Columbia, or the sale, use or manufacture of any product in more than one state, territory, possession or the District of Columbia. The entry points for which the product is introduced into interstate commerce are the release of a product from the facility in which the product was manufactured, the entry into a warehouse from which the domestic manufacturer releases the product for sale or distribution, and at the site of United States Customs clearance. This definition applies to any appliances produced in the United States, including appliances that will be exported. (76 FR 78846)

The commenter has provided no new information that would cause us to reverse our earlier decision.

We believe that compliance with these final use conditions, including the specified UL standards and charge sizes, does not restrict or prohibit manufacturers from exporting to other markets. For most of the uses addressed in this rule, international standards regarding charge size are the same as those we are establishing in the use conditions.

In the case of household refrigerators and freezers, the charge size requirement in our regulation is more stringent (57 g vs. 150 g) than the comparable international standard. Even in this case, however, the use condition would not restrict or prohibit the export of products to international markets. Rather, the manufacturers could export products so long as they complied with all of the use restrictions, including the charge size of no more than 57 g.

3. Charge Size Limitations

Comment: EIA stated that the propane charge limit size of 57 g for household refrigerators and freezers, set by the UL 250 standards, should be increased to 150 grams, matching the IEC 60335–2–24 standards. The commenter notes that this is consistent with European policies, and corresponds to an R–22 charge size of 300–350 grams.

Response: As discussed in our previous final rule that required a charge size of 57 g for R–441A and isobutane in household refrigerators and freezers, ''EPA does not have sufficient information supported by safety testing data at this time from other commenters, industry, U.S. national safety organizations, or non-governmental organizations to support a charge size limit different from one based on UL 250, such as the 150-gram limit in IEC 60335–2–24.'' (76 FR 78845; December 20, 2011). Further, our risk screen analysis of potential exposure at end-use for a household refrigerator/freezer indicates that in a worst-case release scenario, a charge as small as 104 g could result in consumer exposure above the STEL of 6,900 ppm for propane (ICF, 2014h). The commenter did not submit any technical

information showing that a charge size of 150 g could be used in this end-use without posing a significantly greater risk than other available substitutes.

Comment: UL believes that the lowered charge limits suggested by the Joint Task Group (JTG) and Standards Technical Panels (STP) from the 2011 Flammable Refrigerant Stakeholder Forum are especially important for safety in room AC units, given that many room air conditioners are removed from wall or window sleeves annually and placed in storage, potentially increasing the risk of ignition in the presence of flammable refrigerants.

Response: EPA recognizes that many room air conditioners are removed and placed in storage, for example when changing from warmer, summer temperatures to colder, winter temperatures. This fact was understood when the current charge limits set in UL 484 were developed. While we recognize that an annual removal/replacement cycle could increase the risk that refrigerants in such products might leak, we are not aware of, nor did we receive comments providing a safety assessment that would give an analytical basis on which to set charge size limits different than those proposed. EPA does not believe that the commenter fully justified the need or reason to change our proposed charge size limit, which are based on the existing UL 484 Standard (8th edition), to a charge size recommended by the JTG and STP, but not yet formally adopted.

Comment: Enertech Global believes that the proposed charge limitations for propane found in Table 4, Maximum Design Charge Sizes for Packaged Terminal AC Units and Heat Pumps and Portable AC Units, are set too low and that it is not feasible to manufacture a unit with the specified cooling capacity using the small refrigerant charges listed. De' Longhi, another manufacturer of AC equipment, stated that under relevant standards, there is a specific formula with higher charges allowed for portable AC units in IEC 60335–2–40 Clause gg.8 and UL 484 Appendix F Clause F.1.7 (*e.g.,* 300 g for a capacity of 12,000 BTU/hr instead of 160 g under the proposal). This commenter states that there are additional safety requirements specifically for portable AC units that allow for larger charge sizes.

Response: EPA is establishing a use condition that sets charge size limits based on the need to ensure the risk to human health and the environment posed by propane is not significantly greater than that for other available substitutes, not on the feasibility of manufacturing specific products. The charge sizes in the proposed and final rule are based upon the UL 484 Standard, 8th Edition. For portable AC units, the use condition establishing charge size relies on the provisions of UL 484 Appendix F Clauses F.1.7–F.1.14. Clause F.1.7 allows non-fixed, factory-sealed units, which for purposes of this rule we define solely as portable room AC units, to follow the formula:

$$M_{max} = 0.25 \times A \times LFL \times 2.2$$

Where,
M_{max} is the maximum charge size in kg,
A is the room area in m^2 and
LFL is the lower flammability limit in kg/m^3.

The formula applies only to units with a refrigerant charge M that is less than or equal to twice the value of ''m_1,'' which in turn is defined as four cubic meters multiplied by the LFL in kg/m^3.

Similar to the use-conditions set forth for other room air-conditioners, EPA is setting additional charge size limits according to the normal rated capacity of the unit. For portable room air conditioners, these maximum charge sizes in terms of capacity are in Table E (also described above in Section III.C.3, ''Charge size'').

Comment: Daikin stated that the charge limits in UL Standard 484 are sufficient to protect the safety of all involved in the use and maintenance of relevant equipment, and that any further limitations would cause the commenter ''to revisit EPA's justifications for any R–32 charge size limits.'' The commenter agreed with the guidance to use linear interpolation to determine maximum charge size if the capacity lies between two values in EPA's tables and believes that it would not be beneficial to add any more values to the tables. The commenter also states that a requirement for manufacturers to match charge size to design cooling capacity in flammable refrigerant systems would not significantly reduce fire risk.

Response: EPA is finalizing charge size limits for room air conditioners as proposed, including a linear interpolation, as supported by this commenter. EPA notes in its response to other commenters that if and when charge sizes are updated, EPA remains open to revising the charge size use condition, whether in response to a petition or in an action initiated by EPA. EPA also believes that the use condition requiring manufacturers to meet charge size limits based on design cooling capacity may allow for more appropriate selection of unit sizes by the end-user than the use of room area, as well as greater enforceability.

Comment: ComStar opposed the use of HFC–32 as a refrigerant in indoor applications because of its proposed high charges, as well as its toxicity, flammability, and GWP over 600. The commenter remarked that the use of R–32 in indoor applications is counter to ''the direction foreign governments, science, and OEMs are heading.''

Response: Charge sizes are higher for HFC–32 under this standard than for propane or R–441A, the other refrigerants proposed for use in room air conditioners, because HFC–32 is far less flammable and has a much higher LFL. Based on the safety testing available in the record for this action, we believe that meeting a charge size that is no higher than that provided in the use conditions, HFC–32 does not pose significantly greater risk than other refrigerants in the room air condition end-use. This testing addressed flammability and toxicity risks. Moreover, HFC–32's GWP of 675 is two-thirds less than that of the most commonly used alternative for this type of equipment, R–410A (approximately 2,090) and also significantly lower than that of HCFC–22 (1,810) and R–407C (approximately 1,770). The only currently acceptable alternatives in this end-use with lower GWP include ammonia absorption and the non-vapor compression technologies evaporative cooling and desiccant cooling. However, there are technical limits on the effective use of the non-vapor compression technologies in different climates, and ammonia has a higher toxicity that HFC–32 and the other alternatives.

Regarding the direction of foreign governments, we note that EPA is setting requirements for appliances that enter interstate commerce in the United States. The European Union (EU) regulations addressing fluorinated substances allow use of refrigerants with a GWP of up to 750 for split residential AC, which includes the potential for HFC–32 to be used, while their regulations do not allow for refrigerants with a GWP higher than 150 in ''moveable room air-conditioning appliances,'' which would exclude HFC–32 for that type of equipment. The EU regulations also include a phasedown schedule with a plateau and not a complete phaseout of HFCs. Thus, it does not appear that the EU F-gas regulations are moving in a direction away from allowing for HFC–32 for all end-uses. EPA based charge size limits on UL 484, which is the same approach used for other refrigerants which this commenter supports.

The listing of HFC–32 acceptable subject to use conditions contained in

today's action does not prevent OEMs from choosing a different refrigerant; it only provides an option for those who wish to pursue it. Further, EPA notes that the submission under SNAP for the use of HFC–32 came from an OEM that supports its use in United States as well as in other markets around the world.

Comment: A.S. Trust & Holdings stated that they are surprised by the high charge amount for HFC–32, given its flammability. Further, the commenter provided charge information for R–443A and has noted that the LFL of R–441A is nearly identical to that of R–443A, such that the maximum allowable charge per room volume for a portable AC unit charge with R–441A could be determined via the similar chart for R–443A.

Response: EPA set the charge size limits for HFC–32 using the same approach as used for the other refrigerants listed as acceptable subject to use conditions for self-contained room air conditioners. Charge sizes are higher for HFC–32 under the UL 484 standard than for propane or R–441A, the other refrigerants proposed as acceptable for use in room air conditioners, because HFC–32 is far less flammable and has a much higher LFL. As discussed above, we have set the charge sizes for R–441A based upon the formulas in UL 484, including new charge size limits for portable AC units.

Comment: Traulsen stated it agrees with the necessity of charge sizes, but requested that these limits be continually revisited and updated as applicable standards update safety information.

Response: EPA notes that charge size limits within consensus-based standards are under constant revision and updating. In fact, several commenters supplied information about one or more revisions that are under consideration. If and when charge sizes are updated, EPA remains open to revising the charge size use condition, whether in response to a petition or in an action initiated by EPA.

Comment: Panasonic Healthcare, a manufacturer of very low temperature refrigeration equipment, stated that the maximum charge size for propane in commercial refrigeration applications should be 150 g per circuit, matching the level described for ethane in commercial refrigerators and freezers, given that both are subject to the 10th edition of UL 471.

Response: In a previous rulemaking (76 FR 78832; December 20, 2011), EPA found propane acceptable subject to use conditions, including a charge size limit of 150 g as specified in the 10th edition of UL 471, in stand-alone retail food refrigeration equipment. EPA did not receive a SNAP submission, and did not address in its proposed rulemaking, the use of propane in very low temperature refrigeration.

Comment: Master-Bilt Products stated that the 150 g charge limit will allow for only 25% of its self-contained models to be used, as the BTU/hr capacity required for larger models cannot be achieved at the charge limit. The commenter also noted that it is unclear if multiple systems can use the 150 g charge in one larger model.

Response: EPA recognizes that a charge size limit, regardless of what it is, could restrict the types of products that could be manufactured with these refrigerants. Manufacturers may choose to pursue these refrigerants for smaller BTU/hr capacity equipment and/or investigate technologies that could extend the use of these refrigerants to larger equipment while still meeting the 150 g use condition. Consistent with previous actions, (76 FR 78832; December 20, 2011), the charge size limit applies to any sealed refrigeration system in a product, and some products could employ two or more separate sealed systems. EPA notes that if more than one sealed system is employed, each must meet the charge size limit (*i.e.,* 150 g each). Having multiple sealed systems is of less concern than having a single system with the same combined charge since the probability of two sealed systems leaking simultaneously is lower than that of any one system leaking. See 76 FR at 78845.

4. Color-Coded Hoses and Piping

Comment: Daikin stated that HFC–32 is unique in being a ''lower flammability'' refrigerant in the A2L category of the ASHRAE standard and in being subject to venting restrictions, as opposed to the other four substitutes that are ''higher flammability'' refrigerants in the A3 category of the ASHRAE standard and that are to be exempted from the venting restriction. In light of this, the commenter requested the use of ANSI Safety Yellow PMS #109 for HFC–32 and continued use of red PMS #185 for the other four substitutes. The commenter asserted that this change will avoid confusion and inadvertent venting of HFC–32 by installers and technicians.

Response: Red coloring is understood to represent ''hot,'' ''stop,'' or ''danger,'' and red coloring will provide technicians, consumers, and emergency responders with an unambiguous signal that a potential hazard is present. The latter two groups in particular are more likely to be familiar with the meaning of red coloring and to consider that color as a warning of danger. Yellow coloring could communicate the flammability risks less clearly than red, and use of two colors for different flammable refrigerants may both increase confusion and dilute the effectiveness of the coloring as a warning. EPA is finalizing a requirement to use red PMS #185 coloring on hoses and tubing for equipment charged with HFC–32, R–441A, or propane in room air conditioners. This is the same color specified in AHRI Guideline N–2012, ''Assignment of Refrigerant Container Colors,'' to identify containers of flammable refrigerant, such as propane, isobutane, and R–441A (AHRI, 2012). We believe the purpose of the coloring is to communicate the presence of a flammable refrigerant and that this purpose can be accomplished best by using the same coloring for HFC–32, propane, isobutane, and R–441A. EPA may consider whether there should be added markings to communicate when a refrigerant may or may not be vented in a future rule.

