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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN11

Prevailing Rate Systems; Abolishment of the Portland, ME, Appropriated Fund Federal Wage System Wage Area

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a final rule to abolish the Portland, Maine, appropriated fund Federal Wage System (FWS) wage area and redefine Androscoggin, Cumberland, and Sagadahoc Counties, ME, to the Portsmouth, New Hampshire, survey area and Franklin and Oxford Counties, ME, and Coos County, NH, to the Portsmouth area of application. These changes are necessary because the closure of the Naval Air Station (NAS) Brunswick left the Portland wage area without an activity having the capability to conduct a local wage survey.

DATES: *Effective date:* This regulation is effective on April 1, 2015. *Applicability date:* FWS employees remaining in the Portland wage area will be transferred to the Portsmouth wage area schedule on the first day of the first applicable pay period beginning on or after May 1, 2015. For local wage survey purposes, this rule will add Androscoggin, Cumberland, and Sagadahoc Counties, ME, to the survey area for the Portsmouth, NH, wage area beginning with the full-scale wage survey scheduled to begin in September 2016.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606–2838 or by email at *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: On December 9, 2014, OPM issued a proposed rule (79 FR 72997) to abolish the Portland, Maine, appropriated fund FWS wage area and redefine Androscoggin, Cumberland, and Sagadahoc Counties, ME, to the Portsmouth, New Hampshire, survey area and Franklin and Oxford Counties, ME, and Coos County, NH, to the Portsmouth area of application. These changes are necessary because the closure of NAS Brunswick in May 2011 left the Portland wage area without an activity having the capability to conduct a local wage survey. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, made a majority recommendation to define the entire wage area to the Portsmouth wage area. The proposed rule had a 30-day comment period, during which OPM received no comments.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, OPM amends 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix A to Subpart B of Part 532—Amended]

■ 2. Appendix A to subpart B of part 532 is amended for the State of Maine by removing the entry for Portland.

■ 3. Appendix C to subpart B is amended by removing the wage area listing for Portland, ME, and revising the wage area listing for the Portsmouth, NH, wage area to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

NEW HAMPSHIRE
PORTSMOUTH
Survey Area

Maine:
- Androscoggin
- Cumberland
- Sagadahoc
- York

Massachusetts:
The following cities and towns in:
- *Essex County*
- Amesbury
- Georgetown
- Groveland
- Haverhill
- Merrimac
- Newbury
- Newburyport
- North Andover
- Salisbury
- South Byfield
- West Newbury

New Hampshire:
- Rockingham (except the following cities and towns: Newton, Plaistow, Salem, and Westville)
- Strafford

Area of Application. Survey area plus:

Maine:
- Franklin
- Oxford

New Hampshire:
- Coos

The following cities and towns in:
- *Rockingham County*
- Newton
- Plaistow
- Salem
- Westville

* * * * *

[FR Doc. 2015–07405 Filed 3–31–15; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 953

[Doc. No. AMS–FV–14–0011; FV14–953–1 IR]

Irish Potatoes Grown in Southeastern States; Suspension of Marketing Order Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule continues the previous suspension of the marketing order regulating the handling of Irish potatoes grown in Southeastern states (order). Representatives of the Virginia/North Carolina Irish potato industry met and requested that the suspension of all provisions of the order, and the rules and regulations implemented thereunder be continued through March 1, 2017. The request was based on the belief that the industry needs more time to study changes in the industry, and any new developments which could affect the need for, or status of the order. If the industry does not petition to have the order reactivated by the end of the suspension period, the Agricultural Marketing Service (AMS) will propose to terminate the order.

DATES: Effective April 2, 2015 through March 1, 2017; comments received by June 1, 2015 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Corey E. Elliott, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Corey.Elliott@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 104 and Marketing Order No. 953, both as amended (7 CFR part 953), regulating the handling of Irish potatoes grown in Southeastern states, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

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

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

This rule continues the previous suspension of the marketing order regulating the handling of Irish potatoes grown in Southeastern states. Even though the Committee does not function under the suspended order and regulations, representatives of the Virginia/North Carolina Irish potato industry met on December 18, 2013, and requested that the suspension of all provisions of the order, and the rules and regulations implemented thereunder be continued through March 1, 2017. The request was based on the belief that the industry needs more time to study changes in the industry, and any new developments which could affect the need for, or status of, the order.

Marketing Order 953 has been in effect since 1948. The order provides for the establishment of grade, size, quality, maturity, and inspection requirements for Irish potatoes grown in Southeastern states. The order also authorizes reporting and recordkeeping functions required for the operation of the order. The order, when functioning, is funded by assessments imposed on handlers.

The Southeastern Potato Committee (Committee) members met on February 17, 2011, and unanimously recommended suspension of the marketing order for a three year period ending on March 1, 2014. They recommended the suspension to eliminate the expense of administering the marketing order, while determining the effects of not having regulations in place. The Committee members wanted the industry to have the alternative of reactivating the order, if deemed appropriate. The rule completing that action was published in the **Federal Register** on October 21, 2011 (76 FR 65360).

Prior to the December 18, 2013, meeting, USDA sent letters to members of the industry, most of whom were former Committee members. The letter informed them that the suspension of the order would be ending, and of the need to review the state of the industry and determine what action the industry wanted to take in regards to the order. The letter also asked that they make others in the industry aware of the upcoming decision and the opportunity to express their position on what to do with the order. USDA also sent out several follow-up emails, and made several telephone calls to industry representatives in an effort to increase participation in the meeting.

On December 18, 2013, industry representatives of the Virginia/North Carolina Irish potato industry met and unanimously recommended extending the suspension of the order for an additional three years. During their discussion, several industry members expressed concerns that the quality problems experienced prior to promulgation of the order could resurface and additional time was necessary to evaluate if the order is needed. The representatives believe extending the suspension for three more years would provide the industry with further opportunity to study changes in the industry and any new developments, which could affect the need for the order. The representatives also supported suspension rather than termination as they agreed it would be less complicated to reactivate the existing program if it is needed than to promulgate a new marketing order. Several of the industry representatives also indicated that they had spoken with other industry members who could not attend the meeting, and they too were in support of suspension.

Therefore, this rule will suspend the order through March 1, 2017.

If the industry does not petition to have the order reactivated by the end of the suspension period, AMS will publish a proposal to terminate the order.

It is hereby determined that Federal Marketing Order No. 953, and the rules and regulations issued thereunder, do not tend effectuate the declared policy of the Act. This action suspends, through March 1, 2017, the provisions of Federal Marketing Order No. 953, and the rules and regulations issued thereunder, including but not limited to: Provisions of the order dealing with the establishment and the responsibilities of the Committee; provisions of the order dealing with expenses and the collection of assessments; all rules and regulations; and, all information collection and reporting requirements.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 10 handlers of Irish potatoes grown in Southeastern states who are subject to regulation under the order and approximately 20 potato producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

Using prices reported by AMS' Market News Service, the average F.O.B. price for Southeastern potatoes for the 2012–13 marketing season was around $25 per hundredweight. USDA has estimated production for the 2012–13 season at approximately 600,000 hundredweight of potatoes. Based on this information, average annual receipts for handlers would be less than $7,000,000. Information provided by the National Agricultural Statistics Service indicates that the average producer price for Irish potatoes grown in North Carolina and Virginia in 2012 was approximately $12.16 per hundredweight. Considering estimated production, average producer revenue would be about $400,000 for the 2012–13 season. Therefore, the majority of Southeastern potato handlers and producers may be classified as small entities.

This rule continues the previous suspension of the order and the associated rules and regulations through March 1, 2017. At a meeting on February 17, 2011, the Committee recommended that the order and all of its provisions be suspended through March 1, 2014. The Committee made this decision based on questions regarding the continued need for the order and its associated costs. Industry representatives met on December 18, 2013, and unanimously recommended extending the suspension of the order for three additional years. The continued suspension was recommended to give the industry more time to study changes in the industry, and any new developments which could affect the need for, or the status of, the order. If the industry does not petition to have the order reactivated by the end of the suspension period, AMS will publish a proposal to terminate the order. Authority for this action is provided in section 8c(16)(A) of the Act.

Suspension of the order and its corresponding regulations relieves handlers of quality, inspection, and assessment burdens during the suspension period. Also, handler reports will not be required. Suspension of the order is therefore expected to reduce the regulatory burden on handlers and growers of all sizes.

Even though the Committee does not function under the suspended order and regulations, industry members met and considered two alternatives to this action at the December meeting. The first alternative was to reactivate the order. This alternative received little support as most believe the administrative costs of the order still outweighed the benefits. Industry members also considered terminating the order. However, some members indicated that quality concerns that the order had resolved could return and more time was needed to study changes within the industry. Therefore, both alternatives were rejected.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 Vegetable and Specialty Crops. No changes in those requirements are necessary as a result of this action.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large Southeastern Irish potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

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

Further, the industry's meeting was widely publicized throughout the Southeastern Irish potato industry and interested persons were invited to attend the meeting and participate in industry deliberations. The December 18, 2013, meeting was an open meeting and entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational aspects of this action on small businesses.

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

This rule invites comments on the continuation of the previous suspension of the marketing order regulating Irish potatoes grown in Southeastern states. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the industry's request, and other information, it is determined that Federal Marketing Order No. 953 suspended by this interim rule, as herein set forth, does not tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective

date of this rule until 30 days after publication in the **Federal Register** because: (1) This action suspends restrictions on handlers by continuing the previous suspension of Marketing Order No. 953; (2) this rule provides a 60-day comment period and any comments received will be considered prior to the finalization of this rule; (3) no useful purpose would be served by delaying the continued suspension of the order.

List of Subjects in 7 CFR Part 953

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, under the authority of 7 U.S.C. 601–674, 7 CFR part 953 is suspended effective April 2, 2015, through March 1, 2017.

Dated: March 26, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–07320 Filed 3–31–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2015–0720; Special Conditions No. 23–263–SC]

Special Conditions: Honda Aircraft Company Model HA–420; Single-Place Side-Facing Seat Dynamic Test Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Honda Aircraft Company HA–420 airplane. This airplane will have a novel or unusual design feature(s) associated with a side-facing passenger seat. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is April 1, 2015, and is applicable on March 25, 2015. We must receive your comments by May 1, 2015.

ADDRESSES: Send comments identified by docket number [FAA–2015–0720] using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Bob Stegeman, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust, Kansas City, Missouri, 816–329–4140, fax 816–329–4090, email *Robert.Stegeman@faa.gov.*

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

Special condition number	Company/airplane model
23–255–SC.	Embraer Model EMB 500.
23–251–SC.	Embraer Model EMB 500.
23–105–SC.	Sino Swearingen Model SJ130.
23–254–SC.	Embraer Model EMB 505.

Comments Invited

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

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

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

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

The HA–420 design incorporates the installation of a side-facing belted passenger seat as a customer configuration option. The implication of the term belted is that the passenger seat will be used during takeoff and landing and so must comply with the provisions of §§ 23.562, 23.785, and any additional requirements that the FAA determines are applicable. In this case, the approval of a side-facing seat to these provisions is considered new and novel and as such will require special conditions and specific methods of compliance to certificate.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Honda Aircraft Company must show that the HA–420 meets the applicable provisions of part 23, as amended by

amendment 23–1, dated July 29, 1965, through amendment 23–62, dated December 2, 2011, thereto.

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

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

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

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

Novel or Unusual Design Features

The HA–420 will incorporate the following novel or unusual design feature: Side facing passenger seat intended for taxi/takeoff and landing.

The seat is to incorporate design features that reduce the potential for injury in the event of an accident. In a severe impact, a 2-point seatbelt and the adjacent padded wall will restrain the occupant. In addition to the design features intended to minimize occupant injury during an accident sequence, the adjacent forward wall/bulkhead interior structure will have padding or at least be pliable enough to absorb impact energy, which will provide some protection to the head of the occupant.

Discussion

The Code of Federal Regulations states performance criteria for forward and aft facing seats and restraints in an objective manner. However, none of these criteria are adequate to address the specific issues raised concerning side-facing seats. Therefore, the FAA has determined that, in addition to the requirements of parts 21 and 23, special conditions are needed to address the installation of this seat installation/restraint.

Part 23 was amended August 8, 1988, by amendment 23–36, revised the emergency landing conditions that must be considered in the design of the airplane. Amendment 23–36 revised the static load conditions in § 23.561 and added a new § 23.562 that required dynamic testing for all seats approved for occupancy during takeoff and landing. The intent of amendment 23–36 is to provide an improved level of safety for occupants on part 23 airplanes. Because most seating is forward-facing in part 23 airplanes, the pass/fail criteria developed in amendment 23–36 focused primarily on these forward- and aft-facing seats. Since the regulations do not address side-facing seats, these criteria should be documented in special conditions.

The FAA decision to review compliance with these regulations stems from the fact that the current regulations do not provide adequate and appropriate standards for the type certification of this type of seat. These requirements are substantially similar to other single place side-facing seat installations approved for use on several different part 23 and part 25 aircraft.

Accordingly, these special conditions are for the Honda Aircraft Company model HA–420 side-facing seat location. Other conditions may be developed, as needed, based on further FAA review and discussions with the manufacturer and civil aviation authorities.

Applicability

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

Conclusion

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

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

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

The Special Conditions

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

1. Single-Place Side-Facing Seat

In addition to the airworthiness standards in §§ 23.562, amendment 23–50 and 23.785, amendment 23–49, the following special condition provides injury criteria and installation/testing guidelines that represent the minimum acceptable airworthiness standard for single-place side-facing seats:

a. *The Injury Criteria*

(1) *Existing Criteria:* All injury protection criteria of § 23.562(c)(1) through (c)(7) apply to the occupant of a side-facing seat. Head Injury Criterion (HIC) assessments are only required for head contact with the seat and/or adjacent structures.

(2) *Body-to-Wall/Furnishing Contact:* The seat must be installed aft of a structure such as an interior wall or furnishing that will support the pelvis, upper arm, chest, and head of an occupant seated next to the structure. A conservative representation of the structure and its stiffness must be included in the tests. It is recommended, but not required, that the contact surface of this structure be covered with at least two inches of energy absorbing protective padding (foam or equivalent), such as Ensolite.

(3) *Thoracic Trauma:* Thoracic Trauma Index (TTI) injury criterion must be substantiated by dynamic test or by rational analysis based on previous test(s) of a similar seat installation. Testing must be conducted with a Side Impact Dummy (SID), as defined by 49 CFR part 572, subpart F, or its equivalent. TTI must be less than 85, as defined in 49 CFR part 572, subpart F. SID TTI data must be

processed as defined in Federal Motor Vehicle Safety Standard (FMVSS) part 571.214, section S6.13.5.

(4) *Pelvis:* Pelvic lateral acceleration must be shown by dynamic test or by rational analysis based on previous test(s) of a similar seat installation to not exceed 130g. Pelvic acceleration data must be processed as defined in FMVSS part 571.214, section S6.13.5.

(5) *Shoulder Strap Loads:* Where upper torso straps (shoulder straps) are used for occupants, tension loads in individual straps must not exceed 1,750 pounds. If dual straps are used for restraining the upper torso, the total strap tension loads must not exceed 2,000 pounds.

b. *General Test Guidelines*

(1) One longitudinal test with the SID ATD or its equivalent, un-deformed floor, no yaw, and with all lateral structural supports (armrests/walls).

Pass/fail injury assessments: TTI and pelvic acceleration.

(2) One longitudinal test with the Hybrid II ATD, deformed floor, with 10 degrees yaw, and with all lateral structural supports (armrests/walls).

Pass/fail injury assessments: HIC; and upper torso restraint load, restraint system retention and pelvic acceleration.

(3) A vertical (15 G's) test is to be conducted with modified Hybrid II ATDs using existing pass/fail criteria.

Issued in Kansas City, Missouri on March 25, 2015.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–07503 Filed 3–31–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2015–0723; Special Conditions No. 23–264–SC]

Special Conditions: Honda Aircraft Company (Honda) Model HA–420, HondaJet; Full Authority Digital Engine Control (FADEC) System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Honda Aircraft Company HA–420 airplane. This airplane will have a novel or unusual design feature associated with the use of an electronic engine control system instead of a traditional mechanical control system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is April 1, 2015, and is applicable on March 25, 2015.

We must receive your comments by May 1, 2015.

ADDRESSES: Send comments identified by docket number [FAA–2015–0723] using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: John G. VanHoudt, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust, Kansas City, Missouri 64106; 816–329–4142, fax 816–329–4090.

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

Special condition number	Company/airplane model
23–237–SC.	Spectrum Aeronautical Model S–40.
23–246–SC.	Cirrus Design Corporation Model SF50.
23–253–SC.	Diamond Aircraft Industries Model DA–40NG.

Comments Invited

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

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

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

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

The HA–420 airplane will use an electronic engine control system (FADEC) instead of a traditional mechanical control system. Even though the engine control system will be

certificated as part of the engine, the installation of an engine with an electronic control system requires evaluation due to critical environmental effects and possible effects on or by other airplane systems. For example, indirect effects of lightning, radio interference with other airplane electronic systems, shared engine and airplane data and power sources.

The regulatory requirements in 14 CFR part 23 for evaluating the installation of complex systems, including electronic systems and critical environmental effects, are contained in § 23.1309. However, when § 23.1309 was developed, the use of electronic control systems for engines was not envisioned. Therefore, § 23.1309 requirements were not applicable to systems certificated as part of the engine (reference § 23.1309(f)(1)). Parts of the system that are not certificated with the engine could be evaluated using the criteria of § 23.1309. However, the integral nature of these systems makes it unfeasible to evaluate the airplane portion of the system without including the engine portion of the system.

In some cases, the airplane that the engine is used in will determine a higher classification than the engine controls are certificated for; requiring the FADEC systems be analyzed at a higher classification. As of November 2005, FADEC special conditions mandated the classification for § 23.1309 analyses for loss of FADEC control as catastrophic for any airplane using FADEC. This is not to imply an engine failure is classified as catastrophic, but that the digital engine control must provide an equivalent reliability to mechanical engine controls.

Type Certification Basis

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

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

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

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

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The HA–420 will incorporate the following novel or unusual design features: Electronic engine control system.

Discussion

As defined in the summary section, this airplane makes use of an electronic engine control system instead of a traditional mechanical control system is a novel design for this type of airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. Mandating a structured assessment to determine potential installation issues mitigates the concerns that the addition of a full authority engine controller does not produce a failure condition not previously considered.

Applicability

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

Conclusion

This action affects only certain novel or unusual design features on the model HA–420 airplanes. It is not a rule of general applicability and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

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

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

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

1. Electronic Engine Control

a. The installation of the electronic engine control system must comply with the requirements of § 23.1309(a) through (d) at amendment 23–62. The intent of this requirement is not to reevaluate the inherent hardware reliability of the control itself, but rather determine the effects, including environmental effects addressed in § 23.1306 and 23.1308 on the airplane systems and engine control system when installing the control on the airplane. When appropriate, engine certification data may be used when showing compliance with this requirement; however, the effects of the installation on this data must be addressed.

b. For these evaluations, the loss of FADEC control will be analyzed utilizing the threat levels associated with a catastrophic failure.

Issued in Kansas City, Missouri on March 25, 2015.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–07502 Filed 3–31–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 9715]

RIN 1545–BH31

Regulations Revising Rules Regarding Agency for a Consolidated Group

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations regarding the agent for an affiliated group of corporations that files a consolidated return (consolidated group). The final regulations provide guidance concerning the identity and authority of the agent for a consolidated group. These final regulations affect all corporations in consolidated groups.

DATES:

Effective Date: These regulations are effective on April 1, 2015.

Applicability Date: For dates of applicability, see § 1.1502–77(j).

FOR FURTHER INFORMATION CONTACT: Gerald B. Fleming at (202) 317–6975 or Richard M. Heinecke at (202) 317–6065 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) under control number 1545–1699. The collection of information in these final regulations is in paragraphs (c)(4), (c)(5)(iii), (c)(6)(i)(B), (c)(6)(ii), (c)(6)(iv), (c)(7)(i)(A), (c)(7)(i)(B), (c)(7)(ii), and (f)(3) of § 1.1502–77. The collection of information is necessary to make certain that the Commissioner of Internal Revenue (Commissioner), agent for the consolidated group, and members of the group are each informed of the proper identity of the agent for any given period, and are able to timely exercise their privileges and fulfill their responsibilities with respect to the filing of a consolidated return.

For more information, see Rev. Proc. 2015–26, IRB 2015–15, the revenue procedure published to accompany the final regulations that provides instructions with respect to all communications relating to the identification of an agent for a consolidated group.

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 the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

Background and Explanation of Provisions

1. Introduction

This Treasury Decision contains final regulations that amend 26 CFR part 1, under section 1502 of the Internal Revenue Code of 1986 (Code) (Final Regulations). Section 1502 authorizes the Secretary to prescribe regulations for corporations that join in filing consolidated returns and provides that such rules may be different from the provisions of chapter 1 of subtitle A of the Code that would apply if such corporations filed separate returns. These Final Regulations provide guidance under § 1.1502–77 with respect to the agent for a group of affiliated corporations that file a consolidated return (agent), including rules for identifying and communicating with the agent, and determining the scope of the agent's authority.

The Final Regulations apply to consolidated return years beginning on or after April 1, 2015. Regulations in effect before April 1, 2015 will continue to apply to consolidated tax years beginning before April 1, 2015.

Contemporaneously with the publication of the Final Regulations in the **Federal Register**, the IRS is issuing Rev. Proc. 2015–26, IRB 2015–15, providing instructions regarding the manner of making all communications that relate to the identification of an agent under the Final Regulations. Rev. Proc. 2015–26, IRB 2015–15, will obsolete Rev. Proc. 2002–43, 2002–2 CB 99 (see § 601.601(d)(2)(ii)(*b*) of this chapter) (Determination of Substitute Agent for a Consolidated Group When the Common Parent Ceases to Exist) with respect to consolidated return years for which these Final Regulations apply. Thus, Rev. Proc. 2002–43 will continue to apply for consolidated return years subject to prior regulations.

2. Overview of Prior Guidance Regarding Agents

On June 28, 2002, the IRS and the Treasury Department promulgated final regulations under § 1.1502–77 in TD 9002, 67 FR 43538, to provide rules concerning the identity and authority of the agent and the designation of a new agent. These regulations were amended by TD 9255 (71 FR 13001) (March 14, 2006) and TD 9343 (72 FR 40066) (July 23, 2007). (The June 28, 2002 regulations and amendments are collectively referred to in this preamble as the 2002 Regulations.)

On June 29, 2002, the IRS released Rev. Proc. 2002–43 to prescribe instructions for all communications relating to the determination of a substitute agent and the designation of a substitute agent by a terminating common parent.

On May 30, 2012, the IRS and the Treasury Department proposed regulations that would replace the 2002 Regulations (2012 Proposed Regulations). The 2012 Proposed Regulations were published in the **Federal Register** (77 FR 31786). No request for a hearing was received. One comment was received with respect to the 2012 Proposed Regulations, but it made no specific recommendations. No other comments were received, including with respect to the specific request for comments regarding the expansion of the circumstances in which the Commissioner could designate agents, and the ability of an agent to resign.

3. Summary of the 2002 Regulations

Under the 2002 Regulations, the common parent of a group ceased to be the agent if its existence terminated under applicable law, if it became disregarded as an entity separate from its owner for federal tax purposes (a disregarded entity), or if it became an entity classified as a partnership for federal tax purposes. In such cases, the common parent could generally designate its successor, another member of the group, or a group member's successor as the substitute agent for the group (provided such designee was a domestic corporation for federal tax purposes). However, any such designation required affirmative approval by the Commissioner.

Although in general a common parent must be a domestic corporation, a common parent could be an entity created or organized under the laws of a foreign country and treated as a domestic corporation by reason of section 7874 (treating a foreign corporation as a domestic corporation as a result of certain outbound inversion transactions) or an election under section 953(d) to treat a foreign insurance company as a domestic corporation (foreign common parent). In recognition of the logistical problems this could create, the 2002 Regulations

permitted the Commissioner to designate a domestic member of the group to act as the agent (domestic substitute agent) in the case of a foreign common parent.

Finally, the 2002 Regulations provided certain rules relating to partnerships and partners subject to sections 6221 through 6234 of the Code, enacted by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 324) (TEFRA), generally providing that the Commissioner would deal directly with a member that was the tax matters partner (TMP) regarding specified matters for the partners in a TEFRA partnership even if the TMP is not the agent.

4. Overview of the 2012 Proposed Regulations

The 2012 Proposed Regulations retained the general rules, concepts, and examples of the 2002 Regulations. However, the 2012 Proposed Regulations renumbered, restructured, and revised the 2002 Regulations to minimize the circumstances under which the identity of the agent would not be clear. The 2012 Proposed Regulations also increased the number of situations in which the identity of the agent would be determined without action by taxpayers or the Commissioner. The proposed changes are described in the following paragraphs 4.A. through 4.G.

A. Default Successors

The 2002 Regulations generally permitted a terminating agent to designate the substitute agent. However, the IRS observed that terminating agents, to the extent they designated at all, tended to designate their successors rather than another member of their group. To simplify the procedures and align them with taxpayers' practices, the 2012 Proposed Regulations provided that if an agent had a sole successor (default successor), the default successor would automatically become the group's agent when the prior agent ceased to exist, such as in a merger. The terminating agent would not be permitted to designate an agent unless there was no default successor, in which case the agent could only designate an entity that was a member of the group for the consolidated return year (or a successor of such a member). The 2012 Proposed Regulations also prescribed limited circumstances under which the Commissioner could replace a default successor.

B. Entities Eligible To Be an Agent

The 2012 Proposed Regulations included disregarded entities and partnerships among the entities permitted to be agents for prior years in which they or their predecessors were not treated as disregarded. Thus, if a common parent converted or merged into a disregarded entity or partnership, whether by reason of a state law merger, a state law conversion, or a federal tax election, the continuing or successor juridical entity (whether a disregarded entity or partnership) would continue as the agent for the prior periods.

C. TEFRA Partnerships

In general, the Code and regulations governing the treatment of TEFRA partnerships provide that the Commissioner will deal with the TMP regarding specified matters for the partners in a TEFRA partnership. See generally, sections 6221 through 6234. The 2002 Regulations provided two TEFRA specific rules relating to members that were partners in a TEFRA partnership. Under the first rule, a subsidiary that was the TMP of a TEFRA partnership would act in its own name regarding partnership matters, without requiring any action by the agent. Under the second rule, the Commissioner would deal with a subsidiary that was a partner in a TEFRA partnership in the performance of an examination of the TEFRA partnership. This second rule, however, appeared to create some confusion in the context of other provisions of the 2002 Regulations.

To provide more clarity with respect to the second rule, the 2012 Proposed Regulations provided that: (1) The agent will generally act as agent for a member that is a partner in a TEFRA partnership regarding all matters related to the partnership, including execution of a settlement agreement under section 6224(c) (as illustrated in *Example 12* in § 1.1502–77(g) of the 2012 Proposed Regulations) and extension of the statute of limitations with respect to items other than the items of the TEFRA partnership (as illustrated in *Example 11* in § 1.1502–77(g) of the 2012 Proposed Regulations); and (2) the Commissioner, without having to deal with each member separately by ''breaking agency'' pursuant to § 1.1502–77(f)(2)(i) of the 2012 Proposed Regulations, may communicate directly with a subsidiary or a disregarded entity owned by a subsidiary that is a partner in a TEFRA partnership whenever the Commissioner determines that such direct communication will facilitate the conduct of an examination, appeal, or settlement with respect to the partnership. However, like the 2002 Regulations, the 2012 Proposed Regulations provided that any member of the group designated as the TMP of a TEFRA partnership will act in its own name and perform its responsibilities with respect to the partnership without requiring any action by the agent.

D. Commissioner's Approval of Substitute Agent

Although the 2002 Regulations required the Commissioner to approve any designation, in practice, designation approval requests were denied only rarely. To simplify procedures, and thereby conserve resources and enhance efficiency, the 2012 Proposed Regulations eliminated the requirement. However, to ensure that IRS records accurately reflect the identity of an agent, the 2012 Proposed Regulations provided that a default successor, or a terminating agent that has no default successor, must notify the IRS (in writing in the manner prescribed by the Commissioner) when the default successor or an entity designated by a terminating agent becomes the group's new agent.

E. Commissioner's Authority To Designate Agent

The 2012 Proposed Regulations provided several limited circumstances in which the Commissioner could designate or replace an agent, either on its own initiative or at the request of other members. Examples were included in the 2012 Proposed Regulations to illustrate the circumstances in which an agent may be designated.

The 2012 Proposed Regulations did not provide the Commissioner with the ability to replace a domestic default successor under circumstances in which it could not replace the common parent.

F. Foreign Entity as Agent

As previously noted, the 2002 Regulations did not preclude foreign entities from acting as agent, but provided that the Commissioner could designate a domestic substitute agent. The IRS and the Treasury Department recognize that such an entity may have the best access to information, but also that these situations present unique logistical issues. Accordingly, the 2012 Proposed Regulations did not preclude a foreign entity from being the agent and preserved the Commissioner's discretion to replace a foreign entity.

G. Post-Dissolution Winding Up Period

Questions arose under the 2002 Regulations with respect to the actions that could be performed by a terminating agent during the ''winding up'' period following its dissolution. Because winding up statutes vary widely among the states, the IRS and the

Treasury Department determined that no single rule for post-dissolution terminating agents would be appropriate in all cases. The 2012 Proposed Regulations resolved the issue by providing that an entity that has dissolved or otherwise ceased to exist under applicable law can no longer be the agent, irrespective of its powers under state or local law during its post-dissolution winding up period.

5. Final Regulations

The rules adopted in these Final Regulations are consistent with those set forth in the 2012 Proposed Regulations. The Final Regulations, however, make several revisions to the 2012 Proposed Regulations. First, as further described in section 5.A. of this preamble, the Final Regulations expand the circumstances under which the Commissioner may replace an agent on the Commissioner's own accord. Second, the Final Regulations clarify that a terminating agent without a default successor may only designate an agent with respect to a completed year. See section 5.A.iii. of this preamble. Third, the Final Regulations organize the provisions that permit the Commissioner to designate an agent into two categories: (1) Those provisions that authorize the Commissioner to replace an agent on the Commissioner's own accord, with or without a written request from a member; and (2) a provision described in section 5.B. of this preamble permitting the Commissioner to replace an agent pursuant to a member's written request. Fourth, as described in section 5.C. of this preamble, the Final Regulations allow an agent to resign under certain circumstances. Fifth, the Final Regulations clarify that an agent other than the common parent generally serves as agent under the same terms and with the same rights as the common parent. A significant exception to this general rule discussed in section 5.A.iii. of this preamble applies in the case of an agent designated by the Commissioner, in that such an agent may not designate an agent upon its termination unless the Commissioner designated the agent solely because a prior agent terminated without a default successor and without designating an agent (other than in the case of a group structure change as defined in § 1.1502–33(f)(1)).

In addition, the Final Regulations contain clarifying and non-substantive changes to the text of the 2012 Proposed Regulations and redesignate the 2002 Regulations as § 1.1502–77B (§ 1.1502–77A continues to apply for consolidated return years beginning before June 28, 2002).

A. Designation on Commissioner's Own Accord

The Final Regulations prescribe four circumstances in which the Commissioner may designate an agent on the Commissioner's own accord. Three of the circumstances are adopted from the 2012 Proposed Regulations: The Commissioner may designate an agent if (1) a terminating agent has no default successor and fails to designate an agent; (2) the Commissioner believes that the agent or its default successor exists but such entity fails to timely respond to notices properly sent by the Commissioner; or (3) the agent is or becomes a foreign entity (for example, through the agent's continuance into a foreign jurisdiction or certain transactions subject to the inversion rules of section 7874). The Final Regulations add an additional situation to the second circumstance so that the Commissioner may designate an agent where the agent either fails timely respond to notices or fails to perform its obligations as agent. Finally, the Final Regulations add a fourth circumstance: The Commissioner may designate a new agent for a current year if a previously designated agent ceases to be a member of the group.

i. Replacing Agent That Fails To Perform Its Obligations

The IRS and the Treasury Department recognize that there may be situations in which an agent is failing to perform its obligations as agent under the Code or regulations. Neither the 2002 Regulations nor the 2012 Proposed Regulations provided a remedy to designate an agent in such situations. As a result, members would not be able to accurately file a return, determine their federal tax liability, or obtain refunds, and the Commissioner might have to deal with each member separately by ''breaking agency'' pursuant to § 1.1502–77(f)(2)(i) of the 2012 Proposed Regulations. This could, in turn, result in significant uncertainty and undue burden for group members as well as the Commissioner. For example, assume the Commissioner breaks agency for a consolidated return year that has ended (completed year) and then one or more members files a claim for refund of income taxes paid for that year. Because of the uncertainty as to which member(s) would be entitled to all or a portion of the refund, the Government would likely be forced to interplead all potential member-claimants in an ensuing refund case.

The preamble to the 2012 Proposed Regulations requested comments with respect to this issue, but no comments were received. Nevertheless, the IRS and the Treasury Department have considered this issue and determined that the best interests of all concerned would be served by providing the Commissioner the authority to replace an agent that fails to perform its obligations as agent as prescribed by federal tax law. Accordingly, the Final Regulations provide that the Commissioner may, with or without a written request from a member, designate an agent to replace any agent that fails to perform its obligations as agent as prescribed by the Code or regulations promulgated thereunder.

ii. Replacing Agent That Ceases To Be a Member for Current Year

The 2012 Proposed Regulations did not provide guidance for situations in which an agent previously designated by the Commissioner ceases to be a member during a consolidated return year that is not a completed year (current year). Thus, under the 2012 Proposed Regulations, there could be situations in which a group would have a non-member agent or no agent at all. The Final Regulations address these issues by requiring that the agent for the current year be a member of the group. An agent designated by the Commissioner will generally continue as the agent in successive consolidated return years except in three circumstances: (1) If the Commissioner specifies a limited or specific period of agency in the designation; (2) if the agent ceases to be a member of the group; or (3) if the agent is replaced pursuant to the Final Regulations.

The Final Regulations also provide an additional circumstance in which the Commissioner may designate an agent on the Commissioner's own accord. Specifically, the Final Regulations permit the Commissioner, with or without a written request from a member, to designate an agent for the current year if an agent previously designated by the Commissioner ceases to be a member of the group without leaving a default successor in the group. In that situation, a member of the group should request that the Commissioner designate an agent.

iii. Effect of Certain Designations on the Commissioner's Own Accord

The Proposed Regulations permitted an agent that terminates without a default successor to designate an agent. If a terminating agent had no default successor and failed to designate an agent, the Commissioner could

designate an agent with or without the request of any member. The Final Regulations generally adopt these rules with one significant modification. If a terminating agent was itself designated by the Commissioner on the Commissioner's own accord and the terminating agent does not have a default successor, the Final Regulations provide that the terminating agent is not permitted to designate an agent if it was designated because the agent it replaced (1) ceased to be a member of the group in a current year; (2) failed to timely respond to notices or failed to fulfill its obligations under the Code or regulations; or (3) became a foreign entity. Because the Commissioner's ability to administer the tax law is impaired under these circumstances, the IRS and the Treasury Department determined that the interests of tax administration would be best served by monitoring of designated agents and groups in these limited cases. Accordingly, the IRS and the Treasury Department determined that the Commissioner, rather than the terminating agent, should designate the agent in these situations. In such cases, any member (including the terminating agent) of the group is permitted to request that the Commissioner designate a new agent. The Final Regulations permit other categories of agents previously designated by the Commissioner to designate an agent upon termination provided the terminating agent does not (1) have a default successor or (2) terminate in a group structure change. The Final Regulations clarify that a terminating agent that is permitted to designate an agent may only do so with respect to completed years.

Finally, to prevent groups from nullifying a designation made by the Commissioner, the Final Regulations provide that a designating agent may not designate as an agent any entity that the Commissioner previously replaced as agent. The designating agent may, however, submit a request that the Commissioner designate as agent the entity previously replaced as agent.

B. Designation Upon Written Request by a Member

The 2002 Regulations and the 2012 Proposed Regulations provided a mechanism whereby upon the written request from a member, the Commissioner could, but was not required to, replace an agent previously designated by the Commissioner. The Final Regulations retain this provision to permit a member to request that the Commissioner designate a new agent in circumstances other than the specifically enumerated circumstances in which the Commissioner may designate an agent on the Commissioner's own accord.

C. Resignation of Agent

Under the 2002 Regulations, a common parent remained the agent for any year for which it was the common parent, with only a termination of the common parent terminating that agency. However, the IRS and the Treasury Department recognize that there could be circumstances in which an agent would want to resign and have another entity take its place as agent. For example, assume P, the common parent of the P consolidated group, becomes a subsidiary of the group in a transaction under § 1.1502–75(d) (resulting in a group structure change described in § 1.1502–33(f)(1)), and the group continues with N as the new common parent and agent. If unrelated X acquires the stock of P, P would leave the group but would still be the agent for the years during which it was the group's common parent. In that situation, it might be more efficient for all concerned if P were to resign as agent in favor of another member. Although the 2012 Proposed Regulations did not include a mechanism for an existing agent to resign, the preamble to the 2012 Proposed Regulations requested comments with respect to this issue. No comments were received. Nevertheless, the IRS and the Treasury Department have considered the issue and determined that it would be in the best interests of all concerned and sound tax administration for agents to have the ability to resign, at least in limited situations.

Accordingly, the Final Regulations provide a mechanism for agents to resign with respect to completed years. However, there are four conditions that must be met. First, the agent must provide written notice to the Commissioner that it no longer intends to be the agent for a completed year. Second, an entity that could have been designated by the resigning agent upon its termination must consent, in writing, to be the agent for that year. Third, immediately after its resignation takes effect, the resigning agent must not be the agent for the current year. Fourth, the Commissioner must not object to the agent's resignation. If these conditions are satisfied, the new agent must notify each member of the group that it has become the agent.

Effective/Applicability Date

The Final Regulations apply to consolidated return years beginning on or after April 1, 2015. The 2002 Regulations, redesignated as § 1.1502–77B, and Rev. Proc. 2002–43 continue to apply with respect to consolidated return years beginning on or after June 28, 2002, and before April 1, 2015. However, the new rules permitting the resignation of agents may be relied upon for completed years otherwise governed by the 2002 Regulations (or any predecessor regulations).

Special Analyses

It has been determined that this Treasury Decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations will affect affiliated groups of corporations that have elected to file consolidated returns, which tend to be larger entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, the proposed regulations preceding these final regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business, and no comments were received.

Drafting Information

The principal author of these final regulations is Richard M. Heinecke, Office of Associate Chief Counsel (Corporate). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

* * * * *

Section 1.1502–77B also issued under 26 U.S.C. 1502 and 6402(j).

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§ 1.338–1 [Amended]

■ **Par. 2.** Section 1.338–1 is amended by removing the language ''§ 1.1502–77(e)(4)'' in the last sentence of paragraph (b)(2)(viii) and adding the language ''§ 1.1502–77(c)(8)'' in its place.

■ **Par. 3.** Section 1.1502–77A is amended as follows:

■ 1. Paragraph (e)(2) is amended by removing every occurrence of the language ''(a)(4)'' and adding ''(e)(4)'' in its place.

■ 2. In paragraph (e)(2), the first sentence is amended by removing the language ''§ 1.1502–77'' and adding ''§ 1.1502–77A'' in its place.

■ 3. In paragraph (e)(2), the second sentence is amended by removing the language ''§ 1.1502–77(d)'' and adding ''§ 1.1502–77A(d)'' in its place.

■ 4. Paragraph (e)(3) is amended by removing the language ''(a)(4)'' and adding ''(e)(4)'' in its place.

■ 5. Paragraph (e)(4) is amended by removing the language ''(a)(2)'' and adding ''(e)(2)'' in its place.

■ 6. Paragraph (e)(4)(iii) is amended by removing the language ''§ 1.1502–77(d)'' and adding ''§ 1.1502–77A(d)'' in its place.

■ 7. The heading for paragraph (g) is revised.

The revision reads as follows:

§ 1.1502–77A Common parent agent for subsidiaries applicable for consolidated return years beginning before June 28, 2002.

* * * * *

(g) *Effective/applicability dates.* * * *

§ 1.1502.77 [Redesignated as § 1.1502–77B]

■ **Par. 4.** Add an undesignated center heading under § 1.1502.77A, redesignate § 1.1502–77 as § 1.1502–77B and, in newly redesignated § 1.1502–77B, revise the section heading and paragraph (h)(1)(i) to read as follows:

Regulations Applicable to Taxable Years Beginning on or After June 28, 2002, and Before April 1, 2015

§ 1.1502–77B Agent for the group applicable for consolidated return years beginning on or after June 28, 2002, and before April 1, 2015.

* * * * *

(h) *Effective/applicability date*—(1) *Application*—(i) *In general.* This section applies to consolidated return years beginning on or after June 28, 2002, and before April 1, 2015. For instructions regarding communications relating to the determination of a substitute agent and other matters under this section, see Rev. Proc. 2002–43, 2002–2 CB 99 (see § 601.601(d)(2)(ii)(*b*) of this chapter). For rules governing the resignation of certain agents for the group subject to this section, see § 1.1502–77(c)(7) and (j)(2).

* * * * *

■ **Par. 5.** Section 1.1502–77 is added to read as follows:

§ 1.1502–77 Agent for the group.

(a) *Agent for the group*—(1) *Sole agent.* Except as provided in paragraphs (e) and (f)(2) of this section, one entity (the agent) is the sole agent that is authorized to act in its own name regarding all matters relating to the federal income tax liability for the consolidated return year for each member of the group and any successor or transferee of a member (and any subsequent successors and transferees thereof). The identity of that agent is determined under the rules of paragraph (c) of this section.

(2) *Agent for each consolidated return year.* Agency for the group is established for each consolidated return year and is not affected by the status or membership of the group in later years. Thus, subject to the rules of paragraph (c) of this section, the agent will generally remain agent for that consolidated return year regardless of whether one or more subsidiaries later cease to be members of the group, whether the group files a consolidated return for any subsequent year, whether the agent ceases to be the agent or a member of the group in any subsequent year, or whether the group continues pursuant to § 1.1502–75(d) with a new common parent in any subsequent year.

(3) *Communications under this section.* Any designation, notification, objection, request, or other communication made to or by the Commissioner pursuant to paragraphs (c) and (f)(2) of this section must be made in accordance with procedures prescribed by the Commissioner in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii) of this chapter), forms, instructions, or other appropriate guidance.

(b) *Definitions.* The following definitions apply for purposes of this section only—

(1) *Successor.* A *successor* is an individual or entity (including a disregarded entity as defined in paragraph (b)(3) of this section) that is primarily liable, pursuant to applicable law (including, for example, by operation of a state or federal merger statute), for the tax liability of a corporation that was a member of the group but is no longer in existence under applicable law. The determination of tax liability is made without regard to § 1.1502–1(f)(4) or § 1.1502–6(a). (For inclusion of a successor in references to a subsidiary or member, see paragraph (b)(5)(iii) of this section.)

(2) *Entity.* The term *entity* includes any corporation, limited liability company, or partnership formed under any state, federal, or foreign jurisdiction. The term entity includes a disregarded entity (as defined in paragraph (b)(3) of this section). The term entity does not include an entity that has terminated even if it is in a winding up period under the law under which it is organized.

(3) *Disregarded entity.* The term *disregarded entity* includes any of the following types of entities that are disregarded as separate from their owners—

(i) Qualified real estate investment trust subsidiaries (within the meaning of section 856(i)(2));

(ii) Qualified subchapter S subsidiaries (within the meaning of section 1361(b)(3)(B)); and

(iii) Eligible entities with a single owner (within the meaning of § 301.7701–3 of this chapter).

(4) *Default successor.* A successor to the agent is the *default successor* if it is an entity (whether domestic or foreign) that is the sole successor to the agent. A partnership is treated as a sole successor with primary liability notwithstanding that one or more partners may also be primarily liable by virtue of being partners.

(5) *Member or subsidiary.* All references to a member or subsidiary for a consolidated return year include—

(i) Each corporation that was a member of the group during any part of such year (except that any reference to a subsidiary does not include the common parent);

(ii) Each corporation whose income was included in the consolidated return for such year, notwithstanding that the tax liability of such corporation should have been computed on the basis of a separate return, or as a member of another consolidated group, under the provisions of § 1.1502–75; and

(iii) Except as indicated otherwise, a successor of any of the foregoing corporations.

(6) *Completed year.* A *completed year* is a consolidated return year that has

ended, or will end at the time of the referenced event.

(7) *Current year.* A *current year* is a consolidated return year that is not a completed year.

(c) *Identity of the agent*—(1) *In general.* Except as otherwise provided in this section, the agent for a current year is the common parent and the agent for a completed year is the common parent at the close of the completed year or its default successor, if any. Except as specifically provided otherwise in this paragraph (c), any entity that is an agent pursuant to paragraph (c)(3) of this section (agent following group structure change), paragraph (c)(5) of this section (agent designated by agent terminating without default successor), paragraph (c)(6) of this section (agent designated by Commissioner), or paragraph (c)(7) of this section (agent designated by resigning agent) of this section (and any entity that subsequently serves as agent) acts as an agent for and under the same terms and conditions that apply to a common parent. For example, such an agent would generally be able to designate an agent if it terminates without a default successor; however, an entity that became agent pursuant to a designation by the Commissioner under paragraphs (c)(6)(i)(A)(*2*), (*3*), or (*4*) of this section is not permitted to designate an agent if it terminates without a default successor. Other special rules described in this paragraph (c) apply.

(2) *Purported agent.* If any entity files a consolidated return, or takes any other action related to the tax liability for the consolidated return year, purporting to be the agent but is subsequently determined not to have been the agent with respect to the claimed group, that entity is treated, to the extent necessary to avoid prejudice to the Commissioner, as if it were the agent.

(3) *New common parent after a group structure change.* If the group continues in existence after a group structure change (as described in § 1.1502–33(f)(1)), the former common parent is the agent until the group structure change, and the new common parent becomes the agent after the group structure change. Following the group structure change, the new common parent is the agent with respect to the entire current year (including the period before the group structure change) and the former common parent is no longer the agent for that year. However, actions taken by the former common parent as the agent before the group structure change are not nullified when the new common parent becomes the agent with respect to the entire consolidated return year. Following the group structure change, the new common parent continues as the agent for succeeding years subject to the rules of this section.

(4) *Notification by default successor*—(i) *In general.* Failure to provide notice to the Commissioner pursuant to this paragraph (c)(4)(i) does not invalidate an entity's status as the default successor. However, until the Commissioner receives notification in writing that an entity is the default successor—

(A) Any notice of deficiency or other communication mailed to the predecessor agent, even if no longer in existence, is considered as having been properly mailed to the agent; and

(B) The Commissioner is not required to act on any communication (including, for example, a claim for refund) submitted on behalf of the group by any person (including the default successor) other than the predecessor agent.

(ii) *Conversions and continuances.* For purposes of the notice requirements under paragraph (c)(4)(i) of this section, any entity that results from the agent's conversion or continuance by operation of state law and that qualifies as a default successor under paragraph (b)(4) of this section is treated as a default successor for purposes of the notice provisions of paragraph (c)(4)(i) of this section, even if applicable state or local law may treat the converted or continued entity as not ceasing to exist.

(5) *Designation by terminating agent*—(i) *In general.* Prior to the termination of its existence without a default successor, an agent may designate an entity described in paragraph (c)(5)(ii) of this section to act as agent for any completed year. This designation is effective upon the termination of the designating agent's existence. However, this paragraph (c)(5) does not apply to, and no designation can be made by, an agent that was designated by the Commissioner under paragraphs (c)(6)(i)(A)(*2*), (*3*), or (*4*) of this section, or any successor of such an agent; in such a case, the terminating agent should request that the Commissioner designate an agent pursuant to paragraph (c)(6)(i)(B) of this section.

(ii) *Permissible agents*—(A) The terminating agent may designate as agent a member of the group during any part of the completed year, or an entity (whether domestic or foreign) that is a successor of such a member, including an entity that will become a successor at the time the agent's existence terminates.

(B) The terminating agent may not designate as agent any entity that was previously replaced as agent by the Commissioner pursuant to paragraphs (c)(6)(i)(A)(*2*), (*3*), or (*4*) of this section, or any successor of such an agent. However, the terminating agent may submit a request pursuant to paragraph (c)(6)(i)(B) of this section that the Commissioner designate such an entity as agent.

(iii) *Notification of designation.* The terminating agent must notify the Commissioner in writing of its designation of an entity as agent pursuant to paragraph (c)(5)(i) of this section and provide a statement executed by the designated entity acknowledging that it will serve as the agent for each specified completed year for which it is designated as the agent. If the designated entity was not itself a member of the group during any specified year (because it is a successor of a member), the notification must include a statement acknowledging that the designated entity is or will be primarily liable for the tax liability for the specified completed year as a successor of a member.

(iv) *Failure to designate an agent.* If the agent terminates without a default successor, and no agent is designated pursuant to this paragraph (c)(5)—

(A) Any notice of deficiency or other communication mailed to the agent, even if no longer in existence, is considered as having been properly mailed to the agent; and

(B) The Commissioner is not required to act on any communication (including, for example, a claim for refund) submitted on behalf of the group by any person.

(6) *Designation by the Commissioner*—(i) *In general.* The Commissioner has the authority to designate an entity to act as the agent under the circumstances prescribed in this paragraph (c)(6)(i). The designated agent for a completed year must be an entity described in paragraph (c)(5)(ii)(A) of this section when the designation becomes effective. The designated agent for a current year must be a member of the group when the designation becomes effective. If, pursuant to this paragraph (c)(6), the Commissioner replaces the common parent or another entity as the agent, the common parent or other entity, or any successor thereof, may not later act as the agent unless so designated by the Commissioner.

(A) *On Commissioner's own accord.* With or without a request from any member of the group, the Commissioner may designate an entity to act as the agent if—

(*1*) The agent's existence terminates, other than in a group structure change, without there being a default successor

and without any designation made under paragraph (c)(5)(i) of this section;

(*2*) An agent previously designated by the Commissioner is no longer a member of the group in the current year and does not have a default successor that is a member of the group;

(*3*) The Commissioner believes that the agent or its default successor exists but such entity has either not timely responded to the Commissioner's notices (sent to the last known address on file for the entity or left at the usual place of business for such entity) or has failed to perform its obligations as agent as prescribed by the Internal Revenue Code (Code) or regulations promulgated thereunder; or

(*4*) The agent is or becomes a foreign entity as a result of any action or transaction (including, for example, a continuance into a foreign jurisdiction or certain inversion transactions subject to section 7874 in which a foreign parent is treated as a domestic corporation).

(B) *Written request from any member.* At the request of any member, in a circumstance not described in paragraph (c)(6)(i)(A) of this section, the Commissioner may, but is not required to, replace an agent previously designated under this paragraph (c)(6).

(ii) *Notification by Commissioner.* The Commissioner will notify the designated entity in writing of the Commissioner's designation of the entity as agent pursuant to paragraph (c)(6)(i) of this section, and the designation will be effective as prescribed by the Commissioner. The designated entity should give notice of the designation by the Commissioner pursuant to paragraph (c)(6)(i) of this section to each member of the group during any part of the consolidated return year. However, a failure by the designated entity to notify any such member of the group does not invalidate the designation by the Commissioner.

(iii) *Term and effect of designation.* Unless otherwise provided by the Commissioner in the designation, any agent designated by the Commissioner pursuant to paragraph (c)(6)(i) of this section (new agent) is the agent with respect to the entire consolidated return year for which it is designated and successive years, subject to the rules of this section. An agent immediately preceding a new agent (former agent) ceases to be the agent for a particular consolidated return year once the new agent has been designated for that year, but the designation of the new agent does not nullify actions taken on behalf of the group by the former agent while it was agent. If there is more than one new agent designated by the Commissioner for a consolidated return year, the new agent that is designated last in time by the Commissioner is the agent with respect to the entire consolidated return year. A designation pursuant to this paragraph (c)(6) is effective as prescribed by the Commissioner in such designation or the Internal Revenue Bulletin (see § 601.601(d)(2)(ii) of this chapter), forms, instructions, or other appropriate guidance.

(iv) *Request by member of the group where agent previously designated by the Commissioner is no longer a member.* If an agent at any time after it is designated as agent by the Commissioner pursuant to paragraph (c)(6)(i) of this section is no longer a member of the group for any current year, and its default successor, if any, is not a member of the group at that time, a member of the group, including the agent that will cease to be a member, should request, in writing, that the Commissioner designate a member of the group to be the new agent pursuant to paragraph (c)(6)(i)(A)(*2*) of this section. Until such a request is made—

(A) Any notice of deficiency or other communication mailed to the agent, even if no longer a member, is considered as having been properly mailed to the agent; and

(B) The Commissioner is not required to act on any communication (including, for example, a claim for refund) submitted on behalf of the group by any person.

(7) *Agent resigns*—(i) *In general.* The agent may resign for a completed year if—

(A) It provides written notice to the Commissioner that it no longer intends to be the agent for that completed year;

(B) An entity described in paragraph (c)(5)(ii)(A) of this section consents, in writing, to be the agent with respect to that completed year;

(C) Immediately after its resignation takes effect, the resigning agent will not be the agent for the current year; and

(D) The Commissioner does not object to the agent's resignation.

(ii) *Notification by agent that replaces agent that resigns.* If the Commissioner does not object to the agent's resignation, the agent that replaces the agent that resigns should give written notice that it is the new agent to each member of the group for any part of the completed year for which it is designated the agent.

(8) *Transactions under the Code.* Notwithstanding section 338(a)(2), a target corporation for which an election is made under section 338 is not deemed to terminate for purposes of this section.

(d) *Examples of matters subject to agency.* With respect to any consolidated return year for which it is the agent—

(1) The agent makes any election (or similar choice of a permissible option) that is available to a subsidiary in the computation of its separate taxable income, and any change in an election (or similar choice of a permissible option) previously made by or for a subsidiary, including, for example, a request to change a subsidiary's method or period of accounting;

(2) All correspondence concerning the income tax liability for the consolidated return year is carried on directly with the agent;

(3) The agent files for all extensions of time, including extensions of time for payment of tax under section 6164, and any extension so filed is considered as having been filed by each member;

(4) The agent gives waivers, gives bonds, and executes closing agreements, offers in compromise, and all other documents, and any waiver or bond so given, or agreement, offer in compromise, or any other document so executed, is considered as having also been given or executed by each member;

(5) The agent files claims for refund, and any refund is made directly to and in the name of the agent and discharges any liability of the Government to any member with respect to such refund;

(6) The agent takes any action on behalf of a member of the group with respect to a foreign corporation including, for example, elections by, and changes to the method of accounting of, a controlled foreign corporation in accordance with § 1.964–1(c)(3);

(7) Notices of claim disallowance are mailed only to the agent, and the mailing to the agent is considered as a mailing to each member;

(8) Notices of deficiencies are mailed only to the agent (except as provided in paragraph (f)(3) of this section), and the mailing to the agent is considered as a mailing to each member;

(9) Notices of final partnership administrative adjustment under section 6223 with respect to any partnership in which a member of the group is a partner may be mailed to the agent, and, if so, the mailing to the agent is considered as a mailing to each member that is a partner entitled to receive such notice (for other rules regarding partnership proceedings, see paragraph (f)(2)(iii) of this section);

(10) The agent files petitions and conducts proceedings before the United States Tax Court, and any such petition is considered as also having been filed by each member;

(11) Any assessment of tax may be made in the name of the agent, and an assessment naming the agent is considered as an assessment with respect to each member; and

(12) Notice and demand for payment of taxes is given only to the agent, and such notice and demand is considered as a notice and demand to each member.

(e) *Matters reserved to subsidiaries.* Except as provided in this paragraph (e) and paragraph (f)(2) of this section, no subsidiary (unless it is or becomes an agent pursuant to paragraph (c) of this section) has authority to act for or to represent itself in any matter related to the tax liability for the consolidated return year. The following matters, however, are reserved exclusively to each subsidiary—

(1) The making of the consent required by § 1.1502–75(a)(1);

(2) Any action with respect to the subsidiary's liability for a federal tax other than the income tax imposed by chapter 1 of the Code (including, for example, employment taxes under chapters 21 through 25 of the Code, and miscellaneous excise taxes under chapters 31 through 47 of the Code); and

(3) The making of an election to be treated as a Domestic International Sales Corporation under § 1.992–2.

(f) *Dealings with members*—(1) *Identifying members in notice of a lien.* Notwithstanding any other provisions of this section, any notice of a lien, any levy, or any other proceeding to collect the amount of any assessment, after the assessment has been made, must name the entity from which such collection is to be made.

(2) *Direct dealing with a member*—(i) *Several liability.* The Commissioner may, upon issuing to the agent written notice that expressly invokes the authority of this provision, deal directly with any member of the group with respect to its liability under § 1.1502–6 for the consolidated tax of the group, in which event such member has sole authority to act for itself with respect to that liability. However, if the Commissioner believes or has reason to believe that the existence of the agent has terminated without an agent being identified under this section, the Commissioner may, if the Commissioner deems it advisable, deal directly with any member with respect to that member's liability under § 1.1502–6 without issuing notice to any other entity.

(ii) *Information requests.* The Commissioner may, upon issuing to the agent written notice, request information relevant to the consolidated tax liability from any member of the group. However, if the Commissioner believes or has reason to believe that the existence of the agent has terminated without an agent being identified under this section, the Commissioner may request such information from any member of the group without issuing notice to any other entity.

(iii) *Members as partners in partnerships subject to the provisions of the Code.* Except as otherwise provided in this paragraph (f)(2)(iii), the general rule of paragraph (a)(1) of this section applies so that the agent is the agent for any subsidiary member that for any part of the consolidated return year is a partner in a partnership subject to the provisions of sections 6221 through 6234 of the Code (as originally enacted by the Tax Equity and Fiscal Responsibility Act of 1982 and subsequently amended) and the accompanying regulations (TEFRA partnership). However—

(A) Any subsidiary or any disregarded entity owned by a subsidiary that is designated as tax matters partner of a TEFRA partnership will act in its own name and perform its responsibilities under sections 6221 through 6234 and the accompanying regulations without requiring any action by the agent (but see paragraph (d)(9) of this section regarding the mailing of a final partnership administrative adjustment to the agent); and

(B) The Commissioner may at any time communicate directly with a subsidiary or a disregarded entity owned by a subsidiary that is a partner in a TEFRA partnership, without having to deal with each member separately pursuant to paragraph (f)(2)(i) of this section, whenever the Commissioner determines that such direct communication will facilitate the conduct of an examination, appeal, or settlement with respect to the partnership.

(3) *Copy of notice of deficiency to entity that has ceased to be a member of the group.* A subsidiary that ceases to be a member of the group during or after a consolidated return year may file a written notice of that fact with the Commissioner and request a copy of any notice of deficiency with respect to the tax for a consolidated return year during which it was a member, or a copy of any notice and demand for payment of such deficiency, or both. Such filing does not limit the scope of the agency of the agent provided for in this section. Any failure by the Commissioner to comply with such request does not limit the subsidiary's tax liability under § 1.1502–6.

(g) *Examples.* Unless otherwise indicated, all entities are domestic and have a calendar year taxable year, and each of P, S, S–1, S–2, S–3, T, V, W, W–1, Y, Z, and Z–1 is a corporation. For none of the consolidated return years at issue does the Commissioner exercise the authority under paragraph (f)(2) of this section to deal with any member separately. Any surviving entity in a merger is either a successor as described in paragraph (b)(1) of this section, or a default successor as described in paragraph (b)(4) of this section, as the case may be. Except as otherwise indicated, no agent will be replaced under paragraph (c)(6) of this section or will resign under paragraph (c)(7) of this section, and all communications to and from the Commissioner are made in accordance with procedures prescribed by the Commissioner.

Example 1. Disposition of all group members where the agent remains the agent. (i) *Facts.* As of January 1 of Year 1, P is the common parent and agent for the P consolidated group, consisting of P and its two subsidiaries, S and S–1. P files consolidated returns for the P group in Years 1 and 2. On December 31 of Year 1, P sells all the stock of S–1 to X. On December 31 of Year 2, P distributes all the stock of S to P's shareholders. P files a separate return for Year 3.

(ii) *Analysis.* Although the consolidated group terminates after Year 2 under § 1.1502–75(d)(1) and P is no longer the common parent nor the agent for years after Year 2, P remains the agent for the P group for Years 1 and 2 under paragraph (a)(2) of this section. Accordingly, for as long as P remains in existence, P is the agent for the P group under paragraphs (a)(1) and (2) and (c)(1) of this section for Years 1 and 2.

Example 2. Acquisition of the agent by another group where the agent remains the agent. (i) *Facts.* The facts are the same as in *Example 1,* except on January 1 of Year 3, all of the outstanding stock of P is acquired by Y, which is the common parent and agent of the Y consolidated group. P thereafter joins in the Y group's consolidated return as a member of the Y group.

(ii) *Analysis.* Although P is a member of the Y group in Year 3 and succeeding years, P remains the agent for the P group for Years 1 and 2 under paragraph (a)(2) of this section. Accordingly, for as long as P remains in existence, P is the agent for the P group under paragraphs (a)(1) and (2) and (c)(1) of this section for Years 1 and 2.

Example 3. Reverse triangular merger of the agent where the agent remains the agent. (i) *Facts.* As of January 1 of Year 1, P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S and S–1. P files consolidated returns for the P group in Years 1 and 2. On March 1 of Year 3, W–1, a subsidiary of W, merges into P in a reverse triangular merger qualifying as a reorganization under section 368(a)(1)(A) and (a)(2)(E). P survives the merger with W–1. The transaction constitutes a reverse acquisition under § 1.1502–75(d)(3)(i) because P's shareholders receive more than 50 percent of W's stock in exchange for all

of P's stock. The transaction is therefore a group structure change as described in paragraph (c)(3) of this section.

(ii) *Analysis.* Because the transaction constitutes a reverse acquisition that results in a group structure change, the P group is treated as remaining in existence with W as its common parent and agent. Under paragraphs (a)(1) and (2) and (c)(1) of this section, P remains the agent for the P group for Years 1 and 2 for as long as P remains in existence, even though the P group continues with W as its new common parent pursuant to § 1.1502–75(d)(3)(i). Until the merger of W–1 and P on March 1 of Year 3, P is the agent for the P group for Year 3. From the time of that merger, W, as common parent of the P group, becomes the agent for the P group with respect to all of Year 3 (including the period through March 1) and succeeding consolidated return years. The actions taken by P before the merger as agent for the P group for Year 3 are not nullified by the fact that W becomes the agent for all of Year 3.

Example 4. Reverse triangular merger of the agent—subsequent distribution of agent where the agent remains the agent. (i) *Facts.* The facts are the same as in *Example 3,* except that on April 1 of Year 4, in a transaction unrelated to the March 1, Year 3 reverse acquisition, P distributes the stock of its subsidiaries S and S–1 to W, and W then distributes the stock of P to the W shareholders.

(ii) *Analysis.* Although P is no longer a member of the P group after the Year 4 distribution, P remains the agent for the P group under paragraphs (a)(1) and (2) and (c)(1) of this section for Years 1 and 2 for as long as P remains in existence.

Example 5. Agent Resigns. (i) *Facts.* The facts are the same as in *Example 4,* except that on August 1 of Year 4, P provides written notice to the Commissioner that it resigns as the agent for Years 1 and 2. Included with the written notice is a statement executed by either S or S–1 consenting to be the agent for the P group for Years 1 and 2.

(ii) *Analysis.* Pursuant to paragraph (c)(7) of this section, because P is not the agent in Year 4, the current year, it will not be the agent immediately after its resignation takes effect. Accordingly, if the Commissioner does not object to P's resignation, P may resign with respect to Years 1 and 2, both of which are completed years, and either S or S–1, each an entity described in paragraph (c)(5)(ii)(A) of this section, can be the agent for the P group for Years 1 and 2 if it consents in writing. W cannot be the agent for the P group for Years 1 and 2 because it is not an entity described in paragraph (c)(5)(ii)(A) of this section with respect to the P group for Years 1 and 2.

Example 6. Qualified stock purchase and section 338 election where the agent remains the agent. (i) *Facts.* As of January 1 of Year 1, P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S and S–1. P files consolidated returns for the P group in Years 1 and 2. On March 31 of Year 2, V purchases the stock of P in a qualified stock purchase (within the meaning of section 338(d)(3)), and V makes a timely election pursuant to section 338(g) with respect to P.

(ii) *Analysis.* Although section 338(a)(2) provides that P is treated as a new corporation as of the beginning of the day after the acquisition date for purposes of subtitle A, paragraph (c)(8) of this section provides that P's existence is not deemed to terminate for purposes of this section notwithstanding the general rule of section 338(a)(2). Accordingly, new P is the agent for the P group for Year 1 and the period ending March 31 of Year 2 regardless of the election under section 338(g).

Example 7. Change in the agent's federal income tax classification to a partnership and the resulting partnership continues as the agent. (i) *Facts.* P, a State M limited liability partnership with two partners that is formed on January 1 of Year 1, elects pursuant to § 301.7701–3(c) of this chapter to be an association taxable as a corporation for federal income tax purposes effective on the date of formation. P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S and S–1. P files consolidated returns for the P group in Years 1 through 6. On January 1 of Year 7, P elects pursuant to § 301.7701–3(c) of this chapter to be treated as a partnership. P remains in existence under applicable law.

(ii) *Analysis.* The P group terminates and P is no longer the common parent of a consolidated group after its election to be treated as a partnership for federal income tax purposes. Because P remains in existence under applicable law, P is the agent for the P group under paragraphs (a)(1) and (2) and (c)(1) of this section for Years 1 through 6. If P merged into a foreign partnership instead of converting to a partnership, the foreign partnership would be P's default successor and agent for the P group for Years 1 through 6. See paragraphs (b)(4) and (c)(1) of this section.

Example 8. Forward triangular merger of agent—successor as default successor. (i) *Facts.* As of January 1 of Year 1, P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S and S–1. P files a consolidated return for the P group for Year 1. On January 1 of Year 3, P merges with and into Z–1, a subsidiary of Z, in a forward triangular merger qualifying as a reorganization under section 368(a)(1)(A) and (a)(2)(D). The transaction constitutes a reverse acquisition under § 1.1502–75(d)(3)(i) resulting in a group structure change as described in paragraph (c)(3) of this section because P's shareholders receive more than 50 percent of Z's stock in exchange for all of P's stock. Z–1, the corporation that survives the merger and the successor of P, is the default successor for the P group for Years 1 and 2.

(ii) *Analysis.* Although Z is the new common parent for the P group (which continues pursuant to § 1.1502–75(d)(3)(i)) for consolidated return years after the merger, and, as a consequence, Z is the new agent as a result of this group structure change, P may not designate an agent for Years 1 or 2 because Z–1 is P's default successor and the agent for the P group for Years 1 and 2. Z–1 must file the P group's consolidated return for Year 2. See paragraphs (b)(4) and (c)(1) of this section.

Example 9. Merger of the agent into a disregarded entity in exchange for stock of owner in a transaction qualifying as a reorganization under the Code where successor is the default successor. (i) *Facts.* As of January 1 of Year 1, P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S and S–1. P files a consolidated return for the P group in Year 1. On January 1 of Year 2, the shareholders of P form Y, a State M corporation. On the same date, Y forms Y–1, a State M limited liability company that is a disregarded entity (as defined in paragraph (b)(3) of this section) for federal income tax purposes, and P merges into Y–1 under State M law. In the merger, the P shareholders receive all of the Y stock. Y (through Y–1) is treated as acquiring the assets of P in a transaction qualifying as a reorganization of P into Y under section 368(a)(1)(F), and the P group continues under § 1.1502–75(d)(2) with Y as the common parent and, as a consequence, the transaction is treated as a group structure change as described in paragraph (c)(3) with Y as the P group's agent for Year 2. In Year 4, the Commissioner seeks to extend the period of limitations on assessment with respect to Year 1 of the P group. In Year 5, the Commissioner seeks to extend the period of limitations on assessment with respect to Year 2 of the Y group (formerly the P group).

(ii) *Analysis.* (A) *Year 1 extension.* As a result of the January 1, Year 2 merger, Y–1 is the default successor of P, and the agent for the P group for Year 1. See paragraphs (b)(4) and (c)(1) of this section. Therefore, Y–1 is the only party that can sign the extension with respect to the P group for Year 1.

(B) *Year 2 extension.* Because the January 1, Year 2 merger qualified as a reorganization under section 368(a)(1)(F), the P group remains in existence with Y as the common parent. Therefore, Y, the common parent of the P group after the merger, is the P group's agent for all of Year 2 (see paragraph (c)(3) of this section) and is the only party that can sign the extension with respect to the P group for that year and in succeeding years. See paragraphs (a)(1) and (2) and (c)(1) of this section.

Example 10. Designation of agent where there is no default successor. (i) *Facts.* P is incorporated under the laws of State X. Fifty percent of its stock is owned at all times by A, an individual, and 50 percent by BCD, a partnership. On January 1 of Year 1, P forms two subsidiaries, S and T, and becomes the common parent of the P group. P files consolidated returns for the P group beginning in Year 1 and is the agent for the P consolidated group beginning on January 1 of Year 1. On November 30 of Year 3, P dissolves under X law. Under X law, A and BCD are primarily liable for the federal income tax liability of dissolved corporation P. State X law allows the officers of a dissolved corporation to perform certain actions incident to the winding up of its affairs after its dissolution, including the filing of tax returns.

(ii) *Analysis.* Upon P's dissolution, there is no default successor to P, pursuant to paragraph (b)(4) of this section, because there are two successors. Prior to its dissolution on

November 30 of Year 3, pursuant to paragraph (c)(5)(i) of this section, P may designate an agent for the P group for Years 1 and 2 and the short taxable year ending on November 30 of Year 3, to be effective upon P's dissolution. P may designate S or T, pursuant to paragraph (c)(5)(ii)(A) of this section (because they are members of the former group), or BCD (because it is an entity that is a successor to P pursuant to paragraph (b)(1) of this section). P cannot designate A pursuant to paragraph (c)(5)(ii) of this section, because A is not an entity. Under paragraph (b)(2) of this section, the officers of P cannot designate an agent for the P group after P dissolves on November 30 of Year 3, notwithstanding the winding up provisions of State X law. Accordingly, P should designate an agent prior to its dissolution to ensure that there is an agent authorized to file the short Year 3 consolidated return. If P does not designate an agent prior to dissolution under paragraph (c)(5)(i) of this section, the Commissioner may designate an agent under paragraph (c)(6)(i)(A)(*1*) of this section from among S, T, or BCD, upon their request or otherwise. If any of S, T, A, or BCD realizes that P has dissolved without designating an agent, it should request, in writing, a designation of an agent by the Commissioner as soon as possible.

Example 11. Commissioner designates a new agent. (i) *Agent fails to fulfill its obligations.* (A) *Facts.* P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S–1 and S–2, each a State Y corporation. P files a consolidated return for the P group in Year 1. In Year 2, S–3, also a State Y corporation, joins the P group. The P group continues as a consolidated group in Years 2, 3, and 4. As of Year 4, P has failed to file the P group consolidated returns for Years 2 and 3.

(B) *Analysis.* (*1*) *Scope of designation.* Because P failed to perform its obligations as agent as prescribed by federal tax law, the Commissioner may, under the authority of paragraph (c)(6)(i)(A)(*3*) of this section, on his own accord, with or without a written request from a member, designate another entity described in paragraph (c)(6)(i) of this section to act as the agent for not just Years 2 and 3, but any of Years 1 through 4.

(*2*) *Year 1 designation.* The Commissioner may designate either S–1 or S–2, both of which are entities described in paragraphs (c)(6)(i) and (c)(5)(ii)(A) of this section, to act as the agent for the P group for Year 1. Because S–3 was not a member of the group in Year 1, it is not an entity described in paragraphs (c)(6)(i) and (c)(5)(ii)(A) of this section for Year 1 and therefore cannot be the agent for Year 1. Unless otherwise provided in the designation, the designation of either S–1 or S–2 will also be effective for Years 2, 3, and 4 and all succeeding consolidated return years of the group.

(*3*) *Year 2 designation.* The Commissioner may designate either S–1, S–2, or S–3, all of which are entities described in paragraph (c)(5)(ii)(A) of this section, to act as the agent for the P group for Year 2. Unless otherwise provided in the designation, the designation of either S–1, S–2, or S–3 will also be effective for Years 3 and 4 and all succeeding consolidated return years of the group.

(*4*) *Year 3 designation.* The Commissioner may designate any of S–1, S–2, or S–3 as the agent for Year 3. Unless otherwise provided in the designation, the designation of either S–1, S–2, or S–3 will also be effective for Year 4 and all succeeding consolidated return years of the group.

(*5*) *Year 4 designation.* The Commissioner may designate any of S–1, S–2, or S–3 as the agent for Year 4. Unless otherwise provided in the designation, the designation of either S–1, S–2, or S–3 will also be effective for all succeeding consolidated return years of the group.

(ii) *Member requests replacement of designated agent.* (A) *Facts.* The facts are the same as in paragraph (i)(A) of this *Example 11,* except that in Year 4 the Commissioner designates S–1 as agent for Years 1 and succeeding years to replace P for P's failure to fulfill its obligations. After receiving notification that S–1 has been designated, S–3 submits a request in Year 4, pursuant to paragraph (c)(6)(i)(B) of this section, that the Commissioner designate S–2 as the agent because S–1 does not have ready access to the group's books and records, which are located in another state and are in the possession of S–2.

(B) *Analysis.* In light of S–3's request, the Commissioner may, under the authority of paragraph (c)(6)(i)(B) of this section, designate either S–2 (for all or any years) or S–3 (for any year or years other than Year 1) as agent in lieu of the previously designated agent, S–1. However, notwithstanding S–3's request, the Commissioner is not required to replace S–1 as agent for any of the consolidated return years for which S–1 was designated.

Example 12. Designated agent ceases to be a member of the group. (i) *Facts.* The facts are the same as in paragraph (ii)(A) of *Example 11,* except that in Year 4 no member requests that the Commissioner replace S–1, which accordingly continues to be the agent for the P group in Year 5 pursuant to paragraph (c)(6)(iii) of this section. On May 2 of Year 5, S–1 converts under State Y law into S–1 LLC, a limited liability company that is an entity that is treated as a disregarded entity (as defined in paragraph (b)(3) of this section) and, as a consequence, is no longer a member of the P group after the conversion.

(ii) *Analysis for completed years.* S–1 LLC, the disregarded entity resulting from the conversion, becomes S–1's default successor. As such, S–1 LLC is the agent for Years 1–4.

(iii) *Analysis for current and succeeding years.* S–1 is an agent designated by the Commissioner pursuant to paragraph (c)(6)(i)(A)(*3*) of this section. Because S–1 is no longer a member of the P group after May 2 of Year 5, S–1 is the agent for the P group for Year 5 only while it remains a member (see paragraphs (c)(6)(i) and (iii) of this section). According to paragraph (c)(6)(i) of this section, although S–1 LLC is S–1's default successor, it is not a member of the group for the current year and therefore cannot be its agent. Furthermore, S–1 cannot designate an agent for Year 5 under paragraph (c)(5)(i) of this section because that paragraph pertains only to designations for completed years for which there is no default successor. In addition, S–1 cannot designate an agent for Year 5 under paragraph (c)(5)(i) of this section because S–1 was previously designated by the Commissioner under paragraph (c)(6)(i)(A)(*3*) of this section.

(iv) *Member's notice to Commissioner for Commissioner to designate a member of the group for a current year.* A member of the group in Year 5 should request that the Commissioner designate, pursuant to paragraphs (c)(6)(i)(A)(*2*) and (c)(6)(iv) of this section, another member of the P group to be the agent of the group for Year 5. The Commissioner may then, pursuant to paragraph (c)(6)(i)(A)(*2*) of this section, designate either S–2, S–3, or P to be the agent for the P group and, once so designated, that member will be, effective on May 3 of Year 5, the agent for all of Year 5 and for succeeding years (subject to the rules of this section) pursuant to paragraph (c)(6)(iii) of this section. No actions taken by S–1 on behalf of the P group through May 2, Year 5, are nullified by the Commissioner's designation of another agent even though the agent so designated will be the agent for all of Year 5.

Example 13. Fraudulent conveyance of assets. (i) *Facts.* As of January 1 of Year 1, P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S and S–1. On March 15 of Year 2, P files a consolidated return that includes the income of S and S–1 for Year 1. On December 1 of Year 2, S–1 transfers assets having a fair market value of $100x to U in exchange for $10x. This transfer of assets for less than fair market value constitutes a fraudulent conveyance under applicable state law. On March 1 of Year 5, P executes a waiver extending to December 31 of Year 6 the period of limitations on assessment with respect to the P group's Year 1 consolidated return. On February 1 of Year 6, the Commissioner issues a notice of deficiency to P asserting a deficiency of $30x for the P group's Year 1 consolidated tax liability. P does not file a petition for redetermination in the Tax Court, and the Commissioner makes a timely assessment against the P group. P, S, and S–1 are all insolvent and are unable to pay the deficiency. On February 1 of Year 8, the Commissioner sends a notice of transferee liability to U, which does not file a petition in the Tax Court. On August 1 of Year 8, the Commissioner assesses the amount of the P group's deficiency against U. Under section 6901(c), the Commissioner may assess U's transferee liability within one year after the expiration of the period of limitations against the transferor, S–1. By operation of section 6213(a) and 6503(a), the issuance of the notice of deficiency to P and the expiration of the 90-day period for filing a petition in the Tax Court have the effect of further extending by 150 days the P group's limitations period on assessment from the previously extended date of December 31 of Year 6 to May 30 of Year 7.

(ii) *Analysis.* Pursuant to paragraph (a)(1) of this section, the waiver executed by P on March 1 of Year 5 to extend the period of limitations on assessment to December 31 of Year 6 and the further extension of the P

group's limitations period to May 30 of Year 7 (by operation of sections 6213(a) and 6503(a)) have the derivative effect of extending the period of limitations on assessment of U's transferee liability to May 30 of Year 8. By operation of section 6901(f), the issuance of the notice of transferee liability to U and the expiration of the 90-day period for filing a petition in the Tax Court have the effect of further extending the limitations period on assessment of U's liability as a transferee by 150 days, from May 30 of Year 8 to October 27 of Year 8. Accordingly, the Commissioner may send a notice of transferee liability to U at any time on or before May 30 of Year 8 and assess the unpaid liability against U at any time on or before October 27 of Year 8. The result would be the same even if S–1 ceased to exist before March 1 of Year 5, the date P executed the waiver.

Example 14. Consent to extend the statute of limitations for a partnership where a member of the consolidated group is a partner of such partnership subject to the provisions of the Code and the tax matters partner is not a member of the group. (i) *Facts.* P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S and S–1. The P group has a November 30 fiscal year end and P files consolidated returns for the P group for the years ending November 30, Year 1 and November 30, Year 2. S–1 is a partner in the PRS partnership, which is subject to the provisions of sections 6221 through 6234. PRS has a calendar year end and A, an individual, is the tax matters partner of the PRS partnership. PRS files a partnership return for the year ending December 31, Year 1. On January 10, Year 5, A, as the tax matters partner for the PRS partnership, executes a consent to extend the period for assessment of partnership items of PRS for all partners, and the Commissioner co-executes the consent on the same day for the year ending December 31, Year 1.

(ii) *Analysis.* A's consent to extend the statute of limitations for the partnership items of PRS partnership for the year ending December 31, Year 1, extends the statute of limitations with respect to the partnership items for all members of the P group, including P, S, and S–1 for the consolidated return year ending November 30, Year 2. This is because S–1 is a partner in the PRS partnership for which A, the tax matters partner for the PRS partnership, consents, pursuant to section 6229(b)(1)(B), to extend the statute of limitations for the year ending December 31, Year 1. However, under paragraph (f)(2)(iii) of this section, such agreement with respect to the statute of limitations for the PRS partnership for the year ending December 31, Year 1 does not obviate the need to obtain a consent from P, the agent for the P consolidated group, to extend the statute of limitations for the P consolidated group for the P group's consolidated return years ending November 30, Year 1 and November 30, Year 2 regarding any items other than partnership items or affected items of the PRS partnership.

Example 15. Contacting subsidiary member in order to facilitate the conduct of an examination, appeal, or settlement where a member of the consolidated group is a partner of a partnership subject to the provisions of the Code. (i) *Facts.* P is the common parent and agent for the P consolidated group consisting of P and its two subsidiaries, S and S–1. The P group has a November 30 fiscal year end, and P files consolidated returns for the P group for the years ending November 30, Year 1 and November 30, Year 2. S–1 is a partner in the PRS partnership, which is subject to the provisions of sections 6221 through 6234. PRS has a calendar year end and A, an individual, is the tax matters partner of the PRS partnership. PRS files a partnership return for the year ending December 31, Year 1. The Commissioner, on January 10, Year 4, in the course of an examination of the PRS partnership for the year ending December 31, Year 1, seeks to obtain information in the course of that examination to resolve the audit.

(ii) *Analysis.* Because the direct contact with a subsidiary member of a consolidated group that is a partner in a partnership subject to the provisions under sections 6221 through 6234 may facilitate the conduct of an examination, appeal, or settlement, the Commissioner, under paragraph (f)(2)(iii) of this section, may communicate directly with either S–1, P, or A regarding the PRS partnership without breaking agency pursuant to paragraph (f)(2)(i) of this section. However, if the Commissioner were instead seeking to execute a settlement agreement with respect to S–1 as a partner with respect to its liability as a partner in PRS partnership, P would need to execute such settlement agreement for all members of the group including the partner subsidiary.

(h) *Cross-reference.* For further rules applicable to groups that include insolvent financial institutions, see § 301.6402–7 of this chapter.

(i) [Reserved]

(j) *Effective/applicability date*—(1) *In general.* The rules of this section apply to consolidated return years beginning on or after April 1, 2015. For prior years beginning before June 28, 2002, see § 1.1502–77A. For prior years beginning on or after June 28, 2002, and before April 1, 2015, see § 1.1502–77B.

(2) *Application of this section to prior years.* Notwithstanding paragraph (j)(1) of this section, an agent may apply the rules of paragraph (c)(7) of this section to resign as agent for a completed year that began before April 1, 2015.

§ 1.1502–78 [Amended]

■ **Par. 6.** Section 1.1502–78 is amended as follows:

■ 1. Paragraph (a) is amended by removing every occurrence of the language ''(or substitute agent designated under § 1.1502–77(d) for the carryback year)'' and adding ''(or the agent determined under § 1.1502–77(c) or § 1.1502–77B(d) for the carryback year)'' in its place.

■ 2. Paragraph (b)(1) is amended by removing the language ''(or substitute agent designated under § 1.1502–77(d) for the carryback year)'' and adding ''(or the agent determined under § 1.1502–77(c) or § 1.1502–77B(d) for the carryback year)'' in its place.

■ 3. Paragraph (c) is amended by removing each occurrence of the language ''1966'' and adding ''2003'' in its place; removing the language ''1967'' and adding ''2004'' in its place; removing each occurrence of the language ''1968'' and adding ''2005'' in its place; and removing each occurrence of the language ''1969'' and adding ''2006'' in its place.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 7.** The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

■ **Par. 8.** In § 602.101, revise paragraph (b) by adding an entry in numerical order to the table to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
1.1502–77B	1545–1699
* * * * *	

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: February 23, 2015.

Mark D. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2015–07182 Filed 3–31–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0082]

RIN 1625–AA09

Drawbridge Operation Regulation; Ontonagon River, Ontonagon, MI

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the S64 drawbridge across Ontonagon River, mile 0.2, at Ontonagon, Ontonagon County, Michigan. The drawbridge was replaced with a fixed bridge in 2006 and the operating regulation is no longer applicable or necessary.

DATES: This rule is effective April 1, 2015.

ADDRESSES: The docket for this final rule, [USCG–2015–0082] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this final rule. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Lee Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone (216) 902–6085, email *lee.d.soule@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

A. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the S64 drawbridge, that once required draw operations in 33 CFR 117.639, was replaced with a fixed bridge in 2006. Therefore, the regulation is no longer applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes a restriction that has no further use or value.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge has been a fixed bridge for 9 years and this rule merely requires an administrative change to the **Federal Register**, in order to omit a regulatory requirement that is no longer applicable or necessary. The modification has already taken place and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

B. Basis and Purpose

The S64 drawbridge across the Ontonagon River, mile 0.2, was removed and replaced with a fixed bridge in 2006. It has come to the attention of the Coast Guard that the governing regulation for this drawbridge was never removed subsequent to the removal of the drawbridge and completion of the fixed bridge that replaced it. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation, 33 CFR 117.639,that pertained to the former drawbridge.

The purpose of this rule is to remove 33 CFR 117.639 from the Code of Federal Regulations (CFR) since it governs a bridge that is no longer able to be opened.

C. Discussion of Rule

The Coast Guard is changing the regulation in 33 CFR 117.639 by removing restrictions and the regulatory burden related to the draw operations for this bridge that is no longer a drawbridge. The change removes the regulation governing the S64 drawbridge since the bridge has been replaced with a fixed bridge. This Final Rule seeks to update the CFR by removing language that governs the operation of the S64 drawbridge, which in fact is no longer a drawbridge. This change does not affect waterway or land traffic.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

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

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. 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 have no effect on small entities since this drawbridge has been replaced with a fixed bridge and the regulation governing draw operations for this bridge is no longer applicable. There is no new restriction or regulation being imposed by this rule; therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities

3. Collection of Information

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

4. Federalism

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

5. Protest Activities

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

6. Unfunded Mandates Reform Act

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

7. Taking of Private Property

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

8. Civil Justice Reform

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

9. Protection of Children

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

10. Indian Tribal Governments

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

11. Energy Effects

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

12. Technical Standards

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

13. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves removing drawbridge operating regulations. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

§ 117.639 [Removed]

■ 2. Remove § 117.639.

Dated: March 19, 2015.

F. M. Midgette,

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

[FR Doc. 2015–07318 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 161 and 164

[Docket No. USCG–2005–21869]

RIN 1625–AA99

Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System

AGENCY: Coast Guard, DHS.

ACTION: Correcting amendments.

SUMMARY: The Coast Guard published a final rule in the **Federal Register** on January 30, 2015, to expand the applicability of notice of arrival and automatic identification system (AIS) requirements and make related amendments regarding AIS. In that rule there is an error in the definition of Vessel Traffic Service (VTS) User and one in the AIS applicability regulation. This rule corrects those errors.

DATES: This rule is effective April 1, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email call or email Mr. Jorge Arroyo, Office of Navigation Systems (CG–NAV–2), Coast Guard; telephone 202–372–1563, email *Jorge.Arroyo@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Viewing Documents Associated With This Rule

To view the final rule published on January 30, 2015 (80 FR 5282), or other documents in the docket for this rulemaking, go to *www.regulations.gov,* type the docket number, USCG–2005–21869, in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Open Docket Folder'' in the first item listed. Use the following link to go directly to the docket: *www.regulations.gov/#!docketDetail;D=USCG-2005-21869.*

Background

On January 30, 2015, the Coast Guard published a final rule to expand the applicability of notice of arrival and automatic identification system (AIS) requirements and make related amendments regarding AIS. 80 FR 5282. We have identified two errors in this correction document.

In the final rule, we revised the definition of ''VTS User'' (Vessel Traffic Service User) in 33 CFR 161.2. 80 FR 5334. Paragraph (3) of that definition should only have included vessels required to install and use a Coast Guard type-approved AIS, instead the definition included all vessels equipped with a Coast Guard type-approved AIS whether it is required or not. The definition published in the final rule is inconsistent with the discussion in the preambles of both the NPRM and final rule which encourage all vessel owners to use AIS. 73 FR 76295, 76301, December 16, 2008; and 80 FR 5311, Jan. 30, 2015. The definition of ''VTS User'' in the final rule is also inconsistent with our authority to impose VTS User requirements.

Also in the final rule at paragraph (b)(1)(iii) of 33 CFR 164.46, we omitted the word ''self-propelled'' when describing vessels certificated to carry more than 150 passengers that are

required to have on board a properly installed, operational Coast Guard type-approved AIS Class A device. 80 FR 5335. As indicated in the final rule preamble (80 FR 5307, January 30, 2015) and the NPRM proposed rule (73 FR 76317, December 16, 2008), we intended to limit the applicability of § 164.46(b)(1)(iii) to self-propelled vessels.

Need for Corrections

As discussed above, the published definition of ''VTS User'' in 33 CFR 161.2 and AIS applicability paragraph (b)(1)(iii) in § 164.46 each contain an error which is misleading and needs to be corrected.

List of Subjects

33 CFR Part 161

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

33 CFR Part 164

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

Accordingly, 33 CFR parts 161 and 164 are corrected by making the following correcting amendments:

PART 161—VESSEL TRAFFIC MANAGEMENT

■ 1. The authority citation for part 161 continues to read as follows:

Authority: 33 U.S.C. 1223, 1231; 46 U.S.C. 70114, 70119; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 161.2, add the word ''required'' before the words ''Coast Guard'' in paragraph (3) of the definition of ''VTS User.''

PART 164–NAVIGATION SAFETY REGULATIONS

■ 3. The authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1222(5), 1223, 1231; 46 U.S.C. 2103, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1. Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.46 also issued under 46 U.S.C. 70114 and Sec. 102 of Pub. L. 107–295. Sec. 164.61 also issued under 46 U.S.C. 6101.

■ 4. In § 164.46(b)(1)(iii), add the word ''self-propelled'' before the word ''vessel''.

Dated: March 25, 2015.

K. Kroutil,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2015–07228 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0586; FRL–9924–64–Region 9]

Approval and Promulgation of State Implementation Plans; California; Regional Haze Progress Report

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the California Regional Haze (RH) State Implementation Plan (SIP) submitted by the California Air Resources Board (CARB) documenting that the State's existing plan is making adequate progress to achieve visibility goals by 2018. The revision consists of the California Regional Haze Plan 2014 Progress Report that addresses the Regional Haze Rule (RHR) requirements under the Clean Air Act (CAA) to describe progress in achieving visibility goals in Federally designated Class I areas in California and nearby states. EPA is taking final action to approve California's determination that the existing RH SIP is adequate to meet these visibility goals and requires no substantive revision at this time.

DATES: *Effective date:* This rule is effective May 1, 2015.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2014–0586 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 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 location (*e.g.,* confidential business information). To inspect the hard copy materials that are publicly available, 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:

Table of Contents

I. Overview of Proposed Action
II. Public Comments and EPA Responses
III. Summary of Final Action
IV. Statutory and Executive Order Reviews

I. Overview of Proposed Action

EPA proposed on September 29, 2014, to approve the California Regional Haze Plan 2014 Progress Report (''Progress Report'' or ''Report'') as a revision to the California RH SIP.[1] CARB submitted the Progress Report to EPA on June 16, 2014, to address the RHR requirements at 40 CFR 51.308(g), (h), and (i). As described in our proposal, CARB demonstrated that the emission control measures in the existing California RH SIP are sufficient to enable California, as well as other states with Class I areas affected by emissions from sources in California, to meet all established visibility goals (known as reasonable progress goals or RPGs) for 2018. Based on our evaluation of the Report, we proposed to approve CARB's determination that the California RH SIP requires no substantive revision at this time. We also proposed to find that CARB fulfilled the requirements in 51.308(i)(2), (3), and (4) to provide Federal Land Managers (FLMs) with an opportunity to consult on the RH SIP revision, describe how CARB addressed the FLMs' comments, and provide procedures for continuing the consultation. Please refer to our proposed rule for background information on the RHR, the California RH SIP, and the specific requirements for Progress Reports.

II. Public Comments and EPA Responses

EPA's proposed action provided for a public comment period that, upon request, was extended to 60 days ending on November 28, 2014.[2] We received one set of comments from the National Parks Conservation Association (NPCA).[3] NPCA's comments and our responses are summarized below.

[1] 79 FR 58302–58309.

[2] 79 FR 64160.

[3] Letter from Nathan Miller (NPCA) to Thomas Webb (EPA) dated November 29, 2014.

A. General Comments

Comment: In a number of its comments, NPCA requested that EPA provide information or analysis that is not included in CARB's Progress Report. In several instances, NPCA requested that EPA include such information by revising the CARB's Progress Report itself. For example, NPCA requested that EPA revise the Report to include emissions from natural sources, impacts of pollutant species, estimates of emission trends from sources outside the State, and reduced RPGs that reflect progress to date,

Response: EPA's role is to review progress reports as they are submitted by the states and to either approve or disapprove them based on a comparison of their content to the requirements of the Regional Haze Rule. EPA is not able to revise a state's progress report, and we are not obligated to develop a progress report ourselves if we approve the state's progress report. In the case of California's Progress Report, EPA's proposed approval is based on our determination that CARB has adequately addressed the requirements in 40 CFR 51.308(g) and (h) through the information provided in its Report. CARB provided an opportunity for public comment before submitting its Report to EPA, which would have been the opportune time to address the contents. Otherwise, the State is under no obligation to provide information beyond what is required by Rule. While additional information or different types of analysis would potentially add value, we must evaluate the State's Progress Report based on its contents in relation to the statutory and regulatory requirements. As explained in our responses to specific comments below, the commenter has not identified any such requirements which the Progress Report fails to meet, nor has the commenter identified any shortcomings in the data or analysis upon which the Report relies. Accordingly, EPA has no obligation to supplement the Progress Report's contents or to disapprove the Report.

Comment: NPCA encouraged EPA and California to begin identifying potential sources of emission reductions for the 2018 SIP revision, including any gaps in monitoring and emission inventories. Two types of sources mentioned are those that were not subject to Best Available Retrofit Technology (BART) due to low effects on visibility and non-BART point sources.

Response: We agree that additional source analysis is needed in the next phase of the program.

B. Emission Reductions Achieved

Comment: NPCA argued that while the Progress Report accounts for emission reductions, it does not distinguish between emission reductions achieved as a result of the California RH SIP versus reductions achieved as a result of other enforceable measures and voluntary programs. NPCA requested that EPA require the State to revise the Report to quantify the emission reductions achieved specifically by the RH SIP.

Response: We disagree that the CARB has not properly reported on the emission reductions achieved by implementing the measures in the California RH SIP, as required under 40 CFR 51.308(g)(2). Nothing in this provision of the Rule requires a detailed, causal analysis linking specific emission reductions to specific regional haze SIP measures. The RHR is explicitly designed to facilitate the coordination of emissions management strategies for regional haze with those needed to implement national ambient air quality standards (NAAQS).[4] In fact, the RHR prohibits states from adopting RPGs that represent less visibility improvement than is expected to result from the implementation of other CAA requirements during the planning period.[5] Given this requirement, California and other states include in their RH SIPs a number of Federal and State regulations that were in effect or were expected to come into effect during the period covered by the Progress Report that were anticipated to result in reductions of visibility impairing pollutants.

The California RH SIP is based on a number of air quality programs that represent some of the most stringent air pollution controls in the country. These measures include those to achieve ozone, fine particulate matter, and sulfur dioxide NAAQS. Emission reductions also are achieved by installing and operating BART controls on the Valero refinery as required by the RHR. Other measures, for example, are related to innovative programs to reduce mobile source emissions or conserve energy. In essence, the State's plan to improve visibility in its Class I areas is inextricably linked to emission reductions from a variety of programs. Given the plan's reliance on a range of control measures, CARB's Progress Report appropriately summarizes all the emission reductions that the RH SIP encompasses.

Comment: NPCA particularly encouraged EPA to include emission reductions from California's only BART source, the Valero refinery in Benicia, California.

Response: CARB states in its Progress Report[6] that BART controls were installed and operating at the main stack of the Valero refinery as of February 2011. These controls include an amine scrubber to reduce sulfur dioxide (SO_2), a pre-scrubber to remove SO_2 and particulate matter of ten microns or less (PM_{10}), and selective catalytic reduction and low-nitrogen oxide (NO_X) burners to remove NO_X. CARB states that these improvements have resulted in reductions equivalent to 5,731 tons per year (tpy) of SO_X, 237 tpy of NO_X, and 22 tpy of PM_{10}. These emission reductions, included in the State's plan and in its Progress Report, primarily benefit visibility at the Point Reyes National Seashore. Thus, the State has provided the information that NPCA requested.

Comment: NPCA also encouraged EPA to include a direct comparison of the emission projections used by the WRAP in its model relied upon by California to establish its RPGs versus the most recent emission inventory, to explain any discrepancies and projected changes to 2018.

Response: The RHR does not require a direct comparison of the emission projections used to establish the RPGs in 2018 for the California RH SIP, with the most recent emission inventory used in the Progress Report to summarize emission reductions achieved. To understand better the difficulty of relying on emission inventories to evaluate visibility conditions at individual Class I areas, please refer to the WRAP Regional Haze Rule Reasonable Progress Report Support Document.[7] The Rule does require a state to use updated emission inventories and other data for the comprehensive revision to the RH SIP due in 2018 that establishes new RPGs for 2028.

C. Changes in Visibility Conditions

Comment: NPCA requested that EPA revise the Progress Report to include ''natural conditions and the uniform rate of progress (URP) milestones'' since these are ''the goals by which visibility progress is measured.'' NPCA included a table focusing on visibility improvement on worst days, the salient component of which is comparing the

[4] See 64 FR 33713, 35719–35720 (July 1, 1999).

[5] 40 CFR 51.308(d)(1)(vi).

[6] California Regional Haze Plan 2014 Progress Report, CARB, May 22, 2014, pages 6–7.

[7] WRAP Regional Haze Rule Reasonable Progress Report Support Document, Emissions Inventories, page 3–11 to 3–29.

five-year period from 2008–2012 to the URP milestone in 2018.[8]

Response: The RHR in 51.308(g)(3) requires a state to assess visibility for most impaired and least impaired days based on five-year averages at each Class I area for current conditions, current compared to baseline conditions, and over the past five years. As stated in the title of 40 CFR 51.308(g), these are ''[r]equirements for periodic reports describing progress towards the reasonable progress goals.'' While the URP to natural conditions, and the resulting URP milestone for 2018, is an important frame of reference, a state is required to report progress toward its RPG for 2018, not the URP milestone. CARB used the five-year period from 2007–2011 as the basis of comparison to the RPGs,[9] which was the most current data available at the time of the analysis. CARB also included data on visibility conditions at each Class I area in 2012 in the appendices [10] to indicate further progress, even though this year is outside the time frame of the State's review. We do not agree that the Progress Report needs revision, because CARB has adequately addressed this particular requirement.

Comment: NPCA requested that EPA include the five-year rolling averages of species extinction in graphical and tabular form for each Class I area to illustrate more clearly the impact associated with each pollutant species. Further, NPCA suggested that EPA clearly include estimates of emission trends from relevant sources outside the State that impact California's Class I areas.

Response: The data on species extinction, while potentially informative, is not required by the Rule. As to emission trends of sources outside of California, this information is required in the progress reports from states in which those Class I areas are located. It is worth noting that CARB is required to address any significant changes in anthropogenic emissions within or outside the State that have impeded progress at its Class I areas under 51.308(g)(5), which is addressed further below.

D. Changes in Emissions

Comment: NPCA stated that the emissions inventory in the Report does not include natural sources, which are particularly important due to the role of wildfire in visibility impairment. NPCA requested that EPA include emissions from natural sources in the State's emissions inventory, including projected future values. NPCA further stated that it is unclear whether the emission inventory includes several other growing sources of anthropogenic emissions, including emissions from increased oil and gas production (*e.g.,* from fracking and transportation of crude oil through California by rail). NPCA also noted that the Report did not discuss emissions of ammonia, a precursor to ammonium nitrate and ammonium sulfate, which impair visibility.

Response: CARB provides statewide emission inventories by source category and pollutant in five-year increments from 2000 to 2020 in the Emission Inventory 2013 Almanac (Appendix B of the Progress Report) that is used as the basis for reporting on emission inventories and trends, including the period from 2005 to 2010. In the context of reducing man-made impairment of visibility, EPA does not expect states to include wildfires in addressing this requirement. While developing an inventory of past wildfire emissions is possible, using this information to project future emissions is highly problematic given the variation in time and place as well as the inherent unpredictability of wildfire events. That said, CARB includes in its Progress Report [11] three case studies that provide a detailed analysis of the impact of documented wildfire events on specific Class I areas. While not appropriate for a trend analysis, this type of information is critical to understanding the effect of wildfires on visibility, especially in Class I areas where wildfires have limited progress toward achieving the RPGs for 2018.

CARB did include emissions from oil and gas production. Two source categories are listed for each of the four pollutants (NO_X, SO_X, volatile organic compounds (VOC), and particulate matter of 2.5 microns or less ($PM_{2.5}$)) in the Emission Inventory 2013 Almanac.[12] The first category, ''Oil and Gas Production (Combustion),'' is largely emissions from oil field equipment, which are mostly point sources. The second category, ''Oil and Gas Production,'' consists of evaporative emissions from sources like tanks and leaking valves, which are usually area sources. Another category, listed as ''Off-Road Equipment,'' includes emissions from drilling rigs. CARB's interactive emission inventory that was used for the Progress Report is available online at *http://www.arb.ca.gov/app/emsinv/fcemssumcat2013.php.*

It is difficult to determine whether the limited, minor increases in the Oil and Gas inventory are attributable to any increase in production. We consider any potential growth in this sector a prospective issue for the State to address in its next RH SIP revision due in 2018. Nonetheless, according to the Emission Inventory 2013 Almanac (Appendix B), the following trends are discernable:

- *Oil and Gas Production (Combustion):* For this category of oil and gas stationary sources, NO_X emissions constitute the largest annual total (3,723 tpy in 2010) of the four pollutants listed in the State's inventory. However, these emissions are projected to decline from 2000 to 2020. SO_X emissions from this category increased from 2005 to 2010 (475 to 767 tpy), but overall are projected to decline from 2000 to 2020. VOC emissions are relatively flat (949 tpy in 2005 and 2010). $PM_{2.5,}$ while also relatively flat from 2000 to a projected 2020, increased slightly from 2005 to 2010 (657 to 767 tpy).
- *Oil and Gas Production:* For this category of oil and gas area sources, VOCs constitute the largest annual total (13,615 tpy in 2010), but are projected to decline from 2000 to 2020. For the five-year period from 2005 to 2010, emissions of VOCs decreased about 11 percent from 15,367 to 13,615 tpy. These oil and gas area sources also emit NO_X emissions, but at a lower level. Emissions of NO_X are expected to decline from 2000 to 2020, including from 986 tpy in 2005 to 803 tpy in 2010. SO_X emissions are consistently flat from 2000 to 2020 at about 36 tpy. $PM_{2.5}$ emissions were 36 tpy in 2005 and are reportedly zero for 2010 and the inventory years thereafter.

Regarding ammonia, the RHR does not require the inclusion of ammonia in the emission inventory. In EPA's General Principles for developing the progress reports, we explained that ''[b]ecause nearly all of the initial regional haze SIPs . . . considered only SO_2, NO_X, and PM as visibility impairing pollutants, the first five-year reports are usually not required to identify or quantify emission reductions for other pollutants, such as ammonia or VOC.'' [13] Although not required, information exists regarding whether emissions of ammonia are an issue in California. For example, research by

[8] NPCA letter to EPA dated November 29, 2014, page 8.

[9] See Progress Report, Statewide 2018 Reasonable Progress Goals Summary, Table 3, page 12.

[10] See Progress Report, Deciview Record (2000–2012), Appendix C, Tables C–1, C–2, and C–3.

[11] Progress Report, Technical Analyses of Factors Impeding Progress, Appendix D, pages 1–23.

[12] Progress Report, Appendix B.

[13] General Principles for the 5-Year Regional Haze Progress Reports, USEPA, April 2013, page 7.

CARB [14] indicates that, due to the relative abundance of ammonia, reducing ammonia emissions are not as effective at reducing ammonium nitrate and ammonium sulfate as directly reducing NO_X and SO_2.

E. Anthropogenic Emissions Impeding Progress

Comment: NPCA acknowledged that California discusses the impacts of wildfire, off-shore shipping, and Asian dust, which have impeded progress in some of California's Class I areas. NPCA suggested that EPA do more research in these areas to develop nationally consistent methods to account for emissions from these types of sources. For example, the distinction between prescribed fires and wildfires is confusing in regard to what is natural versus anthropogenic and what is controllable versus uncontrollable given the interconnection between these two categories of fire. Similarly, NPCA encouraged EPA to address emissions from federally regulated sources and to consult with other countries on international sources of haze. NPCA restated its concern regarding the potential for increased emissions related to oil and gas development and production, as well as the importation of crude oil by rail. NPCA also addressed the indirect impacts of climate change on regional haze as warmer temperatures contribute to higher ground level ozone and $PM_{2.5}$ concentrations.

Response: EPA acknowledges that more research and consistent methods are needed to understand and measure the effects of anthropogenic emissions from sources outside a state's control (*e.g.,* emissions from Asia, Mexico, and Canada). Further research also is needed concerning the anthropogenic component of wildfires and prescribed fires, which is subject to interpretation, and varies over time and place. It is worth noting that the Federal government continues to regulate emissions from mobile and off-shore shipping, for example, which are credited in the RH SIPs. Moreover, we understand and share concerns about the potential effects of climate change on human health and the environment. We continually work with CARB and other air quality agencies in California to update and improve emission inventories in order to evaluate more accurately our progress in improving human health and the environment.

F. Meeting the Reasonable Progress Goals

Comment: NPCA is concerned that the progress that California appears to be making in most Class I areas may not be enforceable or permanent. NPCA encouraged EPA to revise downward the RPGs for 2018 to reflect the progress to date, noting that California has previously committed to reevaluating the RPGs to determine if they should be adjusted to better reflect achievable improvement.

Response: The purpose of the Progress Report is to evaluate whether the State's existing plan is making sufficient progress in achieving the established RPGs for 2018 in its 29 Class I areas, and is not interfering with the ability of other States to make similar progress in nearby Class I areas. The Rule does not make any provision for EPA to require a state to lower its RPGs where it appears from a progress report that they will be achieved.

G. Visibility Monitoring Strategy

Comment: NPCA encouraged EPA to maintain, and consider increasing, funding for the IMPROVE monitoring network, given that a number of California's Class I areas share monitors.

Response: EPA acknowledges NPCA's support for the IMPROVE monitoring network.

H. Determination of Adequacy

Comment: NPCA requested that EPA not approve California's determination of adequacy. NPCA cited the fact that the LAVO [15] monitoring data shows degradation of visibility on the worst days, and is therefore not on track to meet its RPG. This means that the SIP is not sufficient to meet the established visibility goals. NPCA also mentioned California's identification of wildfires, shipping emissions, and Asian dust as relatively significant factors, particularly in relation to the LAVO monitor.

Response: EPA disagrees with NPCA's request to disapprove the State's determination of adequacy. The requested disapproval is based on the commenter's interpretation that the LAVO monitoring data, representing three Class I areas in northern California, indicate that these Class I areas will not achieve the RPG by 2018. As we noted in our proposal,[16] LAVO is the only monitor, based on the most recent five-year average (2008–2012), which shows worse visibility conditions (15.6 dv) compared to its baseline (14.1 dv). However, this situation in 2008–2012 does not necessarily mean that the SIP is not adequate to achieve the RPG by 2018, because wildfire smoke, a key contributor to haze in this period, should not be assumed to be the same in 2018 as during 2008–2012. We explained that ''CARB provides technical analyses of how wildfire smoke can elevate the deciview value on a sufficient number of the 20 percent worst days to increase the annual average deciview as well as skew the five-year average deciview at a given monitor.'' [17] In fact, CARB provides a technical analysis of the factors impeding progress at LAVO in its Progress Report.[18] In particular, CARB establishes a positive correlation between documented wildfires in southern Oregon and northern California in 2008 and 2009 with exceptionally high readings of organic carbon at the LAVO monitor on worst days in those same years.[19] CARB goes on to document that the worst day averages at the LAVO monitor for 2010 (12.8 dv), 2011 (11.7 dv), and 2012 (14.3 dv) were below or near the baseline average of 14.1 dv.[20] Taking this evidence of wildfire impacts into consideration, the LAVO monitor establishes a trend toward meeting the RPG for 2018 of 13.3 dv. It is EPA's determination that CARB adequately demonstrates that no substantive revisions are needed at this time to achieve the established RPGs at the Class I areas.

III. Summary of Final Action

EPA is taking final action to approve the California Regional Haze Plan 2014 Progress Report submitted to EPA on June 16, 2014, as meeting the applicable RHR requirements as set forth in 40 CFR 51.308(g), (h), and (i). With 29 Class I areas in California, we commend CARB on the Progress Report, and in particular, the development of the case studies in Appendix D that provide an analysis of wildfire impacts at three of the IMPROVE monitors. The comprehensive evaluation of the California RH SIP due in 2018 for the next ten-year planning period is the next opportunity to reassess progress and make any necessary adjustments.

[14] Proposed Revision to the $PM_{2.5}$ State Implementation Plan for the San Joaquin Valley, Weight of Evidence Analysis, Appendix B, CARB, January 11, 2013, at *http://www.arb.ca.gov/planning/sip/sjvpm25/24hrsjvpm25.htm.*

[15] LAVO is an IMPROVE monitor collecting air quality data for Lassen Volcanic National Park, Caribou Wilderness Area, and Thousand Lakes Wilderness Area in northern California.

[16] 79 FR 58307, September 29, 2014.

[17] Ibid.

[18] Technical Analyses of Factors Impeding Progress, Appendix D, pages D8–D16.

[19] See Figure D–7, Relative Contributions to Total Light Extinction at LAVO, Progress Report, page D–9.

[20] Progress Report, page D–13.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations.[21] Thus, in reviewing SIP submissions, EPA's role is to approve state decisions, 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 this action does not involve technical standards; 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 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.

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 27, 2015.

Jared Blumenfeld,

Regional Administrator, EPA Region IX.

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 F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(454) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(454) The following plan was submitted on June 16, 2014, by the Governor's Designee.

(i) [Reserved]

(ii) Additional materials.

(A) California Air Resources Board (CARB).

(*1*) CARB Resolution 14–15, dated May 22, 2014, approving the ''California Regional Haze Plan 2014 Progress Report.''

(*2*) The ''California Regional Haze Plan 2014 Progress Report'', adopted on May 22, 2014.

■ 3. Section 52.281 is amended by adding paragraph (g) to read as follows:

§ 52.281 Visibility protection.

* * * * *

(g) *Approval.* On June 16, 2014, the California Air Resources Board submitted the ''California Regional Haze Plan 2014 Progress Report'' (''Progress Report''). The Progress Report meets the requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule in 40 CFR 51.308.

[FR Doc. 2015–07232 Filed 3–31–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2012–0353; FRL–9925–50–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Montana Second 10-Year Carbon Monoxide Maintenance Plan for Great Falls

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Montana. On July 13, 2011, the Governor of Montana's designee submitted to EPA a second 10-year maintenance plan for the Great Falls area for the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS). This maintenance plan addresses maintenance of the CO NAAQS for a second 10-year period

[21] 42 U.S.C. 7410(k); 40 CFR 52.02(a).

beyond the original redesignation. EPA is also approving an alternative monitoring strategy for the Great Falls CO maintenance area, which was submitted by the Governor's designee on June 22, 2012.

DATES: This final rule is effective May 1, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R08–OAR–2012–0353. 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 Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Adam Clark, U.S. EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–7104, *clark.adam@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

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

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
(ii) The initials *CO* mean or refer to carbon monoxide.
(iii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.
(iv) The initials *NAAQS* mean or refer to the National Ambient Air Quality Standards.
(v) The initials *SIP* mean or refer to State Implementation Plan.
(vi) The words *Montana* and *State* mean or refer to the State of Montana.

I. Background

Eight years after an area is redesignated to attainment, Clean Air Act (CAA) section 175A(b) requires the state to submit a subsequent maintenance plan to EPA, covering a second 10-year period.[1] This maintenance plan must demonstrate continued compliance with the NAAQS during this second 10-year period. On July 13, 2011, the Governor of Montana's designee submitted to EPA a second 10-year maintenance plan for the Great Falls area for the CO NAAQS.

Along with the revised Great Falls Maintenance Plan, the State submitted a CO maintenance plan for the Billings, Montana maintenance area, and an alternative strategy for monitoring continued attainment of the CO NAAQS in all of the State's CO maintenance areas on July 13, 2011.[2] The State submitted the alternative monitoring strategy in order to conserve resources by discontinuing the gaseous CO ambient monitors in both the Billings and Great Falls CO maintenance areas. We commented on the State's ''Alternative Monitoring Strategy,'' and the State submitted a revised version of the strategy, which incorporated our comments on June 22, 2012.

In a document published on December 1, 2014, we proposed approval of the Great Falls second 10-year maintenance plan and the associated ''Alternative Monitoring Strategy.'' (79 FR 71057)

II. Response to Comments

The comment period for our December 1, 2014 proposed rule was open for 30 days. We did not receive any comments on the proposed action.

III. Final Action

EPA is approving the revised Great Falls Maintenance Plan submitted on July 13, 2011. This maintenance plan meets the applicable CAA requirements and EPA has determined it is sufficient to provide for maintenance of the CO NAAQS over the course of the second 10-year maintenance period out to 2022.

EPA is also approving the State's Alternative Monitoring Strategy, submitted on June 22, 2012, for the Great Falls CO maintenance area. We are not approving application of the Alternative Monitoring Strategy in other areas of Montana with this action, as the Alternative Monitoring Strategy must be considered on a case-by-case basis specific to the circumstances of each particular CO maintenance area rather than broadly.

[1] In this case, the initial maintenance period extended through 2012. Thus, the second 10-year period extends through 2022.

[2] In addition to Billings and Great Falls, the Missoula, MT CO maintenance area was included in the July 13, 2011 Alternative Monitoring Strategy.

IV. Statutory and Executive Orders Review

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have

tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: March 17, 2015.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended to read 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 BB—Montana

■ 2. Section 52.1373 is amended by revising paragraph (c) to read as follows:

§ 52.1373 Control strategy: Carbon monoxide.

* * * * *

(c) Revisions to the Montana State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Great Falls, as submitted by the Governor's Designee on July 13, 2011, and the associated Alternative Monitoring Strategy for Great Falls, as submitted by the Governor's Designee on June 22, 2012.

* * * * *

[FR Doc. 2015–07220 Filed 3–31–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0906; FRL–9922–65–Region 10]

Approval and Promulgation of Air Quality Implementation Plans; Idaho; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Idaho State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the Idaho Department of Environmental Quality and approved by the EPA. In this action, the EPA is also notifying the public of corrections to typographical errors and minor formatting changes to the IBR tables. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at the EPA's Headquarters in Washington, DC, and the EPA Regional Office.

DATES: This action is effective April 1, 2015.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: EPA Region 10, Office of Air, Waste, and Toxics (AWT–150), 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue NW., Room Number 3334, EPA West Building, Washington, DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

FOR FURTHER INFORMATION CONTACT: Donna Deneen, EPA Region 10, Office of Air, Waste, and Toxics (AWT–150), 1200 Sixth Avenue, Seattle, Washington 98101, or at (206) 553–6706.

SUPPLEMENTARY INFORMATION:

I. Background

The SIP is a living document which a state revises as necessary to address its unique air pollution problems. Therefore, the EPA, from time to time, must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), the EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between the EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and ''Identification of plan'' format are discussed in further detail in the May 22, 1997, **Federal Register** document. On January 25, 2005 (70 FR 9450), the EPA published a **Federal Register** document beginning the new IBR procedure for Idaho. On December 28, 2012 (77 FR 76417), the EPA published an update to the IBR material for Idaho.

Since the publication of the last IBR update, the EPA approved into the Idaho SIP the following regulatory changes: [1]

A. Added Regulations

1. IDAPA 58.01.01 (Rules for the Control of Air pollution in Idaho): section 624.

2. City and County Ordinances: City of Sandpoint Chapter 8 Air Quality (4–8–1 through 4–8–14), City of Clifton Ordinance No. 120, City of Dayton Ordinance #287, Franklin City Ordinance No. 2012–9–12, Franklin County Ordinance No. 2012–6–25, City of Oxford Memorandum of Understanding, City of Preston Ordinance No. 2012–1, City of Weston Ordinance No. 2012–01.

3. EPA-Approved Idaho Source-Specific Requirements: The Amalgamated Sugar Company LLC—Nampa Factory, Nampa, Idaho (Permit No. T2–2009.0105, date issued 12/23/2011).

[1] See 78 FR 16790 (March 19, 2013), 78 FR 20001 (April 3, 2013), 79 FR 11711 (March 3, 2014), 79 FR 16201 (March 25, 2014), and 79 FR 23273 (April 28, 2014).

B. Revised Regulations

IDAPA 58.01.01 (Rules for the Control of Air pollution in Idaho): sections 006, 107, 220, 222, 617, 618, 620, 622 and 623.

C. Removed Regulations

1. City and County Ordinances: City of Sandpoint Ordinance No. 965 (2/21/1995 City adoption date).

2. EPA-Approved Idaho Source-Specific Requirements: Louisiana Pacific Corporation, Sandpoint, Idaho (State effective date 10/31/2001), The Amalgamated Sugar Company LLC—Nampa Factory, Nampa, Idaho (Permit No. T2–2009.0105, date issued 9/7/2010).

II. EPA Action

In this action, the EPA is announcing the update to the IBR material as of January 15, 2015. The EPA is also correcting typographical errors, including omission and capitalization errors in subsection 52.670(c), table entries 006, 124, and 220. The EPA is also reformatting dates (*i.e.*, month, day and year) and correcting punctuation to display a consistent format throughout the tables in 52.670(c) and (d).

The EPA has determined that today's rule falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is ''unnecessary'' and ''contrary to the public interest'' since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect table entries.

III. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

The EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Idaho SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, the EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this ''Identification of plan'' update action for Idaho.

List of Subjects in 40 CFR Part 52

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

Dated: January 27, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. Section 52.670 is amended by:
■ a. Revising paragraph (b).
■ b. Revising paragraph (c).
■ c. Revising paragraph (d).

The revisions read as follows:

§ 52.670 Identification of plan.

* * * * *

(b) *Incorporation by reference.*

(1) Material listed as incorporated by reference in paragraphs (c) and (d) was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The material incorporated is as it exists on the date

of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates on or after January 15, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2)(i) EPA Region 10 certifies that the rules and regulations provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules and regulations which have been approved as part of the State implementation plan as of January 15, 2015.

(ii) EPA Region 10 certifies that the source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated source-specific requirements which have been approved in the notebook ''40 CFR 52.670(d)—Source Specific Requirements'' as part of the State implementation plan as of January 15, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 10 Office of Air, Waste, and Toxics (AWT–150), 1200 Sixth Avenue, Seattle, Washington 98101; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA APPROVED IDAHO REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Idaho Administrative Procedures Act (IDAPA) 58.01.01—Rules for the Control of Air Pollution in Idaho				
001	Title and Scope	5/1/1994	1/16/2003, 68 FR 2217.	
004	Catchlines	5/1/1994	1/16/2003, 68 FR 2217.	
005	Definitions	5/1/1994	1/16/2003, 68 FR 2217.	
006	General Definitions	4/4/2013, 3/30/2007, 4/11/2006, 7/1/2002, 4/5/2000, 3/20/1997, 5/1/1994.	3/3/2014, 79 FR 11711.	Except Section 006.49, 006.50, 006.51, 006.66, 006.67, and 006.68(b), 006.114, and 006.116.
007	Definitions for the Purposes of Sections 200 through 225 and 400 through 461.	3/30/2007, 4/11/2006, 4/5/2000, 6/30/1995, 5/1/1995, 5/1/1994.	6/9/2011, 76 FR 33647.	
106	Abbreviations	5/1/1994	1/16/2003, 68 FR 2217.	
107	Incorporations by Reference	4/4/2013, 10/6/2010, 5/8/2009, 3/30/2007, 3/20/2004, 7/1/1997, 5/1/1994.	3/3/2014, 79 FR 11711.	Except Section 107.03(f) through (m), and with respect to 107.03(c), its incorporation by reference of 40 CFR 52.21(i)(5)(i)(*c*), (k)(2), and the second sentence of (b)(49)(ii)(*a*).
121	Compliance Requirements by Department.	5/1/1994	1/16/2003, 68 FR 2217.	
122	Information Orders by the Department	4/5/2000, 5/1/1994	1/16/2003, 68 FR 2217.	
123	Certification of Documents	5/1/1994	1/16/2003, 68 FR 2217.	
124	Truth, Accuracy and Completeness of Documents.	5/1/1994	1/16/2003, 68 FR 2217.	
125	False Statements	3/23/1998	1/16/2003, 68 FR 2217.	
126	Tampering	3/23/1998	1/16/2003, 68 FR 2217.	
127	Format of Responses	5/1/1994	1/16/2003, 68 FR 2217.	
130	Startup, Shutdown, Scheduled Maintenance, Safety Measures, Upset and Breakdown.	4/5/2000	1/16/2003, 68 FR 2217.	
131	Excess Emissions	4/5/2000	1/16/2003, 68 FR 2217.	
132	Correction of Condition	4/5/2000	1/16/2003, 68 FR 2217.	
133	Start-up, Shutdown and Scheduled Maintenance Requirements.	4/11/2006, 4/5/2000, 3/20/1997.	11/26/2010, 75 FR 72719.	
134	Upset, Breakdown and Safety Requirements.	4/11/2006, 4/5/2000, 3/20/1997.	11/26/2010, 75 FR 72719.	
135	Excess Emission Reports	4/11/2006, 4/5/2000, 3/20/1997.	11/26/2010, 75 FR 72719.	
136	Excess Emission Records	4/5/2000, 3/23/1998, 3/20/1997.	1/16/2003, 68 FR 2217.	

EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
155	Circumvention	4/11/2006	11/26/2010, 75 FR 72719.	
156	Total Compliance	5/1/1994	1/16/2003, 68 FR 2217.	
157	Test Methods and Procedures	4/5/2000	1/16/2003, 68 FR 2217.	
160	Provisions Governing Specific Activities and Conditions.	4/5/2000	1/16/2003, 68 FR 2217.	
162	Modifying Physical Conditions	5/1/1994	1/16/2003, 68 FR 2217.	
163	Source Density	5/1/1994	1/16/2003, 68 FR 2217.	
164	Polychlorinated Biphenyls (PCBs)	5/1/1994	1/16/2003, 68 FR 2217.	
200	Procedures and Requirements for Permits to Construct.	4/2/2008	11/26/2010, 75 FR 72719.	
201	Permit to Construct Required	7/1/2002	11/26/2010, 75 FR 72719.	
202	Application Procedures	4/6/2005, 7/1/2002, 4/5/2000, 5/1/1994.	11/26/2010, 75 FR 72719.	
203	Permit Requirements for New and Modified Stationary Sources.	5/1/1994	1/16/2003, 68 FR 2217.	(Except subsection 203.03).
204	Permit Requirements for New Major Facilities or Major Modifications in Nonattainment Areas.	4/2/2008, 3/30/2007, 4/6/2005, 4/5/2000, 5/1/1994.	11/26/2010, 75 FR 72719.	
205	Permit Requirements for New Major Facilities or Major Modifications in Attainment or Unclassifiable Areas.	4/2/2008, 3/30/2007, 4/6/2005.	11/26/2010, 75 FR 72719.	
206	Optional Offsets for Permits to Construct.	4/6/2005	11/26/2010, 75 FR 72719.	
207	Requirements for Emission Reduction Credit.	5/1/1994	1/16/2003, 68 FR 2217.	
208	Demonstration of Net Air Quality Benefit.	4/5/2000, 5/1/1994	1/16/2003, 68 FR 2217.	
209	Procedures for Issuing Permits	4/11/2006, 4/6/2005, 5/3/2003, 7/1/2002, 4/5/2000, 3/19/1999, 3/23/1998, 5/1/1994.	11/26/2010, 75 FR 72719.	
211	Conditions for Permits to Construct	5/1/1994	1/16/2003, 68 FR 2217.	
212	Obligation to Comply	5/1/1994	1/16/2003, 68 FR 2217.	
213	Pre-Permit Construction	4/11/2006, 5/3/2003, 4/5/2000, 3/23/1998.	11/26/2010, 75 FR 72719.	
220	General Exemption Criteria for Permit to Construct Exemptions.	4/4/2013, 4/5/2000	3/3/2014, 79 FR 11711.	
221	Category I Exemption	4/5/2000	1/16/2003, 68 FR 2217.	
222	Category II Exemption	4/4/2013, 4/11/2006, 4/5/2000, 5/1/1994, 7/1/1997.	3/3/2014, 79 FR 11711.	
400	Procedures and Requirements for Tier II Operating Permits.	7/1/2002	11/26/2010, 75 FR 72719.	
401	Tier II Operating Permit	4/6/2005, 7/1/2002, 4/5/2000, 5/1/1994.	11/26/2010, 75 FR 72719.	Except 401.01.a (bubbles) and 401.04 (compliance date extension).
402	Application Procedures	7/1/2002, 5/1/1994, 4/5/2000, 7/1/2002.	11/26/2010, 75 FR 72719.	
403	Permit Requirements for Tier II Sources.	5/1/1994	1/16/2003, 68 FR 2217.	
404	Procedure for Issuing Permits	4/11/2006, 4/5/2000, 5/1/1994, 7/1/2002.	11/26/2010, 75 FR 72719.	

EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
405	Conditions for Tier II Operating Permits.	5/1/1994	1/16/2003, 68 FR 2217.	
406	Obligation to Comply	5/1/1994	1/16/2003, 68 FR 2217.	
460	Requirements for Emission Reduction Credits.	4/11/2006, 4/5/2000, 5/1/1994.	11/26/2010, 75 FR 72719.	
461	Requirements for Banking Emission Reduction Credits (ERC's).	4/5/2000, 5/1/1994	1/16/2003, 68 FR 2217.	
500	Registration Procedures and Requirements for Portable Equipment.	5/1/1994	1/16/2003, 68 FR 2217.	
510	Stack Heights and Dispersion Techniques.	5/1/1994	1/16/2003, 68 FR 2217.	
511	Applicability	4/11/2006	11/26/2010, 75 FR 72719.	
512	Definitions	4/11/2006, 5/1/1994, 4/5/2000.	11/26/2010, 75 FR 72719.	
513	Requirements	4/11/2006	11/26/2010, 75 FR 72719.	
514	Opportunity for Public Hearing	5/1/1994	1/16/2003, 68 FR 2217.	
515	Approval of Field Studies and Fluid Models.	5/1/1994	1/16/2003, 68 FR 2217.	
516	No Restriction on Actual Stack Height	5/1/1994	1/16/2003, 68 FR 2217.	
550	Air Pollution Emergency Rule	5/1/1994	1/16/2003, 68 FR 2217.	
551	Episode Criteria	5/1/1994	1/16/2003, 68 FR 2217.	
552	Stages	3/15/2002, 5/1/1994.	1/16/2003, 68 FR 2217.	
553	Effect of Stages	3/15/2002	1/16/2003, 68 FR 2217.	
556	Criteria for Defining Levels Within Stages.	3/15/2002, 4/5/2000.	1/16/2003, 68 FR 2217.	
557	Public Notification	5/1/1994	1/16/2003, 68 FR 2217.	
558	Information To Be Given	3/15/2002, 5/1/1994.	1/16/2003, 68 FR 2217.	
559	Manner and Frequency of Notification	5/1/1994	1/16/2003, 68 FR 2217.	
560	Notification to Sources	4/11/2006	11/26/2010, 75 FR 72719.	
561	General Rules	4/11/2006, 5/1/1994, 3/15/2002.	11/26/2010, 75 FR 72719.	
562	Specific Emergency Episode Abatement Plans for Point Sources.	5/1/1994	1/16/2003, 68 FR 2217.	
563	Transportation Conformity	3/30/2001	4/12/2001, 66 FR 18873.	
564	Incorporation by Reference	3/30/2001	4/12/2001, 66 FR 18873.	
565	Abbreviations	3/30/2001	4/12/2001, 66 FR 18873.	
566	Definitions for the Purpose of Sections 563 Through 574 and 582.	3/30/2001	4/12/2001, 66 FR 18873.	
567	Agencies Affected by Consultation	3/30/2001	4/12/2001, 66 FR 18873.	
568	ICC Member Roles in Consultation	3/30/2001	4/12/2001, 66 FR 18873.	
569	ICC Member Responsibilities in Consultation.	3/30/2001	4/12/2001, 66 FR 18873.	
570	General Consultation Process	3/30/2001	4/12/2001, 66 FR 18873.	
571	Consultation Procedures	3/30/2001	4/12/2001, 66 FR 18873.	
572	Final Conformity Determinations by USDOT.	3/30/2001	4/12/2001, 66 FR 18873.	
573	Resolving Conflicts	3/30/2001	4/12/2001, 66 FR 18873.	
574	Public Consultation Procedures	3/30/2001	4/12/2001, 66 FR 18873.	

EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
575	Air Quality Standards and Area Classification.	4/11/2006	11/26/2010, 75 FR 72719.	
576	General Provisions for Ambient Air Quality Standards.	5/1/1994	1/16/2003, 68 FR 2217.	
578	Designation of Attainment, Unclassifiable, and Nonattainment Areas.	5/1/1994	1/16/2003, 68 FR 2217.	
579	Baselines for Prevention of Significant Deterioration.	4/5/2000, 5/1/1994	1/16/2003, 68 FR 2217.	
580	Classification of Prevention of Significant Deterioration Areas.	4/5/2000, 5/1/1994	1/16/2003, 68 FR 2217.	
581	Prevention of Significant Deterioration (PSD) Increments.	10/6/2010,4/11/2006, 7/1/1997, 5/1/1994.	7/17/2012, 77 FR 41916.	
582	Interim Conformity Provisions for Northern Ada County Former Nonattainment Area for PM–10.	3/30/2001	4/12/2001, 66 FR 18873.	
600	Rules for Control of Open Burning	4/2/2008	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
601	Fire Permits, Hazardous Materials and Liability.	4/2/2008	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
602	Nonpreemption of Other Jurisdictions	4/2/2008	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
603	General Restrictions	4/2/2008,3/21/2003, 5/1/1994.	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
606	Categories of Allowable Burning	4/2/2008	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
607	Recreational and Warming Fires	3/21/2003	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
608	Weed Control Fires	5/1/1994	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
609	Training Fires	3/21/2003	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
610	Industrial Flares	3/21/2003	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
611	Residential Solid Waste Disposal Fires.	5/1/1994	1/16/2003, 68 FR 2217.	
612	Landfill Disposal Site Fires	3/21/2003	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
613	Orchard Fires	3/21/2003, 5/1/1994.	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
614	Prescribed Burning	5/1/1994	1/16/2003, 68 FR 2217.	
615	Dangerous Material Fires	3/21/2003	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
616	Infectious Waste Burning	3/21/2003	8/1/2008, 73 FR 44915.	Previous EPA Approval Date of 7/11/2005 removed in response to 9th Circuit remand.
617	Crop Residue	7/1/2011, 4/2/2008	3/19/2013, 78 FR 16790.	
618	Permit By Rule	7/1/2011, 4/2/2008	3/19/2013, 78 FR 16790.	
619	Registration for Permit By Rule	4/2/2008	8/1/2008, 73 FR 44915.	
620	Registration Fee	7/1/2011, 4/2/2008	3/19/2013, 78 FR 16790.	
621	Burn Determination	4/2/2008	8/1/2008, 73 FR 44915.	

EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
622	General Provisions	7/1/2011, 4/2/2008	3/19/2013, 78 FR 16790.	
623	Public Notification	7/1/2011, 4/2/2008	3/19/2013, 78 FR 16790.	
624	Spot Burn, Baled Agricultural Residue Burn, and Propane Flaming Permits.	7/1/2011	3/19/2013, 78 FR 16790.	
625	Visible Emissions	4/2/2008	8/1/2008, 73 FR 44915.	
626	General Restrictions on Visible Emissions from Wigwam Burners.	4/5/2000	1/16/2003, 68 FR 2217.	
650	Rules for Control of Fugitive Dust	5/1/1994	1/16/2003, 68 FR 2217.	
651	General Rules	3/30/2007, 5/1/1994.	6/9/2011, 76 FR 33647.	
665	Regional Haze Rules	3/30/2007	6/9/2011, 76 FR 33647.	
666	Reasonable Progress Goals	3/30/2007	6/9/2011, 76 FR 33647.	
667	Long-Term Strategy for Regional Haze.	3/30/2007	6/9/2011, 76 FR 33647.	
668	BART Requirement for Regional Haze	3/30/2007	6/9/2011, 76 FR 33647.	
675	Fuel Burning Equipment—Particulate Matter.	4/5/2000	1/16/2003, 68 FR 2217.	
676	Standards for New Sources	5/1/1994	1/16/2003, 68 FR 2217.	
677	Standards for Minor and Existing Sources.	5/1/1994	1/16/2003, 68 FR 2217.	
678	Combinations of Fuels	5/1/1994	1/16/2003, 68 FR 2217.	
679	Averaging Period	4/11/2006, 5/1/1994.	11/26/2010, 75 FR 72719.	
680	Altitude Correction	5/1/1994	1/16/2003, 68 FR 2217.	
681	Test Methods and Procedures	4/5/2000	1/16/2003, 68 FR 2217.	
700	Particulate Matter Process Weight Limitations.	5/3/2003, 4/5/2000	11/26/2010, 75 FR 72719.	
701	Particulate Matter—New Equipment Process Weight Limitations.	4/5/2000	1/16/2003, 68 FR 2217.	
702	Particulate Matter—Existing Equipment Process Weight Limitations.	4/5/2000, 5/1/1994	1/16/2003, 68 FR 2217.	
703	Particulate Matter—Other Processes	4/5/2000	1/16/2003, 68 FR 2217.	
725	Rules for Sulfur Content of Fuels	5/8/2009, 5/1/1994	11/26/2010, 75 FR 72719.	
785	Rules for Control of Incinerators	5/1/1994	1/16/2003, 68 FR 2217.	
786	Emission Limits	4/5/2000	1/16/2003, 68 FR 2217.	
787	Exceptions	3/23/1998	1/16/2003, 68 FR 2217.	
805	Rules for Control of Hot-mix Asphalt Plants.	5/1/1994	1/16/2003, 68 FR 2217.	
806	Emission Limits	5/1/1994	1/16/2003, 68 FR 2217.	
807	Multiple Stacks	5/1/1994	1/16/2003, 68 FR 2217.	
808	Fugitive Dust Control	5/1/1994	1/16/2003, 68 FR 2217.	
815	Rules for Control of Kraft Pulping Mills	5/1/1994	1/16/2003, 68 FR 2217.	
816	Statement of Policy	5/1/1994	1/16/2003, 68 FR 2217.	
817	General Rules	5/1/1994	1/16/2003, 68 FR 2217.	
821	Recovery Furnace Particulate Standards.	5/1/1994	1/16/2003, 68 FR 2217.	
822	Lime Kiln Standards	5/1/1994	1/16/2003, 68 FR 2217.	

EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
823	Smelt Tank Standards	5/1/1994	1/16/2003, 68 FR 2217.	
824	Monitoring and Reporting	4/5/2000, 5/1/1994	1/16/2003, 68 FR 2217.	(Except subsection 824.01).
825	Special Studies	5/1/1994	1/16/2003, 68 FR 2217.	
826	Exceptions	5/1/1994	1/16/2003, 68 FR 2217.	
845	Rules for Control of Sulfur Oxide Emissions from Sulfuric Acid Plants.	5/1/1994	1/16/2003, 68 FR 2217.	
846	Emission Limits	4/5/2000	1/16/2003, 68 FR 2217.	
847	Monitoring and Testing	4/5/2000	1/16/2003, 68 FR 2217.	
848	Compliance Schedule	5/1/1994	1/16/2003, 68 FR 2217.	
City and County Ordinances				
City of Sandpoint Ordinance No. 939.	Material Specifications for Street Sanding Material.	2/22/1994 (City adoption date).	6/26/2002, 67 FR 43006.	Sandpoint PM_{10} Nonattainment Area Plan.
City of Sandpoint Chapter 8 Air Quality (4–8–1 through 4–8–14).	Solid Fuel Heating Appliances	9/21/2011 (City adoption date).	4/3/2013, 78 FR 20001.	Codified version of City of Sandpoint Ordinance No. 965 as amended by Ordinance No. 1237 and Ordinance No. 1258. Sandpoint PM_{10} Limited Maintenance Plan.
Ada County Ordinance.	The 1999 Motor Vehicle Emissions Control Ordinance.	6/15/1999 (County approval date).	10/28/2002, 67 FR 65713.	Northern Ada County CO Maintenance Plan.
City of Boise Ordinance.	The 1999 Motor Vehicle Emissions Control Ordinance.	7/20/1999 (City approval date).	10/28/2002, 67 FR 65713.	Northern Ada County CO Maintenance Plan.
City of Eagle Ordinance.	The 1999 Motor Vehicle Emissions Control Ordinance.	4/27/1999 (City approval date).	10/28/2002, 67 FR 65713.	Northern Ada County CO Maintenance Plan.
City of Garden City Ordinance.	The 1991 Vehicle Emission Control Ordinance.	8/13/1996 (Most recently amended).	10/28/2002, 67 FR 65713.	Northern Ada County CO Maintenance Plan.
City of Meridian Ordinance.	The 1999 Motor Vehicle Emissions Control Ordinance.	6/1/1999 (City approval date).	10/28/2002, 67 FR 65713.	Northern Ada County CO Maintenance Plan.
Boise City Ordinance 4432.	Parking Permits	8/13/1979 (City approval date).	6/6/1985, 50 FR 23810.	Transportation Control Plan for carbon monoxide, Ada County.
City of Garden City Ordinance 514, 533, and 624.	Solid Fuel Heating Appliance Ordinance of the City of Garden City, Idaho.	5/14/1987, 1/10/1989, 9/13/1994 (City approval dates).	5/30/1996, 61 FR 27019.	Northern Ada County PM_{10} Nonattainment Area Plan.
Meridian Ordinance 667.	Meridian Clean Air Ordinance	8/16/1994 (City approval date).	5/30/1996, 61 FR 27019.	Northern Ada County PM_{10} Nonattainment Area Plan.
City of Eagle Ordinance 245.	City of Eagle Clean Air Ordinance	4/26/1994 (City approval date).	5/30/1996, 61 FR 27019.	Northern Ada County PM_{10} Nonattainment Area Plan.
Ada County Ordinance 254.	Ada County Clean Air Ordinance	11/3/1992 (County adoption date).	5/30/1996, 61 FR 27019.	Northern Ada County PM_{10} Nonattainment Area Plan.
Table: Ordinance-1	Explanation of enforcement procedures, responsibilities and sources of funding for the Northern Ada County Wood Burning Control Ordinances.	12/30/1994 (date of table).	5/30/1996, 61 FR 27019.	Northern Ada County PM_{10} Nonattainment Area Plan.
City of Pocatello Ordinance 2450.	Residential wood combustion curtailment ordinance.	1/12/1994	7/13/2006, 71 FR 39574.	(Portneuf Valley Nonattainment Area Plan and Maintenance Plan).
City of Pocatello Ordinance 2726.	Revised air quality curtailment levels	9/18/2003	7/13/2006, 71 FR 39574.	(Portneuf Valley Nonattainment Area Plan and Maintenance Plan).
City of Chubbuck Ordinance 403.	Residential wood combustion curtailment ordinance.	11/23/1993	7/13/2006, 71 FR 39574.	(Portneuf Valley Nonattainment Area Plan and Maintenance Plan).
City of Chubbuck Ordinance 582.	Revised air quality curtailment levels	12/9/2003	7/13/2006, 71 FR 39574.	(Portneuf Valley Nonattainment Area Plan and Maintenance Plan).
City of Clifton Ordinance No. 120.	Ordinance No. 120	8/11/2012	3/25/2014, 79 FR 16201.	Except Section 9 (Penalty).
City of Dayton Ordinance #287.	Ordinance #287	8/8/2012	3/25/2014, 79 FR 16201.	Except Section 9 (Penalty).
Franklin City Ordinance No. 2012–9–12.	Solid Fuel Heating Appliances	9/12/2012	3/25/2014, 79 FR 16201.	Except Section 9 (Penalty).

EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Franklin County Ordinance No. 2012–6–25.	Solid Fuel Heating Appliances	6/25/2012	3/25/2014, 79 FR 16201.	≤Except Section 9 (Penalty).
City of Oxford Memorandum of Understanding.	Solid Fuel Heating Appliances	10/22/2012	3/25/2014, 79 FR 16201.	≤Except #2 of the MOA and Section 9 of Exhibit A.
City of Preston Ordinance No. 2012–1.	Ordinance No. 2012–1	6/11/2012	3/25/2014, 79 FR 16201.	≤Except Section 9 (Penalty).
City of Weston Ordinance No. 2012–01.	Ordinance No. 2012–01	8/1/2012	3/25/2014, 79 FR 16201.	≤Except Section 9 (Penalty).
State Statutes				
Section 1 of House Bill 557, codified at Idaho Code section 39–114.	Open Burning of Crop Residue	3/7/2008	8/1/2008, 73 FR 44915.	

(d) *EPA approved State Source-specific requirements.*

EPA APPROVED IDAHO SOURCE-SPECIFIC REQUIREMENTS [1]

Name of source	Permit No.	State effective date	EPA approval date	Explanation
LP Wood Polymers, Inc., Meridian, Idaho.	001–00115	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
Consolidated Concrete Company, Boise, Idaho.	001–00046	12/3/2001	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.3, 3.1, 3.2, and the Appendix. (Boise/Ada County Maintenance Plan).
Crookham Company, Caldwell, Idaho.	027–00020	1/18/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.1, 2.3, 3.1, 3.1.1, 3.1.2, 3.2, and the Appendix. (Boise/Ada County Maintenance Plan).
Double D Service Center, Meridian, Idaho.	001–00168	2/4/2002 ..	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 3.1, 3.2.1, 3.2.2, 3.2.3, and the Appendix. (Boise/Ada County Maintenance Plan).
Plum Creek Northwest Lumber, Inc., Meridian, Idaho.	001–00091	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.1.2, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
C. Wright Construction, Inc., Meridian, Idaho.	T2–000033	7/8/2003 ..	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, (2.12, Table 2.2 as it applies to PM_{10}), 2.14, 3 (heading only), 3.3, Table 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.10, 4 (heading only), 4.2, 4.3, 4.4, 4.7, 5, and Table 5.1. (Boise/Ada County Maintenance Plan).
Nelson Construction Co., Boise, Idaho.	T2–020029	7/21/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.12, 2.14, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.9, 3.10, 3.11, 3.12, 4 (heading only), 4.3, 4.4, 4.5, 4.6, 5, and Table 5.1. (Boise/Ada County Maintenance Plan).
Mike's Sand and Gravel, Nampa, Idaho.	001–00184	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.2.1, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
Idaho Concrete Co., Eagle, Idaho.	T2–020031	7/8/2003 ..	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).
Idaho Concrete Co., Eagle, Idaho.	T2–020032	7/8/2003 ..	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).
Idaho Concrete Co. Eagle, Idaho.	T2–020033	7/8/2003 ..	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).

EPA APPROVED IDAHO SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanation
The Amalgamated Sugar Company LLC, Nampa, Idaho.	027–00010	9/30/2002	10/27/2003, 68 FR 61106 and 11/1/2004, 69 FR 63324.	The following conditions: 2 (heading only), (2.7, Table 2.2 as it applies to PM_{10},) 2.10, 2.10.1, 2.10.2, 2.11, 2.11.1, 2.11.2, 2.11.3, 2.11.4, 2.11.5, 2.12, 2.12.1, 2.12.2, 2.12.3, 2.13, 2.13.1, 2.13.2, 2.13.3, 2.14, 2.14.1, 2.14.2, 2.16, 3 (heading only), (3.3, Table 3.2 as it applies to PM_{10}), 3.5, 3.7, 3.8, 3.8.1, 3.8.2, 3.8.3, 3.8.4, 3.8.5, 3.8.6, 3.8.7, 3.8.8, 3.9, 4 (heading only), (4.3, Table 4.1 as it applies to PM_{10}), 4.5, 4.6, 4.7, 5 (heading only), (5.3, Table 5.3 as it applies to PM_{10}), 5.5, 5.9, 5.9.1, 5.9.2, 5.9.3, 5.9.4, 5.9.5, 5.9.6, 5.9.7, 5.9.8, 5.9.9, 5.10, 5.11, 6 (heading only), 6.3, Table 6.1, 6.5, 6.6, 6.7, 6.7.1, 6.7.2, 6.8, 7 (heading only), 7.3, Table 7.1 as it applies to PM_{10}, 7.5, 7.7, 7.7.1, 7.7.2, 7.8, 8 (heading only), 8.3, Table 8.1, 8.5, 8.7, 8.7.1, 8.7.2, 8.8, 9 (heading only), 9.3, Table 9.1, 9.5, 9.7, 9.7.1, 9.7.2, 9.8, 10 (heading only), 10.3, Table 10.1, 10.6, 10.8, 10.8.1, 10.8.2, 10.9, 11 (heading only), 11.3, Table 11.2, 11.6, 11.8, 11.8.1, 11.8.2, 11.9, 12 (heading only), 12.3, Table 12.1, 12.5, 12.7, 12.7.1, 12.7.2, 12.8, 13 (heading only), 13.1 (except as it applies to condition 13.3, 13.3.1, 13.3.2, 13.5, 13.5.1, 13.5.2, 13.5.3, 13.6, 13.6.1, 13.6.2 and 13.9), Table 13.1 (except conditions 13.3, 13.5 and 13.6), (13.2, Table 13.2 as it applies to PM_{10}), 13.2.1, 13.4, 13.4.1, 13.4.2, 13.4.3, 13.7, 13.7.1, 13.7.2, 13.8, 13.8.1, 13.8.2, 13.8.3, 13.10, and 13.11. (Boise/Ada County PM_{10} Maintenance Plan).
Lake Pre-Mix, Sandpoint, Idaho.	777–00182	5/17/1996	6/26/2002, 67 FR 43006.	The following conditions for the cement silo vent: 1.1, 2.1.1, 2.1.2, 3.1.1, and 3.1.2. (Sandpoint nonattainment area plan).
Interstate Concrete and Asphalt, Sandpoint, Idaho.	017–00048	8/2/1999 ..	6/26/2002, 67 FR 43006.	The following conditions: for the asphalt plant, 2.2, 3.1.1, 4.1, 4.1.1, 4.1.2, 4.2.1 (as it applies to the hourly PM_{10} emission limit in Appendix A), 4.2.2, 4.2.2.1, 4.2.2.2, and 4.2.2.3; for the concrete batch plant, 2.1, 3.1.1, 4.1, 4.1.1, and 4.1.2; Appendix A (as it applies to PM_{10} emission rates after 7/1/96) and Appendix B (as it applies after 7/1/96). (Sandpoint nonattainment area plan).
Whiteman Lumber Company, Cataldo, ID.	13–1420–062	7/16/1979 (date issued).	7/28/1982, 47 FR 32530.	Silver Valley TSP Nonattainment Area Plan.
Potlatch Corporation, Pulp and Paper Unit, Lewiston, ID.	13–1140–0001–00	7/5/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Potlatch Corporation, Clearwater Unit, Lewiston, ID.	13–1140–0003	7/5/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Coast Trading Company, Inc., Lewiston, ID.	13–1140–0011	6/29/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Lewis-Clark Terminal Association, Lewiston, ID.	13–1140–0010	6/29/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Poe Asphalt, Lewiston, ID.	0880–0008	3/1/1976 (effective date).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
FMC Corporation, Pocatello, ID [2].	13–1260–0005	2/26/1980 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
J.R. Simplot, Pocatello, ID.	13–1260–0006–00	3/4/1980 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
Idaho Portland Cement Company, Inkom, ID.	13–0080–0004–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
J.R. Simplot Company, Conda, ID.	13–0420–0021–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.

EPA APPROVED IDAHO SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanation
Beker Industries, Conda, ID.	13–0420–0003–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
Monsanto, Soda Springs, ID.	13–0420–0001–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
Kerr McGee, Soda Springs, ID.	13–0420–0002–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
J.R. Simplot, Pocatello, Idaho.	Air Pollution Operating Permit No. T1–9507–114–1; Facility Number No. 077–00006.	4/5/2004 ..	7/13/2006, 71 FR 39574.	The following conditions: Cover page, facility identification information only, #300 Sulfuric Acid Plant, Permit Conditions 16.1, 16.10, 16.11, #400 Sulfuric Acid Plant, Permit Condition 17.1, 17.7, 17.10, 17.11, Phosphoric acid plant, Permit Condition 12.3, 12.13, Granulation No. 3 Process, Permit Condition 9.2.1, Granulation No. 3 stack, 9.17 (except 9.17.1 through 9.17.6), Reclaim Cooling Towers, Permit Condition 14.2, 14.6.1, Babcock & Wilcox Boiler, Permit Condition 6.4, 6.12, HPB&W Boiler, Permit Condition 5.3, 5.13 through 5.18, 5.21.
J.R. Simplot, Pocatello, Idaho.	Compliance Agreement & Voluntary Order Idaho Code 39–116A.	4/16/2004	7/13/2006, 71 FR 39574.	The following conditions: No. 300 Sulfuric Acid Plant; Condition 8 and 9. No. 400 Sulfuric Acid Plant; Condition 10, 11, and 12. Granulation No. 1 Plant; Condition 14. Granulation No. 2 Plant; Condition 15. Compliance and Performance Testing; Condition 16.
The Amalgamated Sugar Company LLC—Nampa Factory, Nampa, Idaho.	T2–2009.0105	12/23/2011 (date issued).	4/28/2014, 79 FR 23273.	The following conditions: 1.2, including the table of Regulated Emission Point Sources Table, 3.2, 3.3 (first paragraph only), 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.13, 3.14, 3.15, 3.16, and 4.1.
P4 Production, L.L.C., Soda Springs, Idaho.	T2–2009.0109	11/17/2009 (date issued).	6/22/2011, 76 FR 36329.	The following conditions: 1.2 (including Table 1.1), 2.3, 2.4, 2.5, 2.6, 2.7, and 2.8. (Regional Haze SIP Revision).

[1] EPA does not have the authority to remove these source-specific requirements in the absence of a demonstration that their removal would not interfere with attainment or maintenance of the NAAQS, violate any prevention of significant deterioration increment or result in visibility impairment. Idaho Department of Environmental Quality may request removal by submitting such a demonstration to EPA as a SIP revision.

[2] Only a small portion of this facility is located on State lands. The vast majority of the facility is located in Indian Country. It is EPA's position that unless EPA has explicitly approved a program as applying in Indian country, State or local regulations or permits are not effective within the boundaries of that Indian country land for purposes of complying with the CAA. 68 FR 2217, 2220 (January 16, 2003).

* * * * *

[FR Doc. 2015–07345 Filed 3–31–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[GN Docket No. 12–268; FCC 14–50]

Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, information collection requirements associated with the Commission's *Report and Order,* GN Docket No. 12–268, FCC 14–50. This notice is consistent with the *Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

DATES: The amendment to 47 CFR 74.802(b)(2), published at 79 FR 48442, August 15, 2014 is effective on April 1, 2015.

FOR FURTHER INFORMATION CONTACT: For additional information contact Cathy Williams, *Cathy.Williams@fcc.gov,* (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on March 17, 2015, OMB approved the information collection requirements contained in the Commission's *Report and Order,* FCC 14–50, published at 79 FR 48442, August 15, 2014. The OMB Control Number is 3060–1205. The Commission publishes this notice as an announcement of the effective date of the requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1205, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507),

the FCC is notifying the public that it received OMB approval on March 17, 2015, for the new information collection requirements contained in the Commission's rules at 47 CFR 74.802(b)(2).

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1205.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1205.

OMB Approval Date: March 17, 2015.

OMB Expiration Date: March 31, 2018.

Title: Section 74.802, Low Power Auxiliary Stations Co-channel Coordination with TV Broadcast Stations.

Form Number: Not Applicable.

Respondents: Business or other for-profit entities; not-for-profit institutions; Federal government; and state, local or tribal government.

Number of Respondents and Responses: 400 respondents; 227 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in sections 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454.

Total Annual Burden: 227 hours.

Total Annual Cost: $56,750.00.

Nature and Extent of Confidentiality: In general there is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: There are no impacts under the Privacy Act.

Needs and Uses: The Federal Communications Commission (Commission) received approval for a new collection under OMB Control No. 3060–1205 from the Office of Management and Budget (OMB). On June 2, 2014, the Commission released a *Report and Order,* FCC 14–50, GN Docket No. 12–268, ''Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions.'' This order adopted a revision to a Commission rule, 47 CFR 74.802(b), to permit low power auxiliary stations (LPAS), including wireless microphones, to operate in the bands allocated for TV broadcasting at revised distances from a co-channel television's contour, and provided LPAS operators to operate even closer to television stations provided that any such operations are coordinated with TV broadcast stations that could be affected by the LPAS operations. The Commission sought Office of Management and Budget (OMB) approval for a new information collection for the coordination process adopted in the Commission's *Report and Order,* FCC 14–50, for such co-channel operations, in 47 CFR 74.802d(b)(2).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–07391 Filed 3–31–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 141219999–5289–02]

RIN 0648–BE66

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Final rule.

SUMMARY: This final rule announces the approval of the Area 2A (waters off the U.S. West Coast) Catch Sharing Plan (Plan), with modifications recommended by the Pacific Fishery Management Council (Council), and issues implementing regulations for 2015. These actions are intended to conserve Pacific halibut, provide angler opportunity where available, and minimize bycatch of overfished groundfish species. The sport fishing management measures in this rule are an additional subsection of the regulations for the International Pacific Halibut Commission (IPHC) published on March 17, 2015.

DATES: This rule is effective April 1, 2015. The 2015 management measures are effective until superseded.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting the Sustainable Fisheries Division, NMFS West Coast Region, 7600 Sand Point Way NE., Seattle, WA 98115. For information regarding all halibut fisheries and general regulations not contained in this rule contact the International Pacific Halibut Commission, 2320 W. Commodore Way Suite 300, Seattle, WA 98199–1287; or this final rule also is accessible via the Internet at the Federal eRulemaking portal at *http://www.regulations.gov* identified by NOAA–NMFS–2015–0159. Electronic copies of the Final Regulatory Flexibility Analysis (FRFA) prepared for this action may be obtained by contacting Sarah Williams, phone: 206–526–4646, email: *sarah.williams@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Sarah Williams, 206–526–4646, email at *sarah.williams@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the Internet at the Office of the Federal Register Web site at *http://www.access.gpo.gov/su_docs/aces/aces140.html.* Background information and documents are available at the NMFS West Coast Region Web site at *http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific_halibut_management.html* and at the Council's Web site at *http://www.pcouncil.org.*

Background

The IPHC has promulgated regulations governing the Pacific halibut fishery in 2015, pursuant to the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979). Pursuant to the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, the Secretary of State accepted the 2015 IPHC regulations as provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773–773k. NMFS published these regulations on March 17, 2015 (80 FR 13771).

The Halibut Act provides that the Regional Fishery Management Councils may develop, and the Secretary may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations. To that end,

the Council adopted a Catch Sharing Plan (Plan) allocating halibut among groups of fishermen in Area 2A, which is off the coasts of Washington, Oregon, and California. The Plan allocates the Area 2A catch limit among treaty Indian and non-Indian commercial and sport harvesters. The treaty Indian group includes tribal commercial, tribal ceremonial, and subsistence fisheries. Each year between 1988 and 1995, the Council developed and NMFS implemented a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters and among non-Indian commercial and sport fisheries in Area 2A. In 1995, NMFS implemented the Pacific Council-recommended long-term Plan (60 FR 14651, March 20, 1995). Every year since then, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries.

NMFS implements the allocation scheme in the Plan through annual regulations for Area 2A. The proposed rule describing the changes the Council recommended to the Plan and resulting proposed Area 2A regulations for 2015 was published on February 3, 2015 (80 FR 5719). The proposed rule was developed prior to the IPHC's decision on a TAC for Area 2A, therefore it did not include final allocations for the relevant areas and subareas. The IPHC held its annual meeting January 26–30, 2015, and selected at TAC of 970,000 pounds for Area 2A. This final rule accounts for that information.

For 2015, this final rule contains only those regulations implementing the Plan in Area 2A. NMFS published the complete IPHC regulations, which apply to commercial, treaty Indian, and recreational fisheries, separately on March 17, 2015 (80 FR 13771). Therefore anyone wishing to fish for halibut in Area 2A should read both this final rule and the March 17, 2015 final rule that implements the IPHC regulations.

Changes to the Pacific Fishery Management Council's Area 2A Catch Sharing Plan

This final rule announces the approval of several Council-recommended changes to the Pacific Fishery Management Council's Area 2A Plan and implements the Plan through annual management measures. For 2015, the Council recommended and NMFS implements in this final rule, several changes to the non-Indian allocations in order to provide the California recreational fishery with an allocation that is closer to recent effort while not substantially reducing the remaining non-Indian allocations. The Council recommendation increases the California sport fishery allocation from 1 to 4 percent of the non-tribal allocation by reducing the Washington and Oregon sport and the commercial allocations each by 1 percent.

Additionally for 2015, the Council recommended several minor changes to the Plan that would: (1) Remove a reference to the ''fall salmon troll fisheries'' as a trigger for the rollover of quota from the directed halibut fishery to the incidental salmon troll fishery because there is no defined ''fall'' salmon fishery; (2) make several changes to the Columbia River subarea including modifying the Oregon contribution to a fixed percentage of the Oregon sport allocation, setting the nearshore fishery allocation to 500 pounds, removing the spring and summer fisheries thus allowing the quota to be used continuously, and adding all flatfish species to the list of incidentally caught fish allowed to be landed with halibut; (3) make several changes to the Oregon central coast subarea including clarifying that the allocation to the Columbia river subarea comes from the total Oregon sport allocation and not from this area's spring fishery, adding incidental flatfish retention consistent with the change in the Columbia River subarea, modifying the spring all depth season allocation from 61 to 63 percent, and removing the provision that allocated a portion of the spring fishery to the Southern Oregon subarea; (4) modify the allocation to the Southern Oregon subarea from 2 to 4 percent of the Oregon sport allocation after the Columbia River allocation has been subtracted; (5) make several changes to the California subarea including modifying the season structure to a 7 days per week fishery when open, with a season length that is based on attainment of the quota instead of a set season, allowing inseason action through joint NMFS, IPHC, and CDFW consultation; and (6) modify the name of the NMFS Northwest Regional Office to ''NMFS West Coast Regional Office'', to reflect the recent merger of NMFS offices.

Incidental Halibut Retention in the Sablefish Primary Fishery North of Pt. Chehalis, Washington and the Salmon Troll Fishery Along the West Coast

This final rule also implements the allocation for incidental halibut retention in the sablefish primary fishery north of Pt. Chehalis, Washington. The Plan provides that incidental halibut retention in the sablefish primary fishery north of Pt. Chehalis, Washington, will be allowed when the Area 2A TAC is greater than 900,000 lb (408.2 mt), provided that a minimum of 10,000 lb (4.5 mt) is available above the state of Washington recreational allocation of 214,100 lb (97.1 mt). In 2015, the TAC is set at 970,000 lb (439.99 mt); therefore, the allocation for incidental halibut retention in the sablefish fishery is 10,348 lb (4.69 mt). The Council considered whether any changes to the landing restrictions adopted for this fishery in 2014 were necessary for 2015, but because this allocation is similar to recent allocations, the Council made no changes. Therefore, the 2015 incidental halibut landing restrictions are: 75 pounds dressed weight of halibut for every 1,000 lbs dressed weight of sablefish, except that 2 additional halibut may be landed. These restrictions can be found in the groundfish regulations at 50 CFR 660.231(3)(iv).

The Plan allocates 15 percent of the non-Indian commercial TAC to the salmon troll fishery in Area 2A. For 2015, the allocation for the salmon troll fishery in Area 2A is 29,035 lb (13.17 mt). The Council approved a range of landing restrictions for public review at its recent March meeting. The final landing restrictions will be addressed at its April 2015 meetings.

Comments and Responses

NMFS accepted comments on the proposed rule for the Area 2A Plan and annual management measures through March 5, 2015. NMFS received 4 public comment letters: one comment letter each from the Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), and California Department of Fish and Wildlife (CDFW) recommending season dates for halibut sport fisheries in each state, and one comment from an individual.

Comment 1: The WDFW held a public meeting following the IPHC's final 2015 TAC decisions to review the results of the 2013 Puget Sound halibut fishery, as the 2014 catch data was not yet finalized, and the preliminary 2014 estimates, and to develop season dates for the 2015 sport halibut fishery. Based on input from stakeholders, WDFW recommended a 2015 season that is similar to the 2014 season because the allocation to this area is the same as in 2014. For the Puget Sound halibut sport fishery, WDFW recommended the following dates: the Eastern Region to be open May 8, 9, 15, 16, 21, 22, 23, 24, 28, 29, and 30; and the Western Region to be open May 15, 16, 21, 22, 23, 24, 29, and 30.

Response: NMFS believes WDFW's recommended Puget Sound season dates will help keep this area within its quota, while providing for angler enjoyment and participation. Therefore, NMFS implements the dates for this subarea as stated above, in this final rule.

Comment 2: The ODFW held a public meeting and hosted an online survey following the final TAC decision by the IPHC. Based on public comments received on Oregon halibut fisheries, the ODFW recommended the following days for the spring fishery in the Central Coast subarea, within this subarea's parameters for a Thursday–Saturday season and weeks of adverse tidal conditions skipped: Regular open days May 14–16, 28–30, June 11–13, and 25–27. Back-up dates in case there is sufficient remaining quota will be July 9–11 and 23–25. For the summer all-depth fishery in this subarea, ODFW recommended following the Plan's parameters of opening the first Friday in August, with open days to occur every other Friday–Saturday, unless modified in-season within the parameters of the Plan. Therefore, pursuant to the Plan, the ODFW recommended the 2015 summer all-depth fishery in Oregon's Central Coast Subarea to occur: August 7, 8, 21, 22, September 4, 5, 18, 19, October 2, 3, 16, 17, 30, and 31.

Response: NMFS believes ODFW's recommended Central Coast season dates will help keep this area within its quota, while providing for angler enjoyment and participation. Therefore, NMFS implements the dates in this final rule.

Comment 3: The CDFW held a public meeting to solicit comments on the sport fishing seasons. Based on public comments and projected attainment of subarea allocation, the CDFW recommended the following open days May 1–14, June 1–15, July 1–15, August 1–15, and September 1–October 31.

Response: NMFS agrees with CDFW's recommended season dates. These dates will help keep this area within its quota, while providing for angler enjoyment and participation. Therefore, NMFS implements the dates in this final rule.

Comment 5: NMFS received one comment from a member of the public that appears to oppose the proposed rule, but does not identify any specific reasons for that opposition.

Response: NMFS believes the revised Plan and proposed annual regulations will result in effective management of fisheries in Area 2A, keeping catch in the Area within the TAC while allowing for meaningful commercial and recreational fisheries, and full opportunity for the treaty tribes with rights to fish for halibut to exercise those rights. Therefore, NMFS has approved this action.

Changes From the Proposed Rule

On February 3, 2015, NMFS published a proposed rule to modify the Plan and recreational management measures for Area 2A (80 FR 5719). Because the proposed rule was finalized before the IPHC determined the TAC for Area 2A, the final subarea allocations based on the TAC and Plan are included for the first time in the final rule. The allocations in this rule are consistent with the final Area 2A TAC of 970,000 lbs and the 2015 Plan as recommended by the Council. Also, season dates as recommended by the states following determination of the TAC are included in the final rule. There are no other substantive changes from the proposed rule.

Annual Halibut Management Measures

The sport fishing regulations for Area 2A, included in section 26 below, are consistent with the measures adopted by the IPHC and approved by the Secretary of State, but were developed by the Pacific Fishery Management Council and promulgated by the United States under the Halibut Act. Section 26 refers to a section that is in addition to and corresponds to the numbering in the IPHC regulations published on March 17, 2015 (80 FR 13771).

26. Sport Fishing for Halibut—Area 2A

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

(a) 214,110 pounds (97.1 metric tons) net weight in waters off Washington;

(b) 187,259 pounds (84.9 metric tons) net weight in waters off Oregon; and

(c) 25,220 pounds (11.4 metric tons) net weight in waters off California.

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

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

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

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

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

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

(8) The sport fishing subareas, subquotas, fishing dates, and daily bag limits are as follows, except as modified under the in-season actions in 50 CFR 300.63(c). All sport fishing in Area 2A is managed on a ''port of landing'' basis, whereby any halibut landed into a port counts toward the quota for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch.

(a) The area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line extending from 48°17.30′ N. lat., 124°23.70′ W. long. north to 48°24.10′ N. lat., 124°23.70′ W. long., is not managed in-season relative to its quota. This area is managed by setting a season that is projected to result in a catch of 57,393 lbs (26 mt).

(i) The fishing season in eastern Puget Sound (east of 123°49.50′ W. long., Low Point) is May 8, 9, 15, 16, 21, 22, 23, 24, 28, 29, and 30. The fishing season in western Puget Sound (west of 123°49.50′ W. long., Low Point) is open May 15, 16, 21, 22, 23, 24, 29, and 30.

(ii) The daily bag limit is one halibut of any size per day per person.

(b) The quota for landings into ports in the area off the north Washington coast, west of the line described in paragraph (2)(a) of section 26 and north of the Queets River (47°31.70′ N. lat.) (North Coast subarea), is 108,030 lbs (49 mt).

(i) The fishing seasons are:

(A) Commencing on May 14 and continuing 2 days a week (Thursday and Saturday) until 108,030 lbs (49 mt) are estimated to have been taken and the season is closed by the Commission, or until May 23.

(B) If sufficient quota remains the fishery will reopen on June 4 and/or June 6, continuing 2 days per week (Thursday and Saturday) until there is not sufficient quota for another full day

of fishing and the area is closed by the Commission. After May 23, any fishery opening will be announced on the NMFS hotline at 800–662–9825. No halibut fishing will be allowed after May 23 unless the date is announced on the NMFS hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing in the North Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the North Coast Recreational YRCA with or without halibut on board. The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The North Coast Recreational YRCA is defined in groundfish regulations at § 660.70(a).

(c) The quota for landings into ports in the area between the Queets River, WA (47°31.70′ N. lat.), and Leadbetter Point, WA (46°38.17′ N. lat.) (South Coast subarea), is 42,739 lbs (19.4 mt).

(i) This subarea is divided between the all-waters fishery (the Washington South coast primary fishery), and the incidental nearshore fishery in the area from 47°31.70′ N. lat. south to 46°58.00′ N. lat. and east of a boundary line approximating the 30 fm depth contour. This area is defined by straight lines connecting all of the following points in the order stated as described by the following coordinates (the Washington South coast, northern nearshore area):

(1) 47°31.70′ N. lat, 124°37.03′ W. long;

(2) 47°25.67′ N. lat, 124°34.79′ W. long;

(3) 47°12.82′ N. lat, 124°29.12′ W. long;

(4) 46°58.00′ N. lat, 124°24.24′ W. long.

The south coast subarea quota will be allocated as follows: 40,739 lbs (18.5 mt) for the primary fishery and 2,000 lbs (0.9 mt) for the nearshore fishery. The primary fishery commences on May 3, and continues 2 days a week (Sunday and Tuesday) until May 19. If the primary quota is projected to be obtained sooner than expected, the management closure may occur earlier. Beginning on May 31 the primary fishery will be open at most 2 days per week (Sunday and/or Tuesday) until the quota for the south coast subarea primary fishery is taken and the season is closed by the Commission, or until September 30, whichever is earlier. The fishing season in the nearshore area commences on May 3, and continues 7 days per week. Subsequent to closure of the primary fishery, the nearshore fishery is open 7 days per week, until is 42,739 lbs (19.4 mt) is projected to be taken by the two fisheries combined and the fishery is closed by the Commission or September 30, whichever is earlier. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the northern nearshore area for another fishing day, then any remaining quota may be transferred in-season to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Seaward of the boundary line approximating the 30-fm depth contour and during days open to the primary fishery, lingcod may be taken, retained and possessed when allowed by groundfish regulations at 50 CFR 660.360, subpart G.

(iv) Recreational fishing for groundfish and halibut is prohibited within the South Coast Recreational YRCA and Westport Offshore YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the South Coast Recreational YRCA and Westport Offshore YRCA. A vessel fishing in the South Coast Recreational YRCA and/or Westport Offshore YRCA may not be in possession of any halibut. Recreational vessels may transit through the South Coast Recreational YRCA and Westport Offshore YRCA with or without halibut on board. The South Coast Recreational YRCA and Westport Offshore YRCA are areas off the southern Washington coast established to protect yelloweye rockfish. The South Coast Recreational YRCA is defined at 50 CFR 660.70(d). The Westport Offshore YRCA is defined at 50 CFR 660.70(e).

(d) The quota for landings into ports in the area between Leadbetter Point, WA (46°38.17′ N. lat.), and Cape Falcon, OR (45°46.00′ N. lat.) (Columbia River subarea), is 10,254 lbs (4.65 mt).

(i) This subarea is divided into an all-depth fishery and a nearshore fishery. The nearshore fishery is allocated 500 pounds of the subarea allocation. The nearshore fishery extends from Leadbetter Point (46°38.17′ N. lat., 124°15.88′ W. long.) to the Columbia River (46°16.00′ N. lat., 124°15.88′ W. long.) by connecting the following coordinates in Washington 46°38.17′ N. lat., 124°15.88′ W. long. 46°16.00′ N. lat., 124°15.88′ W. long and connecting to the boundary line approximating the 40 fm (73 m) depth contour in Oregon. The nearshore fishery opens May 4, and continues 3 days per week (Monday–Wednesday) until the nearshore allocation is taken, or September 30, whichever is earlier. The all depth fishing season commences on May 1, and continues 4 days a week (Thursday–Sunday) until 9,754 lbs (4.4 mt) are estimated to have been taken and the season is closed by the Commission, or September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Pacific Coast groundfish may not be taken and retained, possessed or landed when halibut are on board the vessel, except sablefish, Pacific cod, and flatfish species when allowed by Pacific Coast groundfish regulations, during days open to the all depth fishery only.

(iv) Taking, retaining, possessing, or landing halibut on groundfish trips is only allowed in the nearshore area on days not open to all-depth Pacific halibut fisheries.

(e) The quota for landings into ports in the area off Oregon between Cape Falcon (45°46.00′ N. lat.) and Humbug Mountain (42°40.50′ N. lat.) (Oregon Central Coast subarea), is 175,633 lbs (79.6 mt).

(i) The fishing seasons are:

(A) The first season (the ''inside 40-fm'' fishery) commences July 1, and continues 7 days a week, in the area shoreward of a boundary line approximating the 40-fm (73-m) depth contour, or until the sub-quota for the central Oregon ''inside 40-fm'' fishery of 21,076 lbs (9.56 mt), or any in-season revised subquota, is estimated to have been taken and the season is closed by the Commission, whichever is earlier. The boundary line approximating the 40-fm (73-m) depth contour between 45°46.00′ N. lat. and 42°40.50′ N. lat. is defined at § 660.71(k).

(B) The second season (spring season), which is for the ''all-depth'' fishery, is open May 14–16, 28–30, June 11–13, and 25–27. Back-up dates will be July 9–11 and 23–25. The projected catch for this season is 110,649 lbs (50.2 mt). If sufficient unharvested quota remains for additional fishing days, the season will

re-open. If NMFS decides inseason to allow fishing on any of these re-opening dates, notice of the re-opening will be announced on the NMFS hotline (206) 526–6667 or (800) 662–9825. No halibut fishing will be allowed on the re-opening dates unless the date is announced on the NMFS hotline.

(C) If sufficient unharvested quota remains, the third season (summer season), which is for the ''all-depth'' fishery, will be open August 7, 8, 21, 22, September 4, 5, 18, 19, October 2, 3, 16, 17, 30, 31, or until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, are estimated to have been taken and the area is closed by the Commission, or October 31, whichever is earlier. NMFS will announce on the NMFS hotline in July whether the fishery will re-open for the summer season in August. No halibut fishing will be allowed in the summer season fishery unless the dates are announced on the NMFS hotline. Additional fishing days may be opened if sufficient quota remains after the last day of the first scheduled open period on August 7. If, after this date, an amount greater than or equal to 60,000 lb (27.2 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, the fishery may re-open every Friday and Saturday, beginning (insert date of first back up dates) and ending October 31. If after September 7, an amount greater than or equal to 30,000 lb (13.6 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, and the fishery is not already open every Friday and Saturday, the fishery may re-open every Friday and Saturday, beginning September 10 and 11, and ending October 31. After September 7, the bag limit may be increased to two fish of any size per person, per day. NMFS will announce on the NMFS hotline whether the summer all-depth fishery will be open on such additional fishing days, what days the fishery will be open and what the bag limit is.

(ii) The daily bag limit is one halibut of any size per day per person, unless otherwise specified. NMFS will announce on the NMFS hotline any bag limit changes.

(iii) During days open to all-depth halibut fishing, no Pacific Coast groundfish may be taken and retained, possessed or landed, when halibut are on board the vessel, except sablefish, Pacific cod, and flatfish species, when allowed by Pacific Coast groundfish regulations.

(iv) When the all-depth halibut fishery is closed and halibut fishing is permitted only shoreward of a boundary line approximating the 40-fm (73-m) depth contour, halibut possession and retention by vessels operating seaward of a boundary line approximating the 40-fm (73-m) depth contour is prohibited.

(v) Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not possess any halibut. Recreational vessels may transit through the Stonewall Bank YRCA with or without halibut on board. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA is defined at § 660.70(f).

(f) The quota for landings into ports in the area south of Humbug Mountain, OR (42°40.50′ N. lat.) to the Oregon/California Border (42°00.00′ N. lat.)(Southern Oregon subarea) is 7,318 lbs (3.3 mt).

(i) The fishing season commences on May 1, and continues 7 days per week until the subquota is taken, or October 31, whichever is earlier.

(ii) The daily bag limit is one halibut per person with no size limit.

(g) The quota for landings into ports south of the Oregon/California Border (42°00.00′ N. lat.) and along the California coast is 25,220 lb (11.4 mt).

(i) The fishing season will be open May 1–15, June 1–15, July 1–15, August 1–15, and September 1–October 31, or until the subarea quota is estimated to have been taken and the season is closed by the Commission, or October 31, whichever is earlier. NMFS will announce any closure by the Commission on the NMFS hotline (206) 526–6667 or (800) 662–9825.

(ii) The daily bag limit is one halibut of any size per day per person.

Classification

Section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773c) allows the Regional Council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters as long as those regulations do not conflict with IPHC regulations. This action is consistent with the Pacific Council's authority to allocate halibut catches among fishery participants in the waters in and off the U.S. West Coast.

This action has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) in association with the proposed rule for the 2014 Area 2A Catch Sharing Plan. The final regulatory flexibility analysis (FRFA) incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, if any, and NMFS' responses to those comments, and a summary of the analyses completed to support the action. NMFS received no comments on the IRFA. A copy of the FRFA is available from the NMFS West Coast Region (see **ADDRESSES**) and a summary of the FRFA follows.

This rule implements changes to the Halibut Catch Sharing Plan (CSP) that addresses the commercial and recreational fisheries within Area 2A (waters off the U.S. West Coast). The International Pacific Halibut Commission (IPHC) sets the overall Total Allowable Catch (TAC) and the CSP governs the allocation of that TAC between tribal and non-tribal fisheries, and among non-tribal fisheries. The Council, with input from industry, the states, and the tribes, may recommend changes to the CSP. (Note that the IPHC also sets the commercial fishery opening date(s), duration, and vessel trip limits to ensure that the quota for the non-tribal fisheries is not exceeded.) For non-tribal fisheries, the CSP governs allocations of the TAC between various components of the commercial fisheries and recreational fisheries, and these allocations may vary depending on the level of the TAC. Seasons, gear restrictions, and other management measures implemented through domestic regulations are then used to meet the allocations and priorities of the CSP. There were no significant issues raised by the public comments in response to IRFA.

These regulations directly affect fin-fish harvesting and charterboat businesses. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the US, including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts, not in excess of $20.5 million for all its affiliated operations worldwide (See 79 FR 33647, effective July 14, 2014). For marinas and charter/party boats, a small business is now defined as one with annual receipts, not in excess of $7.5 million. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons on a full time, part time,

temporary, or other basis, at all its affiliated operations worldwide. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide. A small organization is any nonprofit enterprise that is independently owned and operated and is not dominant in its field. Small governmental jurisdictions such as governments of cities, counties, towns, townships, villages, school districts, or special districts are considered small jurisdictions if their populations are less than 50,000.

To determine the number of small entities potentially affected by this rule, NMFS reviewed the number of IPHC issued licenses and other information. In 2014, 591 vessels were issued IPHC licenses to retain halibut. IPHC issued licenses for: The directed commercial fishery and the incidental fishery in the sablefish primary fishery in Area 2A (166 licenses in 2014); incidental halibut caught in the salmon troll fishery (425 licenses in 2014); and the charterboat fleet (127 licenses in 2013, the most recent year available). No vessel may participate in more than one of these three fisheries per year. These license estimates overstate the number of vessels that participate in the fishery. IPHC estimates that 60 vessels participated in the directed commercial fishery, 100 vessels in the incidental commercial (salmon) fishery, and 13 vessels in the incidental commercial (sablefish) fishery. Recent information on charterboat activity is not available, but prior analysis indicated that 60 percent of the IPHC charterboat license holders may be affected by these regulations. There are no projected reporting or record keeping requirements with this rule. There are no large entities involved in the halibut fisheries; therefore, none of these changes will have a disproportionate negative effect on small entities versus large entities.

The major effect of halibut management on small entities is from the internationally set TAC decisions made by the IPHC. Based on the recommendations of the states, the Council recommended and NMFS is implementing in this final rule minor changes to the Plan to provide increased recreational and commercial opportunities under the allocations that result from the TAC.

The IPHC increased the Area 2A TAC by 1% from 960,000 lbs (2014) to 970,000 lbs (2015). Within this 1% increase, different subgroups are being affected differently because of the CSP allocation formula.

Changes to the Plan

The 2A Halibut Catch Sharing Plan, as outlined above, allocates the TAC at various levels. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation of the Pacific halibut TAC, and incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53.30′ N. lat.), Oregon, and California. North of 46°53.30′ N. lat. (Pt. Chehalis), the Plan allows for incidental halibut retention in the sablefish primary fishery when the overall Area 2A TAC is above 900,000 lb (408.2 mt). The Plan also divides the sport fisheries into seven geographic subareas, each with separate allocations, seasons, and bag limits. The non-tribal allocation is divided into four shares. At the first level, there are specific percentage allocations for tribal and non-tribal fisheries. The non-tribal portion is then allocated to commercial components and to recreational components. The commercial component is then apportioned into directed, incidental troll, and incidental sablefish fisheries. The recreational portions for Oregon and Washington are furthered apportioned into area subquotas and these subquotas are further split into seasonal or depth fisheries (nearshore vs all depths). There may be gear restrictions and other management measures established as necessary to minimize the potential for the allocations to be exceeded.

At the September meeting, the Council adopted a range of Plan alternatives for public review. For 2015, the Council adopted two types of Plan changes that are discussed separately below. The first were the routine recreational fishery adjustments proposed by the states each year to accommodate the needs of their fisheries. The second were allocation changes to both the non-treaty commercial and recreational fisheries in order to increase the California allocation. The Council made final Plan change recommendations from this range at its November meeting.

For the non-allocation Plan changes the Council considered changes to the Columbia River, Oregon Central Coast, Southern Oregon, and California subareas. For the Columbia River subarea the Council considered: (1) Status quo seasonal management in a spring and summer fishery and one alternative which removes the seasonal split in the Columbia River subarea to allow for a single continuous season; (2) status quo allocation contributions from Washington and Oregon in equal amounts and one alternative that modifies the Oregon contribution to the Columbia River subarea to 2.3 percent of the Oregon sport allocation; and (3) status quo nearshore fishery allocation of 1,500 pounds and one alternative that modifies the Columbia River nearshore area allocation to 500 pounds. The Council recommended and this final rule implements each of the alternatives for the Columbia River subarea because the status quo alternatives do not match the needs of the fishery. The status quo season structure with an early and late season was rejected because this structure would unnecessarily strand quota later in the year when effort decreases substantially. The status quo Oregon contribution was rejected because it does not match recent effort in this subarea in Oregon. The status quo nearshore allocation was rejected because the allocation did not match the effort in the nearshore area, leaving a large portion of the allocation unavailable for harvest in other areas.

For the Oregon Central Coast subarea, the Council considered three all-depth season structures and modifications to the allocation from the Oregon Central Coast spring fishery to the Southern Oregon subarea. For the season structure, the Council considered three alternatives: Status quo, which would separate spring and summer seasons; Alternative 1a, which would combine the spring and summer season and open the fishery on May 1; and Alternative 1b, which is the same as 1a, except begin on the first weekend in May that avoid negative tides. For the allocation change the Council considered: Status quo, which allocates a portion of the spring fishery to the Southern Oregon subarea, and one alternative, which allocates a portion of the overall Oregon Central Coast subarea allocation to the Southern Oregon subarea. The Council recommended and this final rule implements the status quo alternative for the season structure and the one alternative for the allocation to the Southern Oregon subarea. The season structure alternatives were rejected because they did not match the needs of this fishery. The allocation in this area is generally caught very quickly, therefore keeping separate seasons allows for two distinct seasons. The status quo alternative allocation to the Southern Oregon subarea was rejected because it does not allow the Southern Oregon subarea an individual

allocation, which means any overages in this area could affect other subareas.

For the Southern Oregon subarea, the Council considered three alternative season dates: Status quo, opening May 1, seven days per week; Alternative 1, open June 1, seven days per week; and Alternative 2, open July 1 seven days per week. The Council recommended and this final rule implements the status quo alternative because the other alternatives do not match the recent effort in this area and does not match the input the ODFW received at their public meetings.

In the Columbia River and Central Oregon Coast subareas, the Council considered three alternatives to incidental groundfish retention allowances: status quo, only Pacific cod and sablefish are allowed; Alternative 1, revise the bottomfish restrictions such that all groundfish except rockfish and lingcod would be allowed when halibut are onboard; and Alternative 2, revise the bottomfish restrictions such that other flatfish, in addition to Pacific cod and sablefish, would be allowed when halibut are onboard. The Council recommended and this final rule implements Alternative 2 because it allows incidentally caught flatfish species to be landed with halibut without increasing the catch of overfished species. Status quo was rejected because it would not allow incidentally caught flatfish species to be landed. Alternative 1 was rejected because it would likely increase the take of overfished groundfish species to levels that would restrict other fisheries due to the small allocations of overfished species.

For the California subarea, the Council considered three alternatives: Status quo, fixed season open May 1–July 31 and September 1–October 31, no inseason adjustment; Alternative 1, one month season between May 1 and October 31, to be determined preseason, with inseason adjustment as needed; Alternative 2, 15 consecutive day season between May 1 and October 31, to be determined preseason, with inseason adjustment as needed. The Council recommended and this final rule implements a modified Alternative which allows for a seven day a week fishery, that will be determined preseason through joint consultation between NMFS and CDFW, and allows for inseason adjustment as necessary. The other three alternatives were rejected because they either did not allow for inseason adjustment or predetermined the season dates which would unnecessarily restrict the season.

No alternatives were considered for the NMFS recommended change to the Regional Office name because it is administrative in nature and simply updates the name of the region from ''Northwest'' to ''West Coast.''

The changes to the Columbia River subarea allocations and incidentally landed species allowances are expected to increase recreational opportunities by shifting underutilized fishery allocation from the late to the early part of the season when effort is higher and by turning previously discarded incidental flatfish catch into landed catch. Changes to the Oregon Central Coast subarea allocation and incidentally landed species are expected to prolong seasons and increase the total number of fishing days and are expected to increase recreational opportunities by turning previously discarded incidental catch into landed catch. None of these changes are controversial and none are expected to result in substantial environmental or economic impacts. These actions are intended to enhance the conservation of Pacific halibut, to provide angler opportunity where available, and to protect overfished groundfish species from incidental catch in the halibut fisheries. Because the goal of the action is to maximize angler participation and thus to maximize the economic benefits of the fishery, NMFS did not analyze alternatives to the above changes to the Plan other than the proposed changes and the status quo for purposes of the FRFA. Status quo would be the 2014 Plan applied to the 2015 TAC. Effects of the status quo and the final changes are similar because the changes to the Plan for 2015 are not substantially different from the 2014 Plan. The changes to the Plan are not expected to have a significant economic impact.

Changes to Allocations

In response to the growing California sport fishery, for 2014, a specific recreational subquota was created—1% of the non-tribal quota or 6,240 lbs. In prior years, the California fishery was a portion of the Southern Oregon/Northern California subquota. Preliminary catch data for 2015 show that the California fishery has taken 31,226 lbs, five times the California subquota. Because the 2014 subquota was insuffiencent to meet the growth in the California fishery, the Council reviewed six alternatives that allocate halibut to the various sectors differently between the sectors depending on the size of the TAC. Status Quo: The non-treaty allocation is apportioned according to the 2014 CSP: Washington sport (36.60%), Oregon sport (30.70%), California sport (1.00%), and commercial (31.70%). Alternative 1: Maintain allocations as described in the CSP (Status Quo), except increase the California sport allocation by two percent, for a total California sport allocation of three percent, by reducing the non-treaty commercial fishery share. Alternative 2, Option A: Same allocations as described in Alternative 1 when the 2A TAC is one million pounds or less. When the 2A TAC is above one million pounds, the California sport allocation would increase by an additional one percent, for a total California sport allocation of four percent, by reducing the non-treaty commercial fishery share. Alternative 2, Option B: Same allocations as described in Alternative 1 when the 2A TAC is one million pounds or less. When the 2A TAC is greater than one million pounds, the first one million pounds of the 2A TAC shall be distributed according to the Alternative 1 allocations. For the portion of the 2A TAC that exceeds one million pounds, the California sport allocation would increase to 30–50 percent of the non-treaty share, and allocation percentages for the non-treaty commercial and recreational (Washington and Oregon) would be reduced to remain proportional to the status quo non-treaty shares. Alternative 3: Increase the California sport allocation by two percent, for a total California sport allocation of three percent, when the 2A TAC is less than one million pounds by reducing the three major non-treaty group allocations (*i.e.,* Washington sport, Oregon sport, and commercial). When the 2A TAC is greater than one million pounds, the first one million pounds of the 2A TAC shall be distributed according to the Alternative 3 allocations. For the portion of the 2A TAC that exceeds one million pounds, the California sport allocation would increase to four percent of the non-treaty share by reducing the three major non-treaty group allocations. Alternative 4: Increase the California sport share by three percent, for a total allocation of four percent, when the 2A TAC is less than one million pounds by reducing the three major non-treaty group allocations. When the 2A TAC is greater than one million pounds, the first one million pounds of the 2A TAC shall be distributed according to the Alternative 4 allocations. For the portion of the 2A TAC that exceeds one million pounds, the California sport allocation would increase to five percent of the non-treaty share by reducing the three major non-treaty group allocations. Alternative 5: Increase the California sport share by four percent, for a total allocation of five percent, when the 2A TAC is less than

one million pounds by reducing the three major non-treaty group allocations. When the 2A TAC is greater than one million pounds, the first one million pounds of the 2A TAC shall be distributed according to the Alternative 5 allocations. For the portion of the 2A TAC that exceeds one million pounds, the California sport allocation would increase to six percent of the non-treaty share by reducing the three major non-treaty group allocations. In addition to modifying the commercial and recreational fisheries allocations, suboptions within the allocation alternatives were evaluated for when the TAC is expected to be greater than one million pounds to cap the California allocation. These caps were designed to cap the California allocation to a level that the fishery could reasonably be expected to harvest in order to not strand pounds, therefore, making them unavailable to other fisheries. However, a one million pound TAC is a level the fishery has not experienced in recent years nor is it anticipated for the near term future.

For 2015, the Council has recommended and this final rule implements Alternative 4 (the preferred alternative). For 2015, the Council recommended to increase the California recreational fishery allocation to 4% of the non-tribal allocation by reducing the Washington and Oregon sport and commercial allocations each by 1 percent. This modification is intended to provide an allocation to California that better matches recent effort. The CDFW has also committed to increased inseason monitoring in collaboration with NMFS. Pacific halibut sport fisheries in California have exceeded the allocation in recent years and therefore the goal of increased inseason monitoring and action, as necessary, is to keep the subarea within its allocation. Further, instead of a fixed season, CDFW will recommend to NMFS, similar to subareas in Washington and Oregon, a season length based on expected catch to attain the subarea quota. The status quo allocation was rejected because if maintained, the California fishery is likely to continue to exceed its quota and suffer an early shutdown. Under the status quo alternative, the overall halibut TAC will run the risk of being exceeded, and therefore it was not selected. Alternatives 1, 2, and 3 provide increases to the recreational fishery based on decreasing the commercial quota by 2 percent. Alternative 5 increases the California subquota by 4 percent by reducing the Oregon and Washington subquota and the non-tribal commercial quota. While this favors the California fishery, it is at the expense of too large of a reduction in the other fisheries, and therefore it was not selected.

Under Alternative 4, the preferred alternative, the increase of 3% to the California subquota comes from reducing the WA sport quota by 1%, the Oregon sport quota by 1%, and the non-tribal commercial quota by 1%. The overall effect is a shift of 1% reduction of the non-tribal commercial directed quota to the total sport quota allocation. From an economic perspective, it is unclear whether this shift is negative or positive given available analyses. However the overall economic effects of this shift is small as the potential loss of about $300,000 in ex-vessel revenues must be weighed by the gain of increased charterboat recreational activities.

Pursuant to Executive Order 13175, the Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Section 302(b)(5) of the Magnuson-Stevens Fishery Conservation and Management Act establishes a seat on the Council for a representative of an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho. The U.S. Government formally recognizes that 13 Washington tribes have treaty rights to fish for Pacific halibut. The Plan allocates 35 percent of the Area 2A TAC to U.S. treaty Indian tribes in the State of Washington. Each of the treaty tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives. Accordingly, tribal allocations and regulations, including the changes to the Plan, have been developed in with the affected tribe(s) and, insofar as possible, with tribal consensus.

In 2014, an Environmental Assessment (EA) was prepared analyzing the continuing implementation of the Catch Sharing Plan for 2014–2016. The Plan changes for 2015 are not expected to have any effects on the environment beyond those discussed in the EA and in the finding of no significant impact (FONSI).

NMFS conducted a formal section 7 consultation under the Endangered Species Act for the Area 2A Catch Sharing Plan for 2014–2016 addressing the effects of implementing the Plan on ESA-listed yelloweye rockfish, canary rockfish, and bocaccio in Puget Sound, the Southern Distinct Population Segment (DPS) of green sturgeon, salmon, marine mammals, and sea turtles. In the biological opinion the Regional Administrator determined that the implementation of the Catch Sharing Plan for 2014–2016 is not likely to jeopardize the continued existence of Puget Sound yelloweye rockfish, Puget Sound canary rockfish, Puget Sound bocaccio, Puget Sound Chinook, Lower Columbia River Chinook, and green sturgeon. It is not expected to result in the destruction or adverse modification of critical habitat for green sturgeon or result in the destruction or adverse modification of proposed critical habitat for Puget Sound yelloweye rockfish, canary rockfish, bocaccio. In addition, the opinion concluded that the implementation of the Plan is not likely to adversely affect marine mammals, the remaining listed salmon species and sea turtles, and is not likely to adversely affect critical habitat for Southern resident killer whales, stellar sea lions, leatherback sea turtles, any listed salmonids, and humpback whales. Further, the Regional Administrator determined that implementation of the Catch Sharing Plan will have no effect on southern eulachon, this determination was made in a letter dated March 12, 2014. The 2015 Plan and regulations do not change the conclusions from the biological opinion.

NMFS has initiated consultation with the U.S. Fish and Wildlife Service on the effects of the halibut fishery on seabirds, bull trout, and sea otters. This consultation is not completed at this time. NMFS has prepared a 7(a)(2)/7(d) determination memo under the ESA concluding that any effects of the 2015 fishery on listed seabirds are expected to be quite low, and are not likely to jeopardize the continued existence of any listed species. Further, in no way will the 2015 fishery make an irreversible or irretrievable commitment of resources by the agency.

NMFS finds good cause to waive the 30-day delay in effectiveness and make this rule effective upon publication in the **Federal Register**, pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective on April 1, 2015, when incidental halibut retention in the sablefish primary fishery begins. While the 2015 TAC is higher than the 2014 TAC, due to the changes made to the Plan, the allocations for the salmon troll and sablefish primary fisheries are actually lower in 2015 than they were in 2014. Therefore, allowing the 2014 measures to remain in place could result in significant management changes later in the year to prevent exceeding the lower 2015 subarea allocations. Finally, this final rule approves the Council's 2015 Plan that responds to the needs of the fisheries in each state and approves the portions of the Plan allocating

incidentally caught halibut in the salmon troll and sablefish primary fisheries, which start April 1. Therefore, allowing the 2014 subarea allocations and Plan to remain in place would not respond to the needs of the fishery and would be in conflict with the Council's final recommendation for 2015. For all of these reasons, a delay in effectiveness could ultimately cause economic harm to the fishing industry and associated fishing communities by reducing fishing opportunity later in the year to keep catch in the subareas within the lower 2015 allocations or result in harvest levels inconsistent with the best available scientific information. As a result of the potential harm to fishing communities that could be caused by delaying the effectiveness of this final rule, NMFS finds good cause to waive the 30-day delay in effectiveness and make this rule effective upon publication in the **Federal Register**.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Antarctica, Canada, Exports, Fish, Fisheries, Fishing, Imports, Indians, Labeling, Marine resources, Reporting and recordkeeping requirements, Russian Federation, Transportation, Treaties, Wildlife.

Dated: March 26, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart E—Pacific Halibut Fisheries

■ 1. The authority citation for part 300, subpart E continues to read as follows:

Authority: 16 U.S.C. 773–773k.

■ 2. In § 300.63, revise paragraphs (a), (c)(1) introductory text, (c)(3)(ii), and (c)(5), to read as follows:

* * * * *

§ 300.63 Catch sharing plan and domestic management measures in area 2A.

(a) A catch sharing plan (CSP) may be developed by the Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, West Coast Region, NMFS.

* * * * *

(c) * * *

(1) The Regional Administrator, NMFS West Coast Region, after consultation with the Chairman of the Pacific Fishery Management Council, the Commission Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations:

* * * * *

(3) * * *

(ii) Actual notice of inseason management actions will be provided by a telephone hotline administered by the West Coast Region, NMFS, at 206–526–6667 or 800–662–9825 (May through October) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF–FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishers should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.

* * * * *

(5) *Availability of data.* The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the West Coast Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE., Seattle, Washington.

* * * * *

[FR Doc. 2015–07329 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

RIN 0648–XD339

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 14 to the Coastal Pelagic Species Fishery Management Plan

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

ACTION: Notice of agency decision.

SUMMARY: NMFS announces the approval of Amendment 14 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The purpose of Amendment 14 is to specify an estimate of maximum sustainable yield (MSY) for the northern subpopulation of northern anchovy in the CPS FMP. This action promotes the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable laws.

DATES: The amendment was approved on March 23, 2015.

ADDRESSES: Electronic copies of the CPS FMP as amended through Amendment 14 are available from the Pacific Fishery Management Council (Council) Web site at: *http://www.pcouncil.org/coastal-pelagic-species/fishery-management-plan-and-amendments/*. Requests for the list of references used in this document should be addressed to: NMFS, West Coast Region, Sustainable Fisheries Division, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802. c/o Joshua Lindsay

FOR FURTHER INFORMATION CONTACT: Joshua B. Lindsay, Sustainable Fisheries Division, NMFS, at 562–980–4034 or Kerry Griffin, Pacific Fishery Management Council, at 503–820–2280.

SUPPLEMENTARY INFORMATION: The CPS fishery in the U.S. exclusive economic zone (EEZ) off the West Coast is managed under the CPS FMP, which was developed by the Council pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Species managed under the CPS FMP include Pacific sardine, Pacific mackerel, jack mackerel, northern anchovy, market squid and krill. The CPS FMP was approved by the Secretary of Commerce and was implemented by regulations at 50 CFR part 660, subpart I.

The Magnuson-Stevens Act requires that each regional fishery management council submit proposed amendments to a fishery management plan to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary). The Magnuson-Stevens Act also requires that, upon receiving a fishery management plan amendment, NMFS immediately publish in the **Federal Register** a notice that the amendment is available for public review and comment. NMFS determined that Amendment 14 to the FMP is consistent with the Magnuson-Stevens Act and other applicable laws, and the Secretary approved Amendment 14 on March 23, 2015. The December 24, 2014, Notice of Availability contains additional information on this action. No changes to Federal regulations are necessary to implement Amendment 14. Amendment 14 will change the CPS FMP so that it now includes a specification of an estimate MSY for the northern subpopulation of northern

anchovy. NMFS has determined that the specification of an FMSY of 0.3 as the MSY reference for the northern subpopulation of northern anchovy point as recommended by the Council is appropriate and supported by the best available information.

At the November 2013 Council meeting the Council adopted an F_{MSY} of 0.3 as the best estimate of MSY for the northern subpopulation of northern anchovy and voted to amend the CPS FMP accordingly to include this reference point. This action was based on data compiled by the CPS Management Team and a recommendation by the Council's Science and Statistical Committee (SSC). An F_{MSY} equal to 0.3, the default exploitation rate for Pacific mackerel, a stock for which more information is known regarding stock variability and productivity, was deemed an appropriate specification of MSY by the SSC. This was deemed appropriate by the SSC because the best available information regarding northern anchovy shows that northern anchovy are likely to be at least as productive as Pacific mackerel, and likely have higher natural mortality, which would typically be associated with a higher F_{MSY}. Speaking further to their recommendation of the F_{MSY}, the SSC stated that due to both high uncertainty in the available biomass estimates and large fluctuations in stock biomass that are known to occur in species such as anchovy, a fixed biomass-based approach to specifying MSY would likely not be appropriate. Additionally, because the northern subpopulation of northern anchovy is lightly fished, with inconsistent effort over time, the existing time series of catch was likely an unreliable indicator of stock status and therefore determining a catch-based MSY would not be meaningful.

The Notice of Availability for Amendment 14 was published in the **Federal Register** on December 24, 2014 (79 FR 77426), with a 60-day comment period that ended on February 23, 2015. NMFS received one comment letter during the public comment period. No changes were made in response to these comments. NMFS summarizes and responds to that comment below.

Comment: The majority of points raised in the comment were outside the scope of Amendment 14 and instead were related to the CPS FMP as a whole and/or other aspects of the management of the northern subpopulation of northern anchovy beyond the establishment of an MSY reference point, which is the purpose and substance of Amendment 14. Those comments will not be addressed here. However, NMFS found the comments valuable and will consider them for future management planning, and will ensure the Council is aware of the comments. Related to Amendment 14, the commenter questioned some of the scientific rationale underlying the MSY recommendation, specifically the commenter states that productivity is not constant and states that the MSY estimate does not account for the current productivity of the stock and may overestimate the productivity of the stock during periods of low natural recruitment, which the commenter states currently appears to be the case from recent NMFS, CalCOFI, and independent surveys and that the use of information on Pacific mackerel to help determine the estimate may not be appropriate. The commenter however did not state that the Amendment should not be approved and expressed encouragement by the establishment of this reference point.

Response: NMFS agrees with the commenter that productivity of the northern subpopulation of northern anchovy is likely not constant over time. Much like other CPS stocks, the northern subpopulation of northern anchovy is likely subject to relatively large fluctuations in stock biomass that are driven by changes in environmental conditions. As described below, this specific life history trait was in fact part of the rationale for the SSC's recommendation to the Council and subsequent adoption by the Council of an F_{MSY} equal to 0.3 over a fixed biomass-based or catch-based MSY that may not fully take these factors into consideration. Additionally, NMFS points out that by definition MSY is a long-term average, therefore at times any estimate may be an overestimate or an underestimate, however, the MSY estimate is intended to reflect a fishing mortality rate that does not jeopardize the capacity of a stock or stock complex to produce MSY.