Comment: Traulsen agreed that the colored hoses and piping may increase attention.

Response: EPA agrees with the commenter.

Comment: Traulsen stated that the benefits of colored hoses and piping have not been proven relative to the cost of burden in any studies. Additionally, the commenter noted that if a product is serviced, there is a risk that the sleeve or cap may not be properly replaced unless EPA establishes a ''safe practice'' for servicers.

Response: EPA does not believe that this requirement will impose a burdensome additional cost. The only commenter to raise this point did not provide any information about what such costs might be and why the commenter thought they would be burdensome. EPA believes that the use of a sleeve or cap is consistent with the use condition as long as the requirements of the use condition (use of PMS #185, location, and dimension) are met. However, in order to remain in compliance with the use condition, a technician who removes a sleeve during servicing is required to replace the sleeve on the serviced tube.

The purpose of the colored hoses and tubing in this case is to inform service technicians, consumers and emergency responders that a flammable refrigerant is in use and to enable technicians to take additional precautions (*e.g.,* reducing the use of sparking equipment) as appropriate to avert accidents when servicing the appliance. Color coding is particularly useful in the event that labels are no longer legible. The air-conditioning and refrigeration industry

currently uses distinguishing colors to identify containers of different refrigerants. Likewise, distinguishing coloring is used elsewhere to indicate an unusual and potentially dangerous situation, such as the use of orange-insulated wires in hybrid electric vehicles.

The labeling requirement discussed in Section III.C.5 will complement the color-coding requirements by providing a more precise warning of the potential hazards and necessary precautions. Further, it is possible that labels, particularly those on the outside of the appliance, may be removed or fall off or become illegible over time; adding red coloring on tubing inside the appliance provides additional assurance that technicians will be aware that a flammable refrigerant is present.

5. Labeling

Comment: Traulsen, ISRI, Daikin, and Hudson Technologies expressed support for the requirement for warning labels. Traulsen stated that because equipment is designed for multiple markets with different languages, the warning symbols and colors should be sufficient to allow for 1/8-inch lettering in the UL standards as opposed to the 1/4-inch proposed.

Response: EPA appreciates the support for the requirement for warning labels. Regarding the lettering size, EPA continues to believe that it would be difficult to read warning labels with the smaller 1/8-inch lettering stipulated by UL 250 and UL 471 and is finalizing the 1/4-inch minimum height proposed, making it easier for technicians, consumers, retail store-owners, and emergency first responders to see the warning labels. The color markings would be inside the equipment where technicians could see them, but not consumers, retail store-owners, or emergency first responders. The warning symbol appears in fewer locations than the warning labels and provides less information, and thus is not a substitute for an easily readable set of warning statements.

6. Unique Service Fittings

Comment: The Alliance, Hudson Technologies, and ISRI, supported the use of unique service fittings for flammable refrigerants, in response to EPA's proposal to recommend, but not require, such fittings. Hudson Technologies and ISRI stated that EPA should require unique service fittings. Traulsen agreed with the decision to not require service ports for self-contained equipment given the increased risk of system leaks. The commenter acknowledged that requiring a different service port for non-flammable refrigerants may establish a ''safe practice,'' but noted that it does not guarantee servicing companies will safely work on installed equipment. The Alliance stated that separate fittings for flammable refrigerants, in addition to color coded hosing and piping, will be an effective warning system to alert technicians to the presence of flammable substances. ISRI stated that these fittings will be useful for the future recovery of refrigerants by recyclers.

Response: EPA agrees with commenters that service ports and unique fittings should not be required for self-contained equipment given the increased risk of system leaks. EPA also agrees that separate fittings for flammable refrigerants, in addition to color-coded hosing and piping and warning labels, can be an effective warning system to alert technicians to the presence of flammable substances, and that these fittings would be useful for the future recovery of refrigerants by recyclers. We disagree with the commenters that suggested we require unique fittings as a use condition. While there are some benefits to unique fittings, there are also concerns. As we recognized in our December 2011 rule, these concerns include that: Installation of fittings at the time of manufacture is not appropriate for certain appliance types; additional fittings present an increased leak risk; the ease of circumventing the requirement; and inconsistency with UL and international standards. In particular because the types of equipment in this rule are self-contained and have a hermetically-sealed refrigerant circuit, installing fittings at manufacture would increase the risk of leakage and thus increase potential of a fire. Also, the UL standards that are incorporated by reference in the use conditions do not allow for equipment to be constructed with an access port (which would be where unique servicing fittings would be installed on the equipment). Therefore, this final rule continues to recommend, but not require, only if someone chooses to add an access port that they do so with separate servicing fittings for flammable refrigerants and that they only consider this where it is not prohibited by the required UL standard.

F. Technician Training

Comment: A number of commenters stated that technicians should be properly trained in handling flammable refrigerants, with Traulsen, NAFEM, ICOR, Hudson Technologies, and the Alliance commenting that training should be mandatory. Daikin, the Alliance, and DuPont expressed concern that technicians could be confused if EPA exempts certain refrigerants from venting requirements. Hoshizaki America commented that U.S. technicians are not properly trained in servicing appliances with flammable refrigerants, EPA does not explain the risk of explosion well, and that U.S. industry and consumers might not be aware that a unit contains flammable substances. ARA includes a list of questions about MSDSs that HVACR contractors can ask to improve safety with any refrigerant.

Response: While EPA appreciates the concerns raised by the commenters, we have been exempting certain refrigerant substitutes from the venting prohibition since 1995. EPA already exempts certain refrigerants used from the venting prohibition including propane (in retail food refrigeration—stand-alone units only), and isobutane and R–441A (in household refrigerators, freezers, and combination refrigerator/freezers). Therefore, we do not believe that continuing with this established practice should cause confusion.

The Agency understands that over the past 20 years there have been numerous developments in this industry and that often training programs are developed to familiarize technicians with these changes, including the introduction of new refrigerants. EPA is aware of such continuing education programs offered by vocational schools, unions, trade associations, equipment manufacturers and other entities that provide technicians information on a range of technology developments. Therefore, the Agency recommends that anyone servicing appliances with a flammable refrigerant receive appropriate training and follow industry best practices. Given the extent of technical knowledge available within the industry and the presence of voluntary training programs, we believe that it is not necessary for EPA to require training at this time in order for these newly listed refrigerants to be used as safely as other refrigerants currently available.

EPA is not requiring training through today's action. EPA notes that the Agency does require technician certification under Section 608 for technicians servicing, maintaining, or repairing appliances containing ozone-depleting refrigerants, but does not require any specific training and the certification program is limited in its scope, as it is not intended to replace vocational training. The goals of the Section 608 technician certification program reflect the need to reduce emissions during servicing,

maintenance, repair, and disposal. The complete requirements are included at 40 CFR part 82, subpart F. Currently the regulations require anyone who services, maintains or repairs appliances containing an ozone-depleting refrigerant to be tested and certified. However, the Agency is undertaking a review of the Section 608 technician certification requirements—including whether to address flammable refrigerant substitutes—through a separate process.

G. Venting Prohibition

Comment: ISRI and a number of private citizens support EPA's conclusion that venting hydrocarbons does not pose a threat to the environment. One commenter notes that other countries allow venting of hydrocarbons. In contrast, Hudson Technologies believes intentional venting to the atmosphere to be poor environmental policy and that the low GWP of hydrocarbons does not justify their exemption from venting prohibitions.

Response: For the reasons discussed in section III.D, ''Venting prohibition,'' EPA agrees that venting, release, or disposal of the following hydrocarbon refrigerant substitutes in the following end-uses and subject to the use conditions listed in this action does not pose a threat to the environment: (1) Isobutane and R–441A in retail food refrigerators and freezers (stand-alone units only); (2) propane in household refrigerators, freezers, and combination refrigerators and freezers; (3) ethane in very low temperature refrigeration equipment and equipment for non-mechanical heat transfer; (4) R–441A, propane, and isobutane in vending machines; and (5) propane and R–441A in self-contained room air conditioners for residential and light commercial air conditioning and heat pumps. EPA's decision is based on consideration of multiple environmental characteristics and not just GWP. The comments do not give us sufficient reason to change our proposed conclusion that these refrigerant substitutes in these end-uses, subject to the required use conditions, do not pose a threat to the environment or to change this final rule so that they would not be exempt from the venting prohibition.

In addition, EPA's exemption from the CAA venting prohibition of these substances in these end-uses is consistent with how other countries, including Australia, Japan, and those in the European Union, regulate the venting of hydrocarbons.

Comment: ARA and some private citizens asserted that HFC–32 has a significant impact on the environment, with a 100-year GWP of 675, raised concerns about its toxicity in the context of venting, and stated that it should not be exempt from the venting prohibition.

Response: EPA did not propose to create an exemption to the venting prohibition for HFC–32 and is not establishing such an exemption in this final action. Therefore, the venting prohibition under Section 608 and the implementing regulations at 40 CFR 82.154(a)(1) on knowingly venting, releasing, or disposing of refrigerant substitutes still applies to HFC–32 (and all other fluorinated gases), including in the end-use for which we are taking final action today under SNAP (*i.e.,* room AC units).

Comment: Traulsen, Hoshizaki America, NAFEM and DuPont expressed concern about the potential confusion from and safety consequences of EPA's proposal to exempt certain substances from the venting prohibition. DuPont states that the differential treatment of refrigerants in such a manner could be misunderstood and could lead to unintended venting and environmental consequences from the release of ozone-depleting refrigerants.

Response: EPA has evaluated the environmental and safety considerations of venting in: (1) Isobutane and R–441A in retail food refrigerators and freezers (stand-alone units only); (2) propane in household refrigerators, freezers, and combination refrigerators and freezers; (3) ethane in very low temperature refrigeration equipment and equipment for non-mechanical heat transfer; (4) R–441A, propane, and isobutane in vending machines; and (5) propane and R–441A in self-contained room air conditioners for residential and light commercial air conditioning and heat pumps. After this review, EPA has determined the exempted releases do not pose a threat to the environment and thus that it is appropriate to exempt these refrigerant in these specific end-uses and subject to these use conditions from the venting prohibition under Section 608(c) of the CAA. The comments do not provide sufficient grounds to compel us to change that conclusion. While EPA appreciates the concerns raised by the commenters, the agency has been exempting certain refrigerant substitutes from the venting prohibition since 1995. Therefore, we do not believe that continuing with this established practice should cause confusion. Also, as discussed above, the Agency is undertaking a review of the Section 608 technician certification requirements—including whether to address flammable refrigerants—through a separate process.

Comment: CARB was concerned with the potential increase in ground-level ozone formation resulting from venting hydrocarbons, especially in non-attainment regions in California such as the South Coast Air Basin and the San Joaquin Valley Air Basin. CARB commented that their own modeling results agree with the conclusion of Scenario 4 of EPA's air quality modeling results.

Response: EPA has assessed the possible increase in ground-level ozone formation and believes it is appropriate to finalize the exemption from the venting prohibition as described in this action. We found that even if all the refrigerant in appliances in end-uses addressed in this rule were to be emitted, there would be a worst-case impact in the Los Angeles area of less than 0.15 ppb. Further, this estimate is likely to be higher than the impact resulting from actual emissions due to venting of the refrigerant substitutes listed in this rule in the specified end-uses, because the estimate includes emissions from a more reactive refrigerant substitute that is not listed and not allowed to be vented under this rule. Because of the relatively low air quality impacts of these refrigerants if they are released to the atmosphere in limited amounts, as well as the factors discussed above, such as their low GWP, zero ODP, and lack of aquatic effects, EPA is concluding that these four hydrocarbon refrigerant substitutes in the end-uses and subject to the use conditions do not pose a threat to the environment. For more detail, see Sections III.D, IV.A and VI.B.

Comment: Two private citizens state that hydrocarbons are non-toxic and therefore venting of hydrocarbon refrigerants into the atmosphere would be an acceptable practice.

Response: While the hydrocarbons being listed as acceptable in this rule are generally low in toxicity, they can lead to asphyxiation and other adverse health effects in high enough concentrations. Therefore, EPA considered exposure limits and potential exposure concentrations when assessing the safety and the acceptability of hydrocarbons under SNAP. This analysis found that the listed refrigerant substitutes, when used according to the required use conditions, would not exceed the relevant exposure limits (*e.g.,* TLVs, STELs, or AEGLs), indicating that toxicity is not a significant risk for the specific refrigerant substitutes in the end-uses listed when used according to the required use conditions. See

Sections III.D.4.ii and IV.C for more detail on EPA's toxicity assessment of these refrigerants during servicing and disposal. Thus to the extent that this information is relevant to EPA's determination under Section 608(c)(2), EPA does not believe that toxicity considerations preclude finalizing the exemption from the venting prohibition in this action.