As it relates to the specific information used to make the determination that an F_{MSY} equal to 0.3 is appropriate for use as the MSY reference point for the northern subpopulation of northern anchovy, NMFS has determined the best available scientific information was used. In addition, an F_{MSY} equal to 0.3 was recommended to the Council by its SSC, the scientific advisory body to the Council tasked with making such recommendations based on the best available information. Although the commenter states that there is recent survey information that is contrary to this determination, no specific evidence or citations for this referenced information is provided to show that the a F_{MSY} equal to 0.3 does not represent the best available science for estimating MSY for this stock. Furthermore, the commenter references the California Cooperative Oceanic Fisheries Investigations (CalCOFI) survey however this survey only occurs off of southern and south-central California, were as the southern extent of the habitat range for the northern subpopulation of northern anchovy is northern California. In making their recommendation on MSY the SSC reviewed all of the available information on the stock, which although limited, included information such as egg and larvae survey data, density and distribution data, stock productivity and vulnerability information and landings data, which was prepared and presented to them by the Council's CPSMT (Agenda Item I.2.c, CPSMT Report 1, November 2010 and references contained within). Included in this scientific and fishery information, and specifically examined for potential use in estimating MSY, were (the only) two estimates of biomass: One from the 1970s (Richardson 1981), and the other from an acoustic survey conducted by researchers at the Southwest Fisheries Science Center in 2008 as well as the historical time series of catch going back to the 1950s. In reviewing this information, however, the SSC noted that the available biomass estimates were uncertain and, because there were only two, they provided little information on the variability of stock biomass over time. Furthermore, the SSC also noted that because the northern subpopulation of anchovy has been lightly fished, with inconsistent effort, that the time series of catch was an unreliable indicator of annual stock status. It was therefore determined that because of the paucity of biomass data and the nature of the landings information, that a MSY estimate based either of these sources would not be representative of the biology of the stock, and that it would be more appropriate to use a rate-based approach to estimate MSY instead of biomass or catch-based method.

Although general biological information on the northern subpopulation of northern anchovy exists, specific productivity information is limited; therefore the SSC looked at information available for the other CPS stocks to help determine an appropriate rate. For instance, the default exploitation rate for Pacific mackerel, a stock for which more information is known regarding stock variability and productivity (stock assessments for

Pacific mackerel have occurred since 1978, with annual assessments generally since 2000), is 0.3. Based on what information is known regarding northern anchovy, they are assumed to be at least as productive as Pacific mackerel, and likely have higher natural mortality (Patrick *et al.* 2009, PFMC 1998, Crone *et al.* 2011) which would typically be associated with a higher F_{MSY}. Therefore an F_{MSY} equal to 0.3 was deemed an appropriate specification of MSY by the SSC, for the northern subpopulation of northern anchovy, in part, because the previous determination of 0.3 as the default exploitation rate for Pacific mackerel and the existing knowledge of the two stocks.

References Cited

The complete citations for the references used in this document can be obtained by contacting NMFS (See **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

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

Dated: March 23, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2015–07289 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 62
Wednesday, April 1, 2015

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

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2011–BT–STD–0043]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent To Establish the Miscellaneous Refrigeration Products Working Group To Negotiate a Notice of Proposed Rulemaking (NOPR) for Energy Conservation Standards

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

ACTION: Notice of intent; announcement of public meetings.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is giving notice that it intends to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency requirements of miscellaneous refrigeration standards. The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the scope and definitions, certain aspects of the test procedure, and energy conservation standards for miscellaneous refrigeration products, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended. The working group will consist of representatives of parties having a defined stake in the outcome of the proposed standards, and will consult as appropriate with a range of experts on technical issues. The working group is expected to make a concerted effort to negotiate a final term sheet within four (4) months of its first meeting. At a minimum, within four months (4) of its first meeting, the working group is required to provide a status update to ASRAC. An extension of no more than two (2) months may be provided given formal feedback and recommendation from ASRAC members after deliberation and discussion surrounding the working group's status update. Lastly, DOE is announcing the first Working Group session, which is open to the public, on Monday, May 4, and Tuesday, May 5.

DATES: DOE will hold the first meeting for the Miscellaneous Refrigeration Products Working Group on Monday, May 4, and Tuesday, May 5, 2015, from 9 a.m. to 5 p.m., in Washington, DC. Written comments and request to be appointed as members of the working group are welcome and should be submitted by April 15, 2015.

ADDRESSES: The first Miscellaneous Refrigeration Products Working Group meeting, which is also open to the public, will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify *asrac@ee.doe.gov*. Persons can attend the public meeting via webinar. For more information, refer to section V of this document (Public Participation). Interested person may submit comments, identified by docket number EERE–2011–BT–STD–0043 any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov*. Follow the instructions for submitting comments.

2. *Email: ASRAC@ee.doe.gov*. Include docket number EERE–2011–BT–STD–0043 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

FOR FURTHER INFORMATION CONTACT: Joseph Hagerman, U.S. Department of Energy, Office of Building Technologies (EE–2J), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–586–4549. Email: *asrac@ee.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Authority
II. Background
III. Proposed Negotiating Procedures
IV. Comments Requested
V. Public Participation
VI. Approval of the Office of the Secretary

I. Authority

This notice of intent, announcing DOE's intent to negotiate a proposed rule for the enforcement of regional energy conservation standards, was developed under the authority of sections 563 and 564 of the NRA (5 U.S.C. 561–570, Pub. L. 104–320). The regulation of miscellaneous refrigeration products for energy conservation standards that DOE is proposing to develop under a negotiated rulemaking will be developed under the authority of EPCA, as amended, 42 U.S.C. 6311(1)(A) and 42 U.S.C. 6291 *et seq.*

II. Background

As required by the NRA, DOE is giving notice that it is establishing a working group under ASRAC to discuss scope and definitions of and potentially develop proposed energy conservation standards for miscellaneous refrigeration products. Miscellaneous refrigeration equipment is not current a covered product under EPCA and there currently are no energy conservation standards for miscellaneous refrigeration products.

A. Negotiated Rulemaking

DOE has decided to use the negotiated rulemaking process to discuss the scope and definitions of and develop proposed energy conservation standards for miscellaneous refrigeration products. The primary reason for using the negotiated rulemaking process for this product is that stakeholders strongly support a consensual rulemaking effort. DOE believes such a regulatory

negotiation process will be less adversarial and better suited to resolving complex technical issues. An important virtue of negotiated rulemaking is that it allows expert dialog that is much better than traditional techniques at getting the facts and issues right and will result in a proposed rule that will effectively reflect Congressional intent.

A regulatory negotiation will enable DOE to engage in direct and sustained dialog with informed, interested, and affected parties when drafting the regulation, rather than obtaining input during a public comment period after developing and publishing a proposed rule. Gaining this early understanding of all parties' perspectives allows DOE to address key issues at an earlier stage of the process, thereby allowing more time for an iterative process to resolve issues. A rule drafted by negotiation with informed and affected parties is expected to be potentially more pragmatic and more easily implemented than a rule arising from the traditional process. Such rulemaking improvement is likely to provide the public with the full benefits of the rule while minimizing the potential negative impact of a proposed regulation conceived or drafted without the full prior input of outside knowledgeable parties. Because a negotiating working group includes representatives from the major stakeholder groups affected by or interested in the rule, the number of public comments on the proposed rule may be decreased. DOE anticipates that there will be a need for fewer substantive changes to a proposed rule developed under a regulatory negotiation process prior to the publication of a final rule.

B. The Concept of Negotiated Rulemaking

Usually, DOE develops a proposed rulemaking using Department staff and consultant resources. Congress noted in the NRA, however, that regulatory development may ''discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions * * *.'' 5 U.S.C. 561(2)(2). Congress also stated that ''adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties.'' 5 U.S.C. 561(2)(3).

Using negotiated rulemaking to develop a proposed rule differs fundamentally from the Department centered process. In negotiated rulemaking, a proposed rule is developed by an advisory committee or working group, chartered under FACA, 5 U.S.C. App. 2, composed of members chosen to represent the various interests that will be significantly affected by the rule. The goal of the advisory committee or working group is to reach consensus on the treatment of the major issues involved with the rule. The process starts with the Department's careful identification of all interests potentially affected by the rulemaking under consideration. To help with this identification, the Department publishes a notice of intent such as this one in the **Federal Register,** identifying a preliminary list of interested parties and requesting public comment on that list. Following receipt of comments, the Department establishes an advisory committee or working group representing the full range of stakeholders to negotiate a consensus on the terms of a proposed rule. Representation on the advisory committee or working group may be direct; that is, each member may represent a specific interest, or may be indirect, such as through trade associations and/or similarly-situated parties with common interests. The Department is a member of the advisory committee or working group and represents the Federal government's interests. The advisory committee or working group chair is assisted by a neutral mediator who facilitates the negotiation process. The role of the mediator, also called a facilitator, is to apply proven consensus-building techniques to the advisory committee or working group process.

After an advisory committee or working group reaches consensus on the provisions of a proposed rule, the Department, consistent with its legal obligations, uses such consensus as the basis of its proposed rule, which then is published in the **Federal Register**. This publication provides the required public notice and provides for a public comment period. Other participants and other interested parties retain their rights to comment, participate in an informal hearing (if requested), and request judicial review. DOE anticipates, however, that the pre-proposal consensus agreed upon by the advisory committee or working group will narrow any issues in the subsequent rulemaking.

C. Proposed Rulemaking for Energy Conservation Standards Regarding Miscellaneous Refrigeration Products

The NRA enables DOE to establish an advisory committee or working group if it is determined that the use of the negotiated rulemaking process is in the public interest. DOE intends to develop Federal regulations that build on the depth of experience accrued in both the public and private sectors in implementing standards and programs.

DOE has determined that the regulatory negotiation process will provide for obtaining a diverse array of in-depth input, as well as an opportunity for increased collaborative discussion from both private-sector stakeholders and government officials who are familiar with energy efficiency of miscellaneous refrigeration products.

D. Department Commitment

In initiating this regulatory negotiation process to develop energy conservation standards for miscellaneous refrigeration products, DOE is making a commitment to provide adequate resources to facilitate timely and successful completion of the process. This commitment includes making the process a priority activity for all representatives, components, officials, and personnel of the Department who need to be involved in the rulemaking, from the time of initiation until such time as a final rule is issued or the process is expressly terminated. DOE will provide administrative support for the process and will take steps to ensure that the advisory committee or working group has the dedicated resources it requires to complete its work in a timely fashion. Specifically, DOE will make available the following support services: Properly equipped space adequate for public meetings and caucuses; logistical support; word processing and distribution of background information; the service of a facilitator; and such additional research and other technical assistance as may be necessary.

To the maximum extent possible consistent with the legal obligations of the Department, DOE will use the consensus of the advisory committee or working group as the basis for the rule the Department proposes for public notice and comment.

E. Negotiating Consensus

As discussed above, the negotiated rulemaking process differs fundamentally from the usual process for developing a proposed rule. Negotiation enables interested and affected parties to discuss various

approaches to issues rather than asking them only to respond to a proposal developed by the Department. The negotiation process involves a mutual education of the various parties on the practical concerns about the impact of standards. Each advisory committee or working group member participates in resolving the interests and concerns of other members, rather than leaving it up to DOE to evaluate and incorporate different points of view.

A key principle of negotiated rulemaking is that agreement is by consensus of all the interests. Thus, no one interest or group of interests is able to control the process. The NRA defines consensus as the unanimous concurrence among interests represented on a negotiated rulemaking committee or working group, unless the committee or working group itself unanimously agrees to use a different definition. 5 U.S.C. 562. In addition, experience has demonstrated that using a trained mediator to facilitate this process will assist all parties, including DOE, in identifying their real interests in the rule, and thus will enable parties to focus on and resolve the important issues.

III. Proposed Negotiating Procedures

A. Key Issues for Negotiation

The following issues and concerns will underlie the work of the Negotiated Rulemaking Committee for Miscellaneous Refrigeration Products:

- Definitions, including scope of coverage;
- Certain aspect of the test procedure, including key test procedure conditions, as applicable; and
- Proposed energy conservation standards for miscellaneous refrigeration products.

To examine the underlying issues outlined above, and others not yet articulated, all parties in the negotiation will need DOE to provide data and an analytic framework complete and accurate enough to support their deliberations. DOE's analyses must be adequate to inform a prospective negotiation—for example, a preliminary Technical Support Document or equivalent must be available and timely.

B. Formation of Working Group

A working group will be formed and operated in full compliance with the requirements of FACA and in a manner consistent with the requirements of the NRA. DOE has determined that the working group not exceed 25 members. The Department believes that more than 25 members would make it difficult to conduct effective negotiations. DOE is aware that there are many more potential participants than there are membership slots on the working group. The Department does not believe, nor does the NRA contemplate, that each potentially affected group must participate directly in the negotiations; nevertheless, each affected interest can be adequately represented. To have a successful negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. To provide adequate representation, those coalitions must agree to support, both financially and technically, a member of the working group whom they choose to represent their interests.

DOE recognizes that when it considers adding covered products and establishing energy efficiency standards for residential products and commercial equipment, various segments of society may be affected in different ways, in some cases producing unique ''interests'' in a proposed rule based on income, gender, or other factors. The Department will pay attention to providing that any unique interests that have been identified, and that may be significantly affected by the proposed rule, are represented.

FACA also requires that members of the public have the opportunity to attend meetings of the full committee and speak or otherwise address the committee during the public comment period. In addition, any member of the public is permitted to file a written statement with the advisory committee. DOE plans to follow these same procedures in conducting meetings of the working group.

C. Interests Involved/Working Group Membership

DOE anticipates that the working group will comprise no more than 25 members who represent affected and interested stakeholder groups, at least one of whom must be a member of the ASRAC. As required by FACA, the Department will conduct the negotiated rulemaking with particular attention to ensuring full and balanced representation of those interests that may be significantly affected by the proposed rule governing rules of miscellaneous refrigeration energy conservation standards. Section 562 of the NRA defines the term interest as ''with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.'' Listed below are parties the Department to date has identified as being ''significantly affected'' by a proposed rule regarding the energy efficiency of miscellaneous refrigeration.

- The Department of Energy
- Trade Associations representing manufacturers of miscellaneous refrigeration products
- Manufacturers of miscellaneous refrigeration products and component manufacturers and related suppliers
- Utilities
- Energy efficiency/environmental advocacy groups
- Consumers

One purpose of this notice of intent is to determine whether Federal regulations regarding miscellaneous refrigeration products will significantly affect interests that are not listed above. DOE invites comment and suggestions on its initial list of significantly affected interests.

Members may be individuals or organizations. If the effort is to be fruitful, participants on the working group should be able to fully and adequately represent the viewpoints of their respective interests. This document gives notice of DOE's process to other potential participants and affords them the opportunity to request representation in the negotiations. Those who wish to be appointed as members of the working group, should submit a request to DOE, in accordance with the public participation procedures outlined in the **DATES** and **ADDRESSES** sections of this notice of intent. Membership of the working group is likely to involve:

- Attendance at approximately four (4), one (1) to two (2) day meetings (with the potentially for two (2) additional one (1) or two (2) day meetings);
- Travel costs to those meetings; and
- Preparation time for those meetings.

Members serving on the working group will not receive compensation for their services. Interested parties who are not selected for membership on the working group may make valuable contributions to this negotiated rulemaking effort in any of the following ways:

- The person may request to be placed on the working group mailing list and submit written comments as appropriate.
- The person may attend working group meetings, which are open to the public; caucus with his or her interest's member on the working group; or even address the working group during the public comment portion of the working group meeting.
- The person could assist the efforts of a workgroup that the working group might establish.

A working group may establish informal workgroups, which usually are

asked to facilitate committee deliberations by assisting with various technical matters (*e.g.,* researching or preparing summaries of the technical literature or comments on specific matters such as economic issues). Workgroups also might assist in estimating costs or drafting regulatory text on issues associated with the analysis of the costs and benefits addressed, or formulating drafts of the various provisions and their justifications as previously developed by the working group. Given their support function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied. Because it recognizes the importance of this support work for the working group, DOE will provide appropriate technical expertise for such workgroups.

D. Good Faith Negotiation

Every working group member must be willing to negotiate in good faith and have the authority, granted by his or her constituency, to do so. The first step is to ensure that each member has good communications with his or her constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition therefore should designate as its representative a person having the credibility and authority to ensure that needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking can require the appointed members to give a significant sustained for as long as the duration of the negotiated rulemaking. Other qualities of members that can be helpful are negotiating experience and skills, and sufficient technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach a consensus, as opposed to keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from some of the positions often taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the working group's discussions.

E. Facilitator

The facilitator will act as a neutral in the substantive development of the proposed standard. Rather, the facilitator's role generally includes:

- Impartially assisting the members of the working group in conducting discussions and negotiations; and
- Impartially assisting in performing the duties of the Designated Federal Official under FACA.

F. Department Representative

The DOE representative will be a full and active participant in the consensus building negotiations. The Department's representative will meet regularly with senior Department officials, briefing them on the negotiations and receiving their suggestions and advice so that he or she can effectively represent the Department's views regarding the issues before the working group. DOE's representative also will ensure that the entire spectrum of governmental interests affected by the standards rulemaking, including the Office of Management and Budget, the Attorney General, and other Departmental offices, are kept informed of the negotiations and encouraged to make their concerns known in a timely fashion.

G. Working Group and Schedule

After evaluating the comments submitted in response to this notice of intent and the requests for nominations, DOE will either inform the members of the working group that they have been selected or determine that conducting a negotiated rulemaking is inappropriate.

The working group is expected to make a concerted effort to negotiate a final term sheet within four (4) months of its first meeting. At a minimum, within four months (4) of its first meeting, the working group is required to provide a status update to ASRAC. An extension of no more than two (2) months may be provided given formal feedback and recommendation from ASRAC members after deliberation and discussion surrounding the working group's status update.

DOE will advise working group members of administrative matters related to the functions of the working group before beginning. DOE will establish a meeting schedule based on the settlement agreement and produce the necessary documents so as to adhere to that schedule. While the negotiated rulemaking process is underway, DOE is committed to performing much of the same analysis as it would during a normal standards rulemaking process and to providing information and technical support to the working group.

IV. Comments Requested

DOE requests comments on which parties should be included in a negotiated rulemaking to develop draft language pertaining to the energy efficiency of miscellaneous refrigeration and suggestions of additional interests and/or stakeholders that should be represented on the working group. All who wish to participate as members of the working group should submit a request for nomination to DOE.

V. Public Participation

Attendance at the Public Meeting

The time, date, and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections. If you plan to attend the public meeting, please notify *asrac@doe.gov.* Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting *regina.washington@ee.doe.gov* so that the necessary procedures can be completed. Please also note that those wishing to bring laptops into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=71.* Participants are responsible for ensuring their systems are compatible with the webinar software.

Conduct of the Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA. (42 U.S.C. 6306) A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. After the public meeting, interested parties may submit further comments on the proceedings as well as on any aspect of the rulemaking until the end of the comment period.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments

received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's notice of intent.

Issued in Washington, DC, on March 26, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2015–07469 Filed 3–31–15; 8:45 am]

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DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2013–BT–STD–0006]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent To Establish the Fans and Blowers Working Group To Negotiate a Notice of Proposed Rulemaking (NOPR) for Energy Conservation Standards

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

ACTION: Notice of intent and announcement of public meetings.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is giving notice that it intends to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed definitions, certain aspects of a proposed test procedure (if applicable), and proposed energy conservation standards for fans and blowers. The purpose of the working group will be to discuss and, if possible, reach consensus on the scope of the rulemaking, certain key aspects of a proposed test procedure, and proposed energy conservation standard for fans and blowers, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended. As part of its negotiations, the working group will consider scope of coverage and system interaction impacts of potential standards for fans and blowers. The working group will consist of representatives of parties having a defined stake in the outcome of the regulations, including the proposed standards, and will consult as appropriate with a range of experts on technical issues. The working group is expected to make a concerted effort to negotiate a final term sheet within three (3) months of its first meeting. At the completion of negotiation, the term sheet will be presented to ASRAC at an open meeting for their deliberation and decision on whether or not to pass it on as a formal recommendation to DOE. Lastly, DOE is announcing the first Working Group session, which is open to the public, on Wednesday, May 6, and Thursday, May 7, 2015.

DATES: DOE will hold the first meeting for the Fans and Blowers Working Group on Wednesday, May 6, and Thursday, May 7, 2015, from 9 a.m. to 5 p.m., in Washington, DC. Written comments and request to be appointed as members of the working group are welcome and should be submitted by April 15, 2015.

ADDRESSES: The first Fans and Blowers Working Group meeting, which is also open to the public, will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify *asrac@ee.doe.gov.* Persons can attend the public meeting via webinar. For more information, refer to section V of this document (Public Participation).

Interested person may submit comments, identified by docket number EERE–2013–BT–STD–0006 by any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: ASRAC@ee.doe.gov.* Include docket number EERE–2013–BT–STD–0006 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

FOR FURTHER INFORMATION CONTACT: Ashley Armstrong, U.S. Department of Energy, Office of Building Technologies (EE–5B), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–586–6590. Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Authority
II. Background
III. Proposed Negotiating Procedures
IV. Comments Requested
V. Public Participation
VI. Approval of the Office of the Secretary

I. Authority

This notice of intent, announcing DOE's intent to negotiate a proposed rule for fans and blowers energy conservation standards, was developed under the authority of sections 563 and 564 of the NRA (5 U.S.C. 561–570, Pub. L. 104–320). The regulation of fans and blowers for energy conservation standards that DOE is proposing to develop under a negotiated rulemaking will be developed under the authority of EPCA, as amended, 42 U.S.C. 6311(1)(A) and 42 U.S.C. 6291 *et seq.*

II. Background

As required by the NRA, DOE is giving notice that it is establishing a working group under ASRAC to develop proposed energy conservation standards, including the applicability of those standards for various categories of fans and blower currently found on the market. EPCA, as amended, directs DOE to adopt energy conservation standards for fans and blowers for which standards would be technologically feasible and economically justified, and would result in significant energy savings. There currently are no Federal energy conservation standards for fans and blowers.

A. Negotiated Rulemaking

DOE has decided to use the negotiated rulemaking process to develop proposed energy conservation standards for fans and blowers. Under EPCA, Congress mandated that DOE develop regulations

establishing energy conservation standards for covered consumer and commercial appliances that are designed to achieve the maximum improvement in energy efficiency that are technologically feasible and economically justified. 42 U.S.C. 6295(o)(2)(A). The primary reason for using the negotiated rulemaking process for developing a proposed Federal standard is that stakeholders strongly support a consensual rulemaking effort. DOE believes such a regulatory negotiation process will be less adversarial and better suited to resolving complex technical issues. An important virtue of negotiated rulemaking is that it allows expert dialog that is much better than traditional techniques at getting the facts and issues right and will result in a proposed rule that will effectively reflect Congressional intent.

A regulatory negotiation will enable DOE to engage in direct and sustained dialog with informed, interested, and affected parties when drafting the regulation, rather than obtaining input during a public comment period after developing and publishing a proposed rule. Gaining this early understanding of all parties' perspectives allows DOE to address key issues at an earlier stage of the process, thereby allowing more time for an iterative process to resolve issues. A rule drafted by negotiation with informed and affected parties is expected to be potentially more pragmatic and more easily implemented than a rule arising from the traditional process. Such rulemaking improvement is likely to provide the public with the full benefits of the rule while minimizing the potential negative impact of a proposed regulation conceived or drafted without the full prior input of outside knowledgeable parties. Because a negotiating working group includes representatives from the major stakeholder groups affected by or interested in the rule, the number of public comments on the proposed rule may be decreased. DOE anticipates that there will be a need for fewer substantive changes to a proposed rule developed under a regulatory negotiation process prior to the publication of a final rule.

B. The Concept of Negotiated Rulemaking

Usually, DOE develops a proposed rulemaking using Department staff and consultant resources. Typically, a preliminary analysis is vetted for stakeholder comments after a Framework Document is published and comments taken thereon. After the notice of proposed rulemaking is published for comment, affected parties may submit arguments and data defining and supporting their positions with regard to the issues raised in the proposed rule. Congress noted in the NRA, however, that regulatory development may ''discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions * * *.'' 5 U.S.C. 561(2)(2). Congress also stated that ''adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties.'' 5 U.S.C. 561(2)(3).

Using negotiated rulemaking to develop a proposed rule differs fundamentally from the Department centered process. In negotiated rulemaking, a proposed rule is developed by an advisory committee or working group, chartered under FACA, 5 U.S.C. App. 2, composed of members chosen to represent the various interests that will be significantly affected by the rule. The goal of the advisory committee or working group is to reach consensus on the treatment of the major issues involved with the rule. The process starts with the Department's careful identification of all interests potentially affected by the rulemaking under consideration. To help with this identification, the Department publishes a notice of intent such as this one in the **Federal Register**, identifying a preliminary list of interested parties and requesting public comment on that list. Following receipt of comments, the Department establishes an advisory committee or working group representing the full range of stakeholders to negotiate a consensus on the terms of a proposed rule. Representation on the advisory committee or working group may be direct; that is, each member may represent a specific interest, or may be indirect, such as through trade associations and/or similarly-situated parties with common interests. The Department is a member of the advisory committee or working group and represents the Federal government's interests. The advisory committee or working group chair is assisted by a neutral mediator who facilitates the negotiation process. The role of the mediator, also called a facilitator, is to apply proven consensus-building techniques to the advisory committee or working group process.

After an advisory committee or working group reaches consensus on the provisions of a proposed rule, the Department, consistent with its legal obligations, uses such consensus as the basis of its proposed rule, which then is published in the **Federal Register**. This publication provides the required public notice and provides for a public comment period. Other participants and other interested parties retain their rights to comment, participate in an informal hearing (if requested), and request judicial review. DOE anticipates, however, that the pre-proposal consensus agreed upon by the advisory committee or working group will narrow any issues in the subsequent rulemaking.

C. Proposed Rulemaking for Fans and Blowers Energy Conservation Standards

The NRA enables DOE to establish an advisory committee or working group if it is determined that the use of the negotiated rulemaking process is in the public interest. DOE intends to develop Federal regulations that build on the depth of experience accrued in both the public and private sectors in implementing standards and programs.

DOE has determined that the regulatory negotiation process will provide for obtaining a diverse array of in-depth input, as well as an opportunity for increased collaborative discussion from both private-sector stakeholders and government officials who are familiar with energy efficiency of fans and blowers.

D. Department Commitment

In initiating this regulatory negotiation process to develop energy conservation standards for fans and blowers, DOE is making a commitment to provide adequate resources to facilitate timely and successful completion of the process. This commitment includes making the process a priority activity for all representatives, components, officials, and personnel of the Department who need to be involved in the rulemaking, from the time of initiation until such time as a final rule is issued or the process is expressly terminated. DOE will provide administrative support for the process and will take steps to ensure that the advisory committee or working group has the dedicated resources it requires to complete its work in a timely fashion. Specifically, DOE will make available the following support services: Properly equipped space adequate for public meetings and caucuses; logistical support; word processing and

distribution of background information; the service of a facilitator; and such additional research and other technical assistance as may be necessary.

To the maximum extent possible consistent with the legal obligations of the Department, DOE will use the consensus of the advisory committee or working group as the basis for the rule the Department proposes for public notice and comment.

E. Negotiating Consensus

As discussed above, the negotiated rulemaking process differs fundamentally from the usual process for developing a proposed rule. Negotiation enables interested and affected parties to discuss various approaches to issues rather than asking them only to respond to a proposal developed by the Department. The negotiation process involves a mutual education of the various parties on the practical concerns about the impact of standards. Each advisory committee or working group member participates in resolving the interests and concerns of other members, rather than leaving it up to DOE to evaluate and incorporate different points of view.

A key principle of negotiated rulemaking is that agreement is by consensus of all the interests. Thus, no one interest or group of interests is able to control the process. The NRA defines consensus as the unanimous concurrence among interests represented on a negotiated rulemaking committee or working group, unless the committee or working group itself unanimously agrees to use a different definition. 5 U.S.C. 562. In addition, experience has demonstrated that using a trained mediator to facilitate this process will assist all parties, including DOE, in identifying their real interests in the rule, and thus will enable parties to focus on and resolve the important issues.

III. Proposed Negotiating Procedures

A. Key Issues for Negotiation

The following issues and concerns will underlie the work of the Negotiated Rulemaking Committee on Fans and Blowers Equipment Energy Conservation Standards for fans and blowers:

- Scope of coverage (including any system interaction effects);
- Key test procedure conditions, as applicable; and
- Proposed energy conservation standard.

To examine the underlying issues outlined above, and others not yet articulated, all parties in the negotiation will need DOE to provide data and an analytic framework complete and accurate enough to support their deliberations. DOE's analyses must be adequate to inform a prospective negotiation—for example, a notice of data availability or equivalent must be available and timely.

B. Formation of Working Group

A working group will be formed and operated in full compliance with the requirements of FACA and in a manner consistent with the requirements of the NRA. DOE has determined that the working group not exceed 25 members. The Department believes that more than 25 members would make it difficult to conduct effective negotiations. DOE is aware that there are many more potential participants than there are membership slots on the working group. The Department does not believe, nor does the NRA contemplate, that each potentially affected group must participate directly in the negotiations; nevertheless, each affected interest can be adequately represented. To have a successful negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. To provide adequate representation, those coalitions must agree to support, both financially and technically, a member of the working group whom they choose to represent their interests.

DOE recognizes that when it establishes energy conservation standards for residential products and commercial equipment, various segments of society may be affected in different ways, in some cases producing unique ''interests'' in a proposed rule based on income, gender, or other factors. The Department will pay attention to providing that any unique interests that have been identified, and that may be significantly affected by the proposed rule, are represented.

FACA also requires that members of the public have the opportunity to attend meetings of the full committee and speak or otherwise address the committee during the public comment period. In addition, any member of the public is permitted to file a written statement with the advisory committee. DOE plans to follow these same procedures in conducting meetings of the working group.

C. Interests Involved/Working Group Membership

DOE anticipates that the working group will comprise no more than 25 members who represent affected and interested stakeholder groups, at least one of whom must be a member of the ASRAC. As required by FACA, the Department will conduct the negotiated rulemaking with particular attention to ensuring full and balanced representation of those interests that may be significantly affected by the proposed rule governing rules of fans and blowers energy conservation standards. Section 562 of the NRA defines the term interest as ''with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.'' Listed below are parties the Department to date has identified as being ''significantly affected'' by a proposed rule regarding the energy conservation standards of fans and blowers.

- The Department of Energy
- Manufacturers of Fans and Blowers
- Manufacturers of Equipment that Purchase Fans and Blowers
- Trade Associations Representing Manufacturers of Fans and Blowers or Equipment that Purchase Fans and Blowers
- Utilities
- Energy Efficiency/Environmental Advocacy Groups
- Consumers

One purpose of this notice of intent is to determine whether Federal regulations regarding fans and blowers energy conservation standards will significantly affect interests that are not listed above. DOE invites comment and suggestions on its initial list of significantly affected interests.

Members may be individuals or organizations. If the effort is to be fruitful, participants on the working group should be able to fully and adequately represent the viewpoints of their respective interests. This document gives notice of DOE's process to other potential participants and affords them the opportunity to request representation in the negotiations. Those who wish to be appointed as members of the working group, should submit a request to DOE, in accordance with the public participation procedures outlined in the **DATES** and **ADDRESSES** sections of this notice of intent. Membership of the working group is likely to involve:

- Attendance at approximately ten (10); one (1) to two (2) day meetings;
- Travel costs to those meetings; and
- Preparation time for those meetings.

Members serving on the working group will not receive compensation for their services. Interested parties who are not selected for membership on the working group may make valuable contributions to this negotiated rulemaking effort in any of the following ways:

• The person may request to be placed on the working group mailing list and submit written comments as appropriate.

• The person may attend working group meetings, which are open to the public; caucus with his or her interest's member on the working group; or even address the working group during the public comment portion of the working group meeting.

• The person could assist the efforts of a workgroup that the working group might establish.

A working group may establish informal workgroups, which usually are asked to facilitate committee deliberations by assisting with various technical matters (*e.g.,* researching or preparing summaries of the technical literature or comments on specific matters such as economic issues). Workgroups also might assist in estimating costs or drafting regulatory text on issues associated with the analysis of the costs and benefits addressed, or formulating drafts of the various provisions and their justifications as previously developed by the working group. Given their support function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied. Because it recognizes the importance of this support work for the working group, DOE will provide appropriate technical expertise for such workgroups.

D. Good Faith Negotiation

Every working group member must be willing to negotiate in good faith and have the authority, granted by his or her constituency, to do so. The first step is to ensure that each member has good communications with his or her constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition therefore should designate as its representative a person having the credibility and authority to ensure that needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking can require the appointed members to give a significant sustained for as long as the duration of the negotiated rulemaking. Other qualities of members that can be helpful are negotiating experience and skills, and sufficient technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach a consensus, as opposed to keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from some of the positions often taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the working group's discussions.

E. Facilitator

The facilitator will act as a neutral in the substantive development of the proposed standard. Rather, the facilitator's role generally includes:

• Impartially assisting the members of the working group in conducting discussions and negotiations; and

• Impartially assisting in performing the duties of the Designated Federal Official under FACA.

F. Department Representative

The DOE representative will be a full and active participant in the consensus building negotiations. The Department's representative will meet regularly with senior Department officials, briefing them on the negotiations and receiving their suggestions and advice so that he or she can effectively represent the Department's views regarding the issues before the working group. DOE's representative also will ensure that the entire spectrum of governmental interests affected by the standards rulemaking, including the Office of Management and Budget, the Attorney General, and other Departmental offices, are kept informed of the negotiations and encouraged to make their concerns known in a timely fashion.

G. Working Group and Schedule

After evaluating the comments submitted in response to this notice of intent and the requests for nominations, DOE will either inform the members of the working group that they have been selected or determine that conducting a negotiated rulemaking is inappropriate.

The working group is expected to make a concerted effort to negotiate a final term sheet within three (3) months of its first meeting. At the completion of negotiation, the term sheet will be presented to ASRAC at an open meeting for their deliberation and decision on whether or not to pass it on as a formal recommendation to DOE. As part of its negotiations, the working group should consider scope of coverage and system interaction impacts of potential standards.

DOE will advise working group members of administrative matters related to the functions of the working group before beginning. DOE will establish a meeting schedule based on the settlement agreement and produce the necessary documents so as to adhere to that schedule. While the negotiated rulemaking process is underway, DOE is committed to performing much of the same analysis as it would during a normal standards rulemaking process and to providing information and technical support to the working group.

IV. Comments Requested

DOE requests comments on which parties should be included in a negotiated rulemaking to develop draft language pertaining to the energy conservation standards of fans and blowers and suggestions of additional interests and/or stakeholders that should be represented on the working group. All who wish to participate as members of the working group should submit a request for nomination to DOE.

V. Public Participation

Attendance at the Public Meeting

The time, date, and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections. If you plan to attend the public meeting, please notify *asrac@doe.gov.* Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting *regina.washington@ee.doe.gov* so that the necessary procedures can be completed. Please also note that those wishing to bring laptops into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=25*. Participants are responsible for ensuring their systems are compatible with the webinar software.

Conduct of the Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public

hearing, but DOE will conduct it in accordance with section 336 of EPCA. (42 U.S.C. 6306) A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. After the public meeting, interested parties may submit further comments on the proceedings as well as on any aspect of the rulemaking until the end of the comment period.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

Issued in Washington, DC, on March 26, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2015–07470 Filed 3–31–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2013–BT–STD–0007; EERE–2013–BT–STD–0021]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent To Establish the Commercial Package Air Conditioners and Heat Pumps and Commercial Warm Air Furnaces Working Group To Negotiate Potential Energy Conservation Standards

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

ACTION: Notice of intent and announcement of a public meeting.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is giving notice that it intends to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate regarding energy conservation standards for small, large, and very large, air-cooled commercial package air conditioners and heat pumps as well as commercial warm air furnaces. The purpose of the working group will be to discuss and, if possible, reach consensus regarding the development of energy conservation standards for small, large, and very large, air-cooled commercial package air conditioners and heat pumps as well as commercial warm air furnaces, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended. The working group will consist of representatives of parties having a defined stake in the outcome of the energy conservation standards, and will consult as appropriate with a range of experts on technical issues.

The working group is expected to negotiate a final term sheet regarding energy conservation standards for the aforementioned equipment by Monday, June 15, 2015. The final term sheet will be presented to ASRAC at an open meeting for their deliberation and decision on whether to pass it on as a formal recommendation to DOE.

DATES: Written comments and request to be appointed as members of the CUAC and CWAF Working Group, including an application package, are welcome and should be submitted by April 15, 2015.

DOE will hold the first meeting for the CUAC and CWAF Working Group on Tuesday, April, 28, 2015, from 9 a.m. to 5 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section V Public Participation for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: The first CUAC and CWAF Working Group meeting, which is also open to the public, will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify *asrac@ee.doe.gov.* Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting *regina.washington@ee.doe.gov* so that the necessary procedures can be completed. Please also note that those wishing to bring laptops into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes. Persons can attend the public meeting via webinar. For more information, refer to section V of this document (Public Participation).

Interested person may submit comments, identified by docket number EERE–2013–BT–STD–0007; EERE–2013–BT–STD–0021 by any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: ASRAC@ee.doe.gov.* Include docket number EERE–2013–BT–STD–0007; EERE–2013–BT–STD–0021 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, U.S. Department of Energy, Office of Building Technologies (EE–2J), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–287–1692. Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Preamble

I. Authority
II. Background
III. Proposed Negotiating Procedures
IV. Comments Requested
V. Public Participation

I. Authority

This notice of intent, announcing DOE's intent to negotiate regarding energy conservation standards for small (greater than or equal to 65,000 Btu/h and under 135,000 Btu/h cooling capacity), large, (greater than or equal to 135,000 Btu/h and under 240,000 Btu/h cooling capacity) and very large (greater than or equal to 240,000 Btu/h and under 760,000 Btu/h cooling capacity), air-cooled commercial package air conditioners and heat pumps (CUACs) as well as commercial warm air furnaces (CWAFs), was developed under the authority of sections 563 and 564 of the NRA (5 U.S.C. 561–570, Pub. L. 104–320). The establishment of energy conservation standards for CUACs and CWAFs by DOE is pursuant to authority in EPCA, as amended, 42 U.S.C. 6311(1)(A) and 42 U.S.C. 6291, *et seq.*

II. Background

As required by the NRA, DOE is giving notice that it is establishing a working group under ASRAC to negotiate regarding energy conservation standards CUACs and CWAFs. EPCA, as amended, directs DOE to adopt energy conservation standards for CUACs and CWAFs for which standards would be technologically feasible and economically justified, and would result in significant energy savings. The current Federal for CUACs are found in 10 CFR part 431.97(b).

A. Negotiated Rulemaking

DOE has decided to use the negotiated rulemaking process to discuss the development of energy conservation standards for CUACs and CWAFs. Under EPCA, Congress mandated that DOE develop regulations establishing energy conservation standards for covered consumer and commercial products that are designed to achieve the maximum improvement in energy efficiency that are technologically feasible and economically justified. 42 U.S.C. 6295(o)(2)(A). The primary reason for using the negotiated rulemaking process for considering amended energy conservation standards is that stakeholders strongly support a consensual rulemaking effort. DOE believes such a regulatory negotiation process will be less adversarial and better suited to resolving complex technical issues. An important virtue of negotiated rulemaking is that it allows expert dialog that is much better than traditional techniques at getting the facts and issues right and will result in a rulemaking that will effectively reflect Congressional intent.

A regulatory negotiation will enable DOE to engage in direct and sustained dialog with informed, interested, and affected parties when considering potential revisions to the publically available analysis. Because a negotiating working group includes representatives from the major stakeholder groups affected by or interested in the rule, the number of changes in the analysis resulting from responses to public comments on the proposed rule may be decreased as DOE and the major stakeholder groups affected by the rule have the opportunity to have a discussions about the data, methodology, and analyses.

B. Rulemaking for CUAC and CWAF Energy Conservation Standards

The NRA enables DOE to establish an advisory committee or working group if it is determined that the use of the negotiated rulemaking process is in the public interest. DOE intends to develop Federal regulations that build on the depth of experience accrued in both the public and private sectors in implementing standards and programs.

DOE has determined that the regulatory negotiation process will provide for obtaining a diverse array of in-depth input, as well as an opportunity for increased collaborative discussion from both private-sector stakeholders and government officials who are familiar with energy use and efficiency of CUACs and CWAFs.

D. Department Commitment

In initiating this regulatory negotiation process regarding energy conservation standards for CUACs and CWAFs, DOE is making a commitment to provide adequate resources to facilitate timely and successful completion of the process. This commitment includes making the process a priority activity for all representatives, components, officials, and personnel of the Department who need to be involved in the rulemaking, from the time of initiation until such time as a final rule is issued or the process is expressly terminated. DOE will provide administrative support for the process and will take steps to ensure that the advisory committee or working group has the dedicated resources it requires to complete its work in a timely fashion. Specifically, DOE will make available the following support services: properly equipped space adequate for public meetings and caucuses; logistical support; word processing and distribution of background information; the service of a facilitator; and such additional research and other technical assistance as may be necessary.

To the maximum extent possible consistent with the legal obligations of the Department, DOE will consider the consensus of the advisory committee or working group as the basis for the rulemaking moving forward.

E. Negotiating Consensus

As discussed above, the negotiated rulemaking process differs fundamentally from the usual process for developing and revising a typical rulemaking. Negotiation enables interested and affected parties to discuss various approaches to issues rather than asking them only to respond to a proposal developed by the Department. The negotiation process involves a mutual education of the various parties on the practical concerns about the impact of standards. Each advisory committee or working group member participates in resolving the interests and concerns of other members, rather than leaving it up to DOE to evaluate and incorporate different points of view.

A key principle of negotiated rulemaking is that agreement is by consensus of all the interests. Thus, no one interest or group of interests is able to control the process. The NRA defines consensus as the unanimous concurrence among interests represented on a negotiated rulemaking committee or working group, unless the committee or working group itself unanimously agrees to use a different definition. 5 U.S.C. 562. In addition, experience has demonstrated that using a trained mediator to facilitate this process will assist all parties, including DOE, in identifying their real interests in the rule, and thus will enable parties to focus on and resolve the important issues.

III. Proposed Negotiating Procedures

A. Key Issues for Negotiation

The following issues and concerns will underlie the work of the Negotiated Rulemaking Committee on CUAC and CWAF Energy Conservation Standards:

- Additional data that could be considered by the Working Group in potentially revising the analytical tools that DOE used for the proposed rules;
- Additional methodology assumptions that could be considered by the Working Group in potentially revising the analytical tools that DOE used for the proposed rules;
- Synergies gained by combining the rulemaking and potential compliance dates for two covered products; and
- Consideration of energy conservation standards.

To examine the underlying issues outlined above, and others not yet

articulated, all parties in the negotiation will need DOE to provide data and an analytic framework complete and accurate enough to support their deliberations. DOE's analyses must be adequate to inform a prospective negotiation—for example, the notice of proposed rulemakings for CUACs and CWAFs or equivalent must be available and timely.

B. Formation of Working Group

A working group will be formed and operated in full compliance with the requirements of FACA and in a manner consistent with the requirements of the NRA. DOE has determined that the working group shall not exceed 25 members. The Department believes that more than 25 members would make it difficult to conduct effective negotiations. DOE is aware that there are many more potential participants than there are membership slots on the working group. The Department does not believe, nor does the NRA contemplate, that each potentially affected group must participate directly in the negotiations; nevertheless, each affected interest can be adequately represented. To have a successful negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. To provide adequate representation, those coalitions must agree to support, both financially and technically, a member of the working group whom they choose to represent their interests.

DOE recognizes that when it establishes energy conservation standards for consumer products and commercial equipment, various segments of society may be affected in different ways, in some cases producing unique ''interests'' in a rulemaking based on income, gender, or other factors. The Department will pay attention to providing that any unique interests that have been identified, and that may be significantly affected by the rulemaking, are represented.

FACA also requires that members of the public have the opportunity to attend meetings of the full committee and speak or otherwise address the committee during the public comment period. In addition, any member of the public is permitted to file a written statement with the advisory committee. DOE plans to follow these same procedures in conducting meetings of the working group.

C. Interests Involved/Working Group Membership

DOE anticipates that the working group will comprise no more than 25 members who represent affected and interested stakeholder groups, at least one of whom must be a member of the ASRAC. As required by FACA, the Department will conduct the negotiated rulemaking with particular attention to ensuring full and balanced representation of those interests that may be significantly affected by the rulemaking for energy conservation standards regarding CUACs and CWAFs. Section 562 of the NRA defines the term interest as ''with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.'' Listed below are parties the Department to date has identified as being ''significantly affected'' by a rulemaking regarding the energy conservation standards regarding CUACs and CWAFs.

- The U.S. Department of Energy
- Trade Associations representing manufacturers of CUACs and CWAF;
- Utilities
- Energy Efficiency/Environmental Advocacy Groups
- Consumers

One purpose of this notice of intent is to determine whether Federal regulations regarding CUACs and CWAFs energy conservation standards will significantly affect interests that are not listed above. DOE invites comment and suggestions on its initial list of significantly affected interests.

Members may be individuals or organizations. If the effort is to be fruitful, participants on the working group should be able to fully and adequately represent the viewpoints of their respective interests. This document gives notice of DOE's process to other potential participants and affords them the opportunity to request representation in the negotiations. Those who wish to be appointed as members of the CUACs and CWAFs Working Group, should submit a request to DOE, in accordance with the public participation procedures outlined in the **DATES** and **ADDRESSES** sections of this notice of intent. Membership of the working group is likely to involve:

- Attendance at approximately six, one (1) to two (2) day meetings;
- Travel costs to those meetings; and
- Preparation time for those meetings.

Members serving on the working group will not receive compensation for their services. Interested parties who are not selected for membership on the working group may make valuable contributions to this negotiated rulemaking effort in any of the following ways:

- The person may request to be placed on the working group mailing list and submit written comments as appropriate.
- The person may attend working group meetings, which are open to the public; caucus with his or her interest's member on the working group; or even address the working group during the public comment portion of the working group meeting.
- The person could assist the efforts of a workgroup that the working group might establish.

A working group may establish informal workgroups, which usually are asked to facilitate committee deliberations by assisting with various technical matters (*e.g.,* researching or preparing summaries of the technical literature or comments on specific matters such as economic issues). Workgroups also might assist in estimating costs or drafting regulatory text on issues associated with the analysis of the costs and benefits addressed, or formulating drafts of the various provisions and their justifications as previously developed by the working group. Given their support function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied. Because it recognizes the importance of this support work for the working group, DOE will provide appropriate technical expertise for such workgroups.

D. Good Faith Negotiation

Every working group member must be willing to negotiate in good faith and have the authority, granted by his or her constituency, to do so. The first step is to ensure that each member has good communications with his or her constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition should designate as its representative a person having the credibility and authority to ensure that needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking can require the appointed members to give a significant sustained time commitment for as long as the duration of the negotiated rulemaking. Other qualities of members that can be helpful are negotiating experience and skills, and sufficient technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach

a consensus, as opposed to keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from some of the positions often taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the working group's discussions.

E. Facilitator

The facilitator will act as a neutral in the substantive development of the proposed standard. Rather, the facilitator's role generally includes:

- Impartially assisting the members of the working group in conducting discussions and negotiations; and
- Impartially assisting in performing the duties of the Designated Federal Official under FACA.

F. Department Representative

The DOE representative will be a full and active participant in the consensus building negotiations. The Department's representative will meet regularly with senior Department officials, briefing them on the negotiations and receiving their suggestions and advice so that he or she can effectively represent the Department's views regarding the issues before the working group. DOE's representative also will ensure that the entire spectrum of governmental interests affected by the standards rulemaking, including the Office of Management and Budget, the Attorney General, and other Departmental offices, are kept informed of the negotiations and encouraged to make their concerns known in a timely fashion.

G. Working Group and Schedule

After evaluating the comments submitted in response to this notice of intent and the requests for nominations, DOE will either inform the members of the working group that they have been selected or determine that conducting a negotiated rulemaking is inappropriate.

The working group is expected to negotiate a final term sheet by Monday, June 15, 2015. The final term sheet will be presented to ASRAC at an open meeting for their deliberation and decision on whether or not to pass it on as a formal recommendation to DOE.

DOE will advise working group members of administrative matters related to the functions of the working group before beginning. DOE will establish a meeting schedule based on the settlement agreement and produce the necessary documents so as to adhere to that schedule. While the negotiated rulemaking process is underway, DOE is committed to performing much of the same analysis as it would during a normal standards rulemaking process and to providing information and technical support to the working group.

IV. Comments Requested

DOE requests comments on which parties should be included in a negotiated rulemaking to consider energy conservation standards for CUACs and CWAFs and suggestions of additional interests and/or stakeholders that should be represented on the working group. All who wish to participate as members of the working group should submit a request for nomination to DOE.

V. Public Participation

Attendance at the Public Meeting

The time, date, and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections. If you plan to attend the public meeting, please notify *asrac@ee.doe.gov.*

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=106.* Participants are responsible for ensuring their systems are compatible with the webinar software.

Conduct of the Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA. (42 U.S.C. 6306) A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. After the public meeting, interested parties may submit further comments on the proceedings as well as on any aspect of the rulemaking until the end of the comment period.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of intent.

Issued in Washington, DC, on March 24, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2015–07377 Filed 3–31–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0680; Directorate Identifier 2014–NM–165–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes. This proposed AD was prompted by a report of a main landing gear (MLG) parking brake becoming dislodged from its mounting bracket due to an improperly installed quick release pin of the hand pump lever. This proposed AD would require removing the hand pump lever of the parking brake from the right-hand side nacelle. We are proposing this AD to prevent an unsecured lever from migrating from its stowed position, fouling against the MLG, and subsequently puncturing the nacelle structure, which could adversely affect the safe landing of the airplane.

DATES: We must receive comments on this proposed AD by May 18, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: U.S. Department of Transportation, Docket Operations, M–

30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

• Hand Delivery: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2015–0680; 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: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

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–2015–0680; Directorate Identifier 2014–NM–165–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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–18, dated June 19, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on certain Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes. The MCAI states:

> There has been one (1) reported in-service incident where the main landing gear (MLG) parking brake hand pump lever was not properly secured in the right-hand (RH) side nacelle and became dislodged from its mounting bracket. During extension of the MLG, the unsecured lever shifted causing a fouling condition with the nacelle and subsequently puncturing the nacelle structure.
>
> An investigation revealed that the safety restraint pin used to securely stow the lever is susceptible to mishandling. An unsecured parking brake hand pump lever could migrate from its stowed position and foul against the MLG, adversely affecting the safe landing of the aeroplane.
>
> This [Canadian] AD mandates the removal of the MLG parking brake hand pump lever from the RH side nacelle.

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–2015–0680.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service bulletins. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

• Service Bulletin 84–32–99, Revision A, dated October 2, 2012. This service information describes incorporating ModSum 4–113723 by re-locating the hand pump lever of the parking brake from the right-hand side nacelle to the right-hand side equipment bay.

• Service Bulletin 84–32–118, dated April 8, 2014. This service information describes incorporating Bombardier ModSum 4–113803 by removing the hand pump lever of the parking brake from the right-hand side nacelle.

This service information is reasonably available; see **ADDRESSES** for 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 another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 82 airplanes of U.S. registry.

We also estimate that it would take about 3 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 $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $20,910, or $255 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2015–0680; Directorate Identifier 2014–NM–165–AD.

(a) Comments Due Date

We must receive comments by May 18, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers (S/N) 4001 through 4419 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by a report of a main landing gear (MLG) parking brake becoming dislodged from its mounting bracket due to an improperly installed quick release pin of the hand pump lever. We are issuing this AD to prevent an unsecured lever from migrating from its stowed position, fouling against the MLG, and subsequently puncturing the nacelle structure, which could adversely affect the safe landing of the airplane.

(f) Compliance

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

(g) Incorporation of Modification Summary (ModSum) 4–113803

Within 3,000 flight hours or 18 months after the effective date of this AD, whichever occurs first: Incorporate Bombardier ModSum 4–113803 by removing the hand pump lever of the parking brake from the right-hand side nacelle, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–118, dated April 8, 2014.

Note 1 to paragraph (g) of this AD: The hand pump lever of the parking brake may be re-installed at the operator's discretion to the right-hand side equipment bay, by incorporating ModSum 4–113804 as specified in Bombardier Service Bulletin 84–32–119, dated June 14, 2013.

(h) Optional Installation

Incorporation of ModSum 4–113723 by re-locating the hand pump lever of the parking brake from the right-hand side nacelle to the right-hand side equipment bay, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–99, Revision A, dated October 2, 2012, is acceptable for compliance with the modification specified in paragraph (g) of this AD, provided the incorporation of ModSum 4–113723 is done within the compliance time specified in paragraph (g) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–32–99, dated January 26, 2012, which is not incorporated by reference in this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–18, dated June 19, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0680.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.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 19, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–07393 Filed 3–31–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0681; Directorate Identifier 2014–NM–201–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 737–600, –700, –700C, –800, –900, and –900ER series airplanes. This proposed AD was prompted by a determination that a repetitive test is needed to inspect the components on airplanes equipped with a certain air distribution system configuration. This proposed AD would require doing repetitive testing for correct operation of the equipment cooling system and low pressure environmental control system, and corrective actions if necessary. We are proposing this AD to detect and correct latent failures of the equipment cooling system and low pressure environmental control system, which could result in smoke in the flight deck and possible loss of aircraft control.

DATES: We must receive comments on this proposed AD by May 18, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact 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–2015–0681.

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–2015–0681; 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: Stanley Chen, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6585; fax: 425–917–6590; email: *stanley.chen@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–2015–0681; Directorate Identifier 2014–NM–201–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received a report indicating that a repetitive test is needed for inspection of the components on airplanes equipped with an air distribution system that was reconfigured using Boeing Special Attention Service Bulletin 737–26–1122, Revision 1, dated August 13, 2009. Boeing Special Attention Service Bulletin 737–26–1122, Revision 1, dated August 13, 2009, provided procedures for installing relays and diodes to the J24 junction box assembly and making wiring changes to the environmental control system. Without the repetitive test, failures of components could possibly be latent for extended periods. A cargo fire event, in conjunction with a latent failure of the air distribution system, can possibly result in smoke penetration into occupied areas. This condition, if not corrected, could result in smoke in the flight deck and possible loss of aircraft control.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–26A1137, dated May 22, 2014. The service information describes procedures for repetitive testing for correct operation of the reconfigured equipment cooling system and low pressure environmental control system. Refer to this service information for information on the procedures and compliance times.

Boeing Alert Service Bulletin 737–26A1137, dated May 22, 2014, specifies, for certain airplanes, prior or concurrent accomplishment of Boeing Special Attention 737–26–1122, Revision 1, dated August 13, 2009. Boeing Special Attention 737–26–1122, Revision 1, dated August 13, 2009, describes procedures for installing relays and diodes to the J24 junction box assembly and making wiring changes to the environmental control system.

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 described previously.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Explanation of Required for Compliance (RC) Steps in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (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 steps identified as RC (required for compliance) in any service information identified previously 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 1,372 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
Operational Test	4 work-hours × $85 per hour = $340 per operation test cycle.	$0	$340 per operation test cycle	$466,480 per operation test cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Perform system fault isolation and replace faulty component.	10 work-hours × $85 per hour = $850	$0	$850

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–2015–0681; Directorate Identifier 2014–NM–201–AD.

(a) Comments Due Date

We must receive comments by May 18, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 2120, Air Distribution System.

(e) Unsafe Condition

This AD was prompted by a determination that a maintenance procedure is needed to inspect the components on airplanes equipped with a certain air distribution system. We are issuing this AD to detect and correct latent failures of the equipment cooling system and low pressure environmental control system, which could result in smoke in the flight deck and possible loss of aircraft control.

(f) Compliance

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

(g) Operational Test and Corrective Action

At the applicable times identified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–26A1137, dated May 22, 2014, except as required by paragraph (i) of this AD: Do a test for correct operation of the smoke clearance mode of the equipment cooling system and low pressure environmental control system, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–26A1137, dated May 22, 2014. Do all applicable corrective actions before further flight. Repeat the test for correct operation of the smoke clearance mode of the equipment cooling system and low pressure environmental control system thereafter at intervals not to exceed 9,000 flight cycles.

(h) Concurrent Requirements

For Group 1 airplanes identified in Boeing Alert Service Bulletin 737–26A1137, dated May 22, 2014: Before or concurrently with accomplishing the requirements of paragraph (g) of this AD, install new relays and do wiring changes to the environmental control system, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–26–1122, Revision 1, dated August 13, 2009.

(i) Exception to the Service Information

Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–26A1137, dated May 22, 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.

(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) If any service information contains steps that are identified as RC (Required for Compliance), 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 Stanley Chen, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6585; fax: 425–917–6590; email: *stanley.chen@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 19, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–07436 Filed 3–31–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 515

[FHWA Docket No. FHWA–2013–0052]

RIN 2125–AF57

Asset Management Plan

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The FHWA is extending the comment period for a notice of proposed rulemaking (NPRM) and request for comments, which was published on February 20, 2015, at 80 FR 9231. The original comment period is set to close on April 21, 2015. The extension is based on concern expressed by the American Association of State Highway and Transportation Officials (AASHTO) that the April 21 closing date does not provide sufficient time to review and provide comprehensive comments. The FHWA recognizes that others interested in commenting may have similar concerns and agrees that the comment period should be extended. Therefore, the closing date for comments is changed to May 29, 2015, which will provide AASHTO and others interested in commenting additional time to discuss, evaluate, and submit responses to the docket.

DATES: The comment period for the proposed rule published on February 20, 2015, at 80 FR 9231, is extended. Comments must be received on or before May 29, 2015.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue SE., Washington, DC 20590, or submit electronically at *http://www.regulations.gov.* All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, Pages 19477–78) or you may visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Nastaran Saadatmand, Office of Asset Management, 202–366–1336, *nastaran.saadatmand@dot.gov* or Ms. Janet Myers, Office of the Chief Counsel, 202–366–2019, *janet.myers@dot.gov,* Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or access all comments received by DOT online through: *http://www.regulations.gov.* Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded from the **Federal Register**'s home page at: *http://www.federalregister.gov.*

Background

Section 119 of title 23, U.S.C., requires the Secretary to establish a process that States DOTs would use to develop a State asset management plan. On February 20, 2015, FHWA published in the **Federal Register** an NPRM proposing to establish a process for the development of a State asset management plan to improve or preserve the condition of the assets and the performance of the National Highway System as they relate to physical assets. State asset management plans must include strategies leading to a program of projects that would: (1) Make progress toward achievement of the State targets for asset condition and performance of the NHS in accordance with 23 U.S.C. 150(d), and (2) support progress toward the achievement of the national goals identified in 23 U.S.C. 150(b). 23 U.S.C. 119(e)(2). The development and implementation of an asset management plan is an important

part of the overall Moving Ahead for Progress in the 21st Century framework for enhancing the management and performance of transportation highway infrastructure funded through the Federal-aid highway program.

The original comment period for the NPRM closes on April 21, 2015. The AASHTO has expressed concern that this closing date does not provide sufficient time to review and provide comprehensive comments on the proposal. The FHWA recognizes that others interested in commenting may have similar concerns and agrees that the comment period should be extended. To allow time for this organization and others to submit comprehensive comments, the closing date is changed from April 21, 2015, to May 29, 2015.

Authority: 23 U.S.C. 104(b)(1), 119.

Issued on: March 25, 2015.

Gregory G. Nadeau,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2015–07443 Filed 3–31–15; 8:45 am]

BILLING CODE CODE 4910–22–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 135

[Docket No. FR–4893–P–01]

RIN 2529–AA91

Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses Through Strengthened ''Section 3'' Requirements

Correction

In proposed rule document 2015–06544 beginning on page 16520 in the issue of Friday, March 27, 2015, make the following corrections:

1. On page 16529, in the second column, in the thirty-seventh line, through the third column, in the first line, remove the sentence, ''As discussed, the current threshold is based on the receipt of covered funds, not its expenditure.''

2. On the same page, in the third column, in the thirty-eighth line, at the end of the final line of the paragraph, add, ''Further, HUD seeks comment on whether alternative thresholds (*e.g.,* a threshold that applies Section 3 to all construction related projects if a grantee *receives* a certain amount of HUD funding, or a threshold that would only apply Section 3 to projects or activities that are receiving some minimum amount of housing and community development financial assistance) are more appropriate.''

3. On the same page, in the first table, in the first column, in rows 1, 3 and 5, the word ''agencies'' should read ''recipients.''

[FR Doc. C1–2015–06544 Filed 3–31–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 101, 104, 105, 120, and 128

[Docket Number USCG–2006–23846]

RIN 1625–AB30

Consolidated Cruise Ship Security Regulations—Reopening of Comment Period

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Coast Guard is reopening the comment period for the notice of proposed rulemaking (NPRM) entitled ''Consolidated Cruise Ship Security Regulations,'' published on December 10, 2014, for 60 days. We are reopening the comment period because we omitted from the docket the accompanying Regulatory Analysis, which informs the proposal.

DATES: The comment period for the NPRM published on December 10, 2014 (79 FR 73255) is reopened. Comments and related material must be submitted to the docket by June 1, 2015.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Kevin McDonald, Inspections and Compliance Directorate, Office of Port and Facility Compliance, Cargo and Facilities Division (CG–FAC–2), Coast Guard; telephone 202–372–1168, email *Kevin.J.McDonald@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number (USCG–2010–0194) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may

change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2010–0194) 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).

B. Regulatory History and Information

The Coast Guard published an NPRM entitled ''Consolidated Cruise Ship Regulations'' on December 10, 2014 (79 FR 73255) proposing to amend its regulations on cruise ship terminal security. All comments on this NPRM were due by March 10, 2015.

C. Background and Purpose

In the course of reviewing comments submitted to the docket on this rulemaking, we found that the Regulatory Analysis was in fact not available in the docket as stated in the NPRM, and promptly made it available and ensured it was properly posted to the docket. In order to ensure full public participation in this rulemaking, we are reopening the comment period for a period of 60 days to allow commenters to read and comment on the detailed Regulatory Analysis if desired.

D. Authority

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: March 26, 2015.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2015–07466 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60–20

RIN 1250–AA05

Discrimination on the Basis of Sex; Extension of Comment Period

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of proposed rulemaking and extension of the comment period.

SUMMARY: On January 30, 2015, the Office of Federal Contract Compliance Programs (OFCCP) published a notice of proposed rulemaking (NPRM) in the **Federal Register**. The NPRM (80 FR 5246) proposed regulations setting forth requirements that covered Federal Government contractors and subcontractors, and federally assisted construction contractors and subcontractors, must meet in fulfilling their obligations under Executive Order 11246, as amended. This includes ensuring nondiscrimination in employment on the basis of sex and taking affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their sex.

This document extends the comment period for the proposed rule for 14 days. You do not need to resubmit your comment if you have already commented on the proposed rule. Should you choose to do so, you can submit additional or supplemental comments. OFCCP will consider all comments received from the date of publication of the proposed rule through the close of the extended comment period.

DATES: The comment period for the NPRM published on January 30, 2015 (80 FR 5246), and scheduled to close on March 31, 2015, is extended. Comments must be received on or before April 14, 2015.

ADDRESSES: You may submit comments, identified by RIN 1250–AA05, by any of the following methods:

- Federal eRulemaking Portal: *www.regulations.gov.* Follow the instructions for submitting comments.
- Fax: (202) 693–1304 (for comments of six pages or fewer).
- Mail: Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: (202) 693–0104.

SUPPLEMENTARY INFORMATION: On January 30, 2015, OFCCP published a proposed rule entitled ''Discrimination on the Basis of Sex'' (80 FR 5246). OFCCP was to receive comments on this NPRM on or before March 31, 2015.

OFCCP, after considering a request to extend the comment period until after the Supreme Court issued an opinion in the then pending case of *Young* v. *United Parcel Service* (U.S. No. 12–1226), determined that it is appropriate to provide additional time to review the Court's recent decision and its potential impact on the proposals in the NPRM.

On March 25, 2015, the Supreme Court issued an opinion in *Young* v. *United Parcel Service,* 575____ U.S. ____ (2015); 2015 WL 1310745 (Mar. 25, 2015). The *Young* case addressed the issue of an employer's duty to accommodate pregnant employees. OFCCP's NPRM addresses the issue of discrimination based on pregnancy, childbirth, and related medical conditions, and the obligations of Federal contractors and subcontractors to provide workplace accommodations for these conditions. This issue was before the Court in *Young.*

Extension of Comment Period

OFCCP determined that the public could benefit from additional time to review the Court's decision in *Young.* Therefore, OFCCP is extending the comment period for the NPRM until April 14, 2015.

Signed in Washington, DC, this 27th day of March 2015.

Debra A. Carr,

Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs.

[FR Doc. 2015–07490 Filed 3–31–15; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 21

[Docket No. FWS–R9–MB–2009–0045; FF09M21200–134–FXMB1232099BPP0]

RIN 1018–AW75

Migratory Bird Permits; Abatement Permit Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We propose permit regulations to govern the use of captive-bred, trained raptors to control or take birds or other wildlife to mitigate damage or other problems, including risks to human health and safety. This action would allow us to respond to increasing public interest in the use of trained raptors to haze (scare) depredating and other problem birds from airports and agricultural crops while maintaining our statutory responsibility to protect migratory birds.

DATES: There are two dates for submissions relevant to this proposed rule. Electronic comments on this proposed rule via *http://www.regulations.gov* must be submitted by 11:59 p.m. Eastern time on June 30, 2015. Comments submitted by mail must be postmarked no later than June 30, 2015. Comments on the information collection must be submitted by May 1, 2015.

ADDRESSES: We are soliciting comments on two separate actions with different addresses: (1) A proposed rule, and (2) information collection. You may submit comments for the proposed regulation by either one of the following two methods:

- *Federal eRulemaking portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R9–MB–2009–0045.
- *U.S. mail or hand delivery:* Public Comments Processing, Attention: FWS–R9–MB–2009–0045; Division of Policy and Performance Management; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS MB; Falls Church, VA 22041–3830.

We will not accept email or faxes. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information that you provide. See the Public Comments section below for more information.

Submit comments on the information collection requirements to the Desk Officer for the Department of the Interior at Office of Management and Budget (OMB–OIRA) at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS PPM, Falls Church, VA 22041–3830 (mail), or *Hope_Grey@fws.gov* (email).