Comment: Traulsen, Hoshizaki America, NAFEM, ICOR and DuPont expressed concerns about the flammability of hydrocarbon refrigerants and the adequacy of safety measures during venting. DuPont stated that because of the low minimum ignition energy of hydrocarbon refrigerants, these refrigerants are easily ignited by static electricity. This commenter stated that venting in an uncontrolled environment could lead to unsafe conditions. NAFEM and ICOR mentioned that use of a class B fire extinguisher would not be sufficient to avoid an explosive condition.

Response: Because of safety concerns, EPA has required numerous use conditions for appliances using flammable refrigerants as part of the SNAP listings. A discussion of the SNAP use conditions and EPA's assessment of safety, which considered a full release of the charge within one minute, is available in the risk screens released with the proposal. When it comes to servicing, the charge size limit and the labeling requirements (*e.g.,* visible warning statement and red coloring on the pipes, hoses and devices which contain refrigerant) will reduce the risk of a fire significantly. However, additional precautions are recommended, like ensuring proper ventilation and avoiding ignition sources during servicing.

Concerning the risks of fire from static electricity, EPA notes this concern about the ignition of hydrocarbon refrigerants was discussed in the 2011 SNAP rule, in which propane was evaluated for use in stand-alone retail food refrigeration equipment and R–441A and isobutane were evaluated for use in household refrigerators and freezers, and were determined to be acceptable, subject to use conditions, under SNAP. In section ''B. Flammability'' of part IV of that SNAP rule, titled ''What is the basis for EPA's final action?'' the Agency describes the evaluation and conclusion for approving those hydrocarbon refrigerant substitutes for the specific end-uses under the use conditions. The 2011 SNAP rule explains that, ''when the concentration of a flammable refrigerant reaches or exceeds its LFL in the presence of an ignition source (*e.g.,* a static electricity spark resulting from closing a door, use of a torch during servicing, or a short circuit in wiring that controls the motor of a compressor), an explosion or fire could occur'' (76 FR at 78837). The 2011 SNAP rule continues by stating that, ''To determine whether the three hydrocarbon refrigerants would present flammability concerns for service and manufacture personnel or for consumers, EPA reviewed the submitters' detailed assessments of the probability of events that might create a fire, as well as engineering approaches to avoid sparking from the refrigeration equipment. EPA also conducted risk screens, available in the docket for [that] rulemaking, evaluating reasonable worst-case scenarios to model the effects of the sudden release of the refrigerants. The worst-case scenario analysis for each of the three hydrocarbons revealed that even if the unit's full charge were emitted within one minute, the concentration would not reach the LFL for that hydrocarbon'' (id. at 78839). EPA's risk screens evaluating the environmental, toxicity and flammability risks of the refrigerant substitutes and end-uses in this action came to similar conclusions that the LFL would not be exceeded. Thus, although end-users should take precautions to reduce sparking from static electricity, this concern is not sufficient to cause EPA to prohibit use of these refrigerant substitutes or to decline to exempt these refrigerant substitutes in the specified end-uses when used according to the required use conditions.

Use of a Class B fire extinguisher would not prevent a fire or explosive condition from occurring, as the commenter suggested; but if there is a fire, it is important to use a Class B extinguisher that is intended for use with hydrocarbon fires, rather than a Class A extinguisher intended for use with fires from wood, paper, or other ordinary combustibles. The statements in the ''further information'' column for each listing, including the recommendation for having a Class B dry powder type fire extinguisher available, are not intended to be a comprehensive set of all precautions needed, but rather basic guidelines or areas of consideration that users should consider as they develop their own safety programs. The Australian Institute of Refrigeration, Air Conditions and Heating (AIRAH) provides useful guidance on safety precautions technicians can follow when servicing equipment containing flammable refrigerants. This document is included in the docket for this rule (AIRAH, 2013).

Comment: DuPont stated that the presence of lubricants during the venting process can potentially increase risk of ignition, and is not sure whether EPA fully evaluated these potential risks.

Response: EPA has evaluated this potential risk and taken it into consideration in this action. Most lubricant will remain in the unit, along with a small amount of hydrocarbon refrigerant substitutes. Typical compressor oils have flashpoints over 130 °C, which is well above both ambient temperatures and the flashpoint of the hydrocarbon refrigerant substitutes in this rule. Thus, the presence of compressor oil should not have a significant effect on the flammability of the refrigerant-oil mixture. Our risk screens available in the docket for this rulemaking find that even if the full charge is lost in one minute, the LFL of the hydrocarbon refrigerant substitute is not reached. Having said that, the Agency recommends technicians working with hydrocarbon refrigerants follow proper safety precautions, such as ensuring their workspace is well-ventilated and removing ignition sources.

Observance of OSHA requirements could further limit concentrations and attendant flammability risks associated with those oils. For example, OSHA has a PEL for one class of compressor oil, mineral oil mist, of 5 mg/m^3 of air, as well as rules for respiratory protection and personal protective equipment that apply. EPA additionally notes that the very small amount of dissolved compressor oil expected to be used in the small hydrocarbon charge size required by the use conditions will significantly mitigate the amount and the impact of any release into the environment of lubricants dissolved in the hydrocarbon refrigerant substitutes that may result from any venting, release or disposal that may occur under this final action. EPA also notes that many of the lubricants used with hydrocarbon refrigerants, such as alkyl benzene and polyalkylene glycol, are considered environmentally acceptable because they biodegrade easily, as noted in EPA's document on environmentally acceptable lubricants, available in the docket.

EPA received a similar comment on the rule exempting isobutane and R–441A, as refrigerant substitutes in household refrigerators, freezers, and combination refrigerators and freezers, and propane as a refrigerant substitute in retail food refrigerators and freezers (stand-alone units only) (see 79 FR

29682). EPA considered such studies and the influence of lubricant on the LFLs of the hydrocarbon refrigerants in the specific end-uses in that rule when finding them acceptable subject to use conditions under the SNAP program (see December 20, 2011; 76 FR 78832, sections ''D. Charge Size Limitation (Household Refrigeration)'' and ''E. Charge Size Limitation (Retail Food Refrigeration)'' and discussions of Standards UL 250 and UL 471 regarding lubricant oil). We believe that same analysis and the same results are applicable here.

Comment: A private citizen states that replacing old refrigerants with new ones decreases the risk of toxicity yet increases a risk of combustion. This commenter asked who would be responsible for fires due to use and disposal of these refrigerants (*e.g.,* junkyard owner, appliance owner) and whether EPA and appliance manufacturers are responsible for ensuring that the end user is aware of risks from the usage and disposal of flammable refrigerants.

Response: In this rule, EPA is exempting certain hydrocarbon refrigerants in specific applications from the venting prohibition, not making a determination of fault for individual incidents such as fires, which global experience indicates can be prevented with appropriate precautions. Thus, the commenter's point about who would be responsible for fires is outside the scope of this rulemaking. With respect to the commenter's concerns about the end-user's awareness, in the Agency's risk screen, we have assessed a worst-case scenario for consumer exposure (available in the docket for this rulemaking). Even in that worst-case scenario, the charge size for these approved applications is small enough that if the complete charge is lost within one minute in a confined space, the amount released does not reach the LFL, and therefore, a fire would not occur. Further, charges in the analyzed scenarios do not exceed the relevant exposure limits, and therefore, there should not be a significant toxicity risk. Since junkyards, scrap yards, and other facilities disposing of or recycling small appliances are already bound by the venting prohibition, they should already have a system in place to determine whether an appliance contains an ODS or substitute refrigerant. EPA believes that the required labeling of the product and prominent red marking on the refrigeration circuit will help these facilities to identify that the appliance contains a flammable refrigerant. Thus, these facilities likely have procedures in place to identify and appropriately handle flammable refrigerant substitutes, whether or not they are subject to an exemption from the venting prohibition. See also EPA's guidance in the further information column in 40 CFR part 82, subpart G, Appendix R, concerning appropriate personal protective equipment (PPE), type of fire extinguisher to use, use of spark-proof tools, use of recovery equipment designed for flammable refrigerants, and releasing refrigerant to well-ventilated areas.

Comment: Traulsen and NAFEM stated that EPA should reevaluate the suggestion that venting should be conducted outside of a building because of local codes, lease terms, or logistical concerns that may make outdoor venting disruptive or even impossible. One of these commenters, Traulsen, also is concerned that EPA has not yet outlined what a network of properly trained service professionals to handle venting practices safely would consist of, yet assumes that one will exist.

Response: EPA is not requiring that flammable refrigerant substitutes from appliances be vented, nor that they be vented outside. We recognize that outdoor venting may not always be feasible and that such activity may be restricted by fire codes. Venting outdoors is likely to allow sufficient ventilation to reduce concentrations and mitigate flammability risks, but sufficient ventilation could also be provided by engineered ventilation systems. Some manufacturers and end-users may instead choose to recover flammable refrigerants rather than venting. While the use conditions under SNAP finalized by this action, in particular charge size, will minimize safety risk, other precautions are recommended, like ensuring proper ventilation and avoiding ignition sources during servicing. These would also be appropriate guidelines, whether venting or recovering the refrigerant. AIRAH provides useful guidance on safety precautions technicians can follow when servicing equipment with flammable refrigerants. One of those practices is to connect a hose to the appliance to allow for venting the refrigerant outside. This document is included in the docket for this rule. We note that at least two organizations, RSES and the ESCO Institute, already offer training for handling of flammable refrigerants, which is the first step to building a network of properly trained technicians. Similarly, equipment manufacturers and end-users that have sent EPA SNAP submissions for flammable refrigerants have indicated that there is technician training for their own staff and for contractors responsible for servicing appliances. Also, the Agency intends to update the test bank for technician certification under Section 608 of the CAA as we have done previously, and will consider including additional questions on flammable refrigerants. By adding such questions to the test bank, EPA would supplement but would not replace technician training programs currently provided by non-government entities. We will seek additional information and guidance on how best to incorporate this content through a separate process outside of this final rule.

Comment: Traulsen has not found a solution regarding EPA's question about an industry standard for hydrocarbon recovery units and their availability in the U.S. market. No other commenters provided information on such an industry standard.

Response: EPA is not aware of an industry standard for hydrocarbon recovery equipment, but encourages industry to develop one. However, the agency is aware of the existence of some hydrocarbon recovery devices. One of those recovery devices uses activated carbon to assist in the safe removal of hydrocarbons from appliances. A canister containing activated carbon is pulled to a 25 in.Hg vacuum. The canister is then filled with nitrogen up to 10 psi and pulled to a vacuum again to bring oxygen levels below 0.1% in the cylinder, thereby preventing conditions that might allow ignition. The canister is then attached to the appliance containing a hydrocarbon refrigerant. The hydrocarbon refrigerant is pulled from the appliance into the canister and the canister is then sealed off. This can be done with no pump or other electrical equipment near the equipment containing the flammable refrigerant. The carbon within the canister bonds with the hydrocarbon, eliminating its ability to oxidize or burn. Once the process is complete, the hydrocarbon can be recovered from the canister and appropriately managed for reuse or disposal. Given the lack of additional information on standards for recovery equipment for hydrocarbon refrigerant substitutes, and our finding that release of the specific refrigerants in the specific end-uses identified in this rule do not pose a threat to the environment, we continue to believe there is reason for allowing venting of the hydrocarbon refrigerant substitutes in the specified end-uses as an alternative to recovery.

Comment: ISRI seeks clarification on how 40 CFR 82.156(f) applies to the recycling of appliances with exempt substitutes that may be vented pursuant to 40 CFR 82.154(a)(1).

Response: Under 40 CFR 82.156(f), the person who takes the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room AC, MVACs, or MVAC-like appliances must either recover any remaining refrigerant in accordance with the regulations or verify that refrigerant has been evacuated previously. Since the current definition of refrigerant excludes non-ozone-depleting refrigerant substitutes, these recordkeeping requirements do not presently apply to the hydrocarbon refrigerant substitutes in the specified end-uses that are the subject of this action. The only requirement under 40 CFR part 82 Subpart F that would have applied is the venting prohibition. However, since EPA is exempting those hydrocarbons for the specific uses from the venting prohibition in this final rule, that prohibition would no longer apply. Moreover, as this action does not change the applicability of other environmental regulations, other applicable environmental regulations would continue to apply (*e.g.,* under RCRA).

Comment: ISRI notes that in the last rule exempting isobutane and R–441A as refrigerant substitutes in household refrigerators, freezers, and combination refrigerators and freezers, and propane as a refrigerant substitute in retail food refrigerators and freezers (stand-alone units only) (see 79 FR 29682), EPA stated that certain hydrocarbons could be characterized as hazardous waste due to their flammability (as defined under the RCRA regulations; see 40 CFR 261.21). The commenter notes that the agency also stated that incidental releases of these hydrocarbons ''would not be subject to RCRA requirements for the disposal of hazardous waste as the release would occur incidentally during the maintenance, service and repair of the equipment, and would not constitute disposal of the refrigerant charge as solid waste, per se,'' (79 FR 29687). ISRI seeks clarity on whether full venting is allowed if flammable refrigerants have been exempted from the venting prohibition at 40 CFR 82.154(a). The commenter also seeks clarity on whether hydrocarbons would be considered hazardous waste under RCRA. The commenter suggests that EPA could create a new exclusion from hazardous waste at 40 CFR 261.4(b) for an acceptable ignitable refrigerant substitute, or determine that an acceptable ignitable refrigerant is equivalent to household waste under 40 CFR 261.4(b)(1).

Response: In this rule, EPA is exempting from the venting prohibition under CAA Section 608(c) certain hydrocarbons in certain end-uses listed as acceptable subject to use conditions under SNAP. Specifically, EPA is exempting from the venting prohibition the following refrigerant substitutes in the following uses: (1) Isobutane and R–441A in retail food refrigerators and freezers (stand-alone units only); (2) propane in household refrigerators, freezers, and combination refrigerators and freezers; (3) ethane in very low temperature refrigeration equipment and equipment for non-mechanical heat transfer; (4) R–441A, propane, and isobutane in vending machines; and (5) propane and R–441A in self-contained room air conditioners for residential and light commercial air conditioning and heat pumps.

The commenter's request to modify the hazardous waste regulations is beyond the scope of this rulemaking, since it focuses on Sections 608 and 612 of the CAA. However, as discussed in the final rule exempting from the venting prohibition isobutane and R–441A, as refrigerant substitutes in household refrigerators, freezers, and combination refrigerators and freezers; and propane, as a refrigerant substitute in retail food refrigerators and freezers (stand-alone units only); incidental releases that occur during the maintenance, service, and repair of appliances would not be subject to RCRA requirements for the disposal of hazardous waste because this would not constitute disposal of the refrigerant charge as a solid waste, per se (see 79 FR 29687).

The commenter raises questions about how the hazardous waste requirements under RCRA apply at disposal (or in the case of scrap metal recycling, disassembly) of an appliance. Under the RCRA requirements at 40 CFR part 261, it does appear that certain refrigerants, like hydrocarbons, could potentially be subject to regulation as hazardous wastes if they exhibit the ignitability characteristic.

In the case of household appliances, repair and disposal of hydrocarbons would not be considered hazardous waste management because the appliance is exempt from the hazardous waste regulations under the household hazardous waste exemption at 40 CFR 261.4(b)(1) (although States may have more stringent regulations). The refrigerant could therefore generally be vented without triggering RCRA hazardous waste requirements.

On the other hand, for commercial and industrial appliances that are not generated by households as defined in 40 CFR 261.4(b)(1), ignitable refrigerants would be subject to regulation as hazardous waste (see 40 CFR 261.21) subject to a limited exception if the ignitable refrigerant is to be recycled. Ignitable refrigerant that has been used and has become contaminated through use would fit the definition of a spent material under RCRA (40 CFR 261.1(c)(1)) if it must be reclaimed prior to its reuse. Spent materials that are reclaimed are solid wastes per Section 261.2(c). However, if the hydrocarbon refrigerant is recovered for direct reuse (*i.e.,* no reclamation), it would not be classified as a solid or a hazardous waste (40 CFR 261.2(e)). EPA believes that recycling of these materials would require cleaning before they are reused.

H. Cost and Economic Impacts

1. Equipment Redesign

Comment: NAFEM and Hoshizaki America stated that refrigeration equipment manufacturers would incur capital costs in switching to flammable refrigerants because they would need to redesign equipment and facilities to eliminate ignition sources to reduce the risk of fire. Hoshizaki America stated that manufacturers would have to go through considerable and costly staff training to understand the risks of explosion for the proposed list of substitutes. Master-Bilt Products stated that the large expenses for upgrading factories and additional testing to meet different standards will slow innovation for their business as well as other small businesses.

Response: EPA agrees that manufacturers choosing to use one of the refrigerants listed in this rule may need to make capital investments in their facilities, including the redesign of equipment to handle flammable refrigerants, and may need to invest in training their staff to handle flammable refrigerants safely. These investments would be needed for safe use of these refrigerants and would be needed irrespective of use conditions established by EPA in listing these refrigerants as acceptable subject to use conditions. Therefore manufacturers may decide, based on their own business considerations, whether to pursue hydrocarbon refrigerants. This rule does not restrict nonflammable substitutes currently in use nor does it require manufacturers to use any of the flammable substitute refrigerants listed through this action.

Comment: Master-Bilt commented that if multiple systems using the 150 g charge can be used in larger models, propane could potentially be used in some larger equipment, but the cost would go up approximately 25–50% and the systems would be more complex.

Response: The 150 g limit applies to each refrigerant circuit and multiple circuits could be used in the same piece of equipment, as discussed above under section VI.E.3. We agree with the commenter that the cost for models that have multiple circuits could be higher and that the systems would be more complex. We are not requiring manufacturers to use propane or any of the substitute refrigerants listed in this action.

2. Market Options

Comment: Traulsen believes this rule will give the industry more flexibility to explore market options. EIA believes the rule will allow U.S. businesses to sell international products domestically and encourage foreign businesses to expand their manufacturing operations and distribution in the United States.

Response: EPA agrees with the commenters. Whenever the Agency expands the list of acceptable substitutes it provides industry, including manufacturers, with more flexibility and options.

3. Recycling

Comment: ISRI is concerned that EPA may not have adequately considered the impacts of the proposed rule on the recycling industry. The commenter stated that, for example, the recycling industry (NAICS 423930) was not even identified as potentially affected in Table 1 of the proposed rule.

Response: EPA has added the recycling industry in Table 1 in this final rule. Further, EPA has performed research to consider impacts of the rule on the recycling industry more fully (ICF, 2015b). We investigated the impacts of use of flammable refrigerants in waste streams of other countries using these refrigerants. This analysis found that it is not anticipated that the recycling industry will experience additional risk if appliances containing hydrocarbon refrigerants are sent to recycling facilities prior to the refrigerant being properly vented or evacuated. This analysis suggested that recycling facilities should vent or otherwise remove the refrigerant (consistent with other requirements like RCRA) before any mechanical processing of the appliance (*e.g.,* shredders, choppers, magnets), due to the potential presence of ignition sources. Further, based upon experience with flammable refrigerants in Europe, Australia, and Japan, there are best practices for handling flammable refrigerants at disposal, such as those provided by AIRAH (2013).

I. Statutory and Executive Order Reviews

Comment: Traulsen stated that EPA's rule adding to the list of acceptable SNAP substitutes may not be affected by the Regulatory Flexibility Act (RFA), but any requirement related to the removal of a previously approved substance would violate the RFA. Traulsen expressed concern about the potential future impacts on small businesses if flammable refrigerants, including the proposed refrigerants, become the only refrigerant options available, combined with uncertainties such as building disparities and placement and installation of equipment.

Response: EPA agrees with the commenter that this final rule, which adds to the list of acceptable substitutes, is consistent with requirements of the RFA. The commenter raises a concern that actions that remove substitutes from the list of acceptable substitutes could have implications for the RFA. EPA will address the RFA in any action proposing and finalizing a decision to remove one or more substitutes from the lists of acceptable substitutes.

Comment: Traulsen commented that although this rule adding these substitutes may not be affected by the Unfunded Mandates Reform Act (UMRA) or Paperwork Reduction Act (PRA), subsequent SNAP rules may.

Response: EPA will address how these Acts apply to any subsequent action in that separate action.

Comment: Traulsen stated that it supports the Agency's adoption of well-known and developed safety standards like those issued by UL and other organizations under the application of the National Technology Transfer and Advancement Act (NTTAA).

Response: EPA appreciates the support for this aspect of the rule.

Comment: Traulsen expressed interest in EPA's statement regarding the position of deferring to agencies with jurisdiction in other areas, with regards to Executive Order (EO) 13132: Federalism and 13175: Tribal Governments. Specifically, the commenter is interested in how those orders apply to the installation of equipment in localities where the substitutes are regulated under different authorities, including VOC and building occupancy codes.

Response: This regulation does not impose direct requirements on state, local, or tribal governments, nor does it preempt state, local, or tribal law, the major concerns of EO 13132 and 13175. When using the refrigerants in this final rule, technicians, end users, and manufacturers would need to comply with the requirements in this final rule and must also comply with state, local, or tribal laws. For example, if local occupancy codes do not allow intentional release of hydrocarbons on the premises, or if a state regulation limits VOC releases, a technician may not be able to release hydrocarbon refrigerants to the atmosphere, even if they would be permitted to do so by this rule.

J. Relationship With Other Rules

Comment: NAFEM, Master-Bilt Products, and private citizens raised concerns about the relationship between this rule and the proposed rule, *Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program* (August 6, 2014, 79 FR 46126). Among the concerns expressed are that available alternatives to comply with the other proposed rule are not commercially available drop-in replacements, thus requiring redesign of equipment, additional testing, training, and cost; the compliance date proposed in the other rule is too short; the potential for detrimental effects of alternative refrigerants on energy efficiency demanded by Department of Energy (DOE) standards; and the charge size restrictions in this rule will mean many types of equipment will not be able to use the refrigerants listed in this rule to comply with the Change of Listing Status proposed rule.

Response: The concerns raised by these commenters concern the basis for certain decisions in the Change of Listing Status proposed rule, including whether alternatives other than those we propose to list as unacceptable are available and what is the appropriate date on which a substitute is no longer acceptable for use. EPA will address these issues concerning the Change of Listing Status proposed rule when we take final action on that proposal. As discussed above in section VI.B.2, ''Energy efficiency and indirect climate impacts,'' available information supports reduced energy use with the refrigerants being listed in this final rule. We note that we are continually reviewing and listing additional alternatives for the various end-uses at issue.

Comment: NAFEM stated that their industry has been inundated with various DOE energy standards rulemakings, as well as this rule and the proposed rule concerning changing the listing status of some alternatives. The commenter mentioned the timing and cumulative impacts of other government actions and requested a 60-day

extension to the comment period for EPA's proposal to change the listing status of certain alternatives.

Response: This comment concerns the comment period on a separate rule. EPA responded to this request to extend the public comment period on the proposal to change the listing status of certain alternatives by granting a 14-day extension. For further information, please see EPA Docket # EPA–HQ–OAR–2014–0198, ''*Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program*.''

K. Timing of Final Rule

Comment: Daikin, EIA, and some private citizens requested EPA to move forward with the final rule as quickly as possible, while NAFEM requested that EPA delay both this final rule and the final rule to change the listing status of certain alternatives. Commenters in favor of finalizing the rule as quickly as possible cite environmental reasons and point out that hydrocarbons are already widely in use around the world. Commenters in favor of delay note the separate proposal concerning the change of status of certain substitutes and requested that EPA extend the compliance deadline to ensure adequate training.

Response: EPA appreciates the support from those commenters requesting rapid promulgation of this rule. We agree that finalizing this rule promptly allows for earlier use of the lower GWP refrigerants in this rule and allows earlier and greater climate benefits than delaying issuance of the rule. Training would be more useful for technicians and manufacturer personnel if it addresses the requirements of this final rule as set forth in the use conditions. We disagree with the commenter who suggests that this rule should not be finalized, and thus the substitutes should not be acceptable for use, until there is ''adequate training.'' Some companies have already begun training and are prepared to use these refrigerants now. As we discussed in section VI.F, ''Technician training'' above, we are not including a requirement for technician training as a use condition. Further, we believe that issuing this final rule with a delayed date of compliance would increase risk to manufacturers and the public. A number of submitters have provided EPA with the required 90-day notice prior to introducing these substitutes into interstate commerce; therefore, delaying the compliance date would not delay introduction of these substitutes, but it would allow some equipment to be manufactured without meeting the use conditions of this rule, which we believe are necessary to mitigate risk sufficiently for these substitutes to be acceptable. If the commenter is instead referring to delaying the date of compliance of the Change of Listing Status Rule, we will address that compliance date when we take final action on that rule.

L. Other Comments

1. Propylene

Comment: A.S Trust & Holdings commented that propylene, a component of the refrigerant R–443A, is not toxic and included an industry standard reference to prove this. This commenter also stated that they thought EPA was confusing propylene with propylene glycol.