FOR FURTHER INFORMATION CONTACT: George Allen at 703–358–1825.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service (FWS or Service) is the Federal agency delegated the primary responsibility for managing migratory birds. This delegation is authorized by the Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703 *et seq.*), which implements conventions with Great Britain (for Canada), Mexico, Japan, and the Soviet Union (Russia). We implement the provisions of the MBTA through regulations in parts 10, 13, 20, 21, and 22 of title 50 of the Code of Federal Regulations (CFR). Regulations pertaining to migratory bird permits are at 50 CFR part 21; subpart C of part 21 contains regulations for specific permit provisions.

In response to public interest in the use of trained raptors to haze depredating and other problem birds from airports and agricultural crops, we drafted a policy in 2007 to establish a migratory bird abatement permit. On January 12 of that year, we published a **Federal Register** notice containing draft permit conditions for abatement permits for public comment (72 FR 1556–1557). On December 10, 2007, we published a **Federal Register** notice (72 FR 69705–69706) announcing final permit conditions, accompanied by Migratory Bird Permit Memorandum Number 5, Abatement Activities Using Raptors, issued August 22, 2007, available at *http://www.fws.gov/migratorybirds/mbpermits/Memorandums/AbatementActivitiesUsingRaptors.pdf.*

The 2007 policy Memorandum and conditions have governed administration of Federal Migratory Bird Special Purpose Abatement (SPA) permits (Federal abatement permits) through the present time. The provisions for abatement in the Memorandum have worked well, but we have seen increased use of the Special Purpose permits, and the States have inquired about abatement activities that are not addressed in the Memorandum. Therefore, on July 6, 2011, we announced through an advance notice of proposed rulemaking (ANPR) that published in the **Federal Register** that we were considering developing regulations to govern the use of raptors in abatement (76 FR 39368).

Most of the comments we received on the ANPR supported development of regulations for abatement. This proposed rule largely incorporates the conditions and procedures that governed abatement permits under the 2007 Memorandum and language developed in response to the public comments. The permit that would be established under the proposed regulations would provide the public with a nonlethal management tool to mitigate problems caused by birds and other wildlife.

Proposed Permit Provisions

An abatement permit would authorize the use of trained, captive-bred raptors protected under the MBTA to abate problems caused by migratory birds or other wildlife. A permittee would have to be a Master falconer in good standing under the Federal falconry regulations (50 CFR 21.29). A Master falconer or a General falconer with 3 or more years of experience at the General falconer level would be allowed to conduct abatement activities as a subpermittee. We would issue abatement permits only to U.S. resident Master falconers.

We would not limit the number of raptors an abatement permit holder may possess under a Federal abatement permit if the raptors are used in abatement and are maintained under humane and healthful conditions as required in 50 CFR 13.41, and if the permittee's facilities and equipment meet the standards in 50 CFR 21.29. We would require each captive-bred MBTA raptor held or used under an abatement permit to be banded with a seamless metal band issued by the Service, unless exempted because of problems caused by the band. State wildlife agencies may have additional requirements for maintaining raptors.

The abatement permit holder would not be authorized to use birds he or she possesses under other types of permits for abatement activities, except that falconry birds could be used for abatement if no compensation is received for the service. The proposed regulations also would not allow a raptor held under a Federal abatement permit to be used for falconry.

A Federal abatement permit, by itself, would not authorize the killing, injuring, or other take of migratory birds or other wildlife. Any take of protected migratory birds by an abatement permit holder must be authorized by hunting regulations, a Federal depredation

order, or a depredation permit issued to the landowner. Harassment, disturbance, or other take of bald eagles (*Haliaeetus leucocephalus*), golden eagles (*Aquila chrysaetos*), or endangered or threatened species by an abatement permit holder would have to be authorized by the appropriate Federal permit. Abatement activities also would have to be conducted in accordance with any other applicable Federal, State, tribal, or municipal laws.

Raptors that could be used for abatement under these proposed regulations include all native raptor species listed in 50 CFR 10.13 except bald eagles and golden eagles. Included are falconiformes (forest-falcons, caracaras, and falcons); accipitriformes (vultures, osprey, kites, hawks, and eagles [except bald eagles and golden eagles]); and strigiformes (owls).

Possession and use for abatement of exotic raptor species that are not on the list of MBTA-protected species at 50 CFR 10.13 is not regulated under the MBTA and is outside the scope of the proposed regulations. However, hybrid raptors of MBTA-protected species are subject to this proposed regulation.

An applicant for a Federal abatement permit would have to complete and submit Service application form 3–200–79 (*http://www.fws.gov/forms/3-200-79.pdf*) to his or her Regional Migratory Bird Permit Office.

Permit Application Processing Fee

We propose to charge a fee sufficient to offset the estimated costs associated with processing the application and annual reports and our periodic review of these permits. Revised Office of Management and Budget (OMB) circular A–25 directs Executive Branch agencies to recover costs, stating that, ''When a service (or privilege) provides special benefits to an identifiable recipient beyond those that accrue to the general public, a charge will be imposed (to recover the full cost to the Federal Government for providing the special benefit, or the market price).'' Further, Circular A–25 directs that, ''Except as provided in Section 6c, user charges will be sufficient to recover the full cost to the Federal Government (as defined in Section 6d) of providing the service, resource, or good when the Government is acting in its capacity as sovereign.'' Thus, the directive to the Service is to recover the costs for working with applicants to issue permits and to summarize reporting. We estimate that processing an abatement permit application will take up to 2 hours of a permit examiner's time (or about $101, on average) and ¼ hour of a permit supervisor's time (or about $18, on average) at current hourly rates. Our proposed processing fee of $150 should recover our costs for most permits for the next several years.

Issues From the ANPR

We considered the comments on the advance notice of proposed rulemaking, and have drafted proposed regulations accordingly.

Issue. Subpermittees should be allowed to conduct abatement activities outside the direct supervision of the SPA permit holder.

Response. The proposed regulations would allow subpermittees (Master falconers and General falconers with 3 or more years of experience at the General falconer level) to conduct abatement. Direct supervision by the permittee would not be required.

Issue. ''Limiting the species that should be authorized may encumber abatement activity. NAFA [North American Falconers Association] finds that often the species of bird used will depend on the species to be abated and the circumstances (*i.e.,* gulls soaring over an airport may be best abated by using a falcon, where gulls roosting in an area may best be abated using a goshawk). . . Rabbits may be destroying crops and two of the best raptors for the abatement of rabbits are the red tailed hawk and Harris' hawk. Similarly, restricting the use of golden eagles may be short sighted. Canada geese present huge problems for abatement and the most effective species for use in abatement of the Canada goose may well be the golden eagle. The appropriate species of raptor to be used to conduct abatement should be the permittee's decision.''

Response. In this proposed regulation, most MBTA-listed raptor species could be used in abatement. However, the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d) does not allow the use of bald eagles for falconry or abatement, and does not allow the use of golden eagles in abatement.

Issue. The use of all falconry birds, including wild-caught birds, for abatement should be allowed. Falconry birds are trained in the same manner as abatement birds. There appears to be no substantial justification not to allow use of wild-caught falconry raptors in abatement operations.

Response. We believe that using wild-caught raptors in commercial activities could conflict with the intent of Congress to protect wild populations of birds from commercial exploitation.

Issue. Any person authorized by the primary permittee should be allowed to care for the birds, such as feeding, watering, and weathering, similar to the provisions found in 50 CFR 21.29(d)(7).

Response. This proposed regulation allows this care of abatement raptors.

Issue. Only Master falconers should be permitted for abatement; Master and general falconers should be allowed as subpermittees for both flying and caretaking of raptors.

Response. This proposed regulation would allow other Master falconers and General falconers with 3 or more years of experience at the General falconer level to be subpermittees.

Issue. The same housing and facilities standards under the Federal falconry regulations at 50 CFR 21.29 should be applied to abatement permits, including the defined temporary housing husbandry standards. Permit holders' facilities should be inspected and approved for use prior to issuance of the abatement permit as defined under the Federal falconry regulations.

Response. This proposed regulation would require facilities and care as specified in the falconry regulations.

Issue. We believe the proposed permitting process can be streamlined, more effectively described, and justified relative to the existing Federal and State falconry permitting system. A simplified process would be to permit abatement activities for State-permitted falconers within the framework of existing regulation rather than to establish stand-alone regulations under abatement permits. Such integration would reduce confusion and administrative complexity to the states.

Response. Though we appreciate the concern about simplification of regulations, we do not believe it would be appropriate to regulate falconry and abatement under one set of regulations. Falconry is a recreational and sporting activity. Abatement requires the use of falconry techniques in caring for and training abatement raptors, but it is usually a commercial activity that often requires the possession and management of many more birds than falconry requires. In addition, though we expect all falconry permitting to be handled by the States after January 1, 2014, we do not expect abatement permitting to be done by all States.

Issue. Several commenters wanted the Service to allow the use of falconry birds in abatement: ''The Service should allow the use of subpermittees' birds for abatement and for falconry. Hawks are best kept in shape and healthy by pursuing game when not actively doing abatement jobs. Raptors held under abatement permits should be able to conduct both activities to keep them fit.''

Issue. ''Subpermittees should only be allowed to use their own birds if they are master falconers. Allowing falconers to use their own birds would confound the requirement that abatement permit holders be master falconers. Master falconers have a higher level of experience and, thus, are more suited to accomplish abatement activities.''

Issue. ''A subpermittee should be allowed to use captive-bred birds held on his or her falconry permit for abatement activities.''

Response. We do not propose to allow birds held on abatement permits to be used for falconry. Further, while allowing abatement permittees and subpermittees to use falconry birds in abatement might have some value, we are concerned about potential enforcement difficulties for State and Federal law enforcement officers and about potential exploitation of the liberal possession limits for Master falconers under the falconry regulations. Under the proposed regulations, we would not allow the use of falconry birds in abatement.

Issue. Falconers with abatement permits, and perhaps subpermittees, too, should be allowed to use their falconry birds for abatement.

Response. For the reasons provided in the response above, and because of concerns about the use of wild-caught falconry birds for commercial purposes, these proposed regulations would not allow the use of falconry birds in abatement unless the permittee receives no compensation for the abatement services.

Issue. The Memorandum's stipulation that hybrids be fitted with a minimum of two radio transmitters so that the birds may be tracked and recovered in the event they are lost is consistent with the federal falconry regulations. However, the notice does not include a like stipulation.

Response. This proposed regulation would require that hybrids be fitted with a minimum of two radio transmitters.

Issue. Species limits should follow State and Federal falconry regulations. If additional limits are imposed, then a resulting compliance issue will add a further level of complexity to State falconry management. Alternatively, raptors used in abatement activities could be banded with an FWS band as is required for a select number of species under the federal falconry regulations.

Response. Conducting abatement might require many birds in order to address depredation issues. For example, conducting abatement at a large airport might require that a number of falcons be available to keep rested abatement birds in the air. A concurrent job might require the use of a number of buteos. Therefore, we do not propose to limit the number of raptors an abatement permittee may possess.

Only captive-bred raptors would be allowed in abatement, and each would have to be banded with a seamless FWS band. We do not believe that additional banding is needed. The raptors could be purchased from, or sold or transferred to, authorized permittees.

Issue. The abatement permit holder should be required to complete an annual report of all abatement activities, not limited to only those instances where take is involved as required in the Memorandum. Annual reports should include: Location, date, landowner/business owner information, raptors used, subpermittees, and other appropriate information for each abatement activity that is conducted within and outside the permit holder's state of residence.

Response. An annual report that requires this information is included in the proposed regulations.

Issue. ''I would like to see insurance become a part of the application process.''

Response. Our authority allows us to require accurate recordkeeping of abatement activities and acquisition and disposition of raptors held under the permit. We do not believe we may put requirements for insurance or other aspects of the business operations for abatement activities into our migratory bird regulations.

Issue. Contracts between permittees and subpermittees should be left unregulated. These contracts are beyond the scope of the MBTA. The birds are personal property and not of wild origin and beyond the scope of the FWS protecting migratory raptors.

Response. We do not propose to be involved in the contracts between permittees and subpermittees. However, we disagree that captive-bred raptors are ''beyond the scope of the FWS protecting migratory raptors.'' Neither the statute nor the regulations excludes protections on the basis of whether the bird was taken from the wild or is captive-bred. In fact, the definition of migratory bird in 50 CFR 10.12 ''means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in § 10.13 . . .''

Public Comments

You may submit your comments and supporting materials by one of the methods listed in **ADDRESSES**. We will not consider comments sent by email or fax, or written comments sent to an address other than the one listed in **ADDRESSES.** Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, are available for public inspection at *http://www.regulations.gov*. We will post your entire comment—including your personal identifying information—on *http://www.regulations.gov*. You may request at the top of your document that we withhold personal information such as your street address, phone number, or email address from public review; however, we cannot guarantee that we will be able to do so.

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. OIRA 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 (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an 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 businesses, small organizations, and small government jurisdictions. However, no regulatory flexibility analysis is required if the head of an agency certifies the rule would 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 the statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities. We have examined this proposed rule's potential effects on small entities as required by the Regulatory Flexibility Act and determined that this action would not have a significant economic impact on a substantial number of small entities because there are fewer than 100 abatement permittees in the United States. Consequently, we certify that because this proposed rule would not have a significant economic effect on a substantial number of small entities, a regulatory flexibility analysis is not required.

This proposed rule is not a major rule under SBREFA (5 U.S.C. 804(2)). It would not have a significant impact on any small entities.

a. This proposed rule would not have an annual effect on the economy of $100 million or more.

b. This proposed rule would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.

c. This proposed rule would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This proposed rule would not ''significantly or uniquely'' affect small governments. A small government agency plan is not required. The proposed regulations changes would not affect small government activities in any significant way.

b. This proposed rule would not produce a Federal mandate of $100 million or greater in any year. It is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Takings

In accordance with E.O. 12630, the rule would not have significant takings implications. This proposed rule contains no provision that could constitute taking of private property. Therefore, a takings implication assessment is not required.

Federalism

This proposed rule would not have sufficient Federalism effects to warrant preparation of a Federalism assessment under E.O. 13132. It would not interfere with the States' abilities to manage themselves or their funds. No significant economic impacts are expected to result from the regulations change.

Civil Justice Reform

In accordance with E.O. 12988, the Office of the Solicitor has determined that the rule would not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This proposed rule contains a new information collection for which Office of Management and Budget approval is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has reviewed and approved the collections of information for (1) applications for abatement and depredation permits, (2) annual reporting for depredation permits, and (3) reporting of acquisition and disposition of migratory birds. These information collections are covered by existing OMB Control No. 1018–0022, which will expire on February 28, 2017. OMB has also approved the recordkeeping and reporting associated with depredation orders and assigned OMB Control Numbers 1018–0022.

We are asking OMB to approve the following new information collection requirements associated with this proposed rule:

- Each Abatement permittee must provide each of his or her subpermittees with a legible copy of his or her abatement permit and an original signed and dated letter designating the person as a subpermittee for part or all of the authorized activities (§ 21.32(e)(2)(ii)).
- Each subpermittee must report take under a depredation order to the permit holder (§ 21.32(e)(2)(iii)(A)).
- Each permittees must maintain complete and accurate records of the activities conducted under the abatement permit, including, but not limited to: (1) The name and address of the property owner; (2) the location, date(s), and crop or property protected for each abatement job that permit holders and each of their subpermittees conduct; (3) the date, species, and location of any unintentional take that occurs; (4) the name, address, and falconry permit number of each subpermittee, and any subpermittee designation letters; (5) the raptors used for each job; (6) FWS form 3–186A for each acquisition and disposal of birds; and (7) documentation for acquisition and disposal of feathers. You must retain these records for 5 years following the end of the last calendar year covered by the records (§ 21.32(e)(8)(ii) and (iii) and § 21.32(e)(11)).
- Each permittee must submit an annual report to his or her migratory bird permit issuing office. The report must include the information required in Service form 3–202–22–2133 (§ 21.32(e)(11) and (12)).

Title: Abatement Permit Reporting and Recordkeeping, 50 CFR 21.32.

OMB Control Number: 1018–0022.

Service Form Number: 3–202–22–2133.

Description of Respondents: Master falconers conducting paid abatement or having subpermittees conduct paid abatement.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Activity	Number of respondents	Number of responses	Completion time per response	Total annual burden hours
Designation Letter (§ 21.32(e)(2)(ii))	100	200	10 minutes	33⅓
Subpermittees Report of Take (§ 21.32(e)(2)(iii)(A))	200	200	1 hour	200
Recordkeeping (§ 21.32(e)(8)(ii) and (iii) and § 21.32(e)(11))	100	100	5 hours	500
Annual Reports (§ 21.32(e)(11) and (12))	100	100	1 hours	100
Totals	100	200	7 hours	~833

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on any aspect of the reporting burden, including:

• Whether or not the collection of information is necessary, including whether or not the information will have practical utility;

• The accuracy of our estimate of the burden for this collection of information;

• Ways to enhance the quality, utility, and clarity of the information to be collected; and

• Ways to minimize the burden of the collection of information on respondents.

Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or O*IRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS PPM, 5275 Leesburg Pike, Falls Church, VA 22041–3830 (mail), or *Hope_Grey@fws.gov* (email).

National Environmental Policy Act

We have analyzed this proposed rule in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 432–437(f). Using captive-bred raptors in abatement would mean harassing wildlife to solve depredation or other wildlife problems. Because no raptors could be taken from the wild for this activity and take of migratory birds would not be authorized, this proposed regulation would have negligible environmental effects.

Categorical exclusion Part 516 8.5(C)(1) in the Department of the Interior Manual is the following.

The issuance, denial, suspension, and revocation of permits for activities involving fish, wildlife, or plants regulated under 50 CFR Chapter 1, Subsection B, when such permits cause no or negligible environmental disturbance. These permits involve endangered and threatened species, species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), marine mammals, exotic birds, migratory birds, eagles, and injurious wildlife.

Further, none of the extraordinary circumstances in 43 CFR 46.215 apply to the proposed regulation. Therefore, the proposed regulation is categorically excluded from further NEPA evaluation.

Endangered and Threatened Species

Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Secretary of the Interior use other programs in furtherance of the purposes of the ESA (16 U.S.C. 1536(a)(1)). It also states that the Federal agency must ''insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat'' (16 U.S.C. 1536(a)(2)). This proposed rule would not affect endangered or threatened species or critical habitats. Abatement activities would not be allowed in circumstances where harassment or take of endangered or threatened species could occur. Take of endangered or threatened species would require an ESA permit.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated potential effects on federally recognized Indian tribes. We have determined that this proposed rule would not interfere with tribes' abilities to manage themselves, their funds, or tribal lands.

Energy Supply, Distribution, or Use (Executive Order 13211)

E.O. 13211 addresses regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not a significant regulatory action under E.O. 13211, and no Statement of Energy Effects is required.

Clarity of This Regulation

We are required by Executive Orders 12866 and 12988 and by 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 **ADDRESSES**. 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 or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

List of Subjects

50 CFR Part 13

Administrative practice and procedure, Exports, Fish, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR Part 21

Birds, Exports, Imports, Migratory Birds, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

For the reasons described in the preamble, we propose to amend subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below.

PART 13—GENERAL PERMIT PROCEDURES

■ 1. The authority citation for part 13 continues to read as follows:

Authority: 16 U.S.C. 668a, 704, 712, 742j–l, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; 31 U.S.C. 9701.

■ 2. Amend the table in § 13.11(d)(4) by adding an entry for ''Migratory Bird Abatement'' immediately following the entry for ''Migratory Bird Rehabilitation'' to read as follows.

§ 13.11 Application procedures.

* * * * *

(d) * * *

(4) *User fees.* * * *

Type of permit	CFR citation	Fee	Amendment fee
Migratory Bird Treaty Act			
* * * * * * *			
Migratory Bird Abatement	50 CFR 21	150	50
* * * * * * *			

PART 21—MIGRATORY BIRD PERMITS

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

Authority: 16 U.S.C. 703–712.

■ 4. Amend § 21.3 by adding a definition for ''Abatement'' in alphabetical order to read as follows:

§ 21.3 Definitions.

* * * * *

Abatement as used in § 21.32 means the use of a trained raptor to scare, flush, or haze wildlife to manage depredation or other damage, including threats to human health and safety, caused by the wildlife.

* * * * *

■ 5. Amend § 21.29 by revising paragraph (f)(11)(ii) and adding paragraph (f)(11)(iii) to read as follows:

§ 21.29 Falconry standards and falconry permitting.

* * * * *

(f) * * *

(11) * * *

(ii) You may receive payment for providing abatement services if you have an abatement permit (see § 21.32 of this subpart).

(iii) You may conduct abatement without an abatement permit if you are not compensated for doing so.

* * * * *

■ 6. Add § 21.32 to read as follows:

§ 21.32 Abatement permit.

(a) *Authorization and scope.* (1) An abatement permit authorizes possession and use of captive-bred raptors protected by the Migratory Bird Treaty Act to flush or haze (scare) birds or other wildlife to mitigate depredation or other damage, including threats to human health and safety.

(2) An abatement permit does not authorize the take (such as capturing, killing, injuring, or collecting) of wildlife. Any take of federally protected wildlife must be authorized by a separate permit or regulation.

(3) An abatement permit authorizes the purchase, sale, or barter of captive-bred raptors with seamless bands for abatement purposes.

(4) An abatement permittee may charge for his or her services.

(5) A permitted falconer may conduct abatement without an abatement permit if he or she is not compensated for doing so.

(b) *Qualification requirement.* You must possess a valid U.S. Master falconer permit in accordance with § 21.29 to qualify for an abatement permit.

(c) *Application procedures.* You must apply to the appropriate Regional Migratory Bird Permit Office. You can find the addresses for the Regional Offices in § 2.2 of subchapter A of this chapter. Your application package must include a completed application (FWS form 3–200–79) and a copy of your Master falconer permit. You must apply as an individual, but you may include the name of the company under which you are doing business.

(d) *Issuance criteria.* Upon receiving a complete application, the Permit Office will decide whether to issue you a permit based on the general criteria of § 13.21 of this chapter and whether you hold a valid U.S. Master falconer permit.

(e) *Permit conditions.* In addition to the general permit conditions set forth in part 13 of this chapter, abatement permittees are subject to the following conditions:

(1) An abatement permit is valid only if your Master falconer permit is valid.

(2) *Subpermittees.* We allow certain activities to be carried out by subpermittees as follows:

(i) Except as provided in paragraph (e)(2)(v) of this section, only a Master falconer or a General falconer with 3 or more years of experience at the General falconer level may be a subpermittee under your abatement permit and conduct abatement activities on your behalf. You are responsible for all activities conducted under your abatement permit.

(ii) You must provide each subpermittee with a legible copy of your permit and an original signed and dated letter designating the person as a subpermittee for part or all of the authorized activities.

(iii) Each subpermittee must carry and display a copy of your abatement permit, the designation letter, and a copy of their valid falconry permit when conducting abatement activities under your permit.

(iv) You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of the designation letters you have provided.

(v) If your State allows it, you may designate an individual who is not a falconer to provide care for raptors held under your abatement permit.

(3) *Taking protected wildlife.* Any take of federally protected wildlife by an abatement permit holder must be authorized by:

(i) Hunting regulations in effect at the time that the take occurs;

(ii) A Federal depredation order; or

(iii) A Federal depredation permit or other Federal permit that identifies you as a subpermittee.

(A) You must report take under a depredation order as required by the order. You must report all take as a subpermittee on a depredation permit to the permit holder.

(B) You may not flush, haze, harm, harass, disturb, kill or injure endangered or threatened species, bald eagles *(Haliaeetus leucocephalus),* or golden eagles *(Aquila chrysaetos)* unless the activity is specifically authorized by an Endangered Species Act permit or Bald and Golden Eagle Protection Act permit.

(C) You must immediately report any unauthorized take of federally protected wildlife, disturbance of bald eagles or golden eagles, or harassment of endangered species to the appropriate Service Regional Law Enforcement office. You can find the addresses for the offices at *http://www.fws.gov/le/regional-law-enforcement-offices.html.*

(4) *Abatement raptors.* (i) A raptor used for abatement must be captive-bred and banded with a seamless band issued by the Service. You may not use wild-caught raptors in abatement. You may purchase the raptors from, or sell or transfer them to, any permittee authorized to possess them.

(ii) You and your subpermittees may use only raptors that you possess under your abatement permit in abatement.

(iii) We do not limit the number of captive-bred raptors that you may hold under your abatement permit, but each bird must be used for abatement.

(iv)You may possess and use any captive-bred falconiform, accipitriform, or strigiform species listed in § 10.13 of this chapter (including a hybrid) in abatement, except that you may not possess or use a bald eagle or golden eagle for abatement.

(v) A subpermittee may use only species that he or she is authorized to possess under his or her falconry permit.

(5) *Facilities and care requirements.* You must house and maintain raptors that you hold under your abatement permit in accordance with the Federal falconry regulations housing and care requirements (see § 21.29).

(6) *Using a hybrid raptor in abatement.* When flown free in abatement, a hybrid raptor must have attached at least two functioning radio transmitters to ensure that you can locate the bird.

(7) *Acquisition, transfer, or loss of abatement raptors.* You must report acquisition and disposition of a raptor under your abatement permit by submitting Service form 3–186A (the Migratory Bird Acquisition and Disposition Report) completed in accordance with the instructions on the form and filed by you and the recipient, if applicable, to your migratory bird permit issuing office.

(8) *Feathers molted by an abatement bird.*—(i) *Imping.* For imping (replacing a damaged feather with a molted feather), you may possess tail feathers and primary and secondary wing feathers for each species of raptor that you possess or previously held under your abatement permit for as long as you have a valid abatement permit.

(ii) *Donating.* You may donate molted feathers to any entity with a valid permit to acquire and possess them, or to an entity exempt from the permit requirement under § 21.12. You may not buy, sell, or barter the feathers. You must keep the documentation for your acquisition and disposal of the feathers.

(iii) *Receiving.* You may receive feathers for imping purposes from any entity authorized to donate them to you. You may not buy, sell, or barter the feathers. You must keep the documentation for your acquisition and disposal of the feathers.

(9) *Disposition of carcasses of abatement birds that die.* You may donate the carcass, feathers, or parts of any deceased raptor held under your abatement permit to any entity authorized to acquire and possess it.

(10) *Prey items.* If your abatement bird kills an animal without your intent, including wildlife taken outside of a regular hunting season, you may allow your abatement bird to feed on the animal, but you may not take the animal into your possession. You must report the take in your annual report.

(11) *Recordkeeping.* You must maintain complete and accurate records of the activities conducted under your abatement permit, including, but not necessarily limited to, the name and address of the property owner; the location, date(s), and crop or property protected for each abatement job that you and each of your subpermittees conduct; the date, species, and location of any unintentional take that occurs; the name, address, and falconry permit number of each of your subpermittees, and any subpermittee designation letters; the raptors used for each job; and FWS form 3–186As for each acquisition and disposal of birds. You must retain these records for 5 years following the end of the last calendar year covered by the records.

(12) *Annual report.* You must submit an annual report to your migratory bird permit issuing office. Your report must include the information required in Service form 3–202–22–2133, which is available at *www.fws.gov/forms/3-202-2133.pdf.*

(13) *Inspections.* Agents or employees of the Service may inspect your abatement raptors, facilities, equipment, and records in your presence at any reasonable hour on any day of the week.

(f) *Permit tenure.* Your abatement permit will expire on the date designated on the face of the permit unless amended or revoked. No abatement permit will have a term of more than 5 years.

(g) *Acquisitions, transfers, and losses of abatement raptors.* You must have a copy of a properly completed FWS Form 3–186A (Migratory Bird Acquisition and Disposition Report) for each raptor you acquire transfer, or lose, or that dies.

Dated: March 17, 2015.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–07387 Filed 3–31–15; 8:45 am]

BILLING CODE CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 150226189–5189–01]

RIN 0648–BE91

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) prepared by the Gulf of Mexico (Gulf) Fishery Management Council (Council) (2015 Gulf red snapper framework action). If implemented, this proposed rule would increase the commercial and recreational quotas for red snapper in the Gulf of Mexico reef fish fishery for the 2015, 2016, and 2017 fishing years Quotas for subsequent fishing years would remain at 2017 levels unless changed by future rulemaking. This proposed rule is intended to help achieve optimum yield (OY) for the Gulf red snapper resource without increasing the risk of red snapper experiencing overfishing.

DATES: Written comments must be received on or before April 16, 2015.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2015–0036'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docket Detail;D=NOAA-NMFS-2015-0036,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Cynthia Meyer, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov*

without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the framework action, which includes an environmental assessment, Regulatory Flexibility Act (RFA) analysis and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish.*

FOR FURTHER INFORMATION CONTACT: Cynthia Meyer, telephone 727–824–5305; email: *Cynthia.Meyer@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery under the FMP. The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

All weights given in this rule are in round weight. The total quota for Gulf red snapper (combined commercial and recreational quotas) has increased annually from 5 million lb (2.268 million kg), in 2009, to 11 million lb (4.990 million kg), and since 2013, has been fixed at 11 million lb (4.990 million kg). In order to reduce the likelihood that the recreational sector will exceed its quota, the Council and NMFS implemented an annual catch target (ACT) set at 20 percent below the recreational quota through the 2014 framework amendment (80 FR 14328, March 19, 2015), which is used to set the recreational season length. The commercial sector is managed by an individual fishing quota (IFQ) program that was implemented in 2007, and effectively constrains commercial landings to the commercial quota.

Status of Stock

The Southeast Data, Assessment, and Review (SEDAR) benchmark assessment for Gulf red snapper, conducted in 2013 and 2014 (SEDAR 31), determined that the red snapper stock is still overfished, but is not undergoing overfishing, and that the acceptable biological catch (ABC) may be increased. The stock is still under a rebuilding plan through 2032.

The Council's Scientific and Statistical Committee (SSC) met in February 2015, to review the assessment results with updated provisional 2014 landings data and recommended a new ABC for the 2015, 2016, and 2017 fishing years. The SSC recommended an ABC of 14.30 million lb (6.49 million kg) for 2015, 13.96 million lb (6.33 million kg) for 2016, and 13.74 million lb (6.23 million kg) for 2017. The Council met in March 2015, and voted to adjust the commercial and recreational quotas to reflect these new ABCs through the 2015 Gulf red snapper framework action.

Management Measures Contained in This Proposed Rule

This rule would set the commercial and recreational quotas and the recreational ACTs for the 2015, 2016, and 2017 fishing years for red snapper based on the ABCs recommended by the SSC and on the current commercial and recreational allocations (51-percent commercial and 49-percent recreational). Quotas for subsequent fishing years would remain at 2017 levels unless changed by future rulemaking. For 2015, the commercial quota would be set at 7.293 million lb (3.308 million kg) and the recreational quota would be set at 7.007 million lb (3.178 million kg); for 2016, the commercial quota would be set at 7.120 million lb (3.230 million kg) and the recreational quota would be set at 6.840 million lb (3.103 million kg); and for 2017 and subsequent fishing years, the commercial quota would be set at 7.007 million lb (3.178 million kg) and the recreational quota would be set at 6.733 million lb (3.054 million kg.

Through the 2014 framework amendment, the Council and NMFS implemented a recreational ACT set at 20 percent below the recreational quota. Based on the revised recreational quotas contained in this rule, the revised recreational ACTs for the 2015, 2016, and 2017 would be as follows: For 2015, the recreational ACT would be 5.606 million lb (2.543 million kg); for 2016, the recreational ACT would be 5.472 million lb (2.482 million kg); and for 2017, the recreational ACT would be 5.384 million lb (2.442 million kg). Recreational ACTs for subsequent fishing years would remain at 2017 levels unless changed by future rulemaking.

The Gulf Headboat Collaborative Fishing Permit (Collaborative) program, implemented through an exempted fishing permit, will continue through 2015 (as a continuation of the 2-year program begun in 2014). The Collaborative program allocates harvest rights to a specified portion of the red snapper recreational sector (2.4396 percent of the recreational quota), and this quantity is subsequently allocated to individual vessels. This program allows anglers to harvest red snapper when fishing on Collaborative vessels throughout the fishing year (until that portion of the quota is met). The proposed increase in the red snapper recreational quota in 2015 would increase the amount of quota allocated to the 19 vessels in this program.

The red snapper management measures contained in this proposed rule would achieve the goal set by National Standard 1 of the Magnuson-Stevens Act, which states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the OY for the fishery.

Red Snapper Recreational Fishing Season

Under 50 CFR 622.34(b), the red snapper recreational fishing season opens each year on June 1. Prior to June 1 each year, NMFS projects the closing date based on the previous year's data, and notifies the public of the closing date for the upcoming season. The red snapper recreational season closure date will be based on when the recreational ACT is projected to be met (as required by the 2014 Gulf red snapper framework amendment). After the final 2014 recreational landings data are available and before the season opens on June 1, 2015, NMFS will announce the 2015 season closure date, which may be in the final rule associated with this action.

Amendment 40 to the FMP

The Council developed Amendment 40 to the FMP and NMFS published a notice of availability (NOA) on January 16, 2015 (80 FR 2379) and a proposed rule on January 23, 2015 (80 FR 3541). The public comment period on the proposed rule ended on March 9, 2015, and the NOA comment period ended on March 17, 2015. If approved by the Secretary of Commerce, Amendment 40 and the implementing rule would establish a Federal charter vessel/headboat (for-hire) component and a private angling component within the recreational sector, allocate the red snapper recreational quota and annual catch target (ACT) between the components, and establish separate seasonal closures for the two components. Additionally, Amendment 40 and the rule would establish commercial and recreational ACLs for red snapper, which would be equal to the commercial and recreational quotas. Previously, rather than establishing ACLs for red snapper management, the

Council chose to refer to the sector quotas as the functional equivalent of sector ACLs, and the sum of all quotas as the stock ACLs. If Amendment 40 is approved and a final rule is implemented, the final rule implementing this framework action would include the ACLs, component quotas, and ACTs from Amendment 40 in the regulatory text, but they would be adjusted to reflect the increases proposed in this rule.

Additional Changes to Codified Text

This proposed rule would make two administrative changes to the Gulf IFQ program regulations. In §§ 622.21 and 622.22, the Web site for the Gulf IFQ program would change from ''*ifq.sero.fisheries.noaa.gov*'' to ''*https://portal.southeast.fisheries.noaa.gov/cs/main.html*'' to align with the renaming of NMFS Web sites for all of the regions in the U.S. The second change would revise the minimum share transfer percentage for the Gulf red snapper IFQ program from ''0.0001 percent'' to ''0.000001 percent'' to align with the Gulf grouper/tilefish program minimum share transfer percentage and allow for smaller percentages of red snapper IFQ shares to be transferred. When the red snapper IFQ program was implemented in 2007, NMFS determined, based on the share cap and red snapper commercial quota, that 0.0001 percent was the appropriate minimum share transfer percentage. Because the red snapper commercial quota has been increasing, NMFS has now determined that the minimum share transfer percentage should be 0.000001 percent. This will give shareholders greater flexibility by allowing transfers of smaller increments of shares. In addition, modifying the minimum share transfer percentage for red snapper would help avoid confusion among shareholders who trade both red snapper and grouper/tilefish shares because both programs would have the same minimum share transfer percentage.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

The purpose of this proposed rule is to set quotas for the commercial and recreational harvest of red snapper in the Gulf that are consistent with the red snapper rebuilding plan in order to achieve OY, and to make two administrative changes to the IFQ programs. The Magnuson-Stevens Act provides the statutory basis for this proposed rule.

This rule, if implemented, would set the red snapper quotas for the commercial and recreational sectors for the 2015 fishing year, 2016 fishing year, and 2017 fishing year and subsequent fishing years. As a result, this rule would be expected to directly affect commercial vessels that harvest red snapper. Over the period 2009–2013, an average of 353 vessels per year recorded commercial red snapper harvests, based on mandatory logbook data. The maximum number of vessels with recorded commercial red snapper harvests during this period was 375 in 2010. However, in 2010, 384 vessels were identified in the red snapper IFQ on-line account program, which tracks red snapper activity. This system, however, is not the official record for trip harvests, nor does it capture all landings, or associated revenues, from all species harvested on all trips by vessels that harvest red snapper. Therefore, data from both sources are used for this assessment to estimate the number of potentially affected entities. As a result, this rule would be expected to apply to 353–384 commercial fishing vessels. The average annual gross revenue from all species harvested on all trips by the vessels identified with recorded red snapper harvests in logbook data over the period 2009–2013 (353 vessels) was approximately $110,000 (2013 dollars).

With respect to the proposed changes in the red snapper recreational quotas, only recreational anglers are allowed to recreationally harvest red snapper in Federal waters in the Gulf and would be directly affected in changes in the allowable harvest. However, recreational anglers are not small entities under the RFA. Although for-hire businesses (charter vessels and headboats) operate in the recreational sector, these businesses only sell fishing services to recreational anglers and do not, with the exception discussed in the next paragraph, have harvest rights to the red snapper recreational quota. For-hire vessels provide a platform for the opportunity to fish and not a guarantee to catch or harvest any species, though expectations of successful fishing, however defined, likely factor into the decision by anglers to purchase these services. Changing the red snapper recreational quota only defines how much red snapper can be harvested and the quota is a factor in the determination of the length of the red snapper recreational fishing season. Changing the quota does not explicitly prevent the continued offer or sale of for-hire fishing services. In the event of a closed season (zero bag limit), precipitated by a quota reduction, catch and release fishing for a target species can continue, as can fishing for other species. In the event of a quota increase and associated increase in the open season, the basic service offered remains the same, though the list of species that may be retained is expanded. Because the proposed change in the red snapper quota would not directly alter the basic service sold by for-hire vessels, in general, this proposed rule would not directly apply to or regulate their operations. Any change in vessel business would be a result of changes in angler demand for these fishing services that occurs as a result of the behavioral decision by anglers, *i.e.,* to fish or not. This behavioral decision would be a consequence of how anglers determine the change in allowable harvest will affect them. Therefore, any effects on the associated for-hire vessels would be one step removed from the anglers' decision and an indirect effect of the proposed rule. Because the effects on for-hire vessels would be indirect, they fall outside the scope of the RFA.

The exception to this determination is, however, for the 19 headboats participating in the Collaborative program in 2015 (as a continuation of the 2-year program begun in 2014). The Collaborative program allocates harvest rights to a specified portion (2.4396 percent) of the red snapper recreational allowable catch to the Collaborative, and this quantity is subsequently allocated to individual vessels. This program allows anglers to harvest red snapper when fishing on Collaborative vessels outside the season available to non-participating vessels if the total allowable harvest for the recreational sector has not been taken. Although these fish can still only be harvested by recreational anglers, and not vessel captains or crew, the allocation of harvest rights to these vessels and the increased flexibility on when red snapper may be retained enables the vessels in this program to offer an enhanced product relative to other for-

hire vessels. The proposed increase in the red snapper recreational quota in 2015 would increase the amount of quota allocated to the vessels in this program. Average revenue information for these 19 vessels is unknown. However, the average headboat operating in the Gulf is estimated to receive approximately $245,000 (2013 dollars) in annual gross revenue.

NMFS has not identified any other small entities that would be expected to be directly affected by this proposed rule.

The Small Business Administration has established size criteria for all major industry sectors in the U.S., including fish harvesters. A business involved in fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $20.5 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. The revenue threshold for a business involved in the for-hire fishing industry is $7.5 million (NAICS code 487210, fishing boat charter operation). All commercial and headboat fishing vessels expected to be directly affected by this proposed rule are determined to be small business entities.

This proposed rule would increase the red snapper commercial quota in 2015, 2016, and 2017 and subsequent fishing years, by 1.683 million lb (0.763 million kg) gutted weight, 1.510 million lb (0.685 million kg), and 1.397 million lb (0.634 million kg), respectively, relative to the status quo. These increases would be expected to result in an increase in total gross revenue (ex-vessel revenue minus the 3-percent cost recovery fee, all vessels) for commercial vessels that harvest red snapper of approximately $6.974 million (2013 dollars), $6.268 million, and $5.811 million, each year, respectively. Across all 3 years, the resultant total increase in gross revenue would be approximately $19.053 million (2013 dollars). The average increase per vessel (353–384 vessels) per year would range (low to high average) from approximately $15,133–$16,462 per vessel ($5.81 million/384 vessels = $15,133 per vessel; $5.81/353 vessels = $16,462 per vessel) in 2017 to approximately $18,161–$19,756 per vessel ($6.97 million/384 vessels = $18,161 per vessel; $6.97/353 vessels = $19,756 per vessel) in 2015. As a result, the expected economic effect of the proposed rule would be increased revenue to the affected small business entities.

This proposed rule would increase the red snapper recreational quota in 2015, 2016, and 2017 and subsequent fishing years by 1.617 million lb (0.733 million kg), 1.450 million lb (0.658 million kg), and 1.343 million lb (0.609 million kg), respectively, relative to the status quo. As discussed above, the proposed quota increase in 2015 would be expected to directly affect 19 headboats that participate in the Collaborative program. These vessels would not be expected to be directly affected by the proposed quota increases in 2016 and 2017 and subsequent fishing years because the program will only continue through 2015. Quantitative estimates of the expected economic effects of the proposed quota increase in 2015 on these 19 entities are not available. Although the amount of increased quota that would be allocated to this program can be calculated, how this increase would be distributed amongst the vessels in the program cannot be determined because the distribution is subject to decision within the program and not dependent on historical activity or distribution of allowable harvest to date in 2015. Additionally, it is not possible with available data to produce a meaningful estimate of the portion of the increased quota that would be harvested by anglers on new trips (resulting in an increase in the revenue to respective vessels) or would be harvested on trips that would occur in the absence of a change in available harvest (resulting in no change in revenue), or to determine whether the change in available harvest would affect the price per trip that would be charged. Nevertheless, the effects of the increase in quota on these vessels would be expected to be either neutral at worst (*i.e.,* no economic effect) or, more likely, positive, resulting in an increase in vessel revenue and associated profits.

The proposed changes to the IFQ programs, discussed in the preamble of this proposed rule, are administrative changes and would not be expected to have any direct adverse economic effect on any small entities.

Based on the discussion above, NMFS determines that this proposed rule, if implemented, would not have a significant adverse economic effect on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf of Mexico, Quotas, Recreational, Red Snapper.

Dated: March 27, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.21, the third sentence in paragraph (b)(1), the second sentence in paragraph (b)(2), the last sentence in paragraph (b)(3)(i), the first sentence in paragraph (b)(3)(iii), the second sentence in paragraph (b)(3)(iv), the only sentence in paragraph (b)(5)(i)(B), the third sentence in paragraph (b)(5)(v), the second and third sentences in paragraph (b)(6)(ii), the second sentence in paragraph (b)(6)(iv), and the first sentence in paragraph (b)(10) are revised to read as follows:

§ 622.21 Individual fishing quota (IFQ) program for Gulf red snapper.

* * * * *

(b) * * *

(1) * * * An owner of a vessel with a commercial vessel permit for Gulf reef fish, who has established an IFQ account for Gulf red snapper as specified in paragraph (a)(3)(i) of this section, online via the NMFS IFQ Web site *https://portal.southeast.fisheries.noaa.gov/cs/main.html,* may establish a vessel account through that IFQ account for that permitted vessel. * * *

(2) * * * A dealer with a Gulf and South Atlantic dealer permit can download a Gulf IFQ dealer endorsement from the NMFS IFQ Web site. * * *

(3) * * *

(i) * * * All IFQ landings and their actual ex-vessel prices must be reported via the IFQ Web site.

* * * * *

(iii) The dealer must complete a landing transaction report for each landing of Gulf red snapper via the IFQ Web site on the day of offload, except if the fish are being trailered for transport to a dealer as specified in paragraph (b)(5)(iv) of this section (in which case the landing transaction report may be completed prior to the day of offload), and within 96 hours from the time of landing reported on the most recent landing notification, in accordance with the reporting form(s)

and instructions provided on the Web site. * * *

(iv) * * * This form is available via the IFQ Web site. * * *

* * * * *

(5) * * *

(i) * * *

(B) * * * Authorized methods for contacting NMFS and submitting the report include calling IFQ Customer Service at 1–866–425–7627, completing and submitting to NMFS a landing notification provided through the VMS unit, or providing the required information to NMFS through the web-based form available on the IFQ Web site.

* * * * *

(v) * * * Proposed landing locations may be submitted online via the IFQ Web site, or by calling IFQ Customer Service at 1–866–425–7627, at any time; however, new landing locations will be approved only at the end of each calendar-year quarter. * * *

* * * * *

(6) * * *

(ii) * * * An IFQ shareholder must initiate a share transfer request by logging onto the IFQ Web site. Following the instructions provided on the IFQ Web site, the shareholder must enter pertinent information regarding the transfer request including, but not limited to, amount of shares to be transferred, which must be a minimum of 0.000001 percent; name of the eligible transferee; and the value of the transferred shares. * * *

* * * * *

(iv) * * * An IFQ account holder must initiate an allocation transfer by logging onto the IFQ Web site, entering the required information, including but not limited to, name of an eligible transferee and amount of IFQ allocation to be transferred and price, and submitting the transfer electronically. * * *

* * * * *

(10) * * * On or about January 1 each year, IFQ shareholders will be notified, via the IFQ Web site, of their IFQ share and allocation for the upcoming fishing year. * * *

* * * * *

■ 3. In § 622.22, the third sentence in paragraph (b)(1), the second sentence in paragraph (b)(2), the last sentence in paragraph (b)(3)(i), the first sentence in paragraph (b)(3)(iii), the second sentence in paragraph (b)(3)(iv), the only sentence in paragraph (b)(5)(i)(B), the third sentence in paragraph (b)(5)(v), the second sentence in paragraph (b)(6)(ii), the second sentence in paragraph (b)(6)(iv), and the first sentence in paragraph (b)(10) are revised to read as follows:

§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

* * * * *

(b) * * *

(1) * * * An owner of a vessel with a commercial vessel permit for Gulf reef fish, who has established an IFQ account for the applicable species, as specified in paragraph (a)(3)(i) of this section, online via the NMFS IFQ Web site *https://portal.southeast.fisheries.noaa.gov/cs/main.html,* may establish a vessel account through that IFQ account for that permitted vessel. * * *

(2) * * * A dealer with a Gulf and South Atlantic dealer permit can download a Gulf IFQ dealer endorsement from the NMFS IFQ Web site. * * *

(3) * * *

(i) * * * All IFQ landings and their actual ex-vessel prices must be reported via the IFQ Web site.

* * * * *

(iii) The dealer must complete a landing transaction report for each landing of Gulf groupers or tilefishes via the IFQ Web site on the day of offload, except if the fish are being trailered for transport to a dealer as specified in paragraph (b)(5)(iv) of this section (in which case the landing transaction report may be completed prior to the day of offload), and within 96 hours from the time of landing reported on the most recent landing notification, in accordance with the reporting form(s) and instructions provided on the Web site. * * *

(iv) * * * This form is available via the IFQ Web site. * * *

* * * * *

(5) * * *

(i) * * *

(B) * * * Authorized methods for contacting NMFS and submitting the report include calling IFQ Customer Service at 1–866–425–7627, completing and submitting to NMFS a landing notification provided through the VMS unit, or providing the required information to NMFS through the web-based form available on the IFQ Web site.

* * * * *

(v) * * * Proposed landing locations may be submitted online via the IFQ Web site, or by calling IFQ Customer Service at 1–866–425–7627, at any time; however, new landing locations will be approved only at the end of each calendar-year quarter. * * *

* * * * *

(6) * * *

(ii) * * * An IFQ shareholder must initiate a share transfer request by logging onto the IFQ Web site. * * *

* * * * *

(iv) * * * An IFQ account holder must initiate an allocation transfer by logging onto the IFQ Web site, entering the required information, including but not limited to, the name of an eligible transferee and amount of IFQ allocation to be transferred and price, and submitting the transfer electronically. * * *

* * * * *

(10) * * * On or about January 1 each year, IFQ shareholders will be notified, via the IFQ Web site, of their IFQ shares and allocations, for each of the five share categories, for the upcoming fishing year. * * *

* * * * *

■ 4. In § 622.39, paragraphs (a)(1)(i) and (a)(2)(i) are revised to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(i) *Commercial quota for red snapper.*

(A) For fishing year 2015—7.293 million lb (3.308 million kg), round weight.

(B) For fishing year 2016—7.120 million lb (3.230 million kg), round weight.

(C) For fishing year 2017 and subsequent fishing years—7.007 million lb (3.178 million kg), round weight.

* * * * *

(2) * * *

(i) *Recreational quota for red snapper.*

(A) *Total recreational quota (Federal charter vessel/headboat and private angling component quotas combined).*

(*1*) For fishing year 2015—7.007 million lb (3.178 million kg), round weight.

(*2*) For fishing year 2016—6.840 million lb (3.103 million kg), round weight.

(*3*) For fishing year 2017 and subsequent fishing years—6.733 million lb (3.054 million kg), round weight.

(B) *Federal charter vessel/headboat component quota.* The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component quota is effective for only the 2015, 2016, and 2017 fishing years. For the 2018 and subsequent fishing years, the applicable total recreational quota specified in § 622.39(a)(2)(i)(A) will apply to the recreational sector.

(*1*) For fishing year 2015—2.964 million lb (1.344 million kg), round weight.

(*2*) For fishing year 2016—2.893 million lb (1.312 million kg), round weight.

(*3*) For fishing year 2017—2.848 million lb (1.292 million kg), round weight.

(C) *Private angling component quota.* The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component quota is effective for only the 2015, 2016, and 2017 fishing years. For the 2018 and subsequent fishing years, the applicable total recreational quota specified in § 622.39(a)(2)(i)(A) will apply to the recreational sector.

(*1*) For fishing year 2015—4.043 million lb (1.834 million kg), round weight.

(*2*) For fishing year 2016—3.947 million lb (1.790 million kg), round weight.

(*3*) For fishing year 2017—3.885 million lb (1.762 million kg), round weight.

* * * * *

■ 5. In § 622.41, paragraph (q), as added at 80 FR 14331 (March 19, 2015), effective April 18, 2015, is revised to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(q) *Red snapper*—(1) *Commercial sector.* The IFQ program for red snapper in the Gulf of Mexico serves as the accountability measure for commercial red snapper. The commercial ACL for red snapper is equal to the applicable commercial quota specified in § 622.39(a)(1)(i).

(2) *Recreational sector.* (i) The AA will determine the length of the red snapper recreational fishing season based on when recreational landings are projected to reach the applicable recreational ACT specified in paragraph (q)(2)(iii) of this section, and announce the closure date in the **Federal Register**. This will serve as an in-season accountability measure. On and after the effective date of the recreational closure notification, the bag and possession limit for red snapper is zero. The recreational ACL is equal to the applicable total recreational quota specified in § 622.39(a)(2)(i).

(ii) In addition to the measures specified in paragraph (q)(2)(i) of this section, if red snapper recreational landings, as estimated by the SRD, exceed the applicable recreational ACL (quota) specified in § 622.39(a)(2)(i), and red snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the recreational ACL (quota) by the amount of the quota overage in the prior fishing year, and reduce the applicable recreational ACT specified in paragraph (q)(2)(iii) of this section (based on the buffer between the ACT and the quota specified in the FMP), unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(iii) *Recreational ACT for red snapper.*

(A) *Total recreational ACT (Federal charter vessel/headboat and private angling component ACTs combined).*

(*1*) For fishing year 2015—5.605 million lb (2.542 million kg), round weight.

(*2*) For fishing year 2016—5.473 million lb (2.483 million kg), round weight.

(*3*) For fishing year 2017 and subsequent fishing years—5.386 million lb (2.443 million kg), round weight.

(B) *Federal charter vessel/headboat component ACT.* The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component ACT is effective for only the 2015, 2016, and 2017 fishing years. For the 2018 and subsequent fishing years, the applicable total recreational quota specified in § 622.39(a)(2)(i)(A) will apply to the recreational sector.

(*1*) For fishing year 2015—2.371 million lb (1.075 million kg), round weight.

(*2*) For fishing year 2016—2.315 million lb (1.050 million kg), round weight.

(*3*) For fishing year 2017—2.278 million lb (1.033 million kg), round weight.

(C) *Private angling component ACT.* The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component ACT is effective for only the 2015, 2016, and 2017 fishing years. For the 2018 and subsequent fishing years, the applicable total recreational quota specified in § 622.39(a)(2)(i)(A) will apply to the recreational sector.

(*1*) For fishing year 2015—3.234 million lb (1.467 million kg), round weight.

(*2*) For fishing year 2016—3.158 million lb (1.432 million kg), round weight.

(*3*) For fishing year 2017—3.108 million lb (1.410 million kg), round weight.

[FR Doc. 2015–07459 Filed 3–31–15; 8:45 am]

BILLING CODE CODE 3510–22–P

Notices

Federal Register
Vol. 80, No. 62
Wednesday, April 1, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule Committee (Committee) will meet in Washington, DC. Attendees may also participate via webinar and conference call. The Committee operates in compliance with the Federal Advisory Committee Act (FACA) (Pub. L. 92–463). Additional information relating to the Committee, including the meeting summary/minutes, can be found by visiting the Committee's Web site at: *http://www.fs.usda.gov/main/planningrule/committee.*

DATES: The meetings will be held in-person and via webinar/conference call on the following dates and times:

- Tuesday, April 28, 2015 from 9:00 a.m. to 5:00 p.m. EST
- Wednesday, April 29, 2015 from 9:00 a.m. to 5:00 p.m. EST
- Thursday, April 30, 2015 from 9:00 a.m. to 3:00 p.m. EST

All meetings are subject to cancellation. For updated status of meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the USDA Forest Service, Office of International Programs, 1 Thomas Circle, Suite 400, Washington DC 20005. For anyone who would like to attend via webinar and/or conference call, please visit the Web site listed above or contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the USDA Forest Service Washington Office—Yates Building. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Chalonda Jasper, Committee Coordinator, by phone at 202–260–9400, or by email at *cjasper@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to provide:

1. Continued deliberations on formulating advice for the Secretary,
2. Discussion of Committee work group findings,
3. Dialogue with subject matter experts in the Washington Office around the topics of climate change, adaptive management, restoration, and outreach,
4. Hearing public comments, and
5. Administrative tasks.

This meeting is open to the public. The agenda will include time for people to make oral comments of three minutes or less. Individuals wishing to make an oral comment should submit a request in writing by April 17, 2015 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Committee may file written statements with the Committee's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Chalonda Jasper, USDA Forest Service, Ecosystem Management Coordination, 201 14th Street SW., Mail Stop 1104, Washington, DC 20250–1104, or by email at *cjasper@fs.fed.us.* The agenda and summary of the meeting will be posted on the Committee's Web site within 21 days of the meeting.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: March 22, 2015.

Mary Beth Borst,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2015–07442 Filed 3–31–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Service Annual Survey

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before June 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Anne Russell, U.S. Census Bureau, 8K155, Washington, DC 20233–6500, (301) 763–5173 or via the Internet at *anne.sigda.russell@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The Service Annual Survey (SAS), produces annual nationwide estimates of revenue and expenses for service

industries. These service industries include all or portions of the following North American Industry Classification System (NAICS) sectors: Utilities (NAICS 22); Transportation and Warehousing (NAICS 48 and 49); Information (NAICS 51); Finance and Insurance (NAICS 52); Real Estate and Rental and Leasing (NAICS 53); Professional, Scientific and Technical Services (NAICS 54); Administrative and Support and Waste Management and Remediation Services (NAICS 56); Educational Services (NAICS 61); Health Care and Social Assistance (NAICS 62); Arts, Entertainment, and Recreation (NAICS 71); and Other Services (NAICS 81). Accommodation and Food Services (NAICS 72) will be collected as part of SAS beginning with the 2015 survey year, which will be mailed in January 2016. Previously accommodation and food services industry was collected as part of the Annual Retail Trade Survey (ARTS), OMB number 0607–0013.

For selected industries in Utilities; Transportation; Finance; Information; Professional, Scientific and Technical Services; Administrative Support and Waste Management and Remedation Services; and Educational Services, SAS produces estimates of revenue by detailed North American Product Classification System (NAPCS) products. Inventory estimates for selected industries in the Transportation and Information sectors are produced, as well as estimates of expanded revenues for selected industries across multiple sectors. For industries with a significant non-profit component, separate estimates are developed for taxable firms and organizations exempt from federal income tax.

These data are used to satisfy a variety of public and business needs such as economic market analysis, company performance, and forecasting future demands. Results will be available, at the United States summary level, for selected service industries approximately 11 months after the end of the reference year. The Bureau of Economic Analysis, the primary Federal user of these annual program statistics, uses the information in developing the national income and product accounts, compiling benchmark and annual input-output tables, and computing Gross Domestic Product by industry. The Bureau of Labor Statistics uses the data as inputs to its Producer Price Indexes and in developing productivity measurements. The Centers for Medicare and Medicaid Services use the data in the development of the National Health Expenditure Accounts. The Federal Communications Commission (FCC) uses the data as a means for assessing FCC policy. The Coalition of Service Industries uses the data for general research and planning. Trade and professional organizations use the data to analyze industry trends and benchmark their own statistical programs, develop forecasts, and evaluate regulatory requirements. The media uses the data for news reports and background information. Private businesses use the data to measure market share; analyze business potential; and plan investment decisions. The Census Bureau uses the data to provide new insight into changing structural and cost conditions that will impact the planning and design of future economic census questionnaires. Private industry also uses the data as a tool for marketing analysis.

Data are collected from all of the largest firms and from a sample of small- and medium-sized businesses selected using a stratified sampling procedure. The samples are reselected periodically, generally at 5-year intervals. The largest firms continue to be canvassed when the sample is re-drawn, while nearly all of the small- and medium-sized firms from the prior sample are replaced. The sample is updated quarterly to reflect employer business ''births'' and ''deaths''; adding new employer businesses identified in the Business and Professional Classification Survey (OMB number 0607–0189) and deleting firms and Employer Identification Numbers when it is determined they are no longer active.

A new sample will be introduced with the 2016 SAS. In order to link estimates from the new and prior samples, we will be asking companies to provide data for 2016 and 2015. The 2017 SAS and subsequent years will request one year of data until a new sample is once again introduced.

II. Method of Collection

We collect this information online.

III. Data

OMB Control Number: 0607–0422.

Form Numbers: The SAS program consists of 162 unique forms, which are too extensive to list here.

Type of Review: Regular (extension of a currently approved information collection).

Affected Public: Businesses or other for-profit organizations, not-for-profit institutions, Government hospitals and Federal Government.

Estimated Number of Respondents: 83,528.

Estimated Time Per Response: 3 to 9 hours depending on form and year.

Estimated Total Annual Burden Hours: 330,810 (3-year average).

Estimated Total Annual Cost: $0 in recordkeeping/reporting costs.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., sections 131, 182, 224 and 225.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 27, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer, submitting for Census.

[FR Doc. 2015–07434 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for May 2015

The following Sunset Reviews are scheduled for initiation in May 2015 and will appear in that month's Notice of Initiation of Five-Year Sunset Review (''Sunset Review''). With respect to the countervailing duty order on Prestressed Concrete Wire Strand from China, we have advanced the initiation date of this Sunset Review upon determining that initiation of the Sunset Reviews for all of the Prestressed Concrete Wire Strand orders on the same date would promote administrative efficiency.

Antidumping duty proceedings	Department contact
Barium Chloride from China (202) 482–0650	Charles Riggle (A–570–007) (4th Review).
Floor-Standing Metal–Top Ironing Tables and Parts Thereof from China (202) 482–5255	Jacqueline Arrowsmith (A–570–888) (2nd Review).
Prestressed Concrete Steel Wire Strand from China (202) 482–0650	Charles Riggle (A–570–945) (1st Review).
Stainless Steel Wire Rod from Italy (A–475–820) (3rd Review)	David Goldberger (202) 482–4136.
Stainless Steel Wire Rod from Japan (A–588–843) (3rd Review)	David Goldberger (202) 482–4136.
Stainless Steel Wire Rod from Republic of Korea (A–580–829) (3rd Review)	David Goldberger (202) 482–4136.
Stainless Steel Wire Rod from Spain (A–469–807) (3rd Review)	David Goldberger (202) 482–4136.
Stainless Steel Wire Rod from Taiwan (A–583–828) (3rd Review)	David Goldberger (202) 482–4136.
Countervailing Duty Proceedings	
Prestressed Concrete Steel Wire Strand from China (C–570–946) (1st Review)	David Goldberger (202) 482–4136.
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in May 2015.	

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 25, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–07498 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating the five-year review (''Sunset Review'') of the antidumping and countervailing duty (''AD/CVD'') orders listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same orders.

DATES: *Effective:* April 1, 2015.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating Sunset Reviews of the following antidumping and countervailing duty orders:

DOC	ITC Case No.	Country	Product	Department contact
A–533–838	731–TA–1061	India	Carbazole Violet Pigment 23 (2nd Review).	Jacqueline Arrowsmith, (202) 482–5255.

DOC	ITC Case No.	Country	Product	Department contact
C–533–839	701–TA–437	India	Carbazole Violet Pigment 23 (2nd Review).	Jacqueline Arrowsmith, (202) 482–5255.
A–560–822	731–TA–1156	Indonesia	Polyethylene Retail Carrier Bags (1st Review).	David Goldberger, (202) 482–4136.
A–557–813	731–TA–1044	Malaysia	Polyethylene Retail Carrier Bags (2nd Review).	David Goldberger, (202) 482–4136.
A–570–892	731–TA–1060	PRC	CarbazoleViolet Pigment 23 (2nd Review)	Jacqueline Arrowsmith, (202) 482–5255.
A–570–002	731–TA–130	PRC	Chloropicrin (4th Review)	Charles Riggle, (202) 482–0650.
A–570–895	731–TA–1070–A	PRC	Crepe Paper (2nd Review)	Charles Riggle, (202) 482–0650.
A–570–886	731–TA–1043	PRC	Polyethylene Retail Carrier Bags (2nd Review).	David Goldberger, (202) 482–4136.
A–583–843	731–TA–779	Taiwan	Polyethylene Retail Carrier Bags (1st Review).	David Goldberger, (202) 482–4136.
A–549–821	731–TA–1045	Thailand	Polyethylene Retail Carrier Bags (2nd Review).	David Goldberger, (202) 482–4136.
A–552–806	731–TA–1158	Vietnam	Polyethylene Retail Carrier Bags (1st Review).	David Goldberger, (202) 482–4136.
C–552–805	701–TA–462	Vietnam	Polyethylene Retail Carrier Bags (1st Review).	Jacqueline Arrowsmith, (202) 482–5255.

With respect to the orders on Polyethylene Retail Carrier Bags from China, Malaysia and Thailand, we have advanced the initiation date of these Sunset Reviews upon determining that initiation of the Sunset Reviews for all of the Polyethylene Retail Carrier Bags orders on the same date would promote administrative efficiency.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Web site at the following address: ''*http://enforcement.trade.gov/sunset/*.'' All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''), can be found at 19 CFR 351.303.[1]

Revised Factual Information Requirements

This notice serves as a reminder that any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.[2] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD/CVD investigations or proceedings initiated on or after August 16, 2013.[3] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: the definition of factual information (19 CFR 351.102(b)(21), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation at 19 CFR 351.302(c) concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Extension of Time Limits,* 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under part 351 of the Department's regulations expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10 a.m. on the due date. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions

[1] *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[2] *See* section 782(b) of the Act.

[3] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*'') (amending 19 CFR 351.303(g)).

which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), the Department will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d)). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (''APO'') to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.[4]

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that all parties wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews. Consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: March 25, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–07500 Filed 3–31–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review; 2014–2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective April 1, 2015.

SUMMARY: The Department of Commerce (''the Department'') received a timely request for a new shipper review (''NSR'') of the antidumping duty (''AD'') order on certain frozen fish fillets (''fish fillets'') from the Socialist Republic of Vietnam (''Vietnam''). The Department determines that the request meets the statutory and regulatory requirements for initiation. The period of review (''POR'') for this NSR is August 1, 2014, through January 31, 2015.

FOR FURTHER INFORMATION CONTACT: Alexander Montoro, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–0238.

SUPPLEMENTARY INFORMATION:

Background

The AD order on fish fillets from Vietnam was published in the **Federal Register** on August 12, 2003.[1] On February 27, 2015, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.214(b), the Department received an NSR request from Hai Huong Seafood Joint Stock Company (''HHFISH'').[2] HHFISH certified that it is a producer and exporter of the subject merchandise and that it exported, or sold for export, subject merchandise to the United States.[3]

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), HHFISH certified that it did not export subject merchandise to the United States during the period of investigation (''POI'').[4] In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), HHFISH certified that, since the initiation of the investigation, it has never been affiliated with any Vietnamese exporter or producer who exported subject merchandise to the United States during the POI, including those respondents not individually examined during the investigation.[5] As required by 19 CFR 351.214(b)(2)(iii)(B), HHFISH also certified that its export activities were not controlled by the central government of Vietnam.[6]

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), HHFISH submitted documentation establishing the following: (1) The date on which it first shipped subject merchandise for export to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.[7]

Finally, the Department conducted a U.S. Customs and Border Protection (''CBP'') database query and confirmed

[4] *See* 19 CFR 351.218(d)(1)(iii).

[1] *See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam,* 68 FR 47909 (August 12, 2003).

[2] *See* Letter from HHFISH, ''Frozen Fish Fillets from Vietnam—Request for New Shipper Review,'' dated February 27, 2015.

[3] *Id.* at 2 and at Exhibit 2.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Id.* at Exhibit 1.

the price, quantity, date of sale, and date of entry of the sale at issue.[8]

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), and based on the evidence provided by HHFISH, we find that the request submitted by HHFISH meets the requirements for initiation of the NSR for shipments of fish fillets from Vietnam produced and exported by HHFISH.[9] The POR is August 1, 2014, through January 31, 2015.[10] Absent a determination that the case is extraordinarily complicated, the Department intends to issue the preliminary results of this NSR within 180 days from the date of initiation and the final results within 270 days from the date of initiation.[11]

In cases involving non-market economy countries, the Department requires a company seeking to establish eligibility for an AD rate separate from the country-wide rate to provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue a questionnaire to HHFISH that will include a section requesting information with regard to HHFISH's export activities for separate rate purposes. The review of HHFISH will proceed if the response provides sufficient indication that it is not subject to either *de jure* and *de facto* government control with respect to its exports of fish fillets.

We will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from the requesting company in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because HHFISH certified that it both produced and exported the subject merchandise, the sale of which is the basis for the NSR request, we will instruct CBP to permit the use of a bond only for subject merchandise which HHFISH both produced and exported.

Interested parties requiring access to proprietary information in this NSR should submit applications for disclosure under administrative protective order, in accordance with 19 CFR 351.305 and 19 CFR 351.306.

This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act, as well as 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: March 24, 2015.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–07480 Filed 3–31–15; 8:45 am]

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[8] The Department will place the results of the completed CBP database query along with HHFISH's entry documents on the record shortly after the publication of this notice.

[9] *See* Memorandum to the File from Alexander Montoro, International Trade Compliance Analyst, ''Initiation of Antidumping Duty New Shipper Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam (A–552–801),'' dated concurrently with and hereby adopted by this notice.

[10] *See* 19 CFR 351.214(g)(1)(i)(B).

[11] *See* section 751(a)(2)(B)(iv) of the Act.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Permitting, Vessel Identification, and Reporting Requirements for Deepwater Shrimp Fisheries in the Western Pacific Region

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 725–5175 or *Walter.Ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

Under the Code of Federal Regulations in Title 50, Part 665, all vessel owners who fish for deepwater shrimp (*Heterocarpus* spp.), or land these species in ports, in the western Pacific region must obtain a Federal permit from the National Marine Fisheries Service (NMFS). They must also mark their vessels for identification. Vessel operators must submit NMFS logbook reports of their fishing activity to NMFS within 72 hours of the end of each fishing trip.

The information collected is used to identify participants in the fishery, document fishing activities and landings, determine the conditions of the stocks, assess the effectiveness of management measures, evaluate the benefits and costs of changes in management measures, and monitor and respond to accidental takes of protected species, including seabirds, turtles, and marine mammals.

Vessel owners must identify their vessels to assist in aerial and at-sea enforcement of fishing regulations.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0586.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 10.

Estimated Time per Response: Permit applications, 30 minutes; logsheets, 15 minutes; vessel identification, 45 minutes.

Estimated Total Annual Burden Hours: 75.

Estimated Total Annual Cost to Public: $400 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 26, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–07333 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–879]

Polyvinyl Alcohol From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Mandy Mallott, 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) 482–6430.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2014, the Department received a timely request from Sekisui Specialty Chemical America, LLC (''Sekisui'') and Kuraray America Inc. (''Kuraray'') (collectively, ''Petitioners''), to conduct an administrative review of the antidumping duty order on polyvinyl alcohol (''PVA'') from the People's Republic of China (''PRC'') with regard to Sinopec Sichuan Vinylon Works (''SVW''). Based upon this request, on November 28, 2014, the Department of Commerce (''Department'') initiated an administrative review of the antidumping duty order on PVA from the PRC with respect to SVW and covering the period of October 1, 2013, to September 30, 2014.[1] On February 25, 2015, Petitioners withdrew their request for review of SVW.[2]

Rescission

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the parties that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. Petitioners withdrew their request for review before the 90-day deadline, and no other party requested an administrative review of the antidumping duty order on PVA from the PRC for the period of review. Therefore, in response to Petitioners' withdrawal of their request for review and pursuant to 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as the only 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 antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751 and 777(i)(l) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: March 25, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–07471 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 70850 (November 28, 2014).

[2] *See* Letter from Petitioners titled ''Polyvinyl Alcohol from the People's Republic of China: Withdrawal of Request for Antidumping Duty Administrative Review,'' dated February 25, 2015.

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We

intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after April 2015, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity To Request a Review: Not later than the last day of April 2015,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

	Period of Review
Antidumping Duty Proceedings	
INDIA: 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) A–533–847	4/1/14–4/27/14
RUSSIA: Ammonium Nitrate A–821–811	4/1/14–3/31/15
THE PEOPLE'S REPUBLIC OF CHINA:	
1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) A–570–934	4/1/14–4/27/14
Activated Carbon A–570–904	4/1/14–3/31/15
Drawn Stainless Steel Sinks A–570–983	4/1/14–3/31/15
Magnesium Metal A–570–896	4/1/14–3/31/15
Frontseating Service Valves[2] A–570–933	4/1/14–4/27/14
Non-Malleable Cast Iron Pipe Fittings A–570–875	4/1/14–3/31/15
Steel Threaded Rod A–570–932	4/1/14–3/31/15
Countervailing Duty Proceedings	
THE PEOPLE'S REPUBLIC OF CHINA: Drawn Stainless Steel Sinks C–570–984	1/1/14—12/31/14
Suspension Agreements	
None.	

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

[2] Interested parties may request an administrative review of all producers or exporters of frontseating service valves from the PRC other than Zhejiang Sanhua Co., Ltd. (''Sanhua''). Sanhua's entries during the 4/1/2014–4/27/2014 period are covered by an on-going administrative review.

must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[3]

Further, as explained in *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013), the Department clarified its practice with regard to the conditional review of the non-market economy (NME) entity in administrative reviews of antidumping duty orders. The Department will no longer consider the NME entity as an exporter conditionally subject to administrative reviews. Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[4] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'') on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov.*[5] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of April 2015. If the Department does not receive, by the last day of April 2015, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 25, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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BILLING CODE 3510–DS–P

[3] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/.*

[4] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD593

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Air Force Conducting Maritime Weapon Systems Evaluation Program Operational Testing Within the Eglin Gulf Test and Training Range

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act regulations, NMFS hereby gives notice that NMFS has issued an Incidental Harassment Authorization (Authorization) to the U.S. Air Force, Eglin Air Force Base (Eglin AFB), to take marine mammals, by harassment, incidental to a Maritime Weapon Systems Evaluation Program (Maritime WSEP) within the Eglin Gulf Test and Training Range in the Gulf of Mexico from February 5 through April 1, 2015. Eglin AFB's activities are military readiness activities per the Marine Mammal Protection Act (MMPA), as amended by the National Defense Authorization Act (NDAA) for Fiscal Year 2004.

DATES: Effective February 5, 2015, through April 1, 2015.

ADDRESSES: An electronic copy of the final Authorization, Eglin AFB's

application and their final Environmental Assessment (EA) titled, ''Maritime Weapons System Evaluation Program are available by writing to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; by telephoning the contacts listed here, or by visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm.*

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after NMFS provides a notice of a proposed authorization to the public for review and comment: (1) NMFS makes certain findings; and (2) the taking is limited to harassment.

Through the authority delegated by the Secretary, NMFS shall grant an Authorization for the incidental taking of small numbers of marine mammals if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant).

The Authorization must also prescribe, where applicable, the permissible methods of taking by harassment pursuant to the activity; other means of effecting the least practicable adverse impact on the species or stock and its habitat, and on the availability of such species or stock for taking for subsistence uses (where applicable); and requirements pertaining to the monitoring and reporting of such taking. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

The National Defense Authorization Act of 2004 (NDAA; Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated earlier and amended the definition of harassment as it applies to a ''military readiness activity'' to read as follows: (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Summary of Request

NMFS received an application on August 5, 2014, from Eglin AFB for the taking, by harassment, of marine mammals, incidental to Maritime WESP operational testing in the spring of 2015 within the Eglin Gulf Test and Training Range (EGTTR). Eglin AFB submitted a revised application to NMFS on October 20, 2014, which provided updated take estimates for marine mammals based on updated acoustic thresholds for explosive sources. Eglin AFB submitted a second revised application to NMFS on December 1, 2014, which provided updated mitigation zones. NMFS determined the application adequate and complete on December 2, 2014 and published a notice of proposed Authorization on December 8, 2014 (79 FR 72631). The notice afforded the public a 30-day comment period on the proposed MMPA Authorization.

Eglin AFB proposes to conduct Maritime WESP missions within the EGTTR airspace over the Gulf of Mexico, specifically within Warning Area 151 (W–151), which is located approximately 17 miles offshore from Santa Rosa Island, specifically sub-area W–151A. The proposed testing activities would occur during the daytime over a three-week period between February and April, 2015. Eglin AFB proposes to use multiple types of live munitions (*e.g.,* gunnery rounds, rockets, missiles, and bombs) against small boat targets in the EGTTR. These activities qualify as a military readiness activities under the MMPA and NDAA.

Eglin AFB's Maritime WSEP operations may potentially impact marine mammals at or near the water surface. Thus, the following specific aspect of the proposed WSEP activities have the potential to take marine mammals: Increased underwater sound and pressure generated during the WSEP testing missions. Marine mammals could potentially be harassed, injured, or killed by exploding and non-exploding projectiles, and falling debris. However, based on analyses provided in Eglin AFB's final; Environmental Assessment (EA); their Authorization application, including proposed mitigation and monitoring measures; and for reasons discussed later in this document, NMFS does not anticipate that Eglin's WSEP activities will result in any serious injury or mortality to marine mammals.

Eglin AFB has requested authorization to take two cetacean species by Level A and Level B harassment. The requested species include: Atlantic bottlenose dolphin (*Tursiops truncatus*) and Atlantic spotted dolphin (*Stenella frontalis*).

Description of the Specified Activity

Overview

Eglin AFB proposes to conduct live ordnance testing and training in the Gulf of Mexico as part of the Maritime WSEP operational testing. The Maritime WSEP test objectives are to evaluate maritime deployment data, evaluate tactics, techniques and procedures, and to determine the impact of techniques and procedures on combat Air Force training. The need to conduct this type of testing has arisen in response to increasing threats at sea posed by operations conducted from small boats which can carry a variety of weapons; can form in large or small numbers; and may be difficult to locate, track, and engage in the marine environment. Because of limited Air Force aircraft and munitions testing on engaging and defeating small boat threats, the Air Force proposes to employ live munitions against boat targets in the EGTTR in order to continue development of techniques and procedures to train Air Force strike aircraft to counter small maneuvering surface vessels. Thus, the Department of Defense considers the Maritime WSEP activities as high priority for national security.

The proposed Maritime WSEP missions are similar to Eglin AFB's Maritime Strike Operations where NMFS issued an Incidental Harassment Authorization to Eglin AFB related to training exercises around small boat threats (78 FR 52135, August 22, 2013).

Dates and Duration

Eglin AFB proposes to schedule the Maritime WSEP missions over an approximate two- to three-week period that would begin February 6, 2015, and end by April 1, 2015. The proposed missions would occur on weekdays, during daytime hours only, with one or two missions occurring per day. Some

minor deviation from Eglin AFB's requested dates is possible and the Authorization, would be effective from February 5, 2015 through April 1, 2015.

Specified Activity Area

The specific planned mission location is approximately 17 miles (mi) (27.3 kilometers [km]) offshore from Santa Rosa Island, Florida, in nearshore waters of the continental shelf in the Gulf of Mexico. All activities would take place within the EGTTR, defined as the airspace over the Gulf of Mexico controlled by Eglin AFB, beginning at a point three nautical miles (nmi) (3.5 miles [mi]; 5.5 kilometers [km]) from shore. The EGTTR consists of subdivided blocks including Warning Area 151 (W–151) where the proposed activities would occur, specifically in sub-area W–151A.

NMFS provided detailed descriptions of the activity area in a previous notice for the proposed Authorization (79 FR 72631, December 8, 2014). The information has not changed between the proposed Authorization notice and this final notice announcing the issuance of the Authorization.

Detailed Description of Activities

The Maritime WSEP operational testing missions, classified as military readiness activities, include the release of multiple types of inert and live munitions from fighter and bomber aircraft, unmanned aerial vehicles, and gunships against small, static, towed, and remotely-controlled boat targets. Munition types include bombs, missiles, rockets, and gunnery rounds (Table 1).

TABLE 1—LIVE MUNITIONS AND AIRCRAFT

Munitions	Aircraft (not associated with specific munitions)
GBU–10 laser-guided Mk-84 bomb.	F–16C fighter aircraft.
GBU–24 laser-guided Mk-84 bomb.	F–16C+ fighter aircraft.
GBU–12 laser-guided Mk-82 bomb.	F–15E fighter aircraft.
GBU–54 Laser Joint Direct Attack Munition (LJDAM), laser-guided Mk-82 bomb.	A–10 fighter aircraft.
CBU–105 (WCMD)	B–1B bomber aircraft.
AGM–65 Maverick air-to-surface missile.	B–52H bomber aircraft.
GBU–38 Small Diameter Bomb II (Laser SDB).	MQ–1/9 unmanned aerial vehicle.
AGM–114 Hellfire air-to-surface missile.	AC–130 gunship.
AGM–175 Griffin air-to-surface missile.	
2.75 Rockets.	
PGU–13/B high explosive incendiary 30 mm rounds.	
7.62 mm/.50 Cal.	

Key: AGM = air-to-ground missile; CBU = Cluster Bomb Unit; GBU = Guided Bomb Unit; LJDAM = Laser Joint Direct Attack Munition; Laser SDB = Laser Small Diameter Bomb; mm = millimeters; PGU = Projectile Gun Unit; WCMD = wind corrected munition dispenser.

The proposed activities involve detonations above the water, near the water surface, and under water within the EGTTR. However, because the tests will focus on weapon/target interaction, Eglin AFB will not specify a particular aircraft for a given test as long as it meets the delivery parameters.

Eglin AFB would deploy the munitions against static, towed, and remotely-controlled boat targets within W–151A. Eglin AFB would operate the remote-controlled boats from an instrumentation barge (Gulf Range Armament Test Vessel; GRATV) anchored on site within the test area. The GRATV would provide a platform for cameras and weapons-tracking equipment and Eglin AFB would position the target boats approximately 182.8 m (600 ft) from the GRATV, depending on the munition type.

Table 2 provides the number, height, or depth of detonation, explosive material, and net explosive weight (NEW) in pounds (lbs) of each munition proposed for use during the Maritime WSEP activities.

TABLE 2—MARITIME WSEP MUNITIONS PROPOSED FOR USE IN THE W–151A TEST AREA.

Type of munition	Total number of live munitions	Detonation type	Warhead—explosive material	Net explosive weight per munition
GBU–10 or GBU–24	2	Surface	MK–84—Tritonal	945 lbs.
GBU–12 or GBU–54 (LJDAM)	6	Surface	MK–82—Tritonal	192 lbs.
AGM–65 (Maverick)	6	Surface	WDU–24/B penetrating blast-fragmentation warhead.	86 lbs.
CBU–105 (WCMD)	4	Airburst	10 BLU–108 sub-munitions each containing 4 projectiles parachute, rocket motor and altimeter.	83 lbs.
GBU–38 (Laser Small Diameter Bomb)	4	Surface	AFX–757 (Insensitive munition)	37 lbs.
AGM–114 (Hellfire)	15	Subsurface (10 msec delay).	High Explosive Anti-Tank (HEAT) tandem anti-armor metal augmented charge.	20 lbs.
AGM–176 (Griffin)	10	Surface	Blast fragmentation	13 lbs.
2.75 Rockets	100	Surface	Comp B–4 HEI	Up to 12 lbs.
PGU–12 HEI 30 mm	1,000	Surface	30 x 173 mm caliber with aluminized RDX explosive. Designed for GAU–8/A Gun System.	0.1 lbs.
7.62 mm/.50 cal	5,000	Surface	N/A	N/A.

Key: AGL = above ground level; AGM = air-to-ground missile; CBU = Cluster Bomb Unit; GBU = Guided Bomb Unit; JDAM = Joint Direct Attack Munition; LJDAM = Laser Joint Direct Attack Munition; mm = millimeters; msec = millisecond; lbs = pounds; PGU = Projectile Gun Unit; HEI = high explosive incendiary.

To ensure safety, prior to conducting WSEP activities, Eglin AFB would conduct a pre-test target area clearance procedure for people and protected species. Eglin AFB would deploy support vessels around a defined safety zone to ensure that commercial and recreational boats do not accidentally enter the area. Before delivering the

ordnance, mission aircraft would make a dry run over the target area to ensure that it is clear of commercial and recreational boats (at least two aircraft would participate in each test). Due to the limited duration of the flyover and potentially high speed and altitude, pilots will not be able to survey for marine species. NMFS provided detailed descriptions of the WSEP training operations in the previous notice for the proposed Authorization (79 FR 72631, December 8, 2014). This information has not changed between the proposed Authorization notice and this final notice announcing the issuance of the Authorization.

Based on the results from an acoustic impacts analysis for live ordnance detonations, Eglin AFB would establish a separate disturbance zone around the target for the protection of marine species. Eglin AFB will base the size of the zone on the distance to which energy- and pressure-related impacts will extend for the various type of ordnance listed in Table 2. Based on the acoustic modeling result, the largest possible distance from the target would be approximately 5 km (3.1 miles) from the target area, which corresponds to the Level A harassment threshold range. Support vessels would monitor for marine mammals around the target area. WSEP activities will not proceed until Eglin AFB personnel determine that the target area is clear of unauthorized personnel and protected species.

In addition to vessel-based monitoring, Eglin AFB will position three video cameras on an instrumentation barge anchored on-site. The cameras, typically used for situational awareness of the target area and surrounding area, would contribute to monitoring the test site for the presence of marine species. A marine species observer would be present in the Eglin control tower, along with mission personnel, to monitor the video feed before and during test activities.

After each test, Eglin AFB would inspect floating targets to identify and render safe any unexploded ordnance (UXO), including fuzes or intact munitions. The Eglin AFB Explosive Disposal Team will be on hand for each test. If Eglin AFB personnel cannot remove the UXO, personnel will detonate the UXO in place, which could result in the sinking of the target vessel. Once Eglin AFB deems the area clear for re-entry, test personnel will retrieve target debris. Marine species observers would survey the area for any evidence of adverse impacts to protected species.

Comments and Responses

A notice of receipt of Eglin AFB's application and NMFS' proposal to issue an Authorization to the USAF, Eglin AFB, published in the **Federal Register** on December 8, 2014 (79 FR 72631). During the 30-day public comment period, NMFS received comments from the Marine Mammal Commission (Commission) only. Following are the comments from the Commission and NMFS' responses.

Comment 1: The Commission notes that the Air Force has applied for MMPA authorizations to take marine mammals on an activity-by-activity basis (*e.g.,* naval explosive ordnance disposal school, precision strike weapon, air-to-surface gunnery and maritime strike operation) rather than a programmatic basis. The Commission believes that the agencies should evaluate the impacts of all training and testing activities under a single letter of authorization application and National Environmental Policy Act (NEPA) document rather than segmenting the analyses based on specific types of missions under various authorizations.

Response: Both Eglin AFB and NMFS concur with the Commission's recommendation to streamline the rulemaking process for future activities conducted within the EGGTR. Currently, Eglin AFB personnel are planning to develop a Programmatic Environmental Assessment as well as a Request for a Letter of Authorization for all testing and training activities that will occur in the Eglin Gulf Test and Training Range over the next five years. These efforts would facilitate a more comprehensive review of actions occurring within the EGGTR that have the potential to take marine mammals incidental to military readiness activities for future MMPA rulemaking requests by Eglin AFB.

Comment 2: The Commission states that Eglin AFB estimated the zones of exposure (*i.e.,* zones of influence (ZOI) in two ways: (1) Calculating zones based on a single detonation event of each munition type within a three-week period; and (2) calculating zones based on a representative ordnance expenditure scenario of the maximum number of munitions that Eglin AFB could expend within a single day. The Commission further noted that the latter method was an appropriate method for determining distances to the sound exposure level (SEL) thresholds which are the zones of exposure for implementing mitigation.

However, the Commission states that Eglin AFB overestimated marine mammal take because they based estimates on the former method (*i.e.,* calculating zones based on a single detonation event of each munition type within a three-week period) which multiplied the number of animals estimated to be taken by a single detonation of each munition type by the total number of munitions that would be detonated, irrespective of when those detonations would occur. The Commission states that this method does not consider the accumulation of energy in a 24-hour period which would more accurately correspond to zones of exposure for the representative scenario and serve as more a realistic estimate of the numbers of animals that Eglin AFB could potentially take during the WSEP activities.

Response: With respect to the first point, Eglin AFB developed an example test day scenario (assumed to be worst case) to calculate impact ranges for all energy metrics in response to the Commission and NMFS' concerns. This is the basis for the mitigation monitoring plan which NMFS presented in Table 7 of the notice for the proposed Authorization (79 FR 72631, December 8, 2014). Based on the ranges presented in Table 7 and factoring in operational limitations associated with survey-based vessel support for the missions, Eglin AFB estimates that during pre-mission surveys, the proposed monitoring area would be approximately 5 km (3.1 miles) from the target area, which corresponds to the Level A harassment threshold range. Eglin AFB proposes to survey the same-sized area for each mission day, regardless of the planned munition expenditures. By clearing the Level A harassment threshold range of protected species, animals that may enter the area after the completed pre-mission surveys but prior to detonation would not reach the smaller slight lung injury or mortality zones.

With respect to the second point, Eglin AFB's modeling approach for take estimates treated each munition detonation as a separate event impacting a new set of animals which results in a worst case scenario of potential take and is a precautionary overestimate of potential harassment. Briefly, Eglin AFB's model treats each ordnance detonation as a single event and sums the estimated potential impacts from each detonation event to provide a total estimate of take for the entire WSEP testing activities event conducted over a period of 3 weeks. This approach assumes for a continuous population refresh of animals (*i.e.,* a new population of animals is impacted) and sums all exposures for each species for all munitions expended during the three-week period. NMFS and Eglin

AFB acknowledge that this approach contributes to the overestimation of take estimates. This approach has multiple conservative assumptions built into the calculations that contribute the overestimation of take estimates. One assumption included a continuous population refresh approach that treated each munition detonation as a separate event impacting a new set of animals. In actuality, multiple detonations will occur in each mission day, and while Eglin AFB plans to release certain munitions on specific days, past experience has shown that Eglin AFB may not be able to execute the missions according to a set plan. Eglin AFB requires flexibility to make last minute changes to the schedule in order to complete all test requirements in the allotted 3-week timeframe. That may include Eglin AFB releasing additional munitions on one day to make up for days when they could not release planned munitions.

Comment 3: In estimating take, the Commission commented Eglin AFB's model approach was an additive process for estimating each zone of exposure, and thus the associated takes. Effectively, The Commission states that Eglin AFB overestimated the number of take but is unsure to what degree. Further, the Commission recommends that Eglin AFB and NMFS should treat fractions of estimated take appropriately, that is generally, round down if less than 0.50 and round up if greater than or equal to 0.50 before summing the estimates for each species.

Response: The Commission is correct in its understanding of how Eglin AFB estimated take based on an additive process. Briefly, Eglin AFB estimated the associated takes by adding the zones of exposure together which leads to a double counting of take. For example, potential take associated with the Level B harassment (behavior) includes estimates for takes by mortality, Level A harassment, and Level B harassment (TTS). The potential take for Level B harassment (TTS) includes takes for Level A harassment and mortality and the potential take for Level A harassment (PTS) includes take for Level A harassment (slight lung injury and GI tract injury) and mortality.

NMFS agrees with the Commission's recommendations and has recalculated the takes by eliminating the double counting of the estimated take for each species and appropriately rounding take estimates before summing the total take. Table 8 in this notice provides the revised number of marine mammals, by species, that Eglin AFB could potentially take incidental to the conduct of Maritime WSEP operations. The re-calculation results in zero take by mortality, zero take by slight lung injury, and zero take by gastrointestinal tract injury. Compared to the take levels that NMFS previously proposed (79 FR 72631, December 8, 2014), the re-estimation has reduced take estimates for Level A harassment (PTS) by approximately five percent to a total of 38 marine mammals; reduced the take estimates for Level B harassment (TTS) by approximately eight percent to a total of 445 marine mammals; and reduced take estimates for Level B harassment (behavioral) by approximately 51 percent to a total of 497 marine mammals. Based on the remodeling of the number of marine mammals potentially affected by maritime strike missions, NMFS would authorize take for Level A and Level B harassment presented in Table 8 of this notice.

Comment 4: The Commission states that Eglin AFB proposes to use live-feed video cameras to supplement its effectiveness in detecting marine mammals when implementing mitigation measures. However, the Commission is not convinced that those measures are sufficient to effectively monitor for marine mammals entering the training areas during the 30 minute timeframe prior to detonation. In addition, the Commission states that it does not believe that Eglin AFB cannot deem the Level A harassment zone clear of marine mammals when using only three video cameras for monitoring. Thus, the Commission recommends that NMFS require Eglin AFB to supplement its mitigation measures with passive acoustic monitoring and determine the effectiveness of its suite of mitigation measures for activities at Eglin prior to incorporating presumed mitigation effectiveness into its take estimation analyses or negligible impact determinations.

Response: NMFS has worked closely with Eglin AFB over the past several Authorization cycles to develop proper mitigation, monitoring, and reporting requirements designed to minimize and detect impacts from the specified activities and ensure that NMFS can make the findings necessary for issuance of an Authorization.

Monitoring also includes vessel-based observers for marine species up to 30 minutes prior to deploying live munitions in the area. Eglin AFB has submitted annual reports to NMFS every year that describes all activities that occur in the EGTTR. In addition, Eglin AFB submitted annual reports to NMFS at the conclusion of the Maritime Strike Operations testing activities conducted in 2013 and 2014. These missions are similar in nature to the proposed maritime WSEP operations and the Eglin AFB provided information on sighting information and results from post-mission survey observations. Based on those results, NMFS determined that the mitigation measures ensured the least practicable adverse impact to marine mammals. There were no observations of injured marine mammals and no reports of marine mammal mortality during the Maritime Strike Operation activities. The measures proposed for Maritime WSEP are similar, except they will include larger survey areas based on updated acoustic analysis and previous discussions with the Commission and NMFS.

Eglin AFB will continue to research the feasibility of supplementing existing monitoring efforts with passive acoustic monitoring devices for future missions. Eglin AFB would be willing to discuss alternatives with the Commission and NMFS during the development of the upcoming environmental planning efforts discussed earlier in Comment 1.

Comment 5: The MMC expressed their belief that all permanent hearing loss should be considered a serious injury and recommends that NMFS propose to issue regulations under section 101(a)(5)(A) of the MMPA and a letter of authorization, rather than an incidental harassment authorization, for any proposed activities expected to cause a permanent threshold shift (PTS).

Response: NMFS considers PTS to fall under the injury category (Level A Harassment). However, an animal would need to stay very close to the sound source for an extended amount of time to incur a serious degree of PTS, which could increase the probability of mortality. In this case, it would be highly unlikely for this scenario to unfold given the nature of any anticipated acoustic exposures that could potentially result from a mobile marine mammal that NMFS generally expects to exhibit avoidance behavior to loud sounds within the EGTTR.

NMFS based PTS thresholds on the onset of PTS, meaning an exposure that causes a 40 dB threshold shift (Ward *et al.,* 1958, 1959; Ward, 1960; Kryter *et al.,* 1996; Miller, 1974; Ahroon *et al.,* 1996; Henderson *et al.,* 2008). An animal would exceed the PTS threshold by either being exposed to the sound at a lower level for a long amount of time (not likely with explosives) or receive a shorter exposure at a much higher level (meaning being closer to the source) in order to incur a significantly more serious degree of PTS, beyond onset, would require exposures of even longer durations or higher levels. Taking into consideration marine mammals would

likely avoid an area with high levels of training activities; the intermittent and short duration of the proposed activity (4 hours per day within the span of three weeks); combined with the density of marine mammals, it is unlikely that a marine mammal would randomly enter the area where more severe impacts would be a risk. Additionally, some degree of presbycusis (*i.e.,* age-related high-frequency hearing loss) is fairly common in the wild especially with older animals (*i.e.,* animals are adapted to continue to perform normal life functions with some level of PTS). NMFS is unaware of data suggesting whether, or at what a reduction in hearing ability might potentially lead to direct or indirect mortality.

NMFS has recalculated the takes proposed in the notice for the proposed Authorization (79 FR 72631, December 8, 2014) and the results of the recalculation show zero takes for mortality, zero takes by slight lung injury, and zero takes by gastrointestinal tract injury. Further, the re-estimation has reduced the number of take by Level A harassment (from PTS) and by Level B harassment (TTS and behavioral). Based on this re-estimation, NMFS does not believe that serious injury will result from this activity and that therefore it is not necessary to issue regulations through section 101(a)(5)(A), rather, an Incidental Harassment Authorization may be issued.

Description of Marine Mammals in the Area of the Specified Activity

Table 3 provides the following: marine mammal species with possible or confirmed occurrence in the proposed activity area (Garrison *et al.,* 2008; Navy, 2007; Davis *et al.,* 2000); information on those species' status under the MMPA and the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*); and abundance and likelihood of occurrence within the proposed activity area.

TABLE 3—MARINE MAMMALS MOST LIKELY TO BE HARASSED INCIDENTAL TO EGLIN AFB'S ACTIVITIES IN W–151A

Species	Stock name	Regulatory status [1] [2]	Estimated abundance	Relative occurrence in W–151
Common bottlenose dolphin	Choctawatchee Bay	MMPA—S	232	Uncommon
		ESA—NL	CV = 0.06 [3]	
	Pensacola/East Bay	MMPA—S	33	Uncommon
		ESA—NL	CV = 0.88 [4]	
	St. Andrew Bay	MMPA—S	124	Uncommon
		ESA—NL	CV = 0.18 [4]	
	Gulf of Mexico Northern Coastal	MMPA—S	2,473	Common
		ESA—NL	CV = 0.25 [5]	
	Northern Gulf of Mexico Continental Shelf.	MMPA—NC	17,777	Uncommon
		ESA—NL	CV = 0.32 [6]	
	Northern Gulf of Mexico Oceanic	MMPA—NC	5,806	Uncommon
		ESA—NL	CV = 0.39 [7]	
Atlantic spotted dolphin	Northern Gulf of Mexico	MMPA—NC	37,611 [8]	Common
		ESA—NL	CV = 0.28	

[1] MMPA: D = Depleted, S = Strategic, NC = Not Classified.
[2] ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[3] Conn *et al.* 201; 2012 NMFS Stock Assessment Report (Waring *et al.,* 2013)
[4] Blaylock and Hoggard, 1994; 2012 NMFS Stock Assessment Report (Waring *et al.,* 2013)
[5] 2007 Aerial surveys reported in the 2013 NMFS Stock Assessment Report (Waring *et al.,* 2014)
[6] 2000–2001 Aerial surveys reported in the 2013 NMFS Stock Assessment Report (Waring *et al.,* 2014)
[7] 2009 Line transect surveys reported in the 2013 NMFS Stock Assessment Report (Waring *et al.,* 2014)
[8] 2000–2001 Aerial surveys reported in the 2013 NMFS Stock Assessment Report (Waring *et al.,* 2014)

An additional 19 cetacean species have confirmed occurrence within the northeastern Gulf of Mexico, mainly occurring at or beyond the shelf break (*i.e.,* water depth of approximately 200 m (656.2 ft)) located beyond the W–151A test area. NMFS and Eglin AFB consider the 19 species to be rare or extralimital in the W–151A test location area. These species are the Bryde's whale (*Balaenoptera edeni*), sperm whale (*Physeter macrocephalus*), dwarf sperm whale (*Kogia sima*), pygmy sperm whale (*K. breviceps*), pantropical spotted dolphin (*Stenella atenuarta*), Blainville's beaked whale (*Mesoplodon densirostris*), Cuvier's beaked whale (*Ziphius cavirostris*), Gervais' beaked whale (*M. europaeus*), Clymene dolphin (*S. clymene*), spinner dolphin (*S. longirostris*), striped dolphin (*S. coeruleoalba*), killer whale (*Orcinus orca*), false killer whale (*Pseudorca crassidens*), pygmy killer whale (*Feresa attenuata*), Risso's dolphin (*Grampus griseus*), Fraser's dolphin (*Lagenodelphis hosei*), melon-headed whale (*Peponocephala electra*), rough-toothed dolphin (*Steno bredanensis*), and short-finned pilot whale (*Globicephala macrorhynchus*).

Of these species, only the sperm whale is listed as endangered under the ESA and as depleted throughout its range under the MMPA. Sperm whale occurrence within W–151A is unlikely because almost all reported sightings have occurred in water depths greater than 200 m (656.2 ft).

Because these species are unlikely to occur within the W–151A area, Eglin AFB has not requested and NMFS has not proposed the issuance of take authorizations for them. Thus, NMFS does not consider these species further in this notice.

NMFS has reviewed Eglin AFB's detailed species descriptions, including life history information, distribution, regional distribution, diving behavior, and acoustics and hearing, for accuracy and completeness. NMFS refers the reader to Sections 3 and 4 of the Authorization application and to Chapter 3 in Eglin AFB's EA rather than reprinting the information here.

Other Marine Mammals in the Proposed Action Area

The endangered West Indian manatee (*Trichechus manatus*) rarely occurs in the area (USAF, 2014). The U.S. Fish and Wildlife Service has jurisdiction over the manatee; therefore, NMFS would not include an authorization to harass manatees and does not discuss this species further in this notice.

Potential Effects of the Specified Activity on Marine Mammals

This section of the notice for the proposed Authorization (79 FR 72631, December 8, 2014) included a summary and discussion of the ways that the types of stressors associated with the specified activity (*e.g.,* ordnance detonation and vessel movement) have been observed to impact marine mammals. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that NMFS expects Eglin AFB to incidentally take during their activities. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

In summary, the Maritime WSEP training exercises proposed for taking of marine mammals under an Authorization have the potential to take marine mammals by exposing them to impulsive noise and pressure waves generated by live ordnance detonation at or near the surface of the water. Exposure to energy or pressure resulting from these detonations could result in Level A harassment (PTS) and by Level B harassment (TTS and behavioral). In addition, NMFS also considered the potential for harassment from vessel operations.

The potential effects of impulsive sound sources (underwater detonations) from the proposed training activities may include one or more of the following: tolerance, masking, disturbance, hearing threshold shift, stress response, and mortality. NMFS provided detailed information on these potential effects in the notice for the proposed Authorization (79 FR 72631, December 8, 2014). The information presented in that notice has not changed.

Anticipated Effects on Habitat

Detonations of live ordnance would result in temporary changes to the water environment. Munitions could hit the targets and not explode in the water. However, because the targets are located over the water, in water explosions could occur. An underwater explosion from these weapons could send a shock wave and blast noise through the water, release gaseous by-products, create an oscillating bubble, and cause a plume of water to shoot up from the water surface. However, these effects would be temporary and not expected to last more than a few seconds.

Similarly, Eglin AFB does not expect any long-term impacts with regard to hazardous constituents to occur. Eglin AFB considered the introduction of fuel, debris, ordnance, and chemical materials into the water column within its EA. Eglin AFB analyzed the potential effects of each in their EA and determined them to be insignificant. NMFS provided a summary of the analyses in the notice for the proposed Authorization (79 FR 72631, December 8, 2014). The information presented in that notice has not changed.

Mitigation

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and the availability of such species or stock for taking for certain subsistence uses (where relevant).

The NDAA of 2004 amended the MMPA as it relates to military-readiness activities and the incidental take authorization process such that ''least practicable adverse impact'' shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

NMFS and Eglin AFB have worked to identify practicable and effective mitigation measures, which include a careful balancing of the likely benefit of any particular measure to the marine mammals with the likely effect of that measure on personnel safety, practicality of implementation, and impact on the ''military-readiness activity.'' NMFS refers the reader to Section 11 of Eglin AFB's application for more detailed information on the mitigation measures which include the following:

Vessel-Based Monitoring: Eglin AFB would station a large number of range clearing boats (approximately 20 to 25) around the test site to prevent non-participating vessels from entering the human safety zone. Based on the composite footprint, range clearing boats will be located approximately 15.28 km (9.5 mi) from the detonation point (see Figure 11–1 in Eglin AFB's application). However, the actual distance will vary based on the size of the munition being deployed.

Trained marine species observers would be aboard five of these boats and will conduct protected species surveys before and after each test. The protected species survey vessels will be dedicated solely to observing for marine species during the pre-mission surveys while the remaining safety boats clear the area of non-authorized vessels. The protected species survey vessels will begin surveying the area at sunrise. The area to be surveyed will encompass the largest applicable zone of influence (ZOI), which is the Level A harassment range. Animals that may enter the area after the pre-mission surveys have been completed and prior to detonation would not reach the predicted smaller slight lung injury, gastrointestinal tract, and/or mortality zones

Because of human safety issues, observers will be required to leave the test area at least 30 minutes in advance of live weapon deployment and move to a position on the safety zone periphery, approximately 9.5 miles from the detonation point. Observers will continue to scan for marine mammals from the periphery.

Video Monitoring: In addition to vessel-based monitoring, three high-definition video cameras would be positioned on the GRATV anchored on-site, as described earlier, to allow for real-time monitoring for the duration of the mission. The camera configuration and actual number of cameras used would depend on specific mission requirements. In addition to monitoring the area for mission objective issues, the camera(s) would also monitor for the presence of protected species. A trained marine species observer from Eglin Natural Resources would be located in Eglin AFB's Central Control Facility, along with mission personnel, to view the video feed before and during test activities. The distance to which objects can be detected at the water surface by use of the cameras is considered generally comparable to that of the human eye.

The GRATV will be located about 183 m (600 ft) from the target. The larger mortality threshold ranges correspond to the modified Goertner model adjusted for the weight of an Atlantic spotted dolphin calf, and extend from 0 to 237 m (0 to 778 ft) from the target, depending on the ordnance, and the Level A ranges for both common bottlenose and Atlantic spotted dolphins extend from 7 to 965 m (23 to 3,166 ft) from the target, depending on the ordnance and harassment criterion.

Given these distances, observers could reasonably be expected to view a substantial portion of the mortality zone in front of the camera, although a small portion would be behind or to the side of the camera view. Some portion of the Level A harassment zone could also be viewed, although it would be less than that of the mortality zone (a large percentage would be behind or to the side of the camera view).

If the high-definition video cameras are not operational for any reason, Eglin AFB will not conduct Maritime WSEP missions.

In addition to the two types of visual monitoring discussed earlier in this section, Eglin AFB personnel are present within the mission area (on boats and the GRATV) on each day of testing well in advance of weapon deployment, typically near sunrise. They will perform a variety of tasks including target preparation, equipment checks, etc., and will opportunistically observe for marine mammals and indicators as feasible throughout test preparation. However, such observations are considered incidental and would only occur as time and schedule permits. Any sightings would be relayed to the Lead Biologist, as described in the following mitigation sections.

Pre-Mission Monitoring: The purposes of pre-mission monitoring are to: (1) Evaluate the mission site for environmental suitability, and (2) verify that the ZOI is free of visually detectable marine mammals, as well as potential indicators of these species. On the morning of the mission, the Test Director and Safety Officer will confirm that there are no issues that would preclude mission execution and that weather is adequate to support mitigation measures.

Sunrise or Two Hours Prior to Mission: Eglin AFB range clearing vessels and protected species survey vessels will be on site at least two hours prior to the mission. The Lead Biologist on board one survey vessel will assess the overall suitability of the mission site based on environmental conditions (sea state) and presence/absence of marine mammal indicators. This information will be communicated to Tower Control and relayed to the Safety Officer in Central Control Facility.

One and One-Half Hours Prior to Mission: Vessel-based surveys will begin approximately one and one-half hours prior to live weapon deployment. Surface vessel observers will survey the ZOI and relay all marine species and indicator sightings, including the time of sighting, GPS location, and direction of travel, if known, to the Lead Biologist. The lead biologist will document all sighting information on report forms to be submitted to Eglin Natural Resources after each mission. Surveys would continue for approximately one hour. During this time, Eglin AFB personnel in the mission area will also observe for marine species as feasible. If marine mammals or indicators are observed within the ZOI, the range will be declared ''fouled,'' a term that signifies to mission personnel that conditions are such that a live ordnance drop cannot occur (*e.g.,* protected species or civilian vessels are in the mission area). If no marine mammals or indicators are observed, Eglin AFB would declare the range clear of protected species.

One-Half Hour Prior to Mission: At approximately 30 minutes to one hour prior to live weapon deployment, marine species observers will be instructed to leave the mission site and remain outside the safety zone, which on average will be 9.5 miles from the detonation point. The actual size is determined by weapon NEW and method of delivery. The survey team will continue to monitor for protected species while leaving the area. As the survey vessels leave the area, marine species monitoring of the immediate target areas will continue at CCF through the live video feed received from the high definition cameras on the GRATV. Once the survey vessels have arrived at the perimeter of the safety zone (approximately 30 minutes after being instructed to leave, depending on actual travel time) the range will be declared ''green'' and mission will be allowed to proceed, assuming all non-participating vessels have left the safety zone as well.

Execution of Mission: Immediately prior to live weapon drop, the Test Director and Safety Officer will communicate to confirm the results of marine mammal surveys and the appropriateness of proceeding with the mission. The Safety Officer will have final authority to proceed with, postpone, or cancel the mission. The mission would be postponed if:

- Any of the high-definition video cameras are not operational for any reason.
- Any marine mammal is visually detected within the ZOI. Postponement would continue until the animal(s) that caused the postponement is: (1) Confirmed to be outside of the ZOI on a heading away from the targets; or (2) not seen again for 30 minutes and presumed to be outside the ZOI due to the animal swimming out of the range.
- Large schools of fish or large flocks of birds feeding at the surface are observed within the ZOI. Postponement would continue until these potential indicators are confirmed to be outside the ZOI.
- Any technical or mechanical issues related to the aircraft or target boats.
- Non-participating vessels enter the human safety zone prior to weapon release.

In the event of a postponement, protected species monitoring would continue from the Central Control Facility through the live video feed.

Post-Mission Monitoring

Post-mission monitoring is designed to determine the effectiveness of pre-mission mitigation by reporting sightings of any dead or injured marine mammals. Post-detonation monitoring surveys will commence once the mission has ended or, if required, as soon as personnel declare the mission area safe. Vessels will move into the survey area from outside the safety zone and monitor for at least 30 minutes, concentrating on the area down-current of the test site. This area is easily identifiable because of the floating debris in the water from impacted targets. Up to 10 Eglin AFB support vessels will be cleaning debris and collecting damaged targets from this area thus spending many hours in the area once the mission is completed. All vessels will be instructed to report any dead or injured marine mammals to the Lead Biologist. The protected species survey vessels will document any marine mammals that were killed or injured as a result of the mission and, if practicable, recover and examine any dead animals. The species, number, location, and behavior of any animals observed will be documented and reported to Eglin Natural Resources.

Mission Delays Due to Weather

Eglin AFB would delay or reschedule Maritime WSEP missions if the Beaufort sea state is greater than number 4 at the time of the test. The Lead Biologist aboard one of the survey vessels will make the final determination of whether conditions are conducive for sighting protected species or not.

NMFS has carefully evaluated Eglin AFB's proposed mitigation measures in the context of ensuring that we prescribe the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. NMFS' evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is

expected to minimize adverse impacts to marine mammals;

• The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and

• The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed here:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to training exercises that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to training exercises that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to training exercises that we expect to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on the evaluation of Eglin AFB's proposed measures, as well as other measures considered, NMFS has determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance while also considering personnel safety, practicality of implementation, and the impact of effectiveness of the military readiness activity.

Monitoring and Reporting

In order to issue an Authorization for an activity, section 101(a)(5)(D) of the MMPA states that we must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for an authorization must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and our expectations of the level of taking or impacts on populations of marine mammals present in the action area.

Monitoring measures prescribed by us should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and during other times and locations, in order to generate more data to contribute to the analyses mentioned later;

2. An increase in our understanding of how many marine mammals would be affected by seismic airguns and other active acoustic sources and the likelihood of associating those exposures with specific adverse effects, such as behavioral harassment, temporary or permanent threshold shift;

3. An increase in our understanding of how marine mammals respond to stimuli that we expect to result in take and how those anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

a. Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (*i.e.,* we need to be able to accurately predict received level, distance from source, and other pertinent information);

b. Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (*i.e.,* we need to be able to accurately predict received level, distance from source, and other pertinent information);

c. Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and

5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

The Authorization will require the following measures in the Maritime WSEP Authorization. They are:

(1) Eglin will track their use of the EGTTR for test firing missions and protected species observations, through the use of mission reporting forms.

(2) A summary annual report of marine mammal observations and Maritime WSEP activities will be submitted to the NMFS Southeast Regional Office (SERO) and the Office of Protected Resources either at the time of a request for renewal of an Authorization or 90 days after expiration of the current Authorization if a new Authorization is not requested. This annual report must include the following information: (i) Date and time of each Maritime WSEP exercise; (ii) a complete description of the pre-exercise and post-exercise activities related to mitigating and monitoring the effects of Maritime WSEP exercises on marine mammal populations; and (iii) results of the Maritime WSEP exercise monitoring, including numbers by species/stock of any marine mammals noted injured or killed as a result of the missions and number of marine mammals (by species if possible) that may have been harassed due to presence within the activity zone.

(3) If any dead or injured marine mammals are observed or detected prior to testing, or injured or killed during live fire, a report must be made to NMFS by the following business day.

(4) Any unauthorized takes of marine mammals (*i.e.,* injury or mortality) must be immediately reported to NMFS and to the respective stranding network representative.

Estimated Numbers of Marine Mammals Taken by Harassment

NMFS' analysis identified the physiological responses, and behavioral responses that could potentially result from exposure to underwater explosive detonations. In this section, we will relate the potential effects to marine mammals from underwater detonation of explosives to the MMPA regulatory definitions of Level A and Level B harassment. This section will also quantify the effects that might occur from the proposed military readiness activities in W–151.

Definition of Harassment

The NDAA amended the definition of harassment as it applies to a ''military readiness activity'' to read as follows: (i) Any act that injures or has the significant potential to injure a marine

mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

At NMFS' recommendation, Eglin AFB updated the thresholds used for onset of temporary threshold shift (TTS; Level B Harassment) and onset of permanent threshold shift (PTS; Level A Harassment) to be consistent with the thresholds outlined in the Navy's report titled, ''Criteria and Thresholds for U.S. Navy Acoustic and Explosive Effects Analysis Technical Report,'' which the Navy coordinated with NMFS. NMFS believes that the thresholds outlined in the Navy's report represent the best available science. The report is available on the internet at: *http://aftteis.com/Portals/4/aftteis/Supporting%20Technical%20Documents/Criteria_and_Thresholds_for_US_Navy_Acoustic_and_Explosive_Effects_Analysis-Apr_2012.pdf.*

Table 4 in this document outlines the revised acoustic thresholds used by NMFS for this Authorization when addressing noise impacts from explosives.

TABLE 4—IMPULSIVE SOUND EXPLOSIVE THRESHOLDS USED BY EGLIN AFB IN ITS CURRENT ACOUSTICS IMPACTS MODELING

Group	Behavior		Slight injury			Mortality
	Behavioral	TTS	PTS	Gastro-intestinal tract	Lung	
Mid-frequency Cetaceans	167 dB SEL	172 dB SEL or 23 psi	187 dB SEL or 45.86 psi	104 psi	39.1 $M^{1/3}$ $(1+[D_{Rm}/10.081])^{1/2}$ Pa-sec. Where: M = mass of the animals in kg. D_{Rm} = depth of the receiver (animal) in meters.	91.4 $M^{1/3}$ $(1+D_{Rm}/10.081])^{1/2}$ Pa-sec Where: M = mass of the animals in kg D_{Rm} = depth of the receiver (animal) in meters

Eglin AFB conservatively modeled that all explosives would detonate at a 1.2 m (3.9 ft) water depth despite the training goal of hitting the target, resulting in an above water or on land explosion. For sources detonated at shallow depths, it is frequently the case that the explosion may breech the surface with some of the acoustic energy escaping the water column. Table 5 provides the estimated maximum range or radius, from the detonation point to the various thresholds described in Table 4. Eglin AFB uses the range information shown in Table 5 (Table 6.3 in Eglin's application) to calculate the total area of the ZOI and combine the calculated ZOIs with density estimates (adjusted for depth distribution) and the number of live munitions to provide an estimate of the number of marine mammals potentially exposed to the various impact thresholds.

TABLE 5—DISTANCES (M) TO HARASSMENT THRESHOLDS FROM EGLIN AFB'S EXPLOSIVE ORDNANCE

Munition	NEW (lbs)	Total number	Detonation scenario	Mortality	Level A harassment				Level B Harassment		
				Modified Goertner model 1	Slight lung injury	GI track injury	PTS		TTS		Behavioral
					Modified Goertner model 2	237 dB SPL	187 dB SEL	230 dB peak SPL	172 dB SEL	224 dB Peak SPL	167 dB SEL
Bottlenose Dolphin											
GBU–10 or GBU–24	945	2	Surface	199	350	340	965	698	1,582	1,280	2,549
GBU–12 or GBU–54	192	6	Surface	111	233	198	726	409	2,027	752	2,023
AGM–65 (Maverick)	86	6	Surface	82	177	150	610	312	1,414	575	1,874
GBU–39 (LSDB)	37	4	Surface	59	128	112	479	234	1,212	433	1,543
AGM–114 (Hellfire)	20	15	(10 ft depth)	110	229	95	378	193	2,070	354	3,096
AGM–175 (Griffin)	13	10	Surface	38	83	79	307	165	1,020	305	1,343
2.75 Rockets	12	100	Surface	36	81	77	281	161	1,010	296	1,339
PGU–13 HEI 30 mm	0.1	1,000	Surface	0	7	16	24	33	247	60	492

TABLE 5—DISTANCES (M) TO HARASSMENT THRESHOLDS FROM EGLIN AFB'S EXPLOSIVE ORDNANCE—Continued

Munition	NEW (lbs)	Total number	Detonation scenario	Mortality	Level A harassment				Level B Harassment		
					Slight lung injury	GI track injury	PTS		TTS		Behavioral
				Modified Goertner model 1	Modified Goertner model 2	237 dB SPL	187 dB SEL	230 dB peak SPL	172 dB SEL	224 dB Peak SPL	167 dB SEL
Atlantic Spotted Dolphin and Unidentified Dolphin [1]											
GBU–10 or GBU–24	945	2	Surface	237	400	340	965	698	1,582	1,280	2,549
GBU–12 or GBU–54	192	6	Surface	138	274	198	726	409	2,027	752	2,023
AGM–65 (Maverick)	86	6	Surface	101	216	150	610	312	1,414	575	1,874
GBU–39 (LSDB)	37	4	Surface	73	158	112	479	234	1,212	433	1,543
AGM–114 (Hellfire)	20	15	(10 ft depth)	135	277	95	378	193	2,070	354	3,096
AGM–175 (Griffin)	13	10	Surface	47	104	79	307	165	1,020	305	1,343
2.75 Rockets	12	100	Surface	45	100	77	281	161	1,010	296	1,339
PGU–13 HEI 30 mm	0.1	1,000	Surface	0	9	16	24	33	247	60	492

AGM = air-to-ground missile; cal = caliber; CBU = Cluster Bomb Unit; ft = feet; GBU = Guided Bomb Unit; HEI = high explosive incendiary; lbs = pounds; mm = millimeters; N/A = not applicable; NEW = net explosive weight; PGU = Projectile Gun Unit; SDB = small diameter bomb; PTS = permanent threshold shift; TTS = temporary threshold shift; WCMD = wind corrected munition dispenser

[1] Unidentified dolphin can be either bottlenose or Atlantic spotted dolphin. Eglin AFB based the mortality and slight lung injury criteria on the mass of a newborn Atlantic spotted dolphin.

Determination of the Mitigation and Monitoring Zones

The ranges presented in Table 5 represent a radius of impact for a given threshold from a single detonation of each munition/detonation scenario. They do not consider accumulated energies from multiple detonation occurring within the same 24-hour time period. For calculating take estimates, the single detonation approach is more conservative because it multiplies the exposures from a single detonation by the number of munitions and assumes a fresh population of marine mammals is being impacted each time. Eglin AFB used this approach because of the uncertainty surrounding which munitions they would release on a given day. Multiple variables, such as weather, aircraft mechanical issues, munition malfunctions, and target availability may prevent planned munitions releases. By treating each detonation as a separate event and summing those impacts accordingly, Eglin AFB would have maximum operational flexibility to conduct the missions without limitations on either the total number of munitions allowed to be dropped in a day, or on the specific combinations of munitions that could be released.

While this methodology overestimates the overall potential takes presented in the next section, the ranges do not accurately represent the actual area acoustically impacted for a given threshold from multiple detonations in a given mission day. The total acoustic impact area for two identical bombs detonating within a given timeframe is less than twice the impact area of a single bomb's detonation. This has to do with the accumulated energy from multiple detonations occurring sequentially. When one weapon is detonated, a certain level of transmission loss is required to be calculated to achieve each threshold level which can then be equated to a range. By releasing a second munition in the same event (same place and close in time), even though the total energy is increased, the incremental impact area from the second detonation is slightly less than that of the first; however the impact range for the two munitions is larger than the impact range for one. Since each additional detonation adds energy to the sound exposure level (SEL) metric, all the energy from all munitions released in a day is accumulated. By factoring in the transmission loss of the first detonation added with the incremental increases from the second, third, fourth, etc., the range of the cumulative energy that is below each threshold level can be determined. Unlike the energy component, peak pressure is not an additive factor, therefore Eglin AFB did not consider thresholds expressed as either acoustic impulse or peak SPL metrics (*i.e.,* mortality, slight lung injury, gastrointestinal tract injury) in their calculations.

Eglin AFB has created a sample day reflecting the maximum number of munitions that could be released and resulting in the greatest impact in a single mission day. However, this scenario is only a representation and may not accurately reflect how Eglin AFB may conduct actual operations. However, NMFS and Eglin AFB are considering this conservative assumption to calculate the impact range for mitigation monitoring measures. Thus, Eglin AFB has modeled, combined, and compared the sum of all energies from these detonations against thresholds with energy metric criteria to generate the accumulated energy ranges for this scenario. Table 6 displays these ranges which form the basis of the mitigation monitoring thresholds.

TABLE 6—DISTANCES (M) TO HARASSMENT THRESHOLDS FOR AN EXAMPLE MISSION DAY

Munition	NEW (lbs)	Total # per day	Detonation scenario	Level A harassment	Level B harassment	
					TTS	Behavioral
				PTS 187 dB SEL	172 dB SEL	67 dB SEL
GBU–10 or GBU–24	945	1	Surface	5,120	12,384	15,960
GBU–12 or GBU–54	192	1	Surface.			
AGM–65 (Maverick)	86	1	Surface.			
GBU–39 (LSDB)	37	1	Surface.			
AGM–114 (Hellfire)	20	3	(10 ft depth).			
AGM–175 (Griffin)	13	2	Surface.			
2.75 Rockets	12	12	Surface.			
PGU–13 HEI 30 mm	0.1	125	Surface.			

AGM = air-to-ground missile; cal = caliber; CBU = Cluster Bomb Unit; ft = feet; GBU = Guided Bomb Unit; HEI = high explosive incendiary; lbs = pounds; mm = millimeters; N/A = not applicable; NEW = net explosive weight; PGU = Projectile Gun Unit; SDB = small diameter bomb; PTS = permanent threshold shift; TTS = temporary threshold shift; WCMD = wind corrected munition dispenser.

Based on the ranges presented in Table 6 and factoring operational limitations associated with survey-based vessel support for the missions, Eglin AFB estimates that during pre-mission surveys, the proposed monitoring area would be approximately 5 km (3.1 miles) from the target area, which corresponds to the Level A harassment threshold range. Eglin AFB proposes to survey the same-sized area for each mission day, regardless of the planned munition expenditures. By clearing the Level A harassment threshold range of protected species, animals that may enter the area after the completed pre-mission surveys but prior to detonation would not reach the smaller slight lung injury or mortality zones (presented in Table 5). Because of human safety issues, Eglin AFB would require observers to leave the test area at least 30 minutes in advance of live weapon deployment and move to a position on the safety zone periphery, approximately 9.5 miles (15 km) from the detonation point. Observers would continue to scan for marine mammals from the periphery, but effectiveness would be limited as the boat would remain at a designated station.

Density Estimation

Density estimates for bottlenose dolphin and spotted dolphin were derived from two sources (Table 7). NMFS provided detailed information on Eglin AFB's derivation of density estimates for the bottlenose and Atlantic spotted dolphins in the notice for the proposed Authorization (79 FR 72631, December 8, 2014). The information presented in that notice has not changed and NMFS refers the reader to Section 3 of Eglin AFB's application for detailed information on all equations used to calculate densities presented in Table 7.

TABLE 7—MARINE MAMMAL DENSITY ESTIMATES WITHIN EGLIN AFB'S EGTTR

Species	Density (animals/ km^2)
Bottlenose dolphin [1]	1.194
Atlantic spotted dolphin [2]	0.265
Unidentified bottlenose dolphin/ Atlantic spotted dolphin [2]	0.009

[1] Source: Garrison, 2008; adjusted for observer and availability bias by the author.

[2] Source: Fulling *et al.,* 2003; adjusted for negative bias based on information provided by Barlow (2003; 2006).

Take Estimation

NMFS recalculated the takes proposed in previous notice for the proposed Authorization (79 FR 72631, December 8, 2014) by eliminating the double counting of the estimated take for each species and appropriately rounding take estimates before summing the total take.

Table 8 indicates the modeled potential for lethality, injury, and non-injurious harassment (including behavioral harassment) to marine mammals in the absence of mitigation measures. Table 8 includes the revised number of marine mammals, by species, that Eglin AFB could potentially take incidental to the conduct of Maritime WSEP operations. The re-calculation results in zero take by mortality, zero take by slight lung injury, and zero take by gastrointestinal tract injury. Compared to the take levels that NMFS previously proposed (79 FR 72631, December 8, 2014), the re-estimation has reduced take estimates for Level A harassment (PTS) by approximately five percent to a total of 38 marine mammals; reduced the take estimates for Level B harassment (TTS) by approximately eight percent to a total of 445 marine mammals; and reduced take estimates for Level B harassment (behavioral) by approximately 51 percent to a total of 497 marine mammals. Based on the remodeling of the number of marine mammals potentially affected by maritime strike missions, NMFS would authorize take for Level A and Level B harassment presented in Table 8 of this notice.

Eglin AFB and NMFS estimate that approximately 38 marine mammals could be exposed to injurious Level A harassment noise levels (187 dB SEL) and approximately 942 animals could be exposed to Level B harassment (TTS and behavioral) noise levels.

TABLE 8—RE-MODELED NUMBER OF MARINE MAMMALS POTENTIALLY AFFECTED BY MARITIME WSEP OPERATIONS. AUTHORIZED TAKES FOR LEVEL A AND LEVEL B HARASSMENT ARE THE SAME AS THOSE MODELED. NMFS WOULD NOT AUTHORIZE TAKES FOR MORTALITY OR SERIOUS INJURY.

Species	Mortality	Level A harassment (PTS only)	Level B harassment (TTS)	Level B harassment (behavioral)
Bottlenose dolphin	0	33	373	423
Atlantic spotted dolphin	0	5	68	69

TABLE 8—RE-MODELED NUMBER OF MARINE MAMMALS POTENTIALLY AFFECTED BY MARITIME WSEP OPERATIONS. AUTHORIZED TAKES FOR LEVEL A AND LEVEL B HARASSMENT ARE THE SAME AS THOSE MODELED. NMFS WOULD NOT AUTHORIZE TAKES FOR MORTALITY OR SERIOUS INJURY.—Continued

Species	Mortality	Level A harassment (PTS only)	Level B harassment (TTS)	Level B harassment (behavioral)
Unidentified bottlenose dolphin/Atlantic spotted dolphin	0	0	4	5
Total	0	38	445	497

Based on the mortality exposure estimates calculated by the acoustic model, zero marine mammals are expected to be affected by pressure levels associated with mortality or serious injury. Zero marine mammals are expected to be exposed to pressure levels associated with slight lung injury or gastrointestinal tract injury.

NMFS generally considers PTS to fall under the injury category (Level A Harassment). An animal would need to stay very close to the sound source for an extended amount of time to incur a serious degree of PTS, which could increase the probability of mortality. In this case, it would be highly unlikely for this scenario to unfold given the nature of any anticipated acoustic exposures that could potentially result from a mobile marine mammal that NMFS generally expects to exhibit avoidance behavior to loud sounds within the EGTTR.

NMFS has relied on the best available scientific information to support the issuance of Eglin AFB's authorization. In the case of authorizing Level A harassment, NMFS has estimated that no more than 33 bottlenose dolphins and 5 Atlantic spotted dolphins could, although unlikely, experience minor permanent threshold shifts of hearing sensitivity (PTS). The available data and analyses, as described more fully in notice for the proposed Authorization (79 FR 72631, December 8, 2014) include extrapolation results of many studies on marine mammal noise-induced temporary threshold shifts of hearing sensitivities. An extensive review of TTS studies and experiments prompted NMFS to conclude that possibility of minor PTS in the form of slight upward shift of hearing threshold at certain frequency bands by a few individuals of marine mammals is extremely low, but not unlikely.

Negligible Impact Analysis and Determination

As explained previously, the term ''negligible impact'' is defined as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). The lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population level effects) forms the basis of a negligible impact finding. Thus, an estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, and the number of estimated mortalities, effects on habitat, and the status of the species.

In making a negligible impact determination, we consider:

- The number of anticipated injuries, serious injuries, or mortalities;
- The number, nature, and intensity, and duration of Level B harassment; and
- The context in which the takes occur (*e.g.,* impacts to areas of significance, impacts to local populations, and cumulative impacts when taking into account successive/contemporaneous actions when added to baseline data);
- The status of stock or species of marine mammals (*i.e.,* depleted, not depleted, decreasing, increasing, stable, impact relative to the size of the population);
- Impacts on habitat affecting rates of recruitment/survival; and
- The effectiveness of monitoring and mitigation measures to reduce the number or severity of incidental take.

For reasons stated previously in this document and based on the following factors, Eglin AFB's specified activities are not likely to cause long-term behavioral disturbance, or other non-auditory injury, serious injury, or death.

The takes from Level B harassment will be due to potential behavioral disturbance and TTS. The takes from Level A harassment will be due to potential PTS. Activities would only occur over a timeframe of two to three weeks in beginning in February, 2015, with one, four-hour mission occurring each day. It is possible that some individuals may be taken more than once if those individuals are located in the exercise area on two different days when exercises are occurring. However, multiple exposures are not anticipated to have effects beyond Level A and Level B harassment.

Noise-induced threshold shifts (TS, which includes PTS) are defined as increases in the threshold of audibility (*i.e.,* the sound has to be louder to be detected) of the ear at a certain frequency or range of frequencies (ANSI 1995; Yost 2000). Several important factors relate to the magnitude of TS, such as level, duration, spectral content (frequency range), and temporal pattern (continuous, intermittent) of exposure (Yost 2000; Henderson *et al.* 2008). TS occurs in terms of frequency range (hertz [Hz] or kHz), hearing threshold level (dB), or both frequency and hearing threshold level (CDC 2004).

In addition, there are different degrees of PTS: Ranging from slight/mild to moderate and from severe to profound (Clark 1981). Profound PTS or the complete loss of the ability to hear in one or both ears is commonly referred to as deafness (CDC 2004; WHO 2006). High-frequency PTS, presumably as a normal process of aging that occurs in humans and other terrestrial mammals, has also been demonstrated in captive cetaceans (Ridgway and Carder 1997; Yuen *et al.* 2005; Finneran *et al.* 2005a; Houser and Finneran 2006; Finneran *et al.* 2007a; Schlundt *et al.* 2011) and in stranded individuals (Mann *et al.* 2010).

In terms of what is analyzed for the potential PTS (Level A harassment) in marine mammals as a result of Eglin AFB's Maritime WSEP operations, if it occurs, NMFS has determined that the levels would be slight/mild because research shows that most cetaceans show relatively high levels of avoidance. Further, it is uncommon to sight marine mammals within the target area, especially for prolonged durations.

Results from monitoring programs associated other Eglin AFB activities have shown the absence of marine mammals within the EGTTR during maritime operations. Avoidance varies among individuals and depends on their activities or reasons for being in the area

While animals may be impacted in the immediate vicinity of the activity, because of the short duration of the actual individual explosions themselves (versus continual sound source operation) combined with the short duration of the Maritime WSEP operations, NMFS has determined that there will not be a substantial impact on marine mammals or on the normal functioning of the nearshore or offshore Gulf of Mexico ecosystems. The proposed activity is not expected to impact rates of recruitment or survival of marine mammals since neither mortality (which would remove individuals from the population) nor serious injury are anticipated to occur. In addition, the proposed activity would not occur in areas (and/or times) of significance for the marine mammal populations potentially affected by the exercises (*e.g.,* feeding or resting areas, reproductive areas), and the activities would only occur in a small part of their overall range, so the impact of any potential temporary displacement would be negligible and animals would be expected to return to the area after the cessations of activities. Although the proposed activity could result in Level A (PTS only, not slight lung injury or gastrointestinal tract injury) and Level B (behavioral disturbance and TTS) harassment of marine mammals, the level of harassment is not anticipated to impact rates of recruitment or survival of marine mammals because the number of exposed animals is expected to be low due to the short-term (*i.e.,* four hours a day) and site-specific nature of the activity, and the severity of effect would not be detrimental to rates of recruitment and survival.

Moreover, the mitigation and monitoring measures required by the Authorization (described earlier in this document) are expected to further minimize the potential for harassment. The protected species surveys would require Eglin AFB to search the area for marine mammals, and if any are found in the live fire area, then the exercise would be suspended until the animal(s) has left the area or relocated. Moreover, marine species observers located in the Eglin control tower would monitor the high-definition video feed from cameras located on the instrument barge anchored on-site for the presence of protected species. Furthermore, Maritime WSEP missions would be delayed or rescheduled if the sea state is greater than a 4 on the Beaufort Scale at the time of the test. In addition, Maritime WSEP missions would occur no earlier than two hours after sunrise and no later than two hours prior to sunset to ensure adequate daylight for pre- and post-mission monitoring.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that Eglin AFB's Maritime WSEP operations will result in the incidental take of marine mammals, by Level A and Level B harassment only, and that the taking from the Maritime WSEP exercises will have a negligible impact on the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has preliminarily determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

Eglin AFB initiated consultation with the Southeast Region, NMFS, under section 7 of the ESA regarding the effects of this action on ESA-listed species and critical habitat under the jurisdiction of NMFS. The consultation will be completed and a biological opinion issued prior to any final determinations on the Authorization. Due to the location of the activity, no ESA-listed marine mammal species are likely to be affected; therefore, NMFS has determined that this Authorization would have no effect on ESA-listed marine mammal species. Therefore, NMFS has determined that a section 7 consultation under the ESA is not required.

National Environmental Policy Act (NEPA)

Eglin AFB provided NMFS with an Environmental Assessment titled, Maritime Weapon Systems Evaluation Program (WSEP) Operational Testing In The Eglin Gulf Testing And Training Range (EGTTR), Florida. The EA analyzes the direct, indirect, and cumulative environmental impacts of the specified activities on marine mammals. NMFS, after review and evaluation of the Eglin AFB EA for consistency with the regulations published by the Council of Environmental Quality (CEQ) and NOAA Administrative Order 216–6, Environmental Review Procedures for Implementing the National Environmental Policy Act, adopted the EA. After considering the EA, the information in the IHA application, and the **Federal Register** notice, as well as public comments, NMFS has determined that the issuance of an Authorization is not likely to result in significant impacts on the human environment and has prepared a Finding of No Significant Impact (FONSI). An Environmental Impact Statement is not required and will not be prepared for the action.