Response: EPA has not proposed action on propylene or on R–443A in this rule and is not taking action on propylene or R–443A at this time. We included propylene in our analysis of air quality effects because EPA has received a submission for R–443A, a blend containing propylene, for use in residential air conditioners, including portable AC units. In order to consider the potential ground-level ozone impacts of all refrigerants under review for the end-uses in this rule, we analyzed the potential impacts of propylene along with other hydrocarbon refrigerants. However, our review has not progressed to include review of R–443A's toxicity.

We note that in our reviews of toxicity, we do not characterize substances as ''toxic'' or ''non-toxic.'' Rather, EPA considers exposure limits and potential exposure concentrations when assessing the toxicity and determining whether a substitute should be listed as acceptable and, if so, whether a use condition is necessary. For example, for propane, EPA evaluated whether long-term exposure would exceed a TLV of 1,000 ppm and whether short-term exposure would exceed an AEGL of 6,900 ppm. If EPA uses the same approach for other refrigerants mentioned by the commenter, we might use industry exposure limits that are more difficult to achieve (*e.g.,* TLV of 500 ppm for propylene).

2. R–443A

Comment: A.S Trust & Holdings commented on certain assumptions that EPA mentioned as its likely approach to assessing R–443A, including worst-case assumptions. This commenter referred EPA to his own risk assessment provided to the Agency, as well as a sizing guide.

Response: EPA has consistently evaluated alternatives through a risk screen process that begins with a highly conservative worst-case scenario, such as where the entire refrigerant charge of a window AC unit leaks out rapidly in a specific room size. If a substitute's concentrations remain below the LFL and relevant toxicity limits in the worst-case scenario with highly conservative assumptions, we do no further assessment. If the substitute's concentrations exceed the LFL or a relevant toxicity limit in the worst-case scenario, then we consider more typical scenarios based on less conservative assumptions. EPA will consider the submitter's risk assessment and recommended charge sizes as part of our ongoing review of R–443A. EPA has not proposed action on R–443A in this rule and is not taking action on R–443A at this time.

3. Reductions of HFC Emissions Under Other Sections of CAA Title VI

Comment: CARB urges EPA to continue to use its existing authority under the CAA Sections 608 and 609 to reduce HFC emissions from all sources, including stationary refrigeration and AC, insulating foam, consumer product aerosol propellants, and MVAC.

Response: The comment's suggestions go beyond the scope of this rule. Separate from this rulemaking action, EPA is considering input from various stakeholders about possible actions under Section 608 and other parts of the Act to address impacts of HFCs and would welcome any comments the commenter would care to provide on this subject.

4. Refrigerants for Retrofit

Comment: Hudson Technologies suggested that the determination that a substitute is acceptable for use as a retrofit refrigerant for existing equipment should be more highly scrutinized by EPA, even when dealing with non-flammable substitutes. This commenter recommends that EPA limit listings for acceptable refrigerants to use in new equipment unless the substitute has a lower GWP and the use of the substitute in existing equipment will not result in loss of efficiency.

Response: This comment goes beyond the scope of this rulemaking. This final rule establishes use conditions limiting the five refrigerants listed to use in new equipment designed for that refrigerant. EPA evaluates each submission on its merits and where a submitter requests that a substitute be listed as acceptable for use in retrofit equipment, we

consider such requests based on the same criteria that we consider in reviewing all SNAP submissions.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0226. This final rule contains no new requirements for reporting or recordkeeping.

C. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule.

Today's action allows equipment manufacturers the additional options of using ethane, HFC–32, isobutane, propane, and R–441A in the specified end-uses but does not mandate such use. Because refrigeration and AC equipment for these refrigerants are not manufactured yet in the U.S. for the end-uses (with the exception of limited test-marketing), no change in business practice is required to meet the use conditions, resulting in no adverse impact compared to the absence of this rule. Provisions that allow venting of hydrocarbon refrigerants in the uses addressed by this rule reduce regulatory burden. We have therefore concluded that this action will relieve regulatory burden for all small entities that choose to use one of the newly listed hydrocarbon refrigerants.

The use conditions of this rule apply to manufacturers of household and commercial refrigerators and freezers, vending machines, non-mechanical heat transfer equipment, very low temperature refrigeration equipment for laboratories and room air conditioners that choose to use these refrigerants.

D. Unfunded Mandates Reform Act

This action does not contain any unfunded mandate as described in UMRA, 2 United States Code (U.S.C.) 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in E.O. 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to E.O. 13045 because it is not economically significant as defined in E.O. 12866, and because the environmental health or safety risks addressed by this action do not present a disproportionate risk to children. This action's health and risk assessments are contained in Section IV.C of the preamble and in the risk screens in the docket for this rulemaking.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Available information indicates that these new systems may be more energy efficient than currently available systems in some climates.

I. National Technology Transfer and Advancement Act

This action includes technical standards. EPA has decided to use standards from UL in the use conditions for the five listed substitutes. EPA is incorporating by reference portions of current editions of the UL Standards 250, ''Household Refrigerators and Freezers'' (10th Edition, August 25, 2000), 471, ''Commercial Refrigerators and Freezers'' (10th Edition, November 24, 2010), 541 ''Refrigerated Vending Machines'' (7th Edition, December 30, 2011), and 484 ''Room Air Conditioners'' (8th Edition, August 3, 2012), which include requirements for safe use of flammable refrigerants. This final rule ensures that these new substitutes for household and commercial refrigerators and freezers, vending machines, non-mechanical heat transfer equipment, very low temperature refrigeration equipment, and room air conditioners do not present significantly greater risk to human health or the environment than other available substitutes. These standards may be purchased by mail at: COMM 2000; 151 Eastern Avenue; Bensenville, IL 60106; Email: *orders@comm-2000.com;* Telephone: 1–888–853–3503 in the U.S. or Canada (other countries dial +1–415–352–2168); Internet address: *http://ulstandardsinfonet.ul.com/* or *www.comm-2000.com.*

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because this action provides human health and environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This final rule provides refrigerant substitutes that have no ODP and lower GWP than other substitutes currently listed as acceptable. The reduction in ODS and GHG emissions assists in restoring the stratospheric ozone layer and provides climate benefits. The results of this evaluation are contained in sections III. and IV. of the preamble.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

VIII. References

This preamble references the following documents, which are also in the Air Docket at the address listed in Section I.B.1. Unless specified otherwise, all documents are available electronically through the Federal Docket Management System, Docket # EPA–HQ–OAR–2013–0748.

AHRI, 2012. AHRI Guideline N–2012: Assignment of Refrigerant Container Colors. 2012.

AIRAH, 2013. Flammable Refrigerants—Safety Guide. Australian Institute of Refrigeration, Air Conditioning and Heating. 2013.

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A.S. Trust & Holdings, 2012. Significant New Alternatives Policy Program Submission to the United States Environmental Protection Agency for R–441A in retail food refrigeration.

A/S Vestfrost, 2012. Significant New Alternatives Policy Program Submission to the United States Environmental Protection Agency for isobutane in retail food refrigeration.

Climate Action Plan, 2013. The President's Climate Action Plan. Executive Office of the President. June, 2013. Available online at *www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf.*

Chinese Household Electrical Appliance Association (CHEAA), 2013. Significant New Alternatives Policy Program Submission to the United States Environmental Protection Agency for Propane (R–290) in residential and light commercial air conditioning and dehumidifiers.

Daikin, 2011. Significant New Alternatives Policy Program Submission to the United States Environmental Protection Agency for HFC–32 in residential and light commercial air conditioning.

EPA, 2007. Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze. U.S. Environmental Protection Agency Office of Air Quality Planning and Standards. April 2007.

EPA, 2015. Derivation of Charge Limits for Room Air Conditioners. Staff memo to Air Docket. 2015.

ICF, 2014a. Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground-Level Ozone Concentrations.

ICF, 2014b. Risk Screen on Substitutes for CFC–12, HCFC–22 and R–502 in Retail Food Refrigeration; Substitute: Isobutane (R–600a)

ICF, 2014c. Risk Screen on Substitutes for CFC–12, HCFC–22 and R–502 in Retail Food Refrigeration; Substitute: R–441A

ICF, 2014d. Risk Screen on Substitute for CFC–12, CFC–13, R–13B1, and R–503 in Very Low Temperature Refrigeration and Non-Mechanical Heat Transfer; Substitute: Ethane (R–170)

ICF, 2014e. Risk Screen on Substitutes for CFC–12 and R–502 in Vending Machines; Substitute: R–441A

ICF, 2014f. Risk Screen on Substitutes for CFC–12 and R–502 in Vending Machines; Substitute: Isobutane (R–600a)

ICF, 2014g. Risk Screen on Substitutes for CFC–12 and R–502 in Vending Machines; Substitute: Propane (R–290)

ICF, 2014h. Risk Screen on Substitutes for CFC–12 and HCFC–22 in Household Refrigerators and Household Freezers.; Substitute: Propane (R–290).

ICF, 2014i. Risk Screen on Substitutes for HCFC–22 in Residential and Light Commercial Air Conditioning and Heat Pumps; Substitute: Propane (R–290)

ICF, 2014j. Risk Screen on Substitutes for HCFC–22 in Residential and Light Commercial Air Conditioning and Heat Pumps; Substitute: HFC–32 (Difluoromethane)

ICF, 2014k. Risk Screen on Substitutes for HCFC–22 in Residential and Light Commercial Air Conditioning and Heat Pumps; Substitute: R–441A

ICF, 2015a. Potential impacts of trifluoroacetic acid (TFA) generated from HFC–32 in room air conditioners. January, 2015.

ICF, 2015b. Potential Impacts of Hydrocarbon Refrigerants during Recycling and Disposal of Appliances. January, 2015.

IEC 60225–2–40. Safety of Household and Similar Electrical Appliances, Part 2–40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers. 5th Edition. December, 2013.

Intergovernmental Panel on Climate Change (IPCC), 2007. *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M.Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. This document is accessible at *www.ipcc.ch/publications_and_data/ar4/wg1/en/contents.html*

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National Oceanic and Atmospheric Administration (NOAA), 2013. NOAA emissions data on HFCs. Available online at *ftp://ftp.cmdl.noaa.gov/hats/hfcs/.*

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Sheldon, 1989. Sheldon, L.S., et al. 1989. ''An Investigation of Infiltration and Indoor Air Quality.'' New York State Energy Research & Development Authority, Report 90–11. As cited in ICF, 2014h, Risk screen for propane in household refrigerators and freezers.

UL 250. Household Refrigerators and Freezers. 10th edition. Supplement SA: Requirements for Refrigerators and Freezers Employing a Flammable Refrigerant in the Refrigerating System. August 2000.

UL 471. Commercial Refrigerators and Freezers. 10th edition. Supplement SB: Requirements for Refrigerators and Freezers Employing a Flammable Refrigerant in the Refrigerating System. November 2010.

UL 484. Room Air Conditioners. 8th edition. Supplement SA: Requirements for Refrigerated Venders Employing a Flammable Refrigerant in the Refrigerating System. August 2012.

UL 541. Refrigerated Vending Machines. 7th edition. Supplement SA: Requirements for Room Air Conditioners Employing a Flammable Refrigerant in the Refrigerating System. December 2011.

UL 60335–2–40. Safety of Household and Similar Electrical Appliances, Part 2–40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers. First Edition. November, 2012.

World Meteorological Organization (WMO), 2010. Scientific Assessment of Ozone Depletion: 2010, Global Ozone Research and Monitoring Project—Report No. 52, 516 pp., Geneva, Switzerland, 2011. This document is accessible at *www.wmo.int/pages/prog/arep/gaw/ozone_2010/ozone_asst_report.html.*

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Recycling, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: February 27, 2015.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, 40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart F—Recycling and Emissions Reduction

■ 2. Amend § 82.154 by adding paragraph (a)(1)(iii) to read as follows:

§ 82.154 Prohibitions.

(a)(1) * * *

(iii) Effective June 9, 2015:

(A) Isobutane (R–600a) and R–441A in retail food refrigerators and freezers (stand-alone units only);

(B) Propane (R–290) in household refrigerators, freezers, and combination refrigerators and freezers;

(C) Ethane (R–170) in very low temperature refrigeration equipment and equipment for non-mechanical heat transfer;

(D) R–441A, propane, and isobutane in vending machines; and

(E) Propane and R–441A in self-contained room air conditioners for residential and light commercial air conditioning and heat pumps.