Authorization

NMFS has issued an Incidental Harassment Authorization to Eglin AFB for conducting Maritime WSEP operations in the EGGTR, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: March 23, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–07429 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Sanctuary System Business Advisory Council: Public Meeting

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a meeting of the Sanctuary System Business Advisory Council (Council). The meeting is open to the public, and participants may provide comments at the appropriate time during the meeting.

DATES: The meeting will be held Wednesday, April 22, 2015, from 10:00 a.m. to 5:00 p.m., and Thursday, April 23, 2015, from 8:30 a.m. to 12:00 p.m. EDT. An opportunity for public comment will be provided on April 23, 2015 at 11:30 a.m. EDT. These times and the agenda topics described below are subject to change.

ADDRESSES: The meeting will be held in the Hubbard Hall Board Room of the National Geographic Society, 1146 16th Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Gonzalo Cid, Office of National Marine Sanctuaries, 1305 East West Highway, Silver Spring, Maryland 20910. (Phone: 301–713–7278, Fax: 301–713–0404; email: *gonzalo.cid@noaa.gov*).

SUPPLEMENTARY INFORMATION: ONMS serves as the trustee for 14 marine protected areas encompassing more than 170,000 square miles of ocean and Great Lakes waters from the Hawaiian Islands to the Florida Keys, and from Lake Huron to American Samoa. National marine sanctuaries protect our Nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies. One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. The Sanctuary System Business Advisory Council (Council) has been formed to provide advice and recommendations to the Director regarding the relationship of the ONMS with the business community. Additional information on the Council can be found at *http://sanctuaries.noaa.gov/management/bac/welcome.html*.

Matters To Be Considered: The meeting will provide an opportunity for council representatives to hear how national marine sanctuaries are connected to users, communities, corporations, and economies and the avenues being pursued to enhance these connections. Advisory council representatives will be asked to provide advice on how ONMS can enhance its connections, programming, and marketing to expand its reach beyond a subset of communities. The agenda is subject to change. The latest version will be posted at *http://sanctuaries.noaa.gov/management/bac/welcome.html*.

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 27, 2015.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2015–07245 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; 2016 Government Units Survey

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before June 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Joy P. Pierson by email at *Joy.P.Pierson@census.gov* and Elizabeth Accetta at *Elizabeth.Accetta@census.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

Title 13, Section 161 of the United States Code requires the Secretary of Commerce to conduct a Census of Governments every five years, in years ending in ''2'' and ''7''. Section 193 provides for the collection of preliminary and supplementary statistics as related to the main topic of the census. The Census of Governments publishes unit counts and legal descriptions as well as employment and finance data for all county, municipal, township, school district, and special district governments in the United States. Prior to conducting the Census of Governments it is necessary to ensure that the universe of all governments is as accurate and up to date as possible. The Government Units Survey (GUS) is conducted the year prior to the Census of Governments, and is used to evaluate and update the universe of all local and special district governments. The 2016 Government Units Survey (GUS) is the instrument for collecting current information to update the universe of all county, municipal, township, and special district governments for the 2017 Census of Governments. The 2016 GUS provides critical information needed to maintain the frame from which all public sector surveys are drawn. The GUS is particularly beneficial for identifying smaller units that have not been included in surveys in between census years and identifying changes to the universe of special district governments that experience substantial change in a five-year period. The GUS contributes to the quality and timely releases of the other components of the Census of Governments.

The 2016 GUS will differ slightly from the former version of the Government Units Survey. The 2016 GUS is significantly shorter than the past version of the GUS. The 2016 GUS estimated time to respond is 15 minutes, compared to the 2011 GUS which had an estimated time to respond of 45 minutes. The 2016 GUS is designed to diminish unnecessary burden to respondents, and to collect information essential to maintaining the government universe.

The 2016 GUS will collect basic background information on all local, general purpose, and special district governments. The most basic information collected will include whether a government is still in existence. As previously noted, there are a number of governments, particularly special district governments, which have not been part of any survey or collection since the 2012 Census of Governments. It is necessary to determine if such governments are still in existence. The 2016 GUS asks a follow-up question for those governments no longer in existence to provide, if applicable, contact information for a newly created or existing entity that may be providing the services or functions of the former government. It is necessary to verify and update all this information in the universe prior to the 2017 Census of Governments.

The 2016 GUS asks all existing governments for contact information, including a mailing address and, if applicable, Web site address. This information is used to verify what currently exists in the universe and update any discrepancies. The contact information will be used when mailing the 2017 Census of Governments as well as for any public sector surveys conducted over the next five years.

The 2016 GUS also asks questions on employment and defined-contribution plans, defined-benefit, and post-

employment healthcare plans of governments. Specific, detailed questions on defined-benefit plans and defined-contribution plans are important to determine which plans are in scope for current and future public sector surveys the Census Bureau conducts. A Remarks section allows respondents to provide any additional insight that may be helpful to improve the universe of local and special district governments.

II. Method of Collection

The 2016 Government Units Survey is a census of all counties, municipalities, townships, and special districts. Respondents have the option of responding by paper, via the Internet, by telephone, or by facsimile. An advance notification informing respondents of the impending arrival of the Government Units Survey will be mailed two weeks prior to mailing the questionnaire. The Government Units Survey questionnaire will be mailed to respondents in February 2016 followed by a reminder letter a month later, and a follow-up mailing in April 2016. The 2016 Government Units Survey questionnaire will provide a Web site for respondents who choose to respond electronically. The Web site is secure and respondents will receive a unique user identification and password, which will be included in a letter accompanying the questionnaire. A toll free number will also be provided to respondents on the questionnaire which respondents may use to ask questions or to provide responses. A telephone number and instructions to respond to the 2016 GUS by facsimile will be provided upon request to respondents.

III. Data

OMB Control Number: 0607–0930.

Form Number(s): GUS–1.

Type of Review: Regular (extension of a currently approved information collection).

Affected Public: Public sector entities consisting of local, general purpose, and special district governments.

Estimated Number of Respondents: Approximately 77,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 19,250.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Sections 161 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 27, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer, submitting for Census.

[FR Doc. 2015–07433 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–018]

Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* April 1, 2015.

SUMMARY: The Department of Commerce (''Department'') preliminarily determines that boltless steel shelving units prepackaged for sale from the People's Republic of China (''PRC'') are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Tariff Act of 1930, as amended (''the Act''). The period of investigation (''POI'') is January 1, 2014, through June 30, 2014. The estimated margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice. The final determination will be issued 75 days after publication of this preliminary determination in the **Federal Register**. Interested parties are invited to comment on this preliminary determination.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta or Josh Startup, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593 or (202) 482–5260, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The scope of this investigation covers boltless steel shelving units prepackaged for sale, with or without decks (''boltless steel shelving''). The term ''prepackaged for sale'' means that, at a minimum, the steel vertical supports (*i.e.,* uprights and posts) and steel horizontal supports (*i.e.,* beams, braces) necessary to assemble a completed shelving unit (with or without decks) are packaged together for ultimate purchase by the end-user. The scope also includes add-on kits. Add-on kits include, but are not limited to, kits that allow the end-user to add an extension shelving unit onto an existing boltless steel shelving unit such that the extension and the original unit will share common frame elements (*e.g.,* two posts). The term ''boltless'' refers to steel shelving in which the vertical and horizontal supports forming the frame are assembled primarily without the use of nuts and bolts or screws. The vertical and horizontal support members for boltless steel shelving are assembled by methods such as, but not limited to, fitting a rivet, punched or cut tab or other similar connector on one support into a hole, slot or similar receptacle on another support. The supports lock together to form the frame for the shelving unit, and provide the structural integrity of the shelving unit separate from the inclusion of any decking. The incidental use of nuts and bolts or screws to add accessories, wall anchors, tie-bars or shelf supports does not remove the product from scope. Boltless steel shelving units may also come packaged as partially assembled, such as when two upright supports are welded together with front-to-back supports, or are otherwise connected, to form an end unit for the frame. The boltless steel shelving covered by this investigation may be commonly described as rivet shelving, welded frame shelving, slot and tab shelving, and punched rivet (quasi-rivet) shelving as well as by other trade names. The term ''deck'' refers to the shelf that sits on or fits into the horizontal supports (beams or braces) to provide the horizontal storage surface of the shelving unit.

The scope includes all boltless steel shelving meeting the description above, regardless of (1) vertical support or post type (including but not limited to open post, closed post and tubing); (2)

horizontal support or beam/brace profile (including but not limited to Z-beam, C-beam, L-beam, step beam and cargo rack); (3) number of supports; (4) surface coating (including but not limited to paint, epoxy, powder coating, zinc and other metallic coating); (5) number of levels; (6) weight capacity; (7) shape (including but not limited to rectangular, square, and corner units); (8) decking material (including but not limited to wire decking, particle board, laminated board or no deck at all); or (9) the boltless method by which vertical and horizontal supports connect (including but not limited to keyhole and rivet, slot and tab, welded frame, punched rivet and clip).

Specifically excluded from the scope are:

- Wall-mounted shelving, defined as shelving that is hung on the wall and does not stand on, or transfer load to, the floor; [1]
- Wire shelving units, which consist of shelves made from wire that incorporates both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create the finished shelving unit;
- Bulk-packed parts or components of boltless steel shelving units; and
- Made-to-order shelving systems.

Subject boltless steel shelving enters the United States through Harmonized Tariff Schedule of the United States (''HTSUS'') statistical subheadings 9403.20.0018 and 9403.20.0020, but may also enter through HTSUS 9403.10.0040. While HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this investigation is dispositive.

Methodology

The Department conducted this investigation in accordance with section 731 of the Act. We calculated export prices and constructed export prices in accordance with section 772 of the Act. Because the PRC is a non-market economy within the meaning of section 771(18) of the Act, normal value (''NV'') was calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum hereby adopted by this notice.[2] The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://trade.gov/enforcement//.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Combination Rates

In the *Initiation Notice,*[3] the Department stated that it would calculate combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[4]

Preliminary Determination

The preliminary weighted-average antidumping duty (''AD'') margin percentages are as follows:

Exporter	Producer	Weighted-average margin (percent)
Zhongda United Holding Group Co., Ltd	Jiaxing Zhongda Metalwork Co., Ltd.	22.64
Jiaxing Zhongda Import & Export Co., Ltd	Jiaxing Zhongda Metalwork Co., Ltd	22.64
Nanjing Topsun Racking Manufacturing Co., Ltd	Nanjing Topsun Racking Manufacturing Co., Ltd	85.26
Ningbo ETDZ Huixing Trade Co., Ltd	Haifa (Ningbo) Office Equipment Co., Ltd	50.23
Ningbo ETDZ Huixing Trade Co., Ltd	Ningbo Decko Metal Products Trade Co., Ltd	50.23
Ningbo ETDZ Huixing Trade Co., Ltd	Lianfa Metal Product Co., Ltd	50.23
Meridian International Co., Ltd	Zhejiang Limai Metal Products Co. Ltd	50.23
Zhejiang Limai Metal Products Co., Ltd	Zhejiang Limai Metal Products Co., Ltd	50.23
PRC-Wide Entity		112.68

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[5] A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to the Department.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically at Enforcement and Compliance's electronic records system, ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Standard Time, within

[1] The addition of a wall bracket or other device to attach otherwise freestanding subject merchandise to a wall does not meet the terms of this exclusion.

[2] *See* ''Decision Memorandum for Preliminary Determination for the Antidumping Duty Investigation of Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (''Preliminary Decision Memorandum'').

[3] *See Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Initiation of Antidumping Duty Investigation,* 79 FR 56562, 56566 (September 22, 2014) (''*Initiation Notice*'').

[4] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (''Policy Bulletin 05.1''), available on the Department's Web site at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

[5] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

30 days after the date of publication of this notice.[6] Hearing requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues you intend to present at the hearing. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Pursuant to section 735(a)(1) of the Act, we will make our final determination no later than 75 days after the date of publication of this preliminary determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act the Department will instruct U.S. Customs and Border Protection (''CBP'') to suspend liquidation of all entries of boltless steel shelving units prepackaged for sale from the PRC, as described in the ''Scope of the Investigation'' section, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit[7] equal to the weighted-average amount by which NV exceeds U.S. price, adjusted where appropriate for export subsidies and estimated domestic subsidy pass-through,[8] as follows: (1) the cash deposit rate for the exporter/producer combinations listed in the table above will be the rate the Department determines in this preliminary determination; (2) for all combinations of PRC exporters/producers of merchandise under consideration that have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate established for the PRC-wide entity; and (3) for all non-PRC exporters of merchandise under consideration which have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter.

Furthermore, consistent with our practice, where the product under investigation is also subject to a concurrent countervailing duty investigation, we instruct CBP to require a cash deposit equal to the amount by which the normal value exceeds the export price or constructed export price, less the amount of the countervailing duty determined to constitute an export subsidy. In this LTFV investigation, export subsidies constitute 3.03 percent[9] of the preliminarily calculated countervailing duty rate in the concurrent countervailing duty investigation, and, thus, we will offset the calculated rates for the mandatory respondents and the PRC-wide rate of 112.68 percent by the countervailing duty rate attributable to export subsidies (*i.e.,* 3.03 percent) to calculate the cash deposit rate for this LTFV investigation. Additionally, the Department did not adjust the preliminary determination AD margins for estimated domestic subsidy pass-through because respondents provided no information to support an adjustment pursuant to section 777A(f) of the Act.[10]

International Trade Commission (''ITC'') Notification

In accordance with section 733(f) of the Act, we notified the ITC of our preliminary affirmative determination of sales at LTFV. Section 735(b)(2) of the Act requires the ITC to make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of boltless steel shelving units prepackaged for sale, or sales (or the likelihood of sales) for importation, of the merchandise under consideration within 45 days of our final determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: March 24, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Initiation
2. Period of Investigation
3. Postponement of Preliminary Determination
4. Scope of the Investigation
5. Scope Comments
6. Selection of Respondents
7. Discussion of the Methodology
   a. Non-market Economy Country
   b. Surrogate Country and Surrogate Value Comments
   c. Separate Rates
   d. Margin for the Separate Rate Companies
   e. Combination Rates
   f. The PRC-wide Entity
   g. Application of Facts Available and Adverse Facts Available
   h. Corroboration of Information
   i. Affiliation/Single Entity
   j. Date of Sale
   k. Fair Value Comparisons
   l. Export Price
   m. Value-Added Tax
   n. Normal Value
   o. Factor Valuation Methodology
   p. Comparison to Normal Value
   q. Currency Conversion
8. Verification
9. Section 777A(f) of the Act
10. International Trade Commission Notification
11. Conclusion

[FR Doc. 2015–07475 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See* 19 CFR 351.310(c).

[7] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[8] *See* sections 772(c)(1)(C) and 777A(f) of the Act, respectively. Unlike in administrative reviews, the Department calculates the adjustment for export subsidies in investigations not in the margin calculation program, but in the cash deposit instructions issued to CBP. *See Notice of Final Determination of Sales at Less Than Fair Value, and Negative Determination of Critical Circumstances: Certain Lined Paper Products from India,* 71 FR 45012 (August 8, 2006), and accompanying Issues and Decision Memorandum at Comment 1.

[9] The following subsidy programs in the preliminary determination of the concurrent countervailing duty investigation are export subsidies: Export Seller's Credits and Export Buyer's Credits from the Export-Import Bank of China (1.76 percent), GOC and Sub-Central Government Subsidies for the Development of Famous Brands and World Top Brands (0.58 percent), International Market Exploration (SME) Fund (0.58 percent), Export Assistance/Outward Expansion Grants in Guangdong Province (0.08 percent), Export Credit Insurance (0.01 percent), Export Subsidy for High-Tech Merchandise (0.02 percent). *See Countervailing Duty Investigation of Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: Preliminary Determination and Alignment of Final Determination With Final Antidumping Duty Determination,* 80 FR 5089 (January 30, 2015), and accompanying Preliminary Decision Memorandum at 14–15.

[10] *See* Preliminary Decision Memorandum.

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Quarterly Financial Report

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before June 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Brandi Maxson, U.S. Census Bureau, HQ–6K083, Washington, DC 20233, Telephone (301) 763–6600 (or via the Internet at *brandi.maxson@census.gov*).

SUPPLEMENTARY INFORMATION

I. Abstract

This request is for extension of a currently approved information collection.

The Census Bureau is planning to resubmit to the Office of Management and Budget for approval, the Quarterly Financial Report (QFR) Program information collection forms. The QFR forms to be submitted for approval are: The QFR 200 (MT) long form; QFR 201 (MG) short form; and the QFR 300 (S) long form.

The QFR program collects and publishes up-to-date aggregate statistics on the financial results and position of U.S. corporations. The QFR target population consists of all corporations engaged primarily in manufacturing with total assets of $250,000 and over, and all corporations engaged primarily in mining; wholesale trade; retail trade; information; or professional and technical services (except legal services) industries with total assets of $50 million and over.

QFR's last submission for forms approval included an announcement of an expansion of its coverage to include four new service sectors. The new sectors included subsectors in Sector 53 (Real Estate and Rental and Leasing), excluding subsector 533 (Lessors of Nonfinancial Intangible Assets); Sector 56 (Administrative and Support and Waste Management and Remediation Services); Sector 62 (Health Care and Social Assistance); and Sector 72 (Accommodation and Food Services) based on the 2007 North American Industry Classification System (NAICS). However, on June 9, 2014, the QFR ceased collection of these additional sectors due to sample restrictions and budget constraints. Notification of this change was announced on the QFR Business Help Site (BHS) Web site and the QFR Publication.

The QFR Program has published up-to-date aggregate statistics on the financial results and position of U.S. corporations since 1947. The QFR is a principal economic indicator that also provides financial data essential to the estimation of key Government measures of national economic performance. The importance of this data collection is reflected by the granting of specific authority to conduct the program in Title 13 of the United States Code, Section 91, which requires that financial statistics of business operations be collected and published quarterly. Public Law 109–79 extended the authority of the Secretary of Commerce to conduct the QFR Program under Section 91 through September 30, 2015. Currently, QFR is in the process of reauthorizing this public law.

The main purpose of the QFR is to provide timely, accurate data on business financial conditions for use by Government and private-sector organizations and individuals. The primary public users are U.S. Governmental organizations with economic measurement and policymaking responsibilities such as Bureau of Economic Analysis, Bureau of Labor Statistic and Federal Reserve Board. In turn, these organizations play a major role in providing guidance, advice, and support to the QFR Program. The primary private-sector data users are a diverse group including universities, financial analysts, unions, trade associations, public libraries, banking institutions, and U.S. and foreign corporations.

II. Method of Collection

The Census Bureau uses two forms of data collection: Mail out/mail back paper survey forms, and a secure encrypted Internet data collection system called Centurion. Centurion provides improved quality with automatic data checks and is context-sensitive to assist the data provider in identifying potential reporting problems before submission, thus reducing the need for follow-up. Centurion is completed via the Internet eliminating the need for downloading software and increasing the integrity and confidentiality of the data.

Companies are asked to respond to the survey within 25 days of the end of the quarter for which the data are being requested. Letters and/or telephone calls encouraging participation are directed to companies in the survey sample that have not responded by the designated time.

III. Data

OMB Control Number: 0607–0432.

Form Number: QFR 200 (MT), QFR 201 (MG) and QFR 300 (S).

Type of Review: Regular (extension of a currently approved information collection).

Affected Public: Manufacturing corporations with assets of $250 thousand or more Mining, Wholesale Trade, Retail Trade, Information, Professional, Scientific, and Technical Services (excluding legal) with assets of $50 million or more.

Estimated Number of Respondents:

Form QFR 200 (MT)—4,800 per quarter = 19,200 annually

Form QFR 201 (MG)—5,750 per quarter = 23,000 annually

Form QFR 300 (S)—1,350 per quarter = *5,400* annually

Total 47,600 annually

Estimated Time Per Response:

Form QFR 200 (MT)—Average hours: 3.0

Form QFR 201 (MG)—Average hours: 1.2

Form QFR 300 (S)—Average hours: 3.0

Estimated Total Annual Burden Hours: 101,400 hours.

Estimated Total Annual Cost: $0 in recordkeeping/reporting costs.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 91 and 224.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 27, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer, submitting for Census.

[FR Doc. 2015–07435 Filed 3–31–15; 8:45 am]

BILLING CODE 3510–07–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 16 April 2015, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *staff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: March 24, 2015, in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2015–07155 Filed 3–31–15; 8:45 am]

BILLING CODE 6330–01–M

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before May 1, 2015.

ADDRESSES: Comments may be submitted directly to OMB within 30 days of the notice's publication, by email at *OIRAsubmissions@omb.eop.gov.* Please identify comments by ''Swap Data Repositories; Registration and Reporting Requirements (OMB Control No. 3038–0086).'' Please provide the Commission with a copy of all submitted comments at the address listed below. Please refer to OMB Reference No. 3038–0086, found on *http://reginfo.gov.* Comments may also be mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW., Washington, DC 20503, and Benjamin DeMaria, Division of Market Oversight, U.S. Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

Comments may also be submitted, regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, identified by ''Swap Data Repositories; Registration and Reporting Requirements (OMB Control No. 3038–0086)'', by any of the following methods:

- Agency Web site, via its Comments Online process: *http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.
- Mail: Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- Hand Delivery/Courier: Same as Mail, above.
- Federal eRulemaking Portal: *http://www.regulations.gov/.* Follow the instructions for submitting comments. Please submit your comments to the Commission using only one of these methods.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures set forth in section 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Benjamin DeMaria, Division of Market Oversight, U.S. Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; (202) 418–5988; email: *BDeMaria@cftc.gov,* and refer to OMB Control No. 3038–0086. This contact can also provide a copy of the ICR.

SUPPLEMENTARY INFORMATION:

Title: ''Swap Data Repositories; Registration and Reporting Requirements (OMB Control No. 3038–0086).'' This is a request for renewal of a currently approved information collection.

Abstract: Section 728 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010), specifically requires the CFTC to establish certain standards for the governance, registration, and statutory duties applicable to Swap Data Repositories (SDRs). The CFTC established these standards in part 49 of the CFTC's regulations.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. *See* 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on January 26, 2015 (80 FR 3956). No responsive comments have been received.

Burden statement: The CFTC estimates that the total annual respondent burden is:

Registration

Respondents/Affected Entities: Swap Data Repositories.

Estimated number of respondents: 6

Estimated burden per respondent: 400 hours initially, 45 hours ongoing, 5 hours total for all respondents annually for deregistration.

Frequency of collection: Annual and occasional.

Total annual respondent burden: 2400 hours initially, 275 [2] hours ongoing.

[1] Commission regulations referred to herein are found at 17 CFR Ch. I. (2014).

[2] Five hours is being added here to the total annual ongoing burden for registration that was not included in the 60-day notice of the renewal for collection 3038–0086 (80 FR 3956, Jan. 26, 2015) to

Continued

Reporting

Respondents/Affected Entities: Swap Data Repositories.

Estimated number of respondents: 6.

Estimated burden per respondent: 40,725 hours initially; 15,325 hours ongoing.

Frequency of collection: Ongoing.

Total annual respondent burden: 244,350 hours initially; 91,950 hours ongoing.

Recordkeeping

Respondents/Affected Entities: Swap Data Repositories.

Estimated number of respondents: 6.

Estimated burden per respondent: 300 hours initially, 254 hours ongoing.

Frequency of collection: Ongoing.

Total annual respondent burden: 1800 hours initially, 1524 hours ongoing.

Disclosure

Respondents/Affected Entities: Swap Data Repositories.

Estimated number of respondents: 6.

Estimated burden per respondent: 100 hours initially, 1 hour ongoing.

Frequency of collection: Occasional.

Total annual respondent burden: 600 hours initially, 6 hours ongoing.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 27, 2015.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2015–07468 Filed 3–31–15; 8:45 am]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Notice of Availability of Revised Consumer Information Publication

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of availability.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) announces the availability of an updated consumer publication, the home buying information booklet, also known as the special information booklet or the settlement cost booklet (Booklet), required under the Real Estate Settlement Procedures Act (RESPA), Regulation X, and Regulation Z. This version of the Booklet incorporates statutory amendments and the Loan Estimate and Closing Disclosure from the Bureau's final rule, Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z) (Integrated Disclosures Final Rule). The title of this publication is ''*Your Home Loan Toolkit: A Step-by-Step Guide.*''

ADDRESSES: The updated consumer publication is available for download on the Bureau's Web site at *www.consumerfinance.gov/learnmore* and can also be found in the Catalog of U.S. Government Publications (*http://catalog.gpo.gov*), maintained by Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Julie Vore, Originations Analyst, Office of Mortgage Markets; David Friend, Counsel, Office of Regulations, *CFPB_reginquiries@cfpb.gov* or (202) 435–7700.

SUPPLEMENTARY INFORMATION: The Bureau is hereby publishing this notice of availability to inform the public of the existence of an updated version of the Home Buying Information Booklet.

Background on the Booklet

In its enactment in 1974, section 5 of RESPA required the provision of ''special information booklets'' to help persons borrowing money to finance the purchase of residential real estate to understand better the nature and costs of real estate settlement services. Public Law 93–553. Since 1976, the Department of Housing and Urban Development (HUD) implemented the requirement through publication of the Booklet titled ''*Shopping for Your Home Loan: Settlement Cost Booklet.*''

Section 1450 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Public Law 111–203, amended section 5 of RESPA by, among other things, transferring responsibility for the Booklet from HUD to the Bureau. 12 U.S.C. 2604, as amended by the Dodd-Frank Act, requires the Director of the Bureau to prepare, at least once every five years, ''a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services.'' 12 U.S.C. 2604(a). Section 1450 of the Dodd-Frank Act also amended 12 U.S.C. 2604 by adding new content requirements, including information on homeownership counseling services, an explanation of a consumer's responsibilities, liabilities and obligations in a mortgage transaction, and a list of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower. Other statutes, discussed below, have also amended 12 U.S.C. 2604 to include additional information on flood insurance.

In November 2013, the Bureau issued a final rule that amended section 1024.5 to provide creditors with an exemption from certain RESPA requirements, including the requirements of section 1024.6, for loans subject to the TILA–RESPA integrated disclosure requirements. The rule also added section 1026.19(g), which is substantially similar to the requirements of 1024.6, but modified to conform to the usage associated with TILA.

To reflect the transfer of the Booklet to the Bureau and ensure consistency with the Bureau's rulemakings regulating practices in mortgage origination and servicing that took effect in January 2014, the CFPB made technical and conforming changes to the Booklet and made the revised Booklet available in January 2014. 79 FR 1836 (Jan. 10, 2014).

Contents of the Updated Version of the Booklet

The Bureau is updating the Booklet to incorporate: (1) statutory amendments made to 12 U.S.C. 2604 by the Dodd-Frank Act, the Moving Ahead for Progress in 21st Century Act, Public Law 112–141, and the Homeowner Flood Insurance Affordability Act of 2014, Public Law 113–89; (2) the Bureau's Integrated Disclosures final rule effective on August 1, 2015; and (3) additional Bureau contact information, online tools, and information on how to submit complaints. Every effort was made to incorporate all statutory amendments; however, a Dodd-Frank Act amendment to 12 U.S.C. 2604 to provide notice of a loan fraud brochure and the web address and telephone number for obtaining the brochure could not be incorporated, as the brochure is no longer supported by the issuing agency. Instead, the Bureau has provided a link in the Booklet to a HUD Web page on loan fraud.

The Bureau views this publication as part of the Bureau's broader mission to educate consumers about consumer financial products. The Booklet has also been revised to, among other things, improve the readability and usability of the booklet and link to the Bureau's Web site, regarding tools and resources that consumers can use to make better-

reflect the estimate that one registered SDR may deregister every two years. The burden to deregister is estimated at 10 hours per deregistering entity. The total annual ongoing burden for all SDRs for registration is now estimated to be 275 hours.

informed decisions about homeownership. The Bureau is currently developing a Spanish-language version of the Booklet and will publish a Notice of availability in the **Federal Register** when that Booklet is released. Pursuant to section 1026.19(g)(2), creditors may not make changes to, deletions from, or additions to the Booklet other than certain types of changes to the cover page.

Distribution and Use of the Updated Booklet

Under 12 U.S.C. 2604(a), lenders are required to provide the Booklet to each person from whom it receives an application for a mortgage loan and must deliver the Booklet or place it in the mail not later than 3 business days after the lender receives an application. As the Booklet has been redesigned to help consumers more effectively shop for a mortgage, all market participants are also encouraged to provide the Booklet to consumers at any other time, preferably as early in the home or mortgage shopping process as possible.

Those who provide the Booklet should be aware that this update includes information on the new Loan Estimate and Closing Disclosure required to be provided to consumers for applications for federally related mortgage loans that are received on or after August 1, 2015. Because previous versions of the Booklet do not reference or explain the new integrated disclosures, the Bureau believes that providing consumers with the updated Booklet in conjunction with the integrated disclosures is important to facilitating consumers' understanding of the transaction.

Dated: March 12, 2015.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2015–06568 Filed 3–31–15; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Minority Science and Engineering Improvement Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information:

Minority Science and Engineering Improvement Program (MSEIP)

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.120A.

DATES: *Applications Available:* April 1, 2015.

Deadline for Transmittal of Applications: June 1, 2015.

Deadline for Intergovernmental Review: July 30, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The MSEIP is designed to effect long-range improvement in science and engineering education at predominantly minority institutions and to increase the flow of underrepresented ethnic minorities, particularly minority women, into scientific and technological careers.

Priorities: This notice contains one competitive preference priority and one invitational priority. The competitive preference priority is from the Department's notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 10, 2014 (79 FR 73425).

Competitive Preference 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 a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award an additional two points to an application that meets this priority.

The competitive preference priority is:

Competitive Preference Priority—Promoting Science, Technology, Engineering, and Mathematics (STEM) Education (2 additional points).

Priority: Projects that are designed to improve Student Achievement (as defined in this notice) or other related outcomes by identifying and implementing instructional strategies, systems, and structures that improve postsecondary learning and retention, resulting in completion of a degree in a STEM field.

Note: Applicants must indicate in the one-page abstract and on the MSEIP Eligibility Certification Form in the application package whether they intend to address the competitive preference priority.

Note: Through the competitive preference priority, the Department encourages applicants to implement strategies to improve student outcomes, such as increasing the number of students, including High-need Students (as defined in this notice), who persist and graduate in a STEM field. For example, an institution could implement pedagogies of engagement, such as problem-based learning, or provide Authentic STEM experiences (as defined in this notice), for students in science and engineering programs. Applicants addressing this priority should demonstrate how their proposal will improve STEM education and student outcomes.

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.

The invitational priority is:

Invitational Priority—Improving STEM Education in the First Two Years of College.

Priority: Projects designed to improve retention and other student outcomes in the first two years of college through strategies including, but not limited to, one or more of the following:

(a) Obtaining institutional support and support from accrediting agencies for changes in curricular, pedagogical, and graduation requirements that are necessary to improve the first two years of STEM coursework.

(b) Developing early intervention tutorial programs to help students academically deficient in STEM reach college level proficiency.

Note: Through the invitational priority, the Department encourages applicants to address systemic barriers that result in high failure and dropout rates during the introductory years of science and engineering programs. Applicants addressing this priority should demonstrate how their proposal will improve STEM education in the first two years of college.

Definitions: The following definitions are from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 10, 2014 (79 FR 73425), and apply to the priorities in this notice:

Authentic STEM experiences means laboratory, research-based, or experiential learning opportunities in a STEM (science, technology, engineering, and mathematics) subject in informal or formal settings.

High-minority school means a school as that term is defined by a local educational agency (LEA), 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, as amended (ESEA). 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.

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 (GED) credential, certificate of attendance, or any alternative award.

Student achievement means—

For grades and subjects in which assessments are required under section 1111(b)(3) of the Elementary and Secondary Act of 1965, as amended (ESEA): (1) A student's score on such assessments; and, as appropriate (2) other measures of student learning, such as those described in the subsequent paragraph, provided that they are rigorous and comparable across schools within a local educational agency (LEA).

For grades and subjects in which assessments are not required under section 1111(b)(3) of the ESEA: (1) Alternative measures of student learning and performance, such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; (2) student learning objectives; (3) student performance on English language proficiency assessments; and (4) other measures of student achievement that are rigorous and comparable across schools within an LEA.

Program Authority: 20 U.S.C. 1067–1067k.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations as adopted in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as adopted in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 646. (e) The notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 10, 2014 (79 FR 73425).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $2,800,918.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applications from this competition.

Estimated Range of Awards: Institutional Project Grants: $150,000–$250,000. Special Project Grants: $100,000–$250,000. Cooperative Project Grants: $250,000–$300,000.

Estimated Average Size of Awards: Institutional Project Grants: $200,000. Special Project Grants: $175,000. Cooperative Project Grants: $275,000.

Maximum Awards: Institutional Project Grants: $250,000. Special Project Grants: $250,000. Cooperative Project Grants: $300,000. We will reject any application that proposes a budget exceeding the maximum award amount listed for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: Institutional Project Grants: 10; Special Project Grants: 1; Cooperative Project Grants: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* The eligibility of an applicant is dependent on the type of MSEIP grant the applicant seeks. There are four types of MSEIP grants:

Institutional project, special project, cooperative project, and design project.

Institutional project grants are grants that support the implementation of a comprehensive science improvement plan, which may include any combination of activities for improving the preparation of minority students for careers in science.

There are two types of special project grants. First, there are special project grants for which only minority institutions are eligible. These special project grants support activities that: (1) Improve quality training in science and engineering at minority institutions; or (2) enhance the minority institutions' general scientific research capabilities. There also are special project grants for which all applicants are eligible. These special project grants support activities that: (1) Provide a needed service to a group of eligible minority institutions; or (2) provide in-service training for project directors, scientists, and engineers from eligible minority institutions.

Cooperative project grants assist groups of nonprofit accredited colleges and universities to work together to conduct a science improvement program.

Design project grants assist minority institutions that do not have their own appropriate resources or personnel to plan and develop long-range science improvement programs. We will not award design project grants in the FY 2015 competition.

(a) For institutional project grants, eligible applicants are limited to:

(1) Public and private nonprofit institutions of higher education that (i) Award baccalaureate degrees; and (ii) are minority institutions;

(2) Public or private nonprofit institutions of higher education that (i) award associate degrees; and (ii) are minority institutions that (A) have a curriculum that includes science or engineering subjects; and (B) enter into a partnership with public or private nonprofit institutions of higher education that award baccalaureate degrees in science and engineering.

(b) For special project grants for which only minority institutions are eligible, eligible applicants are described in paragraph (a).

(c) For special project grants for which all applicants are eligible, eligible applicants include those described in paragraph (a), and

(1) Nonprofit science-oriented organizations, professional scientific societies, and institutions of higher education that award baccalaureate degrees that: (i) Provide a needed service to a group of minority institutions; or (ii) provide in-service training to project directors, scientists, and engineers from minority institutions; or

(2) A consortium of organizations that provide needed services to one or more minority institutions, the membership of which may include (i) institutions of higher education which have a curriculum in science or engineering; (ii) institutions of higher education that have a graduate or professional program in science or engineering; (iii) research laboratories of, or under contract with, the Department of Energy, the Department of Defense or the National Institutes of Health; (iv) relevant offices of the National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, National Science Foundation and National Institute of Standards and Technology;

(v) quasi-governmental entities that have a significant scientific or engineering mission; or (vi) institutions of higher education that have State-sponsored centers for research in science, technology, engineering, and mathematics.

(d) For cooperative project grants, eligible applicants are groups of nonprofit accredited colleges and universities whose primary fiscal agent is an eligible minority institution as defined in 34 CFR 637.4(b).

Note: As defined in 34 CFR 637.4(b), ''minority institution'' means an accredited college or university whose enrollment of a single minority group or a combination of minority groups exceeds 50 percent of the total enrollment.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application via the Internet at Grants.gov. If you do not have access to the Internet, please contact Dr. Stacey Slijepcevic, U.S. Department of Education, 1990 K Street NW., Washington, DC 20006–8517. Telephone: (202) 219–7124 or Dr. Bernadette Hence, U.S. Department of Education, 1990 K Street NW., Washington, DC 20006–8517. Telephone: (202) 219–7038.

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 computer disc) by contacting the program contact persons 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 competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We have established a mandatory page limit for the application narrative of each type of MSEIP grant project application as follows:

Institutional project grant: 40 pages;

Special project grant: 35 pages;

Cooperative project grant: 50 pages.

You must limit the application narrative (Part III) to these established page limits, using the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides. Page numbers and a document 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, captions, and all text in charts, tables, and graphs. These items may be single spaced; however, they will 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, and graphs.

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

If you use some but not all of the allowable space on a page, it will be counted as a full page in determining compliance with the page limit.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the budget justification; Part III, the one-page abstract, the table of contents, the MSEIP Eligibility Certification Form, required letter(s) of commitment, evidence of partnerships; and Part IV, the assurances and certifications. If you include any attachments or appendices not specifically requested, these items will be counted as part of the program narrative (Part III) for purposes of the page limit requirement. You must include your complete responses to the selection criteria in the program narrative.

We will reject your application if you exceed the page limit, or if you apply other standards and exceed the equivalent of the page limit. We will also reject your application if you fail to provide the MSEIP Eligibility Certification Form.

3. *Submission Dates and Times:*

Applications Available: April 1, 2015.

Deadline for Transmittal of Applications: June 1, 2015.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 30, 2015.

4. *Intergovernmental Review:* This program is subject to E.O. 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under E.O. 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and

accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov, and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the MSEIP, CFDA Number 84.120A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the MSEIP at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.120, not 84.120A).

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. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on

the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Dr. Stacey Slijepcevic, U.S. Department of Education, 1990 K Street NW., Room 6014, Washington, DC 20006–8517. Fax: (202) 502–7861 or Dr. Bernadette Hence, U.S. Department of Education, 1990 K Street NW., Room 6152. 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 84.120A), 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 84.120A), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 637.32(a) through (j). Applicants should address each of the selection criteria. The total weight of the selection criteria is 100 points; the weight of each criterion is noted in parentheses. Please see the application package for a detailed explanation of these criteria. The selection criteria are as follows:

(a) Identification of need for the project (Total 5 points).

(b) Plan of operation (Total 20 points).

(c) Quality of key personnel (Total 5 points).

(d) Budget and cost effectiveness (Total 10 points).

(e) Evaluation plan (Total 15 points).

(f) Adequacy of resources (Total 5 points).

(g) Potential institutional impact of the project (Total 15 points).

(h) Institutional commitment to the project (Total 5 points).

(i) Expected outcomes (Total 10 points).

(j) Scientific and educational value of the proposed project (Total 10 points).

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).

Tiebreaker for Institutional, Special Project, and Cooperative Grants. If there are insufficient funds for all applications with the same total scores, applications will receive preference in the following manner. The Secretary gives priority to applicants which have not previously received funding from the program and to previous grantees with a proven record of success, as well as to applications that contribute to achieving balance among funded projects with respect to: (1) Geographic region; (2) Academic discipline; and (3) Project type.

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the MSEIP: (1) The percentage of change in the number of full-time, degree-seeking minority undergraduate students at the grantee's institution enrolled in the fields of engineering or physical or biological sciences, compared to the average minority enrollment in the same fields in the three-year period immediately prior to the beginning of the current grant; (2) the percentage of minority students enrolled at four-year minority-serving institutions in the fields of engineering or physical or biological sciences who graduate within six years of enrollment. Please see the application package for details of data collection and reporting requirements for these measures.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Dr. Stacey Slijepcevic, U.S. Department of Education, 1990 K Street NW., Room 6014, Washington, DC 20006–8517. Telephone: (202) 219–7124, or by email: *stacey.slijepcevic@ed.gov* or Dr. Bernadette Hence, U.S. Department of Education, 1990 K Street NW., Room 6152. Telephone: (202) 219–7038 or by email: *Bernadette.hence@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact 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: March 27, 2015.

Jamienne S. Studley,

Deputy Under Secretary.

[FR Doc. 2015–07484 Filed 3–31–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Graduate Assistance in Areas of National Need

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information:

Graduate Assistance in Areas of National Need (GAANN) Program

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.200A.

DATES:

Applications Available: April 1, 2015.

Deadline for Transmittal of Applications: May 29, 2015.

Deadline for Intergovernmental Review: July 28, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The GAANN Program provides grants to academic departments and programs of institutions of higher education (IHEs) to support graduate fellowships for students with excellent academic records who demonstrate financial need and plan to pursue the highest degree available in their course of study at the institution.

Priority: In accordance with 34 CFR 75.105(b)(2)(ii), the absolute priority is from the regulations for this program (34 CFR 648.33(a) and Appendix to part 648—Academic Areas).

Absolute Priority: For FY 2015 and any subsequent year for 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.

The absolute priority is:

Graduate Assistance in Areas of National Need.

A project must provide fellowships in one or more of the following areas of national need: Area, Ethnic, and Cultural Studies; Biological Sciences/Life Sciences; Chemistry; Computer and Information Sciences; Engineering; Foreign Languages; Mathematics; Nursing; Physics; Psychology; and Educational Evaluation, Research, and Statistics.

Program Authority: 20 U.S.C. 1135.

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 OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (c) The regulations for this program in 34 CFR part 648.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply only to IHEs.

II. Award Information

Type of Award: Discretionary grants redistributed as graduate fellowships to individual fellows.

Estimated Available Funds: $23,629,000.

Contingent on the availability of funds and the quality of applications, we may make additional awards for FY 2016 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $140,877 to $281,754.

Estimated Average Size of Awards: $189,032.

Estimated Number of Awards: 125.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Stipend Level: The Secretary will determine the fellowship stipend for the GAANN Program for the 2015–2016 academic year based on the level of support provided by the graduate fellowships of the National Science Foundation Graduate Research Fellowship Program, as of February 1, 2015. However, the Secretary will adjust the amount as necessary so as not to exceed the fellow's demonstrated level of financial need as calculated for purposes of the Federal Student Financial Aid Programs under title IV, part F, of the Higher Education Act of 1965, as amended.

Institutional Payment: The Secretary will determine the institutional payment for the 2015–2016 academic year by adjusting the previous academic year's institutional payment, which is $14,959 per fellow, by the U.S. Department of Labor's Consumer Price Index for the 2014 calendar year.

III. Eligibility Information

1. *Eligible Applicants:*

(a) Any academic department of an IHE that provides a course of study that—

(i) Leads to a graduate degree in an area of national need; and

(ii) Has been in existence for at least four years at the time of an application for a grant under this competition.

(b) An academic department of an IHE that—

(i) Satisfies the requirements of paragraph (a)(1) of this section; and

(ii) Submits a joint application with one or more eligible non-degree-granting institutions that have formal arrangements for the support of doctoral dissertation research with one or more degree-granting institutions.

Note: Students are not eligible to apply for grants under this program.

2. a. *Cost Sharing or Matching:* An institution must provide, from non-Federal funds, an institutional matching contribution equal to at least 25 percent of the grant amount received. (See 34 CFR 648.7.)

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. (See 34 CFR 648.20(b)(5).)

3. *Other:* For requirements relating to selecting fellows, see 34 CFR 648.40.

IV. Application and Submission Information

1. *Address to Request Application Package:* Rebecca Ell, U.S. Department of Education, 1990 K Street NW., Room 7105, K–OPE–7–7063, Washington, DC 20006. Telephone: (202) 502–7779 or by email: *OPE_GAANN_Program@ed.gov.*

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

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 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 Limit: The project narrative, Part II of the application, is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the project narrative (Part II) to no more than 40 pages, using the standards listed below. A partial page will count as a full page toward the page limit. For purposes of determining compliance with the page limit, each page on which there are words will be counted as one full page, except as specifically discussed below:

- A project narrative in a single discipline must be limited to no more than 40 pages.
- An inter-disciplinary project narrative must be limited to no more than 40 pages. An inter-disciplinary application must request funding for a single proposed program of study that involves two or more academic disciplines.
- A multi-disciplinary project narrative must be limited to no more than 40 pages for each academic department included in the proposal. A multi-disciplinary application must request funding for two or more academic departments in areas of national need designated as priorities by the Secretary that are independent and unrelated to one another.
- A ''page'' is 8.5'' x 11'' , on one side only, with 1'' margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application project narrative, including

titles, headings, footnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the project narrative may be single spaced and will 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 or Arial Narrow) will not be accepted.

• Appendices are limited to the following: Curriculum Vitae (no more than two pages per faculty member); a course listing; letters of commitment; a bibliography; and one additional optional appendix relevant to the support of the proposals, not to exceed five pages.

The page limit does not apply to Part I, the Application for Federal Assistance (SF 424) and the Department of Education Supplemental Information for the SF 424 Form; the one-page Abstract; the GAANN Statutory Assurances Form; the GAANN Budget Spreadsheet(s) Form; the Appendices; or Part III, the Assurances and Certifications. The page limit also does not apply to a two-page Table of Contents, if you include one. However the page limit does apply to all of the project narrative section in Part II.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: April 1, 2015.

Deadline for Transmittal of Applications: May 29, 2015.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 28, 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:* We specify unallowable costs in 34 CFR 648.64. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

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 GAANN Program, CFDA number 84.200A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the GAANN Program 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 84.200, not 84.200A).

Please note the following:

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *http://www.G5.gov.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, the GAANN Budget Spreadsheet(s) Form, and the GAANN Statutory Assurances, and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system;

and

• No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Rebecca Ell, U.S. Department of Education, 1990 K Street NW., Room 7105, K–OPE–7–7063, Washington, DC 20006. FAX: (202)502–7857.

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 84.200A), 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 84.200A), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays. *Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are in 34 CFR 648.31.

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).

Additional factors we consider in selecting an application for an award are in 34 CFR 648.32.

3. *Special Conditions:* Under current 34 CFR 74.14 and 80.12 and, when grants are made under this NIA, 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 34 CFR parts 74 or 80, as applicable or, when grants are awarded, the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN) or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118 and 34 CFR 648.66. If you wish to view the performance report currently required, visit the GAANN Program Web site at: *http://www2.ed.gov/programs/gaann/performance.html.* Please be advised that the report is for informational purposes only and does not reflect the actual reporting instrument that you will use should you receive a GAANN grant. 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.*

(c) Grantees will be required to submit a supplement to the Final Performance Report two years after the expiration of their GAANN grant. The purpose of this supplement is to identify and report the educational outcome of each GAANN fellow.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the following measures will be used by the Department in assessing the performance of the GAANN Program:

(1) The percentage of GAANN fellows completing the terminal degree in the designated areas of national need.

(2) The percentage of GAANN fellows from traditionally underrepresented groups.

(3) The median time to completion of Master's and Doctorate degrees for GAANN students.

If funded, you will be required to collect and report data in your project's annual performance report (34 CFR 75.590) on those measures and steps taken toward improving performance on

those outcomes. Consequently, applicants are advised to include these outcomes in conceptualizing the design, implementation, and evaluation of their proposed projects. Their measurement should be a part of the project evaluation plan, along with measures of your progress and on the goals and objectives specific to your project.

All grantees will be expected to submit an annual performance report documenting their success in addressing these performance measures.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Rebecca Ell, U.S. Department of Education, 1990 K Street NW., Room 7105, K–OPE–7–7063, Washington, DC 20006. Telephone: (202) 502–7779 or by email: *OPE_GAANN_Program@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

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: March 27, 2015.

Jamienne S. Studley,

Deputy Under Secretary.

[FR Doc. 2015–07483 Filed 3–31–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No., AD15–4–000]

Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conferences issued on December 9, 2014 [1] and the Supplemental Notice of Technical Conferences issued on January 6, 2015,[2] the Federal Energy Regulatory Commission (Commission) staff will hold a Central region [3] technical conference to discuss implications of compliance approaches to the Clean Power Plan proposed rule, issued by the Environmental Protection Agency (EPA) on June 2, 2014.[4] The technical conference will focus on issues related to electric reliability, wholesale electric markets and operations, and energy infrastructure in the Central region. The Commission will hold the Central region technical conference on March 31, 2015, from approximately 8:45 a.m. to 5:00 p.m. at the Renaissance St. Louis Airport Hotel, 9801 Natural Bridge Road, St. Louis, MO 63134 (Phone: (314) 429–1100). This conference is free of charge and open to the public. Commission members may participate in the conference. The agenda for the Central region technical conference is attached to this Supplemental Notice of Technical Conference.

If you have not already done so, those who plan to attend the technical conference are strongly encouraged to complete the registration form located at: *https://www.ferc.gov/whats-new/registration/03-31-15-form.asp.* There is no registration deadline or fee to attend the conference.

The Commission will post information on the technical conference on the Calendar of Events on the Commission's Web site, *http://www.ferc.gov,* prior to the conference. The Central region technical conference will also be transcribed. Transcripts of the technical conference will be available for a fee from Ace-Federal Reporters, Inc. (202) 347–3700). There will also be a free audio cast of the conference. The audio cast will allow persons to listen to the Central region technical conference, but not participate. Anyone with internet access who desires to watch the Central region conference can do so by navigating to the Calendar of Events on the Commission's Web site, *http://www.ferc.gov,* and locating the Central region technical conference in the Calendar. The Central region technical conference will contain a link to its audio cast.[5]

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For more information about the technical conferences, please contact: *Logistical Information,* Sarah McKinley, Office of External Affairs, Federal

[1] Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure, Docket No. AD15–4–000, (Dec. 9, 2014) (Notice of Technical Conferences), *available at http://www.ferc.gov/CalendarFiles/20141209165657-AD15-4-000TC.pdf.*

[2] Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure, Docket No. AD15–4–000, (Jan. 6, 2015) (Supplemental Notice of Technical Conferences), *available at http://www.ferc.gov/CalendarFiles/20150106170115-AD15-4-000TC1.pdf.*

[3] For purposes of this conference, the Central Region includes the following Commission-approved Order No. 1000 planning regions: Midcontinent Independent System Operator, Inc. (MISO) and Southwest Power Pool, Inc. (SPP). This region also includes the Electric Reliability Council of Texas (ERCOT).

[4] Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 79 FR 34,830 (2014) (Proposed Rule), *available at http://www.gpo.gov/fdsys/pkg/FR-2014-06-18/pdf/2014-13726.pdf.*

[5] The audio cast will continue to be available on the Calendar of Events on the Commission's Web site, *http://www.ferc.gov,* for three months after the conference.

Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Legal Information, Alan Rukin, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8502, *alan.rukin@ferc.gov.*

Technical Information, Jessica L. Cockrell, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8190, *jessica.cockrell@ferc.gov.*

Technical Information, Michael Gildea, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8420, *michael.gildea@ferc.gov.*

Dated: March 25, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07448 Filed 3–31–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–7–000]

Eagle LNG Partners Jacksonville LLC; Supplemental Notice of Intent To Prepare an Environmental Impact Statement for the Planned Jacksonville Project and Request for Comments on Environmental Issues

On February 24, 2015, the Commission issued a ''*Notice of Intent to Prepare an Environmental Impact Statement for the Planned Jacksonville Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting''* (NOI). It has come to our attention that the environmental mailing list was not provided copies of the NOI; therefore, we are issuing this Supplemental NOI to extend the scoping period and provide additional time for interested parties to file comments on environmental issues.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Jacksonville Project (Project) involving construction and operation of facilities by Eagle LNG Partners Jacksonville LLC (Eagle LNG) in Duval County, Florida. The Commission will use this EIS in its decision-making process to determine whether the project is in the public convenience and necessity.

The Commission and its cooperating agencies continue to gather input from the public and interested agencies on the project. This process is referred to as scoping. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. The initial NOI identified March 26, 2015 as the close of the scoping period. Please note that the scoping period is now extended and will close on April 24, 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 planned Project and encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Eagle LNG proposes to construct, own and operate the Jacksonville LNG facility located within the City of Jacksonville, Florida, on industrially zoned land adjacent to the St. Johns River.

The facility would receive domestically produced natural gas, transported through existing and expanded local utility pipelines, and utilize super-cooling to create liquefied natural gas (LNG) for temporary onsite storage. The Project would include three liquefaction trains, one (possibly two) LNG storage tanks, and a marine load-out facility and dock on the St. Johns River that could accommodate small to mid-size LNG vessels and bunkering barges. LNG would be periodically loaded for transport onto trucks, containers, or ocean-going vessels, and marketed for use in U.S. vehicular and high-horsepower engines, domestic ship fueling (marine bunkering), and international export.

As currently planned, the Jacksonville Project would consist of the following facilities:

- Three liquefaction trains, each with a capacity of 0.18 million tons per annum;
- inlet natural gas boost compression;
- interconnect piping (including potential non-jurisdictional expansion of existing public utility lines);
- one 30,283 cubic meter single containment LNG storage tank;
- an LNG vessel docking and loading terminal;
- an LNG truck loading area;
- flare stack; and
- power, water, and communications facilities (including off-site non-jurisdictional facilities leading to the Project site).

The general location of the Project site is shown in Appendix 1.[1]

Land Requirements for Construction

The planned Jacksonville Project would encompass a 193 acre site along the St. Johns River that is currently zoned for industrial development by the City of Jacksonville, and located in an area that hosts other bulk fuel terminals. The Project site includes a submerged land lease covering lands extending approximately 600 feet from the shoreline into the St. Johns River. Based on the Project's initial design, the facility construction footprint would occupy approximately 40 of the 193 acres; laydown area requirements during construction are included within the 40 acres. Eagle LNG is still in the planning phase for the Jacksonville Project and the required property title assignments have not been finalized.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the authorization of LNG facilities under section 3(a) of the Natural Gas Act. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS, we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology and soils;
- land use;
- water resources and wetlands;
- cultural resources;
- vegetation, fisheries, and wildlife;

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

- socioeconomics;
- air quality and noise;
- endangered and threatened species;
- public safety and reliability; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS. In addition, representatives from the FERC participated in the public open house sponsored by Eagle LNG in Jacksonville, Florida in January 2015 to explain the environmental review process and answer questions to interested stakeholders.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 5 of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this Project to formally cooperate with us in the preparation of the EIS.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Coast Guard, the U.S. Army Corps of Engineers, and the Florida Department of Environmental Protection have expressed their intention to participate as cooperating agencies in the preparation of the EIS.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Florida State Division of Historical Resources (State Historic Preservation Office (SHPO)), and to solicit its views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction area, contractor storage yards, and access roads). Our EIS for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Eagle LNG. This preliminary list of issues may change based on your comments and our continued analysis. Issued identified include:

- Potential impacts on recreational fishing and aquatic resources in the vicinity of Bartram Island and along the St Johns River Shipping Channel;
- potential water quality impact from dredging and disposal;
- visual effects on surrounding areas;
- public safety and hazards associated with the transport of natural gas and LNG; and
- potential impacts and potential benefits of construction workforce on local housing, infrastructure, public services, and economy.

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 your comments so that the Commission receives them in Washington, DC on or before April 24, 2015. This is not your only public input opportunity; please refer to the Environmental Review Process flowchart in Appendix 2.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (PF15–7–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the eComment (*http://www.ferc.gov/docs-filing/ecomment.asp*) feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings (*http://www.ferc.gov/docs-filing/docs-filing.asp*). This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the eFiling (*http://www.ferc.gov/docs-filing/efiling.asp*) feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' (*http://www.ferc.gov/docs-filing/eregistration.asp*). You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can 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 and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 3).

Becoming an Intervenor

Once Eagle LNG files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/help/how-to/intervene.asp.* Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF15–7). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *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: March 25, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07449 Filed 3–31–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0066; FRL–9923–90]

Issuance of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

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?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0066 is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

II. EUP

EPA has issued the following EUP:

67760–EUP–2. Issuance. Cheminova, Inc. 1600 Wilson Blvd., Suite 700 Arlington, VA 22209. This EUP allows the use of 132 gallons formulated product (137 pounds active ingredient) of the fungicide flutriafol on 600 acres of soybean to evaluate the control of Sudden Death Syndrome and Charcoal Rot. The program is authorized only in the States of Illinois, Indiana, and Iowa. The EUP is effective from March 27, 2015 to March 27, 2016.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 23, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2015–07215 Filed 3–31–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OAR–2015–0075; FRL 9925–56–Region 5]

Adequacy Status of the Kenosha and Sheboygan Counties, Wisconsin Area Submitted 8-Hour Ozone Early Progress Plans for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency.

ACTION: Notice of adequacy.

SUMMARY: In this notice, the Environmental Protection Agency (EPA) is notifying the public that we have found that the motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) in the Kenosha and Sheboygan, Wisconsin 8-hour ozone nonattainment areas are adequate for use in transportation conformity determinations. Wisconsin submitted Early Progress Plans for Kenosha and Sheboygan Counties on January 16, 2015. As a result of our finding, these areas must use these MVEBs for future transportation conformity determinations.

DATES: This finding is effective April 16, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Environmental Engineer, Control Strategies Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6680, *leslie.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we'', ''us'' or ''our'' is used, we mean EPA.

Background

Today's notice is simply an announcement of a finding that we have already made. On March 13, 2015, EPA sent a letter to the Wisconsin Department of Natural Resources stating that the 2015 MVEBs contained in the Early Progress Plans for Kenosha and Sheboygan Counties in Wisconsin are adequate for transportation conformity purposes. Receipt of these MVEBs was announced on EPA's transportation conformity Web site, and no comments were submitted. The finding is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

The 2015 MVEBs, in tons per day (tpd), for VOCs and NO_X for Kenosha and Sheboygan, Wisconsin areas are as follows:

Area	2015 NO_X (tpd)	2015 VOCs (tpd)
Kenosha County	4.379	1.994
Sheboygan County	4.435	1.972

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a State Implementation Plan (SIP) means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 23, 2015.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2015–07477 Filed 3–31–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0086; FRL–9925–03]

EQI and POM SFIREG; Notice of Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG), Joint EQI and POM Committee will hold a 2-day meeting, beginning on April 13, 2015 and ending April 14, 2015. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, April 13, 2015 from 8 a.m. to 5 p.m. and 8:30 a.m. to 3 p.m. on Tuesday April 14, 2015.

To request accommodation of a disability you should please contact the person listed in this notice under **FOR FURTHER INFORMATON CONTACT**. Please contact EPA at least 10 days prior to the meeting, to give EPA as much time as possible to process your request

ADDRESSES: The meeting will be held at EPA, One Potomac Yard (South Bldg.) 2777 Crystal Dr., Arlington VA. 1st Floor South Conference Room.

FOR FURTHER INFORMATION CONTACT: Ron Kendall, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–5561; fax number: (703) 305–5884; email address: *kendall.ron@epa.gov.* or Amy Bamber, SFIREG Executive Secretary, at *aapco-sfireg@comcast.net.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting States and any discussion between EPA and SFIREG on FIFRA field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to, persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as any non-government organization. If you have any questions regarding the applicability of this action to a particular entity please consult the person in this notice listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0086, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Tentative Agenda Topics

1. OPP/OECA program updates.
2. Emergence of Unmanned Aerial Vehicles (UVA) for agricultural applications.
3. State updates on environmental quality issues.
4. Present results of the SFIREG Pesticides of Interest Tracking System (POINTS) evaluation.

5. Aggregation of National Endangered Species Act (ESA) data by the FIFRA Endangered Species Task Force.
6. States use of EPA developed benchmarks for pesticides in water.
7. State managed pollinator protection plan measures.
8. Endocrine Disruptor Screening Program.
9. Design for the Environment (DfE) survey results.
10. Oregon neonicotinoid ban.
11. Drift Reduction Technology (DRT) Program and the Spray Drift PR Notice.
12. Respirator label language in the label review manual.

III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 25, 2015.

Patricia L. Parrott,

Acting Director, Field and External Affairs Division, Office of Pesticide Protection.

[FR Doc. 2015–07494 Filed 3–31–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9925–68–OAR]

Clean Air Act Advisory Committee (CAAAC): Notice of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Environmental Protection Agency (EPA) announces upcoming public meetings of the Clean Air Act Advisory Committee (CAAAC). The EPA established the CAAAC on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical, scientific and enforcement policy issues.

Dates & Addresses: Pursuant to 5 U.S.C. App. 2 Section 10(a) (2), notice is hereby given that the CAAAC will hold its next face-to-face meeting on April 22, 2015, tentatively from 8:30 a.m. to 4:00 p.m. at the Crowne Plaza Washington National Airport hotel, 1480 Crystal Drive, Arlington, VA 22202.

Inspection of Committee Documents: The committee agenda, confirmed times for the meetings, and any documents prepared for these meetings will be publicly available on the CAAAC Web site at *http://www.epa.gov/oar/caaac/* prior to the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will also be available on the CAAAC Web site or by contacting the Office of Air and Radiation Docket and requesting information under docket EPA–HQ–OAR–2004–0075. The docket office can be reached by email at: *a-and-r-Docket@epa.gov* or FAX: 202–566–9744.

FOR FURTHER INFORMATION CONTACT: For more information about the CAAAC, please contact Jim Ketcham-Colwill, Interim Designated Federal Officer (DFO), Office of Air and Radiation, U.S. EPA by email at *ketcham-colwill.jim@epa.gov* or by telephone at (202) 564–1676. Additional information about this meeting, CAAAC, and its subcommittees can be found on the CAAAC Web site: *http://www.epa.gov/oar/caaac/.*

For information on access or services for individuals with disabilities, please contact Lorraine Reddick at (202) 564–1293 or *reddick.lorraine@epa.gov,* preferably at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: March 25, 2015.

Jim Ketcham-Colwill,

Interim Designated Federal Officer, Clean Air Act Advisory Committee, Office of Air and Radiation.

[FR Doc. 2015–07491 Filed 3–31–15; 8:45 am]

BILLING CODE 6560–50–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 16, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Joel Sanders, Oakland, California, and James N. Sanders, Plymouth, Minnesota, as trustees of the Joel Sanders GRAT dated December 1, 2014, Oakland, California (GRAT); Sheva Sanders, Minneapolis, Minnesota,* as a voting member of Rifkind Sanders, LLC, Minneapolis, Minnesota (LLC); Miriam Sanders, Minneapolis, Minnesota, as trustee of the Disclaimer Trust, Minneapolis, Minnesota (Disclaimer Trust); and Jerel Shapiro and Judith Shapiro, both of Minneapolis, Minnesota, as trustees of both the Judith T. Shapiro GST Trust, Minneapolis, Minnesota (JTS Trust), and the Jonathan J. Tychman Non-Exempt Trust, Minneapolis, Minnesota (JJT Trust), for retroactive permission for the GRAT, LLC, Disclaimer Trust, JTS Trust, and JJT Trust to join the Tychman/Sanders group, which controls 25 percent or more of The Tysan Corporation, Minneapolis, Minnesota, and thereby indirectly gain control of Lake Community Bank, Long Lake, Minnesota, and Pine Country Bank, Little Falls, Minnesota.

In addition, Jerel Shapiro and Judith Shapiro individually, and as trustees, of several Tychman/Sanders Group Trusts, to retain 25 percent or more of the shares of The Tysan Corporation, Minneapolis, Minnesota.

Board of Governors of the Federal Reserve System, March 27, 2015.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2015–07445 Filed 3–31–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 132 3285]

National Payment Network, Inc.; Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 27, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/natpaynetconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''National Payment Network, Inc.—Consent Agreement; File No. 132 3285'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/natpaynetconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''National Payment Network, Inc.—Consent Agreement; File No. 132 3285'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Daniel Dwyer, Bureau of Consumer Protection, (202) 326–2957, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 26, 2015), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 27, 2015. Write ''National Payment Network, Inc.—Consent Agreement; File No. 132 3285'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/natpaynetconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''National Payment Network, Inc.—Consent Agreement; File No. 132 3285'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 27, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'') has accepted, subject to final approval, an agreement containing a consent order from National Payment Network, Inc., also known as NPN, Inc. The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the FTC will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

The respondent is a company that offers an auto payment program to consumers financing a motor vehicle. The matter involves its advertising of the auto payment program to consumers. According to the FTC complaint, respondent has represented that consumers who enroll in its biweekly payment program in order to pay off their auto-financing contract will save money, often including a specific amount of savings in interest. Respondent failed to disclose, however, that it charged fees that in many cases offset any savings under the program, and also failed to disclose the total amount of these fees. These facts would be material to consumers in their decision to enroll in respondent's biweekly payment program. The complaint alleges therefore that respondent's failure to disclose the

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

above-mentioned facts is a deceptive practice in violation of section 5 of the FTC Act.

The proposed order is designed to prevent respondent from engaging in similar deceptive practices in the future. Section I prohibits respondent from representing that a payment program or add-on product or service will save consumers money, including interest, unless the amount of savings is greater than the total amount of fees associated with the product or service or any qualifying information is clearly and conspicuously disclosed. Section I also prohibits respondent from representing that a payment program or add-on product or service will save any consumer a specific amount of money, including interest, unless the specified amount is the amount of savings after deducting any fees or any qualifying information relating to savings is clearly and conspicuously disclosed.

Section II of the proposed order prohibits respondent from making misrepresentations related to any payment programs, including regarding the existence, amount, timing, or manner of any fees, the program's benefits, performance, or efficacy, or the ability of any payment program to affect consumer credit.

Section III of the proposed order prohibits respondent from making misrepresentations related to any add-on products or services, including regarding the total costs of the add-on and the benefits, performance, or efficacy of the add-on, any restrictions or conditions associated with the add-on, the nature or terms of any refund, cancellation, or exchange of an add-on and that any add-on product can improve, repair or otherwise affect a consumer's credit.

Section IV requires respondent to substantiate any representations about the benefits, performance or efficacy of any add-on product or service or any payment program.

Section V prohibits respondent from collecting cancellation fees from consumers who have finished paying off their financing contract through NPN's Plan.

Section VI of the proposed order requires respondent to pay consumers two million four hundred and seventy-five thousand dollars ($2,475,000.00) in monetary relief. The proposed order permits respondent to pay the monetary relief amount by: (1) Refunding customers a total of $1,526,000.00 within thirty days of service of the order; (2) waiving an additional $949,000.00 in fees for current customers. If respondent is unable to provide refunds or fee waivers in the stated amount, it must remit the balance to the Commission.

Section VII of the proposed order requires respondent to keep copies of relevant advertisements and materials substantiating claims made in the advertisements. Section VIII requires that respondent provide copies of the order to certain of its personnel. Section IX requires notification of the Commission regarding changes in corporate structure that might affect compliance obligations under the order. Section X requires the respondent to file compliance reports with the Commission. Finally, section XI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–07406 Filed 3–31–15; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 132 3285]

Matt Blatt Inc. and Glassboro Imports, LLC; Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 27, 2015.