* * * * *

Subpart G—Significant New Alternatives Policy Program

■ 3. Appendix R to Subpart G is revised to read as follows:

Appendix R to Subpart G of Part 82—Substitutes Subject to Use Restrictions Listed in the December 20, 2011, final rule, Effective February 21, 2012, and in the April 10, 2015 Final Rule, Effective May 11, 2015

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS

End-use	Substitute	Decision	Use conditions	Further information
Household refrigerators, freezers, and combination refrigerators and freezers. (New equipment only)	Isobutane (R–600a). Propane (R–290) R–441A	Acceptable subject to use conditions.	These refrigerants may be used only in new equipment designed specifically and clearly identified for the refrigerant (i.e., none of these substitutes may be used as a conversion or "retrofit" refrigerant for existing equipment designed for a different refrigerant). These refrigerants may be used only in a refrigerator or freezer, or combination refrigerator and freezer, that meets all requirements listed in Supplement SA to the 10th edition of the Underwriters Laboratories (UL) Standard for Household Refrigerators and Freezers, UL 250, dated August 25, 2000. In cases where the final rule includes requirements more stringent than those of the 10th edition of UL 250, the appliance must meet the requirements of the final rule in place of the requirements in the UL Standard. The charge size must not exceed 57 g (2.01 oz) in any refrigerator, freezer, or combination refrigerator and freezer in each circuit.	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling these refrigerants. Special care should be taken to avoid contact with the skin since these refrigerants, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on refrigerators and freezers with these refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service refrigerators and freezers containing these refrigerants. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
Household refrigerators, freezers, and combination refrigerators and freezers. (New equipment only)	Isobutane (R–600a). Propane (R–290) R–441A	Acceptable subject to use conditions.	As provided in clauses SA6.1.1 and SA6.1.2 of UL Standard 250, 10th edition, the following markings must be attached at the locations provided and must be permanent: (a) On or near any evaporators that can be contacted by the consumer: ''DANGER-Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing.''. (b) Near the machine compartment: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.''. (c) Near the machine compartment: ''CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must Be Followed.''. (d) On the exterior of the refrigerator: ''CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.''. (e) Near any and all exposed refrigerant tubing: ''CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used.''. All of these markings must be in letters no less than 6.4 mm (1/4 inch) high. The refrigerator, freezer, or combination refrigerator and freezer must have red, Pantone® Matching System (PMS) #185 marked pipes, hoses, or other devices through which the refrigerant is serviced (typically known as the service port) to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed.	Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then household refrigerators, freezers, and combination refrigerator and freezers using these refrigerants should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. ''Differ'' means that either the diameter differs by at least 1/16 inch or the thread direction is reversed (i.e., right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
Retail food refrigerators and freezers (stand-alone units only). (New equipment only)	Isobutane (R–600a). Propane (R–290). R–441A	Acceptable subject to use conditions.	As provided in clauses SB6.1.2 to SB6.1.5 of UL Standard 471, 10th edition, the following markings must be attached at the locations provided and must be permanent: (a) On or near any evaporators that can be contacted by the consumer: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing.''. (b) Near the machine compartment: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.''. (c) Near the machine compartment: ''CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.''. (d) On the exterior of the refrigerator: ''CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.''. (e) Near any and all exposed refrigerant tubing: ''CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used.''. All of these markings must be in letters no less than 6.4 mm (1/4 inch) high. The refrigerator or freezer must have red, Pantone® Matching System (PMS) #185 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed.	Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then retail food refrigerators and freezers using these refrigerants should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. ''Differ'' means that either the diameter differs by at least 1/16 inch or the thread direction is reversed (i.e., right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
Very low temperature refrigeration. Non-mechanical heat transfer (New equipment only)	Ethane (R–170).	Acceptable subject to use conditions.	This refrigerant may be used only in new equipment specifically designed and clearly identified for the refrigerant (i.e., the substitute may not be used as a conversion or ''retrofit'' refrigerant for existing equipment designed for other refrigerants). This refrigerant may only be used in equipment that meets all requirements in Supplement SB to the 10th edition of the Underwriters Laboratories (UL) Standard for Commercial Refrigerators and Freezers, UL 471, dated November 24, 2010. In cases where the final rule includes requirements more stringent than those of the 10th edition of UL 471, the appliance must meet the requirements of the final rule in place of the requirements in the UL Standard. The charge size for the equipment must not exceed 150 g (5.29 oz) in each circuit.	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling ethane. Special care should be taken to avoid contact with the skin since ethane, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service equipment containing ethane. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
Very low temperature refrigeration. Non-mechanical heat transfer (New equipment only)	Ethane (R–170).	Acceptable subject to use conditions.	As provided in clauses SB6.1.2 to SB6.1.5 of UL Standard 471, 10th edition, the following markings must be attached at the locations provided and must be permanent: (a) On or near any evaporators that can be contacted by the consumer: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing.''. (b) Near the machine compartment: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.''. (c) Near the machine compartment: ''CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.''. (d) On the exterior of the refrigerator: ''CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.''. (e) Near any and all exposed refrigerant tubing: ''CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used.''. All of these markings must be in letters no less than 6.4 mm (1/4 inch) high. The refrigeration equipment must have red, Pantone® Matching System (PMS) #185 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed.	Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then refrigeration equipment using this refrigerant should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. ''Differ'' means that either the diameter differs by at least 1/16 inch or the thread direction is reversed (i.e., right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor. Example of non-mechanical heat transfer using this refrigerant would be use in a secondary loop of a thermosiphon.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
Vending Machines. (New equipment only)	Isobutane (R–600a). Propane (R–290) R–441A	Acceptable subject to use conditions.	These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerants (i.e., none of these substitutes may be used as a conversion or ''retrofit'' refrigerant for existing equipment designed for other refrigerants). Detaching and replacing the old refrigeration circuit from the outer casing of the equipment with a new one containing a new evaporator, condenser, and refrigerant tubing within the old casing is considered ''new'' equipment and not a retrofit of the old, existing equipment. These substitutes may only be used in equipment that meets all requirements in Supplement SA to the 7th edition of the Underwriters Laboratories (UL) Standard for Refrigerated Vending Machines, UL 541, dated December, 2011. In cases where the final rule includes requirements more stringent than those of the 7th edition of UL 541, the appliance must meet the requirements of the final rule in place of the requirements in the UL Standard. The charge size for vending machines must not exceed 150 g (5.29 oz) in each circuit.	Applicable OSHA requirements at 29 part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling these refrigerants. Special care should be taken to avoid contact with the skin since these refrigerants, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on refrigeration equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing these refrigerants. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
Vending Machines. (New equipment only)	Isobutane (R–600a). Propane (R–290) R–441A	Acceptable subject to use conditions.	As provided in clauses SA6.1.2 to SA6.1.5 of UL Standard 541, 7th edition, the following markings must be attached at the locations provided and must be permanent: (a) On or near any evaporators that can be contacted by the consumer: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing.''. (b) Near the machine compartment: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.''. (c) Near the machine compartment: ''CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.''. (d) On the exterior of the refrigerator: ''CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.''. (e) Near any and all exposed refrigerant tubing: ''CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used.''. All of these markings must be in letters no less than 6.4 mm (1/4 inch) high. The refrigeration equipment must have red, Pantone® Matching System (PMS) #185 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed.	Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then refrigeration equipment using this refrigerant should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. ''Differ'' means that either the diameter differs by at least 1/16 inch or the thread direction is reversed (i.e., right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
Residential and light-commercial air conditioning and heat pumps—self-contained room air conditioners only. (New equipment only)	HFC–32 ..... Propane (R–290) R–441A	Acceptable subject to use conditions.	These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerants (i.e., none of these substitutes may be used as a conversion or ''retrofit'' refrigerant for existing equipment designed for other refrigerants) These refrigerants may only be used in equipment that meets all requirements in Supplement SA and Appendices B through F of the 8th edition of the Underwriters Laboratories (UL) Standard for Room Air Conditioners, UL 484, dated August 3, 2012. In cases where the final rule includes requirements more stringent than those of the 8th edition of UL 484, the appliance must meet the requirements of the final rule in place of the requirements in the UL Standard. The charge size for the entire air conditioner must not exceed the maximum refrigerant mass determined according to Appendix F of UL 484, 8th edition for the room size where the air conditioner is used. The charge size for these three refrigerants must in no case exceed 7,960 g (280.8 oz or 17.55 lb) of HFC–32; 1,000 g (35.3 oz or 2.21 lbs) of propane; or 1,000 g (35.3 oz or 2.21 lb) of R–441A. For portable air conditioners, the charge size must in no case exceed 2,450 g (80.0 oz or 5.0 lb) of HFC–32; 300 g (10.6 oz or 0.66 lbs) of propane; or 330 g (11.6 oz or 0.72 lb) of R–441A. The manufacturer must design a charge size for the entire air conditioner that does not exceed the amount specified for the unit's cooling capacity, as specified in Table A, B, C, D, or E of this Appendix.	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling these refrigerants. Special care should be taken to avoid contact with the skin since these refrigerants, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing these refrigerants. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
Residential and light-commercial air conditioning and heat pumps—self-contained room air conditioners only. (New equipment only)	HFC–32 ..... Propane (R–290) R–441A	Acceptable subject to use conditions.	As provided in clauses SA6.1.2 to SA6.1.5 of UL 484, 8th edition, the following markings must be attached at the locations provided and must be permanent:. (a) On the outside of the air conditioner: ''DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.''. (b) On the outside of the air conditioner: ''CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.''. (c) On the inside of the air conditioner near the compressor: ''CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.''. (d) On the outside of each portable air conditioner: ''WARNING: Appliance hall be installed, operated and stored in a room with a floor area larger the ''X'' m^2 (Y ft^2).'' The value ''X'' on the label must be determined using the minimum room size in m^2 calculated using Appendix F of UL 484, 8th edition. For R–441A, use a lower flammability limit of 0.041 kg/m^3 in calculations in Appendix F of UL 484, 8th edition. All of these markings must be in letters no less than 6.4 mm (1/4 inch) high. The air conditioning equipment must have red, Pantone® Matching System (PMS) #185 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed.	Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then air conditioning equipment using this refrigerant should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. ''Differ'' means that either the diameter differs by at least 1/16 inch or the thread direction is reversed (i.e., right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor. Air conditioning equipment in this category includes: Window air conditioning units. Portable room air conditioners. Packaged terminal air conditioners and heat pumps.

NOTE: The use conditions in this appendix contain references to certain standards from Underwriters Laboratories Inc. (UL). The standards are incorporated by reference, and the referenced sections are made part of the regulations in part 82:

1. UL 250: Household Refrigerators and Freezers. 10th edition. Supplement SA: Requirements for Refrigerators and Freezers Employing a Flammable Refrigerant in the Refrigerating System. Underwriters Laboratories, Inc. August 25, 2000.

2. UL 471. Commercial Refrigerators and Freezers. 10th edition. Supplement SB: Requirements for Refrigerators and Freezers Employing a Flammable Refrigerant in the Refrigerating System. Underwriters Laboratories, Inc. November 24, 2010.

3. UL 484. Room Air Conditioners. 8th edition. Supplement SA: Requirements for Room Air Conditioners Employing a Flammable Refrigerant in the Refrigerating System and Appendices B through F. December 21, 2007, with changes through August 3, 2012.

4. UL 541. Refrigerated Vending Machines. 7th edition. Supplement SA: Requirements for Refrigerated Venders Employing a Flammable Refrigerant in the Refrigerating System. December 30, 2011

The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of UL Standards 250, 471, 484 and 541 may be purchased by mail at: COMM 2000; 151 Eastern Avenue; Bensenville, IL 60106; Email: *orders@comm-2000.com;* Telephone: 1–888–853–3503 in the U.S. or Canada (other countries dial +1–415–352–2168); Internet address: *http://ulstandardsinfonet.ul.com/* or *www.comm-2000.com.*

You may inspect a copy at U.S. EPA's Air and Radiation Docket; EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington DC or at the National Archives and Records Administration (NARA). For questions regarding access to these standards, the telephone number of EPA's Air and Radiation Docket is 202–566–1742. For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

BILLING CODE 6560–50–P

Table A. Maximum Design Charge Sizes for Window Air Conditioners

Refrigerant	Maximum design charge size (kg)													
	Associated cooling capacity (BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R-32	1.73	2.12	2.74	3.00	3.24	3.47	3.68	4.07	4.59	5.48	6.01	6.49	6.72	7.76
R-290	0.13	0.16	0.20	0.22	0.24	0.26	0.27	0.30	0.34	0.40	0.44	0.48	0.50	0.57
R-441A	0.14	0.17	0.22	0.24	0.26	0.28	0.30	0.33	0.37	0.44	0.49	0.53	0.54	0.63

Note: For use with self-contained air conditioning units or heat pumps with an evaporator at least 0.6 and no more than 1.0 m above the floor. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

Table B. Maximum Design Charge Sizes for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps

Refrigerant	Maximum design charge size (kg)													
	Associated cooling capacity (BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R-32	1.04	1.27	1.65	1.80	1.95	2.08	2.21	2.44	2.75	3.29	3.60	3.89	4.03	4.65
R-290	0.08	0.09	0.12	0.13	0.14	0.15	0.16	0.18	0.20	0.24	0.27	0.29	0.30	0.34
R-441A	0.08	0.10	0.13	0.15	0.16	0.17	0.18	0.20	0.22	0.27	0.29	0.32	0.33	0.38

Note: For use with self-contained air conditioning units or heat pumps with an evaporator no more than 0.6 m above the floor. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

Table C. Maximum Design Charge Sizes for Wall-Mounted AC Units

Refrigerant	Maximum Design Charge Size (kg)													
	Associated capacity (BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R-32	3.12	3.82	4.94	5.41	5.84	6.24	6.62	7.32	7.96	7.96	7.96	7.96	7.96	7.96
R-290	0.23	0.28	0.36	0.40	0.43	0.46	0.49	0.54	0.61	0.73	0.80	0.86	0.89	1.00
R-441A	0.25	0.31	0.40	0.44	0.47	0.51	0.54	0.59	0.67	0.80	0.88	0.95	0.98	1.00

Note: For use with self-contained air conditioners or heat pumps with an evaporator at least 1.0 and no more than 1.8 m above the floor. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

Table D. Maximum Design Charge Sizes for Ceiling-Mounted AC Units

Refrigerant	Maximum Design Charge Size (kg)													
	Associated capacity (BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R-32	3.82	4.67	6.03	6.61	7.14	7.63	7.96	7.96	7.96	7.96	7.96	7.96	7.96	7.96
R-290	0.28	0.34	0.44	0.49	0.53	0.56	0.60	0.66	0.74	0.89	0.97	1.00	1.00	1.00
R-441A	0.31	0.38	0.49	0.54	0.58	0.62	0.66	0.73	0.82	0.98	1.00	1.00	1.00	1.00

Note: For use with self-contained air conditioners or heat pumps with an evaporator more than 1.8 m above the floor. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

Table E. Maximum Design Charge Sizes for Portable Room AC Units

Refrigerant	Maximum Design Charge Size (kg)													
	Associated capacity (BTU/hr)													
	5,000	6,000	7,000	8,000	9,000	10,000	12,000	14,000	18,000	21,000	23,000	24,000	30,000	34,000
R-32	1.56	2.35	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45	2.45
R-290	0.19	0.29	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30
R-441A	0.21	0.31	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33	0.33

Note: For use with non-fixed portable room air conditioners or heat pumps. Cooling capacities between those in the table are to be linearly interpolated between the next smaller and larger capacities listed in the table.

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Part IV

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1

Federal Acquisition Regulation; Federal Acquisition Circular 2005–81; Introduction, Further Amendments to Equal Employment Opportunity, and Federal Acquisition Circular 2005–81; Small Entity Compliance Guide, Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2015–0051, Sequence 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–81; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of an interim rule.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rule agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005–81. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.regulations.gov.*

DATES: For effective dates and comment dates see separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005–81 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

Rule Listed in FAC 2005–81

Subject	FAR Case	Analyst
Further Amendments to Equal Employment Opportunity (Interim).	2015–013	Loeb.

SUPPLEMENTARY INFORMATION: Summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR case, refer to the specific item number and subject set forth in the document following this item summary. FAC 2005–81 amends the FAR as specified below:

I—Further Amendments to Equal Employment Opportunity (FAR Case 2015–013)

DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13672, entitled ''Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity''. E.O. 13672 was signed July 21, 2014. This interim rule is also implementing a final rule issued by the Office of Federal Contract Compliance Programs of the Department of Labor, which was published in the **Federal Register** at 79 FR 72985 on December 9, 2014, Implementation of Executive Order 13672 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors.

Executive Order 11246, dated September 24, 1965, established requirements for non-discriminatory practices in hiring and employment for Federal contractors and subcontractors. The bases of discrimination prohibited by E.O. 11246 are race, color, religion, sex, and national origin. E.O. 13672 adds sexual orientation and gender identity to the prohibited bases of discrimination established by Executive Order 11246. There is no significant impact on small entities imposed by the FAR rule.

Dated: April 7, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Federal Acquisition Circular (FAC) 2005–81 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005–81 is effective April 10, 2015.

Dated: April 6, 2015.

RADM Althea H. Coetzee,

Acting Director of Defense Procurement and Acquisition Policy.

Dated: April 6, 2015.

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

Dated: April 6, 2015.

Monica Y. Manning,

Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 2015–08281 Filed 4–8–15; 11:15 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 22, and 52

[FAC 2005–81; FAR Case 2015–013; Item I; Docket No. 2015–0013, Sequence No. 1]

RIN 9000–AN01

Federal Acquisition Regulation; Further Amendments to Equal Employment Opportunity

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule.

SUMMARY: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13672, ''Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity,'' and a final rule issued by the Department of Labor (DOL).

DATES: *Effective:* April 10, 2015.

Applicability: This rule applies to solicitations and modifications to contracts, if the contract does not already contain clauses as amended by the rule, issued on or after April 10, 2015.

Comment Date: Interested parties should submit written comments to the Regulatory Secretariat on or before June 9, 2015 to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by FAC 2005–81, FAR Case 2015–013, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2015–013''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2015–013''. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FAR Case 2015–013'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite FAC 2005–81, FAR Case 2015–013, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Procurement Analyst, at 202–501–0650 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–81, FAR Case 2015–013.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are issuing an interim rule amending the FAR to implement Executive Order (E.O.) 13672, entitled ''Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity.'' The E.O. was signed July 21, 2014, and was published in the **Federal Register** at 79 FR 42971 on July 23, 2014. This interim rule is also implementing a final rule issued by the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL), which was published in the **Federal Register** at 79 FR 72985 on December 9, 2014, ''Implementation of Executive Order 13672 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors.'' The DOL rule revises 41 CFR parts 60–1, 60–2, 60–4, and 60–50.

E.O. 11246, dated September 24, 1965, established requirements for non-discriminatory practices in hiring and employment for Federal contractors and subcontractors. The bases of discrimination prohibited by E.O. 11246 are race, color, religion, sex, and national origin. E.O. 13672 seeks to provide for a uniform policy for the Federal Government to prohibit discrimination and take further steps to promote economy and efficiency in Federal Government procurement by adding sexual orientation and gender identity to the prohibited bases of discrimination established by E.O. 11246. E.O. 13672 is applicable on or after the effective date of the rules promulgated by DOL. The effective date of the DOL final rule is April 8, 2015.

II. Discussion and Analysis

A. The DOL regulation implements E.O. 13672 by substituting the phrase ''sex, sexual orientation, gender identity, or national origin'' for ''sex or national origin'' wherever ''sex or national origin'' appears in the DOL regulations implementing E.O. 11246. The DOL regulation did not provide definitions for the terms ''gender identity'' or ''sexual orientation''; however, the OFCCP has developed materials to assist the contractor community, which include definitions of these terms. DoD, GSA, and NASA consider that the contracting community, contracting agency acquisition professionals as well as contractors and subcontractors, need these definitions in order to understand and comply with the requirements of the rule. Therefore, this interim rule relies on the OFCCP developed definitions and provides a link to the DOL's OFCCP Web site where the definitions are found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

B. The FAR implements E.O. 11246 in FAR subpart 22.8, Equal Employment Opportunity, FAR clause 52.222–26, Equal Opportunity, and related clauses as described below. This interim rule provides definitions and inserts ''sexual orientation, gender identity'' between ''sex'' and ''or national origin'' wherever they appear within FAR subpart 22.8 and the clauses that are prescribed in FAR subpart 22.8 as follows—

1. FAR 22.801, Definitions. The terms ''gender identity'' and ''sexual orientation'' are included in the list of defined terms.

2. FAR 22.802, General. Inserts the required language in paragraph (a)(2), which sets out the general requirement of E.O. 11246 to promote equal employment opportunity.

3. FAR 22.807, Exemptions. Inserts the required language in paragraph (a)(4), which discusses an exemption to E.O. 11246 for work on or near Indian Reservations, but reaffirms that if the contractor extends a preference in employment to Indians living on or near an Indian reservation, it shall not discriminate among Indians.

4. FAR 52.212–5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items. Updates the currency of clause dates.

5. FAR 52.213–4, Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items). Updates the currency of clause dates.

6. FAR 52.222–21, Prohibition of Segregated Facilities. Revises paragraph (a) to include the definitions of ''gender identity'' and ''sexual orientation'' and updates the definition of ''segregated facilities.''

7. FAR 52.222–26, Equal Opportunity. Inserts definitions for the terms ''gender identity'' and ''sexual orientation'' and revises paragraphs (c)(1), (2), and (4), which set out basic requirements for prohibition of discrimination and action required to ensure equal treatment of employees during employment.

8. FAR 52.222–27, Affirmative Action Compliance Requirements for Construction. Inserts definitions for the terms ''gender identity'' and ''sexual orientation'', and revises paragraph (j), which affirms that employment goals or affirmative action standards shall not be used to discriminate against any person.

9. FAR 52.222–29, Notification of Visa Denial. Inserts definitions for the terms ''gender identity'' and ''sexual orientation'' and revises the clause to affirm the requirement for nondiscrimination when it is not compatible with the policies of a country where or for whom work is to be performed.

C. This interim rule updates the Office of Management and Budget (OMB) Control Numbers in FAR 1.106, OMB approval under the Paperwork Reduction Act. The information collections imposed by E.O. 11246 as amended are managed by DOL and are cited in the FAR.

D. This interim rule corrects previous inadvertent errors of omission by including FAR clause 52.222–21, Prohibition of Segregated Facilities in paragraph (e)(1) and Alternate II paragraph (e)(1) of the FAR clause at 52.212–5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items. Similarly, two clauses inadvertently omitted from FAR clause 52.244–6, Subcontracts for Commercial Items, are included in the list at paragraph (c)(1)—

1. FAR 52.222–21, Prohibition of Segregated Facilities, which is prescribed for all contracts containing FAR 52.222–26, Equal Opportunity; and

2. FAR 52.222–55, which implements E.O. 13673, Minimum Wages for Contractors.

E. This interim rule makes an administrative change to the listed provisions and FAR clauses at 52.212–5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items, and 52.213–4, Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) to list them in numerical order. This change is being made so that the lists follow the logical sequence of FAR parts, reducing the

likelihood that a reader could inadvertently overlook requirements.

F. The DOL rule preamble (79 FR at page 72987) emphasized that nothing in E.O. 13672, the DOL implementing regulations, or this interim rule diminishes the pre-existing coverage of discrimination on the basis of gender identity or discrimination on the basis of transgender status as a form of sex discrimination. See *Price Waterhouse* v. *Hopkins,* 490 U.S. 228 (1989); *Macy* v. *Holder,* EEOC Appeal No. 0120120821 (April 20, 2012). See also OFCCP Directive 2014–02, ''Gender Identity and Sex Discrimination,'' effective August 19, 2014, which can be obtained at *www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html.*

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, was subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The change may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601, *et seq.* The Initial Regulatory Flexibility Analysis (IRFA) is summarized as follows:

1. Reasons for the action.

This rule is necessary to implement Executive Order 13672, Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity, and a final rule issued by the Department of Labor at 41 CFR part 60 (79 FR 72985, December 09, 2014).

2. Objectives of, and legal basis for, the rule.

The objective of this rule is to provide for a uniform policy for the Federal Government to prohibit discrimination in Federal Government procurement by adding sexual orientation and gender identity to the prohibited bases of discrimination established by E.O. 11246.

3. Description of and estimate of the number of small entities to which the rule will apply.

The rule will apply to all contracts and subcontracts subject to the Equal Opportunity FAR clause 52.222–26, which is prescribed for all contracts over $10,000 that are not completely exempted. Using Fiscal Year 2013 Federal Procurement Data System and Federal Subcontract Reporting System data, it is estimated that awards were made to 168,758 unique small businesses and that subcontracts were awarded to 61,816 unique small businesses. It is noted that there is likely a good measure of overlap between the unique small businesses that receive Federal awards and those that receive subcontract awards resulting in a likely overestimated total of 230,574 impacted small businesses.

4. Description of projected reporting, recordkeeping, and other compliance requirements of the rule. Include an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

Recordkeeping and reporting requirements of the rule involve regulatory familiarization and administrative costs associated with incorporating revised language into policies, instructions, notices to employees, and subcontracts. Other changes made by the rule, such as the prohibition of segregation of facilities are expected to have only minimal cost impacts as they do not require modification or construction of additional facilities, but rather the provision of equal access to existing facilities. An analysis of estimated costs of the regulatory changes was performed in the DOL final rule that was published in the **Federal Register** at 79 FR 72985 on December 9, 2014.