ADDRESSES: Interested parties may file a comment at *http://ftcpublic.commentworks.com/ftc/mattblattconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Matt Blatt Inc. and Glassboro Imports, LLC Consent Agreement; File No. 1323285'' on your comment and file your comment online at *http://ftcpublic.commentworks.com/ftc/mattblattconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Matt Blatt Inc. and Glassboro Imports, LLC Consent Agreement; File No. 1323285'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Daniel Dwyer, Bureau of Consumer Protection, (202) 326–2957, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 26, 2015), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 27, 2015. Write ''Matt Blatt Inc. and Glassboro Imports, LLC Consent Agreement; File No. 1323285'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card

number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *http://ftcpublic.commentworks.com/ftc/mattblattconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Matt Blatt Inc. and Glassboro Imports, LLC Consent Agreement; File No. 1323285'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 27, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'') has accepted, subject to final approval, an agreement containing a consent order from Matt Blatt Inc., also known as Matt Blatt KIA and as Matt Blatt Egg Harbor Township (''Matt Blatt Inc.''), and from Glassboro Imports, LLC, also known as Matt Blatt Glassboro Suzuki, as Matt Blatt Glassboro, and as Matt Blatt Auto Sales (''Glassboro Imports''). The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the FTC will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

The respondents are dealerships that offer an auto payment program to consumers financing a motor vehicle. The matter involves the dealerships' sale of the auto payment program to consumers. According to the FTC complaint, respondents have represented that consumers who enroll in its biweekly payment program in order to pay off their auto-financing contract will save money or achieve other benefits through the program. However, respondents failed to disclose that consumers who enroll in the program are charged fees that in many cases offset any savings under the program, and also failed to disclose the total amount of these fees. These facts would be material to consumers in their decision to enroll in the biweekly payment program sold by respondents. The complaint alleges therefore that respondents' failure to disclose the above-mentioned facts is a deceptive practice in violation of Section 5 of the FTC Act.

The proposed order is designed to prevent respondents from engaging in similar deceptive practices in the future. Section I prohibits respondents from representing that a payment program or add-on product or service will save consumers money, including interest, unless the amount of savings is greater than the total amount of fees associated with the product or service or any qualifying information is clearly and conspicuously disclosed. Section I also prohibits respondents from representing that a payment program or add-on product or service will save any consumer a specific amount of money, including interest, unless the specified amount is the amount of savings after deducting any fees or any qualifying information relating to savings is clearly and conspicuously disclosed.

Section II of the proposed order prohibits respondents from making misrepresentations related to any payment programs, including regarding the existence, amount, timing, or manner of any fees, the program's benefits, performance, or efficacy.

Section III of the proposed order prohibits respondents from making misrepresentations related to any add-on products or services, including regarding the total costs of the add-on and the benefits, performance, or efficacy of the add-on, any restrictions or conditions associated with the add-on, the nature or terms of any refund, cancellation, or exchange of an add-on, and that any add-on product can improve, repair or otherwise affect a consumer's credit.

Section IV requires respondents to substantiate any representations about the benefits, performance or efficacy of any add-on product or service or any payment program.

Section V of the proposed order requires respondents to pay to the Commission One Hundred Eighty Four Thousand Two Hundred Eighty dollars ($184,280.00) in monetary relief.

Section VI of the proposed order requires respondent to keep copies of relevant advertisements and materials substantiating claims made in the advertisements. Section VII requires that respondent provide copies of the order to certain of its personnel. Section VIII requires notification of the Commission regarding changes in corporate structure that might affect compliance obligations under the order. Section IX requires the respondent to file compliance reports with the Commission. Finally, Section X is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark

Secretary.

[FR Doc. 2015–07404 Filed 3–31–15; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 152 3036]

Jim Burke Automotive, Inc.; Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 27, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/jimburkeconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Jim Burke Automotive, Inc.—Consent Agreement; File No. 1523036'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/jimburkeconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Jim Burke Automotive, Inc.—Consent Agreement; File No. 1523036'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Sana Chriss, Southeast Regional Office, (404) 656–1364, 225 Peachtree Street NE., Suite 1500, Atlanta, Georgia 30303.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 26, 2015), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 27, 2015. Write ''Jim Burke Automotive, Inc.—Consent Agreement; File No. 1523036'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/jimburkeconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Jim Burke Automotive, Inc.—Consent Agreement; File No. 1523036'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 27, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'') has accepted, subject to final approval, an agreement containing a consent order from Jim Burke Automotive, Inc., also doing business as Jim Burke Nissan. The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record.

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

After thirty (30) days, the FTC will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

The respondent is a motor vehicle dealer. This matter involves the respondent's advertising of the purchase and financing of its motor vehicles. According to the FTC's complaint, the respondent has advertised that vehicles are available for purchase at the prices prominently advertised when in fact, the complaint alleges, consumers must pay an additional $3,000 to purchase the advertised vehicles. The complaint alleges therefore that the representations are false or misleading in violation of Section 5 of the FTC Act.

The complaint further alleges that the respondent has advertised that specific discounts, rebates, bonuses, or incentives are generally available to consumers, when in fact, according to the complaint, they are not generally available to consumers. The complaint alleges therefore that the representations are false or misleading in violation of Section 5 of the FTC Act.

In addition, the complaint alleges that the respondent violated the Truth in Lending Act (''TILA'') and Regulation Z by failing to disclose or disclose clearly and conspicuously certain costs and terms when advertising credit.

The proposed order is designed to prevent the respondent from engaging in similar deceptive practices in the future. Part I.A of the proposed order prohibits the respondent from misrepresenting the cost of: (1) Purchasing a vehicle with financing, including but not necessarily limited to the amount or percentage of the down payment, the number of payments or period of repayment, the amount of any payment, and the repayment obligation over the full term of the loan, including any balloon payment; or (2) leasing a vehicle, including but not limited to the total amount due at lease inception, the down payment, amount down, acquisition fee, capitalized cost reduction, any other amount required to be paid at lease inception, and the amounts of all monthly or other periodic payments. Part I.B prohibits the respondent from misrepresenting any other material fact about the price, sale, financing, or leasing of any vehicle.

Part II.A of the proposed order prohibits respondent from representing that a discount, rebate, bonus, incentive or price is available to consumers unless, it is available to all consumers and for all vehicles advertised; or the representation clearly and conspicuously discloses all material qualifications or restrictions, if any, including but not limited to qualifications or restrictions on: (a) A consumer's ability to obtain the discount, rebate, bonus, incentive or price and (b) the vehicles available at the discount, rebate, bonus, incentive or price. Part II.B prohibits respondent from misrepresenting: (1) The existence or amount of any discount, rebate, bonus, incentive or price; (2) the existence, price, value, coverage, or features of any product or service associated with the motor vehicle purchase; (3) the number of vehicles available at particular prices; or 4) any other material fact about the price, sale, financing, or leasing of motor vehicles.

Part III of the proposed order addresses the TILA allegation. Part III.A requires the respondent to make all of the disclosures required by TILA and Regulation Z when any of its advertisements state relevant triggering terms. It also requires that if any finance charge is advertised, the rate be stated as an ''annual percentage rate'' using that term or the abbreviation ''APR.'' In addition, Part III.C prohibits the respondent from failing to comply in any respect with TILA and Regulation Z.

Part IV of the proposed order requires respondent to keep copies of relevant advertisements and materials substantiating claims made in the advertisements. Part V requires that respondent provide copies of the order to certain of its personnel. Part VI requires notification to the Commission regarding changes in corporate structure that might affect compliance obligations under the order. Part VII requires the respondent to file compliance reports with the Commission. Finally, Part VIII is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–07409 Filed 3–31–15; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 132 3114]

City Nissan Inc., Proposed Consent Order to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 27, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/citynissanconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''City Nissan Inc.—Consent Agreement; File No. 1323114'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/citynissanconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''City Nissan Inc.—Consent Agreement; File No. 1323114'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: John Jacobs, Western Region—Los Angeles, (310) 824–4360, 10877 Wilshire Blvd., Suite 700, Los Angeles, California 90024.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 26, 2015), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 27, 2015. Write ''City Nissan Inc.—Consent Agreement; File No. 1323114'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/citynissanconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''City Nissan Inc.—Consent Agreement; File No. 1323114'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 27, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'') has accepted, subject to final approval, an agreement containing a consent order from City Nissan, Inc., also doing business as Ross Nissan. The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the FTC will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

The respondent is a motor vehicle dealer. According to the FTC complaint, the respondent has advertised promotions for the leasing and financing of automobiles. In advertising lease offers, the complaint alleges, the respondent has misrepresented that consumers can pay $0 at lease inception to lease the vehicles shown in the advertisements for the advertised monthly payment amount. The complaint alleges that, in fact, consumers must pay substantially more to drive off with these vehicles. The complaint alleges therefore that the representations are false and misleading in violation of Section 5 of the FTC Act.

The complaint further alleges that the respondent has advertised an annual percentage rate of 0% to finance the vehicles shown in the advertisements for the advertised monthly payment. The complaint alleges that in fact, the annual percentage rate is substantially greater than 0%. The complaint alleges therefore that the representations are false and misleading in violation of Section 5 of the FTC Act.

Additionally, the complaint alleges violations of the Consumer Leasing Act (''CLA'') and Regulation M for failing to disclose or to disclose clearly and conspicuously certain costs and terms when advertising credit. Finally, the complaint alleges violations of the Truth in Lending Act (''TILA'') and Regulation Z for failing to disclose or to disclose clearly and conspicuously certain costs and terms when advertising credit.

The proposed order is designed to prevent the respondent from engaging in similar deceptive practices in the future. Part I.A of the proposed order prohibits the respondent from misrepresenting the cost of: (1) Leasing a vehicle, including but not limited to the total amount due at lease inception, the down payment, amount down, acquisition fee, capitalized cost reduction, any other amount required to be paid at lease inception, and the amounts of all monthly or other periodic payments; or (2) purchasing a vehicle with financing, including but not necessarily limited to the amount or percentage of the down payment, the number of payments or period of repayment, the amount of any payment, the annual percentage rate or any other finance rate, and the repayment obligation over the full term of the loan, including any balloon payment. Part I.B prohibits the respondent from misrepresenting any other material fact about the price, sale, financing, or leasing of any vehicle.

Part II of the proposed order addresses the CLA allegations. Part II.A prohibits the respondent from stating the amount of any payment or that any or no initial payment is required at lease inception without disclosing clearly and conspicuously: (1) That the transaction advertised is a lease; (2) the total amount due at lease signing or delivery; (3) whether or not a security deposit is required; (4) the number, amounts, and timing of scheduled payments; and (5) that an extra charge may be imposed at the end of the lease term in a lease in

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

which the liability of the consumer at the end of the lease term. Part II.B prohibits the respondent from violating any provision of the CLA or Regulation M.

Part III of the proposed order addresses the TILA allegation. Part III.A requires the respondent to make all of the disclosures required by TILA and Regulation Z when any of its advertisements state relevant triggering terms. It also requires that if any finance charge is advertised, the rate be stated as an ''annual percentage rate'' using that term or the abbreviation ''APR.'' In addition, Part III.C prohibits the respondent from failing to comply in any respect with TILA and Regulation Z.

Part IV of the proposed order requires the respondent to keep copies of relevant advertisements and materials substantiating claims made in the advertisements. Part V requires the respondent to provide copies of the order to certain of its personnel. Part VI requires notification to the Commission regarding changes in corporate structure that might affect compliance obligations under the order. Part VII requires the respondent to file compliance reports with the Commission. Finally, Part VIII is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–07408 Filed 3–31–15; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 152 3047]

TT of Longwood, Inc.; Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 27, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/coryfairbanksmazdaconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''TT of Longwood, Inc.—Consent Agreement; File No. 1523047'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/coryfairbanksmazdaconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''TT of Longwood, Inc.—Consent Agreement; File No. 1523047'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Sana Chriss, Southeast Regional Office, (404) 656–1364, 225 Peachtree Street NE., Suite 1500, Atlanta, Georgia 30303.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 26, 2015), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 27, 2015. Write ''TT of Longwood, Inc.—Consent Agreement; File No. 1523047'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/coryfairbanksmazdaconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''TT of Longwood, Inc.—Consent Agreement; File No. 1523047'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 27, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'') has accepted, subject to final approval, an agreement containing a consent order from TT of Longwood, Inc., also doing business as Cory Fairbanks Mazda. The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the FTC will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

The respondent is a motor vehicle dealer. According to the FTC's complaint, the respondent has misrepresented: (1) Vehicle purchase prices; (2) that advertised prices, discounts, rebates, bonuses, and incentives are available to all consumers; (3) the prices for added features such as spoilers and sunroofs; (4) that vehicles are available for sale or lease for zero down, zero payments, or zero interest; (5) that vehicles are available for $99; and (6) that consumers can pay $0 at the inception of a lease to lease the advertised vehicle for the advertised monthly payment amount. The complaint alleges therefore that the representations are false and misleading in violation of Section 5 of the FTC Act.

In addition, the complaint alleges the respondent violated the Consumer Leasing Act (''CLA'') and Regulation M for failing to disclose or to disclose clearly and conspicuously certain costs and terms when advertising vehicles for lease.

The proposed order is designed to prevent the respondent from engaging in similar deceptive practices in the future. Part I.A of the proposed order prohibits the respondent from misrepresenting the cost of: (1) Purchasing a vehicle with financing, including but not necessarily limited to the amount or percentage of the down payment, the number of payments or period of repayment, the amount of any payment, and the repayment obligation over the full term of the loan, including any balloon payment; or (2) leasing a vehicle, including but not limited to the total amount due at lease inception, the down payment, amount down, acquisition fee, capitalized cost reduction, any other amount required to be paid at lease inception, and the amounts of all monthly or other periodic payments. Part I.B prohibits the respondent from misrepresenting any other material fact about the price, sale, financing, or leasing of any vehicle.

Part II.A of the proposed order prohibits respondent from representing that a discount, rebate, bonus, incentive or price is available unless: (1) It is available to all consumers, and for all vehicles advertised; or (2) the representation clearly and conspicuously discloses all qualifications or restrictions on: (a) A consumer's ability to obtain the discount, rebate, bonus, incentive, or price and (b) the vehicles available at the discount, rebate, bonus incentive, or price. Part II.B prohibits respondent from misrepresenting any of the following: (1) The existence or amount of any discount, rebate, bonus, incentive, or price; (2) the existence, price, value, coverage, or features of any product or service associated with the motor vehicle purchase; (3) the number of vehicles available at particular prices; or (4) any other material fact about the price, sale, financing, or leasing of motor vehicles.

Part III of the proposed order addresses the CLA allegations. Part III.A prohibits the respondent from stating the amount of any payment or that any or no initial payment is required at lease inception without disclosing clearly and conspicuously: (1) That the transaction advertised is a lease; (2) the total amount due at lease signing or delivery; (3) whether or not a security deposit is required; (4) the number, amounts, and timing of scheduled payments; and (5) that an extra charge may be imposed at the end of the lease term. Part III.B prohibits the respondent from violating any provision of the CLA or Regulation M.

Part IV of the proposed order requires the respondent to keep copies of relevant advertisements and materials substantiating claims made in the advertisements. Part V requires the respondent to provide copies of the order to certain of its personnel. Part VI requires notification to the Commission regarding changes in corporate structure that might affect compliance obligations under the order. Part VII requires the respondent to file compliance reports with the Commission. Finally, Part VIII is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–07407 Filed 3–31–15; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–MVC–2015–01, Docket No. 2015–0054, Sequence 1]

National Dialogue and Pilot To Reduce Reporting Compliance Costs for Federal Contractors and Grantees

AGENCY: General Services Administration (GSA) and Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Chief Acquisition Officers Council, Department of Health and Human Services, and the General Services Administration (GSA) are conducting a national dialogue to discuss ideas on how to reduce the costs (compliance and other) associated with reporting compliance under Federal awards (contracts, subcontracts, grants, subgrants, and cooperative agreements). This dialogue is part of an effort to improve the economy and efficiency of the federal award system by identifying impactful steps that can be taken to streamline, reporting, reduce burden, and reduce costs.

DATES: Interested parties may participate in the national dialogue through an online platform by reviewing the information and participation dates posted at *www.cao.gov.* The dialogue will open on May 30, 2015 and close on May 30, 2017.

ADDRESSES: Interested parties may participate in the dialogue through the online platform by reviewing the information and participation dates posted at *www.cao.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher Zeleznik at *dataactpmo@hhs.gov* or 202–205–3514 or Emily Gartland at *IAEOutreach@gsa.gov* or 703–605–2532.

SUPPLEMENTARY INFORMATION:

This notice announces a dialogue to explore opportunities to streamline processes and reduce or eliminate burden in federal procurement and grants processes. This dialogue furthers the goals of the President's Management Agenda, which lays the foundation for creating a 21st century government that delivers better results to the American people, and addresses requirements in the Digital Accountability and Transparency Act of 2014 (Public Law 113–101) to gain a better understanding of the costs of compliance with Federal contracting and grants awards as well as recommendations to standardize data, eliminate unnecessary duplication, and reduce compliance costs.

During last year's Open Dialogue on Federal Procurement, published in the **Federal Register** at 79 FR 22682, on April 23, 2014, many commenters pointed to the potential reduction of redundant reporting and related processes as one way to improve the efficiency and effectiveness of the government's acquisition practices. This feedback is helping to support ongoing efforts to modernize the IT infrastructure supporting Federal procurement data collection and display, which will include development of a single Web site for Federal contractors to use for federal contract reporting requirements.

Management of federal contract and grant business arrangements requires multiple layers of reporting across multiple agencies. In some cases, lack of standardization results in slight (or significant) variations in reports that create additional administrative and burdensome requirements for awardees that could be readily rectified. This dialogue is intended to continue the conversation begun last year in the context of federal procurement and expand it to cover federal grants by identifying opportunities for reducing burden, discussing ideas for standardizing processes and forms, and identifying recommended actions to reduce costs and eliminate duplication for awardees. The open dialogue focuses on three topics (campaigns). Each campaign focuses on a unique aspect of the Federal contracting and grants process for which we welcome your insight, ideas, and feedback.

- Campaign 1—Reporting compliance requirements shared by prime and sub-awardees of Federal procurements and grants.
- Campaign 2—Procurement practices, processes, and reporting.
- Campaign 3—Grants practices and processes.

Note—We are looking for ideas to reduce your burden through data standards and changes to reporting procedures. We are interested in hearing about proposed changes that can be accomplished through executive (regulatory, administrative, or management) action, as well as potential legislative proposals where requirements are based in statute.

To facilitate a national dialogue, an online platform will be launched in May 2015 so that interested parties may submit ideas, comment on others, respond to questions posed by moderators, and vote to indicate which ideas they think are most promising and impactful. Information on the platform, and the dates for participating in the dialogue, will be posted at *www.cao.gov.* A separate notice will beposted to address additional dialogue topics on federal procurement for conversation later in the spring and summer.

Dated: March 27, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–07441 Filed 3–31–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–0838]

Procedures for Meetings of the Medical Devices Advisory Committee; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Procedures for Meetings of the Medical Devices Advisory Committee.'' The Center for Devices and Radiological Health (CDRH) is issuing this guidance to provide additional information regarding the processes for meetings of the Medical Devices Advisory Committee panels other than the Dispute Resolution Panel (DRP). This guidance describes the general circumstances in which CDRH consults with a panel, the process for exchange of information between CDRH, the members of the panel, industry, and the public, and the conduct of panel meetings. This guidance supplements existing FDA Agency-wide guidance on the conduct of Advisory Committee meetings. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment of this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by June 1, 2015.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Procedures for Meetings of the Medical Devices Advisory Committee'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: James Swink, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1609, Silver Spring, MD 20993–0002, 301–796–6313.

SUPPLEMENTARY INFORMATION:

I. Background

CDRH is issuing this draft guidance to provide additional information regarding the processes for meetings of the Medical Devices Advisory Committee panels other than the DRP. The term ''panel,'' as used in this guidance, refers to the panels established under the Medical Devices Advisory Committee charter excluding the DRP. This guidance describes the

general circumstances in which CDRH consults with a panel of the Medical Devices Advisory Committee, the process for exchange of information between CDRH, the members of the panel, industry, and the public, and the conduct of panel meetings. The Medical Devices Advisory Committee includes 17 panels other than the DRP (Ref. 1). The panels, according to their specialty area and authorization, advise the Commissioner of Food and Drugs in discharging responsibilities as they relate to assuring the safety and effectiveness of medical devices, and as required, any other product for which FDA has regulatory responsibility.

This draft guidance is intended to provide more comprehensive information for industry and for CDRH staff on the processes associated with a panel meeting held for any of the reasons identified in the guidance. Once final, this guidance will replace the ''Guidance on Amended Procedures for Advisory Panel Meetings'' (Ref. 2) and the guidance document entitled ''Panel Review of Premarket Approval Applications #P91–2 blue book memo'' (Ref. 3). This guidance supplements existing FDA Agency-wide guidance on the conduct of Advisory Committee meetings.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on the panel meeting process for medical devices. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. Persons unable to download an electronic copy of ''Procedures for Meetings of the Medical Devices Advisory Committee'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 413 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 860 have been approved under OMB control number 0910–0138; the collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231; and the collections of information in 21 CFR part 814, subpart H have been approved under OMB control number 0910–0332.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

VI. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**), and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov*. (FDA has verified the Web site addresses, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. CDRH's Medical Devices Advisory Committee, available at *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/default.htm*.

2. ''Guidance for Industry and FDA Staff: Guidance on Amended Procedures for Advisory Panel Meetings,'' July 2000, available at *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm073726.pdf*.

3. ''Panel Review of Premarket Approval Applications #P91–2 (blue book memo),'' May 1991, available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm081363.htm*.

Dated: March 26, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07438 Filed 3–31–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council on Alzheimer's Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. During the April meeting, the Advisory Council will build on the goals of White House Conference on Aging (WHCOA) through a half-day session with dementia-focused panels on each WHCOA topic area: Healthy aging, long-term services and supports, retirement security, and elder justice. Following this session, the Advisory Council will also hold a brief discussion on the 2015 Update to the National Plan to Address Alzheimer's, as well as a discussion of international events on dementia.

DATES: The meeting will be held on April 28th, 2015 from 9:00 a.m. to 5:00 p.m. EDT.

ADDRESSES: The meeting will be held in Room 800 in the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

Comments: Time is allocated in the afternoon on the agenda to hear public comments. The time for oral comments will be limited to two (2) minutes per individual. In lieu of oral comments, formal written comments may be submitted for the record to Rohini Khillan, OASPE, 200 Independence Avenue SW., Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov*. Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Rohini Khillan (202) 690–5932, *rohini.khillan@hhs.gov*. Note: Seating may be limited. Those wishing to attend the meeting must send an email to

napa@hhs.gov and put ''April 28 Meeting Attendance'' in the Subject line by Friday, April 17, so that their names may be put on a list of expected attendees and forwarded to the security officers at the Department of Health and Human Services. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to Federal buildings may change without notice. If you wish to make a public comment, you must note that within your email.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: The Advisory Council will hear presentations on the basics of long-term care, including presentations on programs, settings, and payers. The Council will use a portion of the meeting to review the work it has accomplished thus far towards the 2025 goals, and then discuss the process for developing recommendations for the 2015 update to the National Plan. The Council will also hear presentations from the three subcommittees (Research, Clinical Care, Long-Term Services and Supports, and Ethics).

Procedure and Agenda: This meeting is open to the public. Please allow 30 minutes to go through security and walk to the meeting room. The meeting will also be webcast at *www.hhs.gov/live*.

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: March 25, 2015.

Richard G. Frank,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 2015–07374 Filed 3–31–15; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Dietary Supplements VDSP Commutability Study 2

SUMMARY: NIH Office of Dietary Supplements (ODS) and the National Institute of Standards and Technology (NIST), in collaboration with the College of American Pathologists (CAP) and Vitamin D External Quality Assessment Scheme (DEQAS), announce that as part of the Vitamin D Standardization Program (VDSP), they are recruiting laboratories to participate in a study of the commutability of pooled serum samples used in assays to measure total 25-hydroxyvitamin D [25(OH)D].

DATES: The expected start date for the study is June 2015.

ADDRESSES: For more information about the study and to let us know if you are interested in participating, please contact us at: *vdsp@mail.nih.gov.*

FOR FURTHER INFORMATION CONTACT: Drs. Johanna Camara, NIST, and Christopher Sempos, ODS, Director and Co-Director, respectively, for the VDSP Commutability Study 2. Email: *VDSP@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The objective of the study is to promote the standardized measurement of total 25(OH)D by evaluating the commutability of NIST Standard Reference Materials® (SRM) used as ''trueness'' controls and the materials used in the major Performance Testing/External Quality (PT/EQA) programs administered by CAP and DEQAS. *Who Can Participate:* (1) All commercial manufacturers of 25(OH)D assays (requests from manufacturers with assays in development will be considered); (2) Clinical and research laboratories using a commercial assay platform; (3) Laboratories for national/subnational nutrition surveys; and (4) Laboratories using in-house developed assays.

For details about the study design and time lines, see the recently published paper in the February 2015 edition of Clinical Laboratory News, (*https://www.aacc.org/publications/cln/articles/2015/february/vitamin-d-commutability-study*).

Dated: March 24, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–07326 Filed 3–31–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Fibroblast Growth Factor And Aging.

Date: May 1, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alicja L. Markowska, Ph.D., DSC., Scientific Review Branch, National Institute On Aging, 7201 Wisconsin Avenue, Suite 2c212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 26, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07338 Filed 3–31–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NIA.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE ON AGING, including consideration of personnel qualifications and performance, and the

competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA.

Date: May 19, 2015.

Time: 8:00 a.m. to 8:30 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: 8:30 a.m. to 11:45 a.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: 11:45 a.m. to 12:45 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: 12:45 p.m. to 3:00 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Contact Person: Luigi Ferrucci, Ph.D., MD, Scientific Director, National Institute on Aging, 251 Bayview Boulevard, Suite 100, Room 4C225, Baltimore, MD 21224, 410–558–8110, LF27Z@NIH.GOV.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 26, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07337 Filed 3–31–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Advisory Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: May 17–19, 2015.

Time: 7:00 p.m. to 10:30 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alan P. Koretsky, Ph.D., Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders and Stroke, NIH, 35 Convent Drive, Room 6A908, Bethesda, MD 20892, (301) 435–2232, *koretskya@ninds.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: March 26, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07342 Filed 3–31–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://beta.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 7–1051, One Choke Cherry Road, Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-

certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities:

Gamma-Dynacare Medical Laboratories
6628 50th Street NW.
Edmonton, AB Canada T6B 2N7
780–784–1190

HHS-Certified Laboratories:

ACM Medical Laboratory, Inc.
160 Elmgrove Park
Rochester, NY 14624
585–429–2264

Aegis Analytical Laboratories, Inc.
345 Hill Ave.
Nashville, TN 37210
615–255–2400
(Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories)

Alere Toxicology Services
1111 Newton St.
Gretna, LA 70053
504–361–8989/800–433–3823
(Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services
450 Southlake Blvd.
Richmond, VA 23236
804–378–9130
(Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Baptist Medical Center-Toxicology Laboratory
11401 I–30
Little Rock, AR 72209–7056
501–202–2783
(Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Reference Lab
8433 Quivira Road
Lenexa, KS 66215–2802
800–445–6917

DrugScan, Inc.
200 Precision Road, Suite 200
Horsham, PA 19044
800–235–4890

ElSohly Laboratories, Inc.
5 Industrial Park Drive
Oxford, MS 38655
662–236–2609

Fortes Laboratories, Inc.
25749 SW Canyon Creek Road, Suite 600
Wilsonville, OR 97070
503–486–1023

Gamma-Dynacare Medical Laboratories*
A Division of the Gamma-Dynacare Laboratory Partnership
245 Pall Mall Street
London, ONT, Canada N6A 1P4
519–679–1630

Laboratory Corporation of America Holdings
7207 N. Gessner Road
Houston, TX 77040
713–856–8288/800–800–2387

Laboratory Corporation of America Holdings
69 First Ave.
Raritan, NJ 08869
908–526–2400/800–437–4986
(Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings
1904 Alexander Drive
Research Triangle Park, NC 27709
919–572–6900/800–833–3984
(Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings
1120 Main Street
Southaven, MS 38671
866–827–8042/800–233–6339
(Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics
10101 Renner Blvd.
Lenexa, KS 66219
913–888–3927/800–873–8845
(Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

MedTox Laboratories, Inc.
402 W. County Road D
St. Paul, MN 55112
651–636–7466/800–832–3244

MetroLab-Legacy Laboratory Services
1225 NE 2nd Ave.
Portland, OR 97232
503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center
Forensic Toxicology Laboratory
1 Veterans Drive
Minneapolis, MN 55417
612–725–2088

National Toxicology Laboratories, Inc.
1100 California Ave.
Bakersfield, CA 93304
661–322–4250/800–350–3515

One Source Toxicology Laboratory, Inc.
1213 Genoa-Red Bluff
Pasadena, TX 77504
888–747–3774
(Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Pacific Toxicology Laboratories
9348 DeSoto Ave.
Chatsworth, CA 91311
800–328–6942
(Formerly: Centinela Hospital Airport Toxicology Laboratory)

Pathology Associates Medical Laboratories
110 West Cliff Dr.
Spokane, WA 99204
509–755–8991/800–541–7891x7

Phamatech, Inc.
15175 Innovation Drive
San Diego, CA 92128
888–635–5840

Quest Diagnostics Incorporated
1777 Montreal Circle
Tucker, GA 30084
800–729–6432
(Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated
400 Egypt Road
Norristown, PA 19403
610–631–4600/877–642–2216
(Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated
8401 Fallbrook Ave.
West Hills, CA 91304
818–737–6370
(Formerly: SmithKline Beecham Clinical Laboratories)

Redwood Toxicology Laboratory
3700650 Westwind Blvd.
Santa Rosa, CA 95403
800–255–2159

Southwest Laboratories
4625 E. Cotton Center Boulevard
Suite 177
Phoenix, AZ 85040
602–438–8507/800–279–0027

STERLING Reference Laboratories
2617 East L Street
Tacoma, Washington 98421
800–442–0438

U.S. Army Forensic Toxicology Drug Testing Laboratory
2490 Wilson St.
Fort George G. Meade, MD 20755–5235
301–677–7085

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the

certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 30, 2010 (75 FR 22809). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Janine Denis Cook,

Chemist Division of Workplace Programs, Center for Substance Abuse Prevention, SAMHSA.

[FR Doc. 2015–07423 Filed 3–31–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Docket No. ATSDR–2015–0001]

Proposed Substances To Be Evaluated for Set 29 Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Request for comments on the proposed substances to be evaluated for Set 29 toxicological profiles.

SUMMARY: ATSDR is initiating the development of its 29th set of toxicological profiles (CERCLA Set 29). This notice announces the list of proposed substances that will be evaluated for CERCLA Set 29 toxicological profile development. ATSDR's Division of Toxicology and Human Health Sciences is soliciting public nominations from the list of proposed substances to be evaluated for toxicological profile development. ATSDR also will consider the nomination of any additional, non-CERCLA substances that may have public health implications, on the basis of ATSDR's authority to prepare toxicological profiles for substances not found at sites on the National Priorities List. The agency will do so in order to ''. . . establish and maintain inventory of literature, research, and studies on the health effects of toxic substances'' under CERCLA Section 104(i)(1)(B), to respond to requests for consultation under section 104(i)(4), and to support the site-specific response actions conducted by ATSDR, as otherwise necessary.

DATES: Nominations from the Substance Priority List and/or additional substances must be submitted within 30 days of the publication of this notice.

ADDRESSES: You may submit nominations, identified by Docket No. ATSDR–2015–0001, by any of the following methods:

**Internet:* Access the Federal eRulemaking portal at *http://www.regulations.gov*. Follow the instructions for submitting comments.

**Mail:* Division of Toxicology and Human Health Sciences, 1600 Clifton Rd. NE., MS F–57, Atlanta, Ga., 30333.

Instructions: All submissions must include the agency name and docket number for this notice. All relevant comments will be posted without change. This means that no confidential business information or other confidential information should be submitted in response to this notice. Refer to the section *Submission of Nominations* (below) for the specific information required.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Commander Jessilynn B. Taylor, Division of Toxicology and Human Health Sciences, 1600 Clifton Rd. NE., MS F–57, Atlanta, Ga., 30333, Email: *tpcandidatecomments@cdc.gov;* phone: 1–800–232–4636.

SUPPLEMENTARY INFORMATION: The Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9601 *et seq.*] amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) [42 U.S.C. 9601 *et seq.*] by establishing certain requirements for ATSDR and the U.S. Environmental Protection Agency (EPA) with regard to hazardous substances most commonly found at facilities on the CERCLA National Priorities List (NPL). Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance included on the Priority List of Hazardous Substances. This list identifies 275 hazardous substances that ATSDR and EPA have determined pose the most significant current potential threat to human health. The availability of the revised list of the 275 priority substances was announced in the **Federal Register** on May 28, 2014 (79 FR 30613). For prior versions of the list of substances, see **Federal Register** notices dated April 17, 1987 (52 FR 12866); October 20, 1988 (53 FR 41280); October 26, 1989 (54 FR 43619); October 17,1990 (55 FR 42067); October 17, 1991 (56 FR 52166); October 28, 1992 (57 FR 48801); February 28, 1994 (59 FR 9486); April 29, 1996 (61 FR 18744); November 17, 1997 (62 FR 61332); October 21, 1999 (64 FR 56792); October 25, 2001 (66 FR 54014); November 7, 2003 (68 FR 63098); December 7, 2005 (70 FR 72840); and March 6, 2008 (73 FR 12178); November 3, 2011 (76 FR 68193).

Substances To Be Evaluated for Set 29 Toxicological Profiles

Each year, ATSDR develops a list of substances to be considered for toxicological profile development. The Set 29 nomination process includes consideration of all substances on ATSDR's Priority List of Hazardous Substances, also known as the Substance Priority List (SPL), as well as other substances nominated by the public. The 275 substances on the SPL will be considered for Set 29 Toxicological Profile development. This list may be found at the following Web site: *www.atsdr.cdc.gov/SPL*.

Submission of Nominations for the Evaluation of Set 29 Proposed Substances

Today's notice invites voluntary public nominations for substances included on the SPL and for substances not listed on the SPL. All nominations should include the full name of the nominator, affiliation, and email address. When nominating a non-SPL substance, please include the rationale for the nomination. Please note that email addresses will not be posted on regulations.gov.

ATSDR will evaluate all data and information associated with nominated substances and will determine the final list of substances to be chosen for toxicological profile development. Substances will be chosen according to ATSDR's specific guidelines for selection. These guidelines can be found in the *Selection Criteria* announced in the **Federal Register** on May 7, 1993 (58 FR 27286–27287). A hard copy of the Selection Criteria is available upon request or may be accessed at: *http://www.atsdr.cdc.gov/toxprofiles/guidance/criteria_for_selecting_tp_support.pdf*.

Please ensure that your comments are submitted within the specified nomination period. Nominations received after the closing date will be marked as late and may be considered only if time and resources permit.

Sascha Chaney,

Acting Director, Office of Policy, Planning and Evaluation National Center for Environmental Health/Agency for Toxic Substances and Disease Registry.

[FR Doc. 2015–07437 Filed 3–31–15; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Generic Clearance for Grant Reviewer Recruitment Form.

OMB No.: New.

Description: This notice announces that the Administration for Children and Families intends to submit the proposed Information Collection Request (Generic ICR): Generic Clearance for Grant Reviewer Application Form under the Paperwork Reduction (PRA) (44 U.S.C. 3501 *et. seq*.). Comments on specific aspects for the proposed information collection are being solicited.

This request is for approval of a plan for conducting more than one information collection that is very similar, voluntary, low-burden and uncontroversial. Information collections under this generic clearance will be in compliance with U.S. Department of Health and Humans Services' Grants Policy Directive 2.04 ''Awarding Grants'', and the Awarding Agency Grants Administration Manual, Chapter 2.04C ''Objective Review of Grant Applications. These forms will be used to select reviewers who will participate in the grant review process for the purpose of selecting successful applications.

Respondents: Grant Reviewer Candidates.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Recruitment Form	1,500	1	0.5	750

Estimated Total Annual Burden Hours: 750 Hours.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–07352 Filed 3–31–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0025]

Agency Information Collection Activities; Proposed Collection; Comment Request; Animal Food Labeling; Declaration of Certifiable Color Additives

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on burden hours associated with the animal food industry declaring the presence of certified and noncertified color additives in their animal food products on the animal food label.

DATES: Submit either electronic or written comments on the collection of information by June 1, 2015.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information,

before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Animal Food Labeling; Declaration of Certifiable Color Additives—21 CFR 501.22(k) (OMB Control Number 0910–0721—Extension)

This information collection is associated with requirements under § 501.22(k) (21 CFR 501.22(k)) in which animal food manufacturers must declare the presence of certified and noncertified color additives in their animal food products on the product label. The Agency issued this regulation in response to the Nutrition Labeling and Education Act of 1990 to make animal food regulations consistent with the regulations regarding the declaration of color additives on human food labels and to provide animal owners with information on the colors used in animal food.

Respondents to this collection are manufacturers of pet food that contain color additives. Manufacturers of certain food or food ingredients do not have products that contain color additives requiring certification (*e.g.,* food for chickens, fish, and some other species, including some pet foods) and would thus be minimally affected by § 501.22(k)(1). However, since we cannot rule out the possibility that they may at some point use a color additive requiring certification, we have consolidated the burden estimates for § 501.22(k)(1) and (k)(2). Additionally, we believe that this burden is more accurately characterized as a third-party disclosure burden because FDA does not require routine submission of pet food labeling to the Agency.

FDA estimates the burden for this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR Section; activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
501.22(k); labeling of color additive or lake of color additive; labeling of color additives not subject to certification	3,120	0.83	2,587	0.25	647

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Because § 501.22(k) became effective November 18, 2013, the Agency estimates that the burden associated with the labeling requirements under § 501.22(k) applies only to new product labels. Because the vast majority of animal food products that contain certified color additives are pet foods, we limit our burden estimate to reviewing labels for the use of certified color additives to pet food manufacturers subject to this regulation.

Based on A.C. Nielsen Data, FDA estimates that the number of animal food product units subject to § 501.22(k) for which sales of the products are greater than zero is 25,874. Assuming that the flow of new products is 10 percent per year, then 2,587 new animal food products subject to § 501.22(k) will come on the market each year. FDA also estimates that there are about 3,120 manufacturers of pet food subject to either § 501.22(k)(1) or (k)(2). Assuming the approximately 2,587 new products are split equally among the firms, then each firm would prepare labels for approximately 0.83 new products per year (2,587 new products/3,120 firms is approximately 0.83 labels per firm).

The Agency expects that firms prepare the required labeling for their products in a manner that takes into account at one time all information required to be disclosed on their product labels. Based on our experience with reviewing pet food labeling, FDA estimates that firms would require less than 0.25 hour (15 minutes) per product to comply with the requirement to include the color additive information under § 501.22(k). The total burden of this activity is 647 hours (2,587 labels x 0.25 hour/label is approximately 647 hours).

Dated: *March 25, 2015.*

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07420 Filed 3–31–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; Review of Alcohol Health Disparity Research Centers.

Date: April 28, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, NIH, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, NIH, 5635 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 443–2067, *srinivar@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 92.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants;

93.701, ARRA Related Biomedical Research and Research Supports Awards, National Institutes of Health, HHS)

Dated: March 26, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07343 Filed 3–31–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Immune System and Aging.

Date: April 15, 2015.

Time: 9:45 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892.

Contact Person: Alicja L. Markowska, Ph.D., DSC., Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel; Neuromuscular Interactions.

Date: April 22, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alicja L. Markowska, Ph.D., DSC., Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 26, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07339 Filed 3–31–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; System of Records Notice

AGENCY: Office of the Secretary (OS), Department of Health and Human Services (HHS).

ACTION: Notice to establish a new system of records and delete an existing system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended (5 U.S.C. 552a), HHS is establishing a new department-wide system of records, ''Records about Restricted Dataset Requesters,'' System Number 09–90–1401, to cover records about individuals within and outside HHS who request restricted datasets and software products from HHS (*e.g.,* for health-related scientific research and study purposes), when HHS maintains the requester records in a system from which they are retrieved directly by an individual requester's name or other personal identifier. The System of Records Notice (SORN) previously published at 78 FR 32654 for ''Online Application Ordering for Products from the Healthcare Cost and Utilization Project (HCUP),'' System Number 09–35–0003, is being deleted and replaced by this new department-wide SORN.

DATES: *Effective Dates:* The department-wide SORN proposed in this Notice is effective upon publication, with the exception of the routine uses. The routine uses will be effective 30 days after publication of this Notice, unless comments are received that warrant revisions to this Notice. Written comments on the routine uses should be submitted within 30 days. The deletion of System Number 09–35–0003 will be effective 30 days after publication of this Notice.

ADDRESSES: The public should address written comments to: Beth Kramer, HHS Privacy Act Officer, Mary E. Switzer Building—Room 2210, 330 C Street SW., Washington, DC 20201, *beth.kramer@hhs.gov.* Comments will be available for public viewing at the same location. To review comments in person, please contact Beth Kramer at *beth.kramer@hhs.gov* or (202) 690–6941.

FOR FURTHER INFORMATION CONTACT: Beth Kramer, HHS Privacy Act Officer, Mary E. Switzer Building—Room 2210, 330 C Street SW., Washington, DC 20201, *beth.kramer@hhs.gov.*

SUPPLEMENTARY INFORMATION: The new system of records will cover records about individuals within and outside HHS who request restricted datasets and software products from HHS, when HHS maintains the requester records in a system from which they are retrieved directly by an individual requester's name or other personal identifier. ''Restricted'' datasets and software products are those that HHS makes affirmatively available to qualified members of the public but provides subject to restrictions, because they contain identifiable data and/or anonymized data that has the potential, when combined with other data, to identify the particular individuals, such as patients or providers, whose information is represented in the data. The datasets and products are made available through an on-line or paper-based ordering and delivery system that provides them to qualified requesters electronically or by mail.

The restrictions are necessary to protect the privacy of individuals whose information is represented in the datasets or software products. The restrictions typically limit the data requester to using the data for research, analysis, study, and aggregate statistical reporting; prohibit any attempt to identify any individual or establishment represented in the data; and require specific security measures to safeguard the data from unauthorized access. HHS is required by law to impose, monitor, and enforce the restrictions (see, for example, provisions in the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA), 44 U.S.C. 3501 at note). To impose and enforce the restrictions, it is necessary to collect information about the data requesters.

Currently, this system of records covers data requester records in ordering and delivery systems administered by three HHS Operating Divisions, but only to the extent that the records pertain to requesters seeking *restricted* datasets. These ordering and delivery systems retrieve requester records directly by personal identifier:

• *Agency for Healthcare Research and Quality (AHRQ) ''Online Application Ordering for Products from the Healthcare Cost and Utilization Project (HCUP).''* HCUP is an online system established in 2013; it makes restricted databases and software available for qualified applicants to purchase for scientific research and public health use. Applicants may be researchers, patients, consumers, practitioners, providers, policy makers, or educators. The HCUP databases are annual files containing anonymous information from hospital discharge records for inpatient care and certain components of outpatient care. The HCUP software tools enhance the use of the data. The online system supports AHRQ's mission of promoting improvements in health care quality.

• *Centers for Medicare & Medicaid Services (CMS) ''Data Agreement & Data Shipping Tracking System (DADSS).''* DADSS was established in 2004 to track authorization, payment status, shipping status, and ownership of restricted and unrestricted data extracts between CMS, its contractors, and other authorized entities. DADSS is slated to be replaced in 2015 with an electronic information system designed to provide a traceable record of CMS' data disclosures.

• *Substance Abuse and Mental Health Services Administration (SAMHSA) ''Online Application for the Data Portal (SAMHDA).''* This online data portal was established in 2013 to more efficiently make restricted datasets from SAMHSA available to designated, approved researchers. The Data Portal and all applications are maintained through the Substance Abuse and Mental Health Data Archive (SAMHDA). Currently, data from the Drug Abuse Warning Network (DAWN), DAWN Medical Examiner/Coroner component, National Survey on Drug Use and Health (NSDUH), and NSDUH Adult Clinical Interview data are available through the portal. Data recipients must complete a web-based application process and receive project approval from SAMHSA's Center for Behavioral Health and Statistics and Quality (CBHSQ), and can use the datasets for statistical purposes only. No fees are charged for the datasets. The online portal supports SAMHSA's mission to make substance use and mental disorder information and research more accessible.

Note that this system of records does *not* include:

• *Records about requesters who seek unrestricted datasets, publications, or other information products from an HHS on-line or paper-based ordering and delivery system.* Unrestricted materials are also proactively made available to the public by HHS, but are released without restrictions (though some may be subject to terms or conditions of use and require registration for an account and payment of a fee). Because the requests or order forms collect minimal information about the requester (*i.e.,* the requester's name, mailing address or email address, telephone number, or other contact or delivery information, and payment information if a fee is imposed) they would be adequately covered by other SORNs (for example, ''Correspondence Tracking Management System (CTMS)'' SORN #09–70–3005; ''Consumer Mailing List'' SORN #09–90–0041; and ''Unified Financial Management System (UFMS)'' SORN #09–90–0024 if a fee is involved), if a SORN is required (*i.e.,* if the records are retrieved directly by an individual requester's name or other personal identifier). Examples include records about requesters who order materials online from AHRQ's Publications Online Store & Clearinghouse or by mail from AHRQ's Publications Clearinghouse, which provide only unrestricted publications and other information products; and records about requesters ordering unrestricted datasets from CMS's current DADSS system and its successor, which processes orders for both restricted and unrestricted datasets.

• *Records about data requesters that are not retrieved directly by an individual requester's name or other personal identifier.* These records are not subject to the Privacy Act and are not required to be covered in a SORN, even when they are associated with a restricted dataset and include additional information about the requester (such as, the requester's intended research purpose, qualifications, signed Data Use Agreement, and confidentiality training certificate). An example would be requester records that are retrieved first by a dataset name and/or a requesting entity's name, and then by an individual researcher's or record custodian's name.

The Privacy Act (5 U.S.C. 552a) governs the means by which the U.S. Government collects, maintains, and uses information about individuals in a system of records. A ''system of records'' is a group of any records under the control of a federal agency from which information about an individual is retrieved by the individual's name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a system of records notice (SORN) identifying and describing each system of records the agency maintains, including the purposes for which the agency uses information about individuals in the system, the routine uses for which the agency discloses such information outside the agency, and how individual record subjects can exercise their rights under the Privacy Act.

A report on the proposed new system of records has been sent to OMB and Congress in accordance with 5 U.S.C. 552a(r).

SYSTEM NUMBER:

09–90–1401

SYSTEM NAME:

Records About Restricted Dataset Requesters

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATIONS:

Electronic files are maintained at the following server locations:

• *AHRQ:* Social & Scientific Systems Data Center, Ashburn, Virginia

• *CMS:* CMS Data Center, Baltimore, Maryland

• *SAMHSA:* Substance Abuse and Mental Health Data Archive, Rockville, Maryland

Hard-copy files are maintained at the System Manager locations; see ''System Manager(s)'' section below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals within and outside HHS who request restricted datasets and software products that HHS makes proactively available to qualified members of the public, usually for health-related scientific research and study purposes. Examples include individual researchers and records custodians, project officers, or other representatives of entities such as universities, government agencies, and research organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records include:

1. *Request records,* containing the requester's name and contact information (telephone number, mailing address, email address), affiliated entity (*e.g.,* if making the request as a records custodian or other employee), and a description of the dataset requested.

2. *Order fulfillment records,* containing user registration information such as email address and IP address (if the requester is provided access to the dataset electronically through a public access web portal or link) or mailing information (if the dataset is mailed to the requester on a disk or other media), and tracking information (providing proof of delivery).

3. *Data use restriction records,* containing the requester's identification, contact, and affiliated entity information, qualifications, intended use of the data (*e.g.,* study name, contract number), confidentiality training documentation (*e.g.,* a coded number indicating the individual completed required confidentiality training), signed and notarized data use agreement documents (*e.g.,* Affidavit of Nondisclosure; Declaration of Nondisclosure; Confidential Data Use and Nondisclosure Agreement (CDUNA); Individual Designations of Agent; DUA number and expiration date), tracking information, and any on-site inspection information.

4. *Payment records (if a fee is charged),* consisting of the requester's credit card account name, number, and billing address, or bank routing number and checking account name, address, and number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

AHRQ: 42 U.S.C. 299–299a; 42 U.S.C. 299c–2

CMS: 5 U.S.C. 552a(e)(10); 45 CFR 164.514(e); 44 U.S.C. 3544; 42 U.S.C. 1306

SAMHDA: 42 U.S.C. 290aa(d)(1); 44 U.S.C. 3501(8)

See also: CIPSEA, codified at 44 U.S.C. 3501 note.

PURPOSE(S) OF THE SYSTEM:

The purposes of this system of records is to provide restricted datasets and software products to qualified data requesters in a timely and efficient manner and consistent with applicable laws, and to enable HHS to enforce data requesters' compliance with use and security restrictions that apply to the data. Relevant HHS personnel use the records on a need-to-know basis for those purposes; specifically:

• *Contact and user registration information* is used to communicate with the requester, enable the requester to access requested data electronically (for example, the requester's email address would be used to register the requester to use a public access web portal or link, and to notify the requester when data has been delivered electronically to his registered account), locate the requester (*e.g.,* for on-site inspections or to otherwise check compliance with the data use agreement), and deliver and track data provided by mail (*e.g.,* to document receipt for enforcement purposes and report lost shipments to security personnel).

• *Qualifications, planned use of the data, confidentiality training information, signed data use agreement, data receipt information, on-site inspection information, and information about data breaches or contract violations* is used to grant the request (consistent with data use restrictions) or deny the request, bind the requester to the applicable data use restrictions and other security requirements, conduct on-site inspections or otherwise check the requester's compliance with the data use agreement, enforce the agreement if breached, and share information about data breaches and contract violations with other HHS components administering restricted dataset requests involving the same requesters.

• *Payment information* is used to collect any applicable fee. Any payment information shared with HHS accounting and debt collection systems is also covered under the accounting and debt collection systems' SORNs and is subject to the routine uses published in those SORNs (see, *e.g.,* United Financial Management System, SORN #09–90–0024; and Debt Management and Collection System, SORN #09–40–0012).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about an individual data requester may be disclosed to parties outside HHS without the individual's prior, written consent pursuant to the following routine uses:

1. Disclosures may be made to federal agencies and Department contractors that have been engaged by HHS to assist in accomplishment of an HHS function relating to the purposes of this system of records and that have a need to have access to the records in order to assist HHS in performing the activity. Any contractor will be required to comply with the requirements of the Privacy Act.

2. Records may be disclosed to student volunteers, individuals working under a personal services contract, and other individuals performing functions relating to the purposes of this system of records for the Department but technically not having the status of agency employees, if they need access to the records in order to perform their assigned agency functions.

3. CMS records may be disclosed to a CMS contractor (including but not limited to Medicare Administrative Contractors, fiscal intermediaries, and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such program.

4. Records may be disclosed to another federal agency or an instrumentality of any governmental jurisdiction within or under the control of the United States (including any state or local governmental agency) that administers federally funded programs, or that has the authority to investigate, potential fraud, waste or abuse in federally funded programs, when disclosure is deemed reasonably necessary by HHS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy or otherwise combat fraud, waste or abuse in such programs.

5. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate public authority, whether federal, foreign, state, local, tribal, or otherwise, responsible for enforcing, investigating or prosecuting the violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to the enforcement, regulatory, investigative, or prosecutorial responsibility of the receiving entity.

6. Information may be disclosed to the U.S. Department of Justice (DOJ) or to a court or other tribunal, when:

a. The agency or any component thereof, or

b. any employee of the agency in his or her official capacity, or

c. any employee of the agency in his or her individual capacity where DOJ has agreed to represent the employee, or

d. the United States Government,

is a party to litigation or has an interest in such litigation and, by careful review, HHS determines that the records are both relevant and necessary to the litigation and that, therefore, the use of such records by the DOJ, court or other tribunal is deemed by HHS to be compatible with the purpose for which the agency collected the records.

7. Records may be disclosed to a federal, foreign, state, local, tribal, or other public authority of the fact that this system of records contains information relevant to the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of

a license, grant or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for further information if it so chooses. HHS will not make an initial disclosure unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another federal agency for criminal, civil, administrative, personnel, or regulatory action.

8. Information may be disclosed to a Member of Congress or Congressional staff member in response to a written inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained. The Congressional office does not have any greater authority to obtain records than the individual would have if requesting the records directly.

9. Records may be disclosed to the U.S. Department of Homeland Security (DHS) if captured in an intrusion detection system used by HHS and DHS pursuant to a DHS cybersecurity program that monitors Internet traffic to and from federal government computer networks to prevent a variety of types of cybersecurity incidents.

10. Disclosures may be made to appropriate federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, when the information disclosed is relevant and necessary to that assistance.

Information about an individual data requester may also be disclosed from this system of records to parties outside HHS without the individual's consent for any of the uses authorized directly in the Privacy Act at 5 U.S.C. 552a(b)(2) and (b)(4)–(11).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM—

STORAGE:

Records are stored in electronic databases and hard-copy files. DADSS, and its successors', records may also be stored on portable media.

RETRIEVABILITY:

Records are retrieved by the data requester's name, registrant/user name, User ID number, or data use agreement (DUA) number.

SAFEGUARDS:

Records are safeguarded in accordance with applicable laws, rules and policies, including the HHS Information Technology Security Program Handbook, all pertinent National Institutes of Standards and Technology (NIST) publications, and OMB Circular A–130, Management of Federal Resources. Records are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. Safeguards conform to the HHS Information Security and Privacy Program, *http://www.hhs.gov/ocio/securityprivacy/.* The safeguards include protecting the facilities where records are stored or accessed with security guards, badges and cameras, securing hard-copy records in locked file cabinets, file rooms or offices during off-duty hours, limiting access to electronic databases to authorized users based on roles and the principle of least privilege, and two-factor authentication (user ID and password), using a secured operating system protected by encryption, firewalls, and intrusion detection systems, using an SSL connection for secure encrypted transmissions, requiring encryption for records stored on removable media, and training personnel in Privacy Act and information security requirements.

RETENTION AND DISPOSAL:

Records needed to enforce data use restrictions are retained for 20 years by AHRQ (see DAA–0510–2013–0003–0001) and 5 years by CMS (see N1–440–10–04) after the agreement is closed, and may be kept longer if necessary for enforcement, audit, legal, or other purposes. The equivalent SAMHSA records will be retained indefinitely until a disposition schedule is approved by the National Archives and Records Administration (NARA). SAMHSA anticipates proposing a 5 year retention period to NARA. Records of payments made electronically are transmitted securely to a Payment Card Industry-compliant payment gateway for processing and are not stored. Records of payments made by check, purchase order, or wire transfer are disposed of once the funds have been received.

Records are disposed of using destruction methods prescribed by NIST SP 800–88.

SYSTEM MANAGER(S) AND ADDRESS(ES):

- *AHRQ:* HCUP Project Officer, Center for Delivery, Organization, and Markets, 540 Gaither Road, Rockville, MD 20850; Telephone: 301–427–1410; *HCUP@AHRQ.GOV.*
- *CMS:* DADSS and its successor, Division of Data and Information Dissemination, Data Development and Services Group, Office of Enterprise Data and Analytics, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mailstop: B2–29–04, Office Location: B2–03–37, Baltimore, MD 21244–1870.
- *SAMHSA:* SAMHDA Project Officer, CBHSQ, 1 Choke Cherry Road, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual who wishes to know if this system of records contains records about him or her should submit a written request to the relevant System Manager at the address indicated above. The individual must verify his or her identity by providing either a notarized request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

An individual seeking to amend the content of information about him or her in this system should contact the relevant System Manager and reasonably identify the record, specify the information contested, state the corrective action sought, and provide the reasons for the amendment, with supporting justification.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained directly from the individual data requester to whom it applies, or is derived from information supplied by the individual or provided by HHS officials.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

Celeste Dade-Vinson,

Health Insurance Specialist, Centers for Medicare & Medicaid Services.

[FR Doc. 2015–07444 Filed 3–31–15; 8:45 a.m.]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0964]

Jun Yang: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The U.S. Food and Drug Administration (FDA or Agency) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debarring Jun Yang for a period of 4 years from importing articles of food or offering such articles for importation into the United States. FDA bases this order on a finding that Mr. Yang was convicted, as defined in the FD&C Act, of one felony count under Federal law for conduct relating to the importation into the United States of an article of food. Mr. Yang was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. As of November 7, 2014 (30 days after receipt of the notice), Mr. Yang had not responded. Mr. Yang's failure to respond constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective April 1, 2015.

ADDRESSES: Submit applications for termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, Division Of Enforcement, Office of Enforcement and Import Operations, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr. (ELEM–4144), Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(1)(C) of the FD&C Act (21 U.S.C. 335a(b)(1)(C)) permits FDA to debar an individual from importing an article of food or offering such an article for import into the United States if FDA finds, as required by section 306(b)(3)(A) of the FD&C Act, that the individual has been convicted of a felony for conduct relating to the importation into the United States of any food.

On November 14, 2013, Mr. Yang was convicted, as defined in section 306(*l*)(1)(B) of the FD&C Act, when the U.S. District Court for the Northern District of Illinois accepted his plea of guilty and entered judgment against him for the following offense: One count of smuggling goods into the United States, in violation of 18 U.S.C. 545.

FDA's finding that debarment is appropriate is based on the felony conviction referenced herein. The factual basis for this conviction is as follows:

On or about February 10, 2012, Mr. Yang facilitated the sale of imported honey with a declared value of $92,800, knowing that the honey was of Chinese origin and was imported and brought into the United States contrary to law. As part of his fraudulent practice, Mr. Yang brokered the sale of two container loads of purported ''100% pure Indian honey,'' knowing that the honey was falsely and fraudulently imported and brought into the United States as a product of India in avoidance of U.S.-imposed anti-dumping duties, thereby causing losses to the United States of approximately $97,625.

Mr. Yang admitted that he operated and controlled National Honey, Inc., which did business as National Commodities Company, and served as the principal point of contact for brokering the sale of honey between overseas honey suppliers and U.S. customers. Mr. Yang further admits that between 2009 and 2012 he sold 778 container loads of honey valued at approximately $22,864,153 to Honey Holding and Honey Packer 1 (U.S. customers). This was part of a fraudulent practice to enter and introduce and cause others to enter and introduce transshipped Chinese-origin honey into the commerce of the United States in avoidance of U.S. imposed anti-dumping duties. Mr. Yang continued this practice even though he knew that the honey was falsely and fraudulently imported, entered, marketed, and sold as purely non-Chinese honey, including as honey from Malaysia and India. This fraudulent practice caused losses to the United States of as much as $37,991,375.

Mr. Yang also admitted that he ordered honey from Chinese honey suppliers, knowing that the Chinese honey suppliers would send the Chinese-origin honey to countries including Malaysia and India, where the honey was mislabeled as to the country of origin before it passed through a U.S. customhouse as non-Chinese origin honey. Mr. Yang and National Commodities caused the formation of at least three companies and used at least one other company to import and enter honey from a Chinese honey supplier knowing that some of the honey was Chinese in origin. Mr. Yang and National Commodities benefitted from the company's filing custom entry forms that falsely and fraudulently declared all the honey as originating from Malaysia and India. Mr. Yang and National Commodities purchased honey imported by the companies despite knowing that some or all of the honey was Chinese in origin, but declared at the time of importation and entry as entirely originating from Malaysia and India.

Mr. Yang also admitted that he obtained and circulated and caused others to obtain and circulate false and fraudulent bills of lading, invoices, packing lists, country of origin certificates, and other papers, which he knew to be false and fraudulent. These records were used to declare Chinese-origin honey as having originated from Malaysia and India. Mr. Yang also instructed an undercover law enforcement agent to destroy unfavorable test results that showed purported Vietnamese honey that he sold tested positive for the presence of chloramphenicol, an antibiotic. Residues of chloramphenicol in honey cause the honey to be adulterated under the FD&C Act. In anticipation of an investigation by U.S. Customs and Border Protection and FDA, Mr. Yang knowingly concealed and covered up three laboratory reports showing the presence of chloramphenicol.

As a result of his conviction, on October 1, 2014, FDA sent Mr. Yang a notice by certified mail proposing to debar him for a period of 4 years from importing articles of food or offering such articles for import into the United States. The proposal was based on a finding under section 306(b)(1)(C) of the FD&C Act that Mr. Yang's felony conviction for smuggling of goods into the United States in violation of 18 U.S.C. 545 constitutes conduct relating to the importation into the United States of an article of food because he committed an offense related to the importation of Chinese honey into the United States.

The proposal was also based on a determination, after consideration of the factors set forth in section 306(c)(3) of the FD&C Act, that Mr. Yang should be subject to a 4-year period of debarment. The proposal also offered Mr. Yang an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Yang failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under section 306(b)(1)(C) of the FD&C Act, under authority delegated to the Director (Staff Manual Guide 1410.35), finds that Jun Yang has been convicted

of one felony count under Federal law for conduct relating to the importation into the United States of an article of food and that he is subject to a 4-year period of debarment.

As a result of the foregoing finding, Jun Yang is debarred for a period of 4 years from importing articles of food or offering such articles for import into the United States, effective (see **DATES**). Pursuant to section 301(cc) of the FD&C Act (21 U.S.C. 331(cc)), the importing or offering for import into the United States of an article of food by, with the assistance of, or at the direction of Jun Yang is a prohibited act.

Any application by Mr. Yang for termination of debarment under section 306(d)(1) of the FD&C Act should be identified with Docket No. FDA–2014–N–0964 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 26, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07439 Filed 3–31–15; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 80 FR 1417–1419, dated January 9, 2015) is amended to reflect the reorganization of the Office of Public Health Scientific Services, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and functions statements for the *Health Information Technology and Surveillance Strategy Unit (CPA3), Office of the Director (CPA),*

Delete in its entirety the title and the mission and function statements for the *Center for Surveillance, Epidemiology and Laboratory Services (CPN)* and insert the following:

Center for Surveillance, Epidemiology and Laboratory Services (CPN) The mission of the Center for Surveillance, Epidemiology, and Laboratory Services (CSELS) is to provide scientific service, expertise, skills, and tools in support of CDC's efforts to promote health; prevent disease, injury and disability; and prepare for emerging health threats. CSELS focuses on improving information and data quality, laboratory systems, and the public health workforce, through modernization, innovation, and service. To carry out its mission, CSELS (1) leads and executes a national public health surveillance strategy for human health that builds upon current resources, establishes priorities for the nation's next-generation capability and provides timely, comprehensive, and accessible information to strengthen public health practice, and provide value to clinicians; (2) participates in the identification, development, evolution, and adoption of informatics standards; (3) facilitates and coordinates program and laboratory systems integration for the Agency; (4) provides leadership and support to strengthen the quality and safety of laboratory practices; (5) provides leadership for scientific workforce education and advances professional development; (6) provides leadership on public health genomics strategy, activities, and planning; (7) creates and promotes access to quality, timely and useful cross-cutting scientific guidance, products, and services to strengthen the science and practice of public health and to improve public health decision-making.

Office of the Director (CPN1). (1) Provides strategic direction regarding surveillance, epidemiologic investigation, and data and information sciences; (2) supports OPHSS's CDC-wide coordination and strategic activities in areas of health informatics technology, including the meaningful use of electronic health records for public health surveillance and the coordination of partners and stakeholders for biosurveillance, genomics, and publication science; (3) leads the development of public health workforce training; (4) guides the development of laboratory systems standards for quality and safety, including the Clinical Laboratory Improvement Amendments (CLIA) and engagement with relevant federal advisory committees; (5) manages, directs, coordinates, and evaluates the activities of the Center; (6) defines goals and objectives for policy formation, scientific oversight, and guidance in program planning and development; (7) establishes and implements a communications strategy in support of CSELS overarching goals and priorities; (8) provides oversight for the evaluation of programmatic performance of all CSELS activities to ensure health impact; (9) plans, coordinates, and manages all aspects of program business services including human and fiscal resources, extramural activities, space, and all administrative services; (10) devises information technology practices and procedures, and provides direction, innovation, planning and evaluation for information technology systems, services, security, and resources for CSELS; (11) provides leadership on issues management, budget formulation and performance integration; (12) manages inter-governmental and external affairs and cultivates strategic partnerships; (13) ensures scientific quality, integrity, and clearance across the Center; (14) provides guidance and strategic oversight to the processes within the Center that access, collect, manage, analyze, and visualize data, including assistance for involvement with federal advisory committees and other high level groups; (15) monitors projects for effective focus on the analytical, informatics, data management, and statistical infrastructure to deliver quality data, accurate analysis services and dependable software products and systems to customers and partners; (16) collaborates and consults with other Centers, working groups, state and local health departments, other federal agencies, and other partners, to accomplish the mission of the Center; (17) reviews, prepares, coordinates, and develops Congressional testimony and briefing materials; and (18) represents the CSELS and at times CDC at professional and scientific meetings, within and outside CDC.

Division of Laboratory Systems (CPNB). The mission of the Division of Laboratory Systems (DLS) is to provide leadership, support, and cross-cutting services to continually strengthen the capability, sustainability, and quality of laboratory science, policy, and practice at CDC, in clinical and public health laboratories, both in the United States and with international partners. DLS strives to strengthen and align the capacity and ability of both clinical and public health laboratories to perform their critical roles in protecting the public's health. In this mission, DLS: (1) Fosters collaboration across the laboratory community; (2) strengthens integration of laboratory science,

practice, and informatics into public health and patient care; (3) develops and advances the use of standards, policies, and guidelines to ensure safe and accurate laboratory performance and strong laboratory systems; (4) conducts studies to evaluate and improve the quality of laboratory practices and services; (5) strengthens the laboratory workforce; and (6) enhances the efficiency, effectiveness, capacity and capability of the public health laboratory system through integration of CDC program support.

Office of the Director (CPNB1). (1) Provides leadership and guidance for strategic planning and implementation, establishes goals and program priorities, and engages in policy development to advance the mission of the Division, the Center, and CDC; (2) directs and provides public health vision for laboratory practices and systems; (3) contributes to national cross-cutting efforts to standardize and accelerate electronic reporting of laboratory results to improve patient care and public health surveillance; (4) provides leadership, oversight, and guidance in the business management and operations, including budget formulation and planning, of the Division of Laboratory Systems (DLS) programs; (5) directs, applies, and translates research and evaluation initiatives for laboratory practices, standards, and services; (6) oversees laboratory specimen management policies and the CDC/ATSDR Specimen Packaging, Inventory, and Repository (CASPIR); (7) oversees, manages, and supports the CLIA program and relevant federal advisory committees; (8) collaborates with the Centers for Medicare & Medicaid Services (CMS) and the Food and Drug Administration in the CLIA program; (9) coordinates CDC efforts to support state and local public health laboratories in promoting sustainability of national testing services and capacity; (10) coordinates CDC's interaction with other government agencies; (11) performs scientific review and clearance for Division publications, presentations, and reports; (12) assists in the management the information collection and training to support the reporting and the implementation of CDC various regulatory requirements; (13) assist the agency in the development and management of laboratory domains for various trainings and fellowships; (14) provides communications, web support, responses to media requests, and Division communication outreach efforts; (15) advises the Center