5. Relevant Federal rules which may duplicate, overlap, or conflict with the rule.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

6. Description of any significant alternatives to the rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the rule on small entities.

DoD, GSA, and NASA are not aware of any significant alternatives to the rule that would accomplish the stated objectives of the E.O. and the DOL implementing regulations.

It is necessary for the rule to apply to small entities, because E.O. 11246, as amended, applies to all contracts above $10,000 that are not completely exempted. Every effort has been made to minimize the burdens imposed.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2015–013), in correspondence.

V. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C chapter 35) does apply; however, the information collection authorization is under the DOL regulations and is assigned OMB Control Number 1250–0009, titled Prohibiting Discrimination Based on Sexual Orientation and Gender identity by Contractors and Subcontractors. This information collection was authorized to address the E.O. 13672 changes and its expiration date is September 30, 2015.

VI. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because E.O. 13672 stipulates that the effective date of the E.O., is the effective date of the DOL regulations, which is April 08, 2015.

However, pursuant to 41 U.S.C. 1707 and FAR 1.501–3(b), DoD, GSA, and NASA will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 1, 22, and 52

Government procurement.

Dated: April 7, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 22, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 22, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUSITION REGULATION SYSTEM

1.106 [Amended]

■ 2. Amend section 1.106, in the table following the introductory text, by—

■ a. Removing the FAR Segment ''22.8'' and its corresponding OMB control numbers ''1215–0072'' and adding ''22.8'' and its corresponding OMB control number ''1250–0003'' in its place; and

■ b. Removing the FAR Segments ''52.222–21'', ''52.222–22'', ''52.222–23'', ''52.222–25'', ''52.222–26'', and ''52.222–27'' and their corresponding OMB control number ''1215–0072'' and adding ''52.222–21'', ''52.222–22'', ''52.222–23'', ''52.222–25'', ''52.222–26'', and ''52.222–27'' and their corresponding OMB control number ''1250–0003'' in their places.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 3. Amend section 22.801 by adding, in alphabetical order, the definitions ''Gender identity'' and ''Sexual orientation'' to read as follows:

22.801 Definitions.

* * * * *

Gender identity has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

* * * * *

Sexual orientation has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

* * * * *

22.802 [Amended]

■ 4. Amend section 22.802 by removing from paragraph (a)(2) ''sex, or'' and adding ''sex, sexual orientation, gender identity, or'' in its place.

22.807 [Amended]

■ 5. Amend section 22.807 by removing from paragraph (b)(4) ''sex, or'' and adding ''sex, sexual orientation, gender identity, or'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 6. Amend section 52.212–5 by—
■ a. Revising the date of the clause;
■ b. Revising paragraphs (b)(27) and (28);
■ c. Removing paragraph (c)(10);
■ d. Redesignating paragraphs (c)(1) through (c)(9) as paragraphs (c)(2) through (10), respectively;
■ e. Adding a new paragraph (c)(1);
■ f. Revising the newly designated paragraph (c)(8);
■ g. Removing paragraph (e)(1)(xvii);
■ h. Redesignating paragraphs (e)(1)(iv) through (e)(1)(xvi) as paragraphs (e)(1)(v) through (xvii), respectively;
■ i. Adding a new paragraph (e)(1)(iv);
■ j. Further redesignating newly designated paragraphs (e)(1)(xv) through (e)(1)(xvii) as paragraphs (e)(1)(xvi) through (xviii), respectively;
■ k. Adding a new paragraph (e)(1)(xv); and
■ l. Amending Alternate II by—
■ 1. Revising the date of the Alternate;
■ 2. Removing paragraph (e)(1)(ii)(O);
■ 3. Redesignating paragraphs (e)(1)(ii)(D) through (e)(1)(ii)(N) as paragraphs (e)(1)(ii)(E) through (O), respectively;
■ 4. Adding a new paragraph (e)(1)(ii)(D);
■ 5. Further redesignating newly designated paragraphs (e)(1)(ii)(N) and (O) as paragraphs (e)(1)(ii)(O) and (P), respectively; and
■ 6. Adding new paragraph (e)(1)(ii)(N).

The revised and added text reads as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (Apr 2015)

* * * * *

(b) * * *

_____ (27) 52.222–21, Prohibition of Segregated Facilities (Apr 2015).

_____ (28) 52.222–26, Equal Opportunity (Apr 2015) (E.O. 11246).

* * * * *

(c) * * *

_____ (1) 52.222–17, Nondisplacement of Qualified Workers (May 2014) (E.O. 13495).

* * * * *

_____ (8) 52.222–55, Minimum Wages Under Executive Order 13658 (Dec 2014) (E.O. 13658).

* * * * *

(e)(1) * * *

(iv) 52.222–21, Prohibition of Segregated Facilities (Apr 2015).

* * * * *

(xv) 52.222–55, Minimum Wages Under Executive Order 13658 (Dec 2014) (E.O. 13658).

* * * * *

Alternate II (Apr 2015). * * *

* * * * *

(e)(1) * * *

(ii) * * *

(D) 52.222–21, Prohibition of Segregated Facilities (APR 2015).

* * * * *

(N) 52.222–55, Minimum Wages Under Executive Order 13658 (Dec 2014) (E.O. 13658).

* * * * *

■ 7. Amend section 52.213–4 by—
■ a. Revising the date of the clause;
■ b. Revising paragraphs (a)(1)(ii) and (a)(1)(iii);
■ c. Adding paragraph (a)(1)(vii);
■ d. Removing paragraph (b)(1)(xv);
■ e. Redesignating paragraphs (b)(1)(ix) through (b)(1)(xiv) as paragraphs (b)(1)(x) through (xv), respectively; and
■ f. Adding a new paragraph (b)(1)(ix).

The revised and added text reads as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (Apr 2015)

* * * * *

(a) * * *

(1) * * *

(ii) 52.222–21, Prohibition of Segregated Facilities (Apr 2015).

(iii) 52.222–26, Equal Opportunity (Apr 2015) (E.O. 11246).

* * * * *

(vii) 52.222–6, Subcontracts for Commercial Items (Apr 2015).

* * * * *

(b) * * *

(1) * * *

(ix) 52.222–55, Minimum Wages Under Executive Order 13658 (Dec 2014) (E.O. 13658).

* * * * *

■ 8. Amend section 52.222–21 by revising the date of clause and paragraph (a) to read as follows:

52.222–21 Prohibition of segregated facilities.

* * * * *

Prohibition of Segregated Facilities (Apr 2015)

(a) *Definitions.* As used in this clause—

Gender identity has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

Segregated facilities means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin because of written or oral policies or employee custom. The term does not include separate or single-user rest rooms or necessary dressing or sleeping areas provided to assure privacy between the sexes.

Sexual orientation has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and

is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

* * * * *

■ 9. Amend section 52.222–26 by—
■ a. Revising the date of the clause;
■ b. Revising paragraph (a);
■ c. Revising the first sentence of paragraphs (c)(1) and (c)(2); and
■ d. Revising paragraph (c)(4) to read as follows:

52.222–26 Equal Opportunity.

* * * * *

Equal Opportunity (Apr 2015)

(a) *Definitions.* As used in this clause—

Gender identity has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

Sexual orientation has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

United States means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island.

* * * * *

(c)(1) The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. * * *

(2) The Contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. * * *

* * * * *

(4) The Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

* * * * *

■ 10. Amend section 52.222–27 by—
■ a. Revising the date of the clause;
■ b. Revising the introductory text of paragraph (a) and the definitions ''Covered area'', ''Deputy Assistant Secretary'', ''Employer identification number'', and the introductory text of the definition ''Minority'';
■ c. Adding to paragraph (a), in alphabetical order, the definitions ''Gender identity'' and ''Sexual orientation''; and
■ d. Revising paragraph (j) to read as follows:

52.222–27 Affirmative Action Compliance Requirements for Construction.

* * * * *

Affirmative Action Compliance Requirements for Construction (Apr 2015)

(a) *Definitions.* As used in this clause—

Covered area means the geographical area described in the solicitation for this contract.

Deputy Assistant Secretary means the Deputy Assistant Secretary for the Office of Federal Contract Compliance Programs, U.S. Department of Labor, or a designee.

Employer identification number means the Federal Social Security number used on the employer's quarterly Federal tax return, U.S. Treasury Department Form 941.

Gender identity has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

Minority means— * * *

Sexual orientation has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

* * * * *

(j) The Contractor shall not use goals or affirmative action standards to discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, or national origin.

* * * * *

■ 11. Revise section 52.222–29 to read as follows:

52.222–29 Notification of visa denial.

As prescribed in 22.810(g), insert the following clause:

Notification of Visa Denial (Apr 2015)

(a) *Definitions.* As used in this clause—

Gender identity has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

Sexual orientation has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at *www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.*

(b) *Requirement to notify.* (1) It is a violation of Executive Order 11246 for a Contractor to refuse to employ any applicant or not to assign any person hired in the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, or Wake Island, on the basis that the individual's race, color, religion, sex, sexual orientation, gender identity, or national origin is not compatible with the policies of the country where or for whom the work will be performed (41 CFR 60–1.10).

(2) The Contractor shall notify the U.S. Department of State, Assistant Secretary, Bureau of Political-Military Affairs (PM), 2201 C Street NW., Room 6212, Washington, DC 20520, and the U.S. Department of Labor, Deputy Assistant Secretary for Federal Contract Compliance, when it has knowledge of any employee or potential employee being denied an entry visa to a country where this contract will be performed, and it believes the denial is attributable to the race, color, religion, sex, sexual orientation, gender identity, or national origin of the employee or potential employee.

(End of clause)

■ 12. Amend section 52.244–6 by—
■ a. Revising the date of the clause;
■ b. Redesignating paragraphs (c)(1)(iv) through (xii) as paragraphs (c)(1)(v) through (xiii), respectively;
■ c. Adding a new paragraph (c)(1)(iv);
■ d. Revising newly designated paragraph (c)(1)(v);
■ e. Further redesignating newly designated paragraphs (c)(1)(xi) through (xiii) as paragraphs (c)(1)(xii) through (xiv); and
■ f. Adding a new paragraph (c)(1)(xi) to read as follows:

52.244–6 Subcontracts for Commercial Items.

* * * * *

Subcontracts for Commercial Items (Apr 2015)

* * * * *

(c)(1) * * *

(iv) 52.222–21**,** Prohibition of Segregated Facilities (Apr 2015).

(v) 52.222–26, Equal Opportunity (Apr 2015) (E.O. 11246).

* * * * *

(xi) 52.222–55, Establishing a Minimum Wage for Contractors (E.O. 13658) (Dec 2014).

* * * * *

[FR Doc. 2015–08309 Filed 4–8–15; 11:15 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2015–0051, Sequence 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–81; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a

summary of the rule appearing in Federal Acquisition Circular (FAC) 2005–81, which amends the Federal Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding this rule by referring to FAC 2005–81, which precedes this document. These documents are also available via the Internet at *http://www.regulations.gov.*

DATES: April 10, 2015.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–81 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

Rule Listed in FAC 2005–81

Subject	FARCase	Analyst
*Further Amendments to Equal Employment Opportunity (Interim)	2015–013	Loeb

SUPPLEMENTARY INFORMATION: Summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR case, refer to the specific item number and subject set forth in the document following this item summary. FAC 2005–81 amends the FAR as specified below:

I—Further Amendments to Equal Employment Opportunity (FAR Case 2015–013)

DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13672, entitled ''Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity''. E.O. 13672 was signed July 21, 2014. This interim rule is also implementing a final rule issued by the Office of Federal Contract Compliance Programs of the Department of Labor, which was published in the **Federal Register** at 79 FR 72985 on December 9, 2014, Implementation of Executive Order 13672 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors.

Executive Order 11246, dated September 24, 1965, established requirements for non-discriminatory practices in hiring and employment for Federal contractors and subcontractors. The bases of discrimination prohibited by E.O. 11246 are race, color, religion, sex, and national origin. E.O. 13672 adds sexual orientation and gender identity to the prohibited bases of discrimination established by Executive Order 11246. There is no significant impact on small entities imposed by the FAR rule.

Dated: April 7, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2015–08306 Filed 4–8–15; 11:15 am]

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H.R. 1092/P.L. 114–8
To designate the Federal building located at 2030 Southwest 145th Avenue in Miramar, Florida, as the ''Benjamin P. Grogan and Jerry L. Dove Federal Building''. (Apr. 7, 2015; 129 Stat. 85)

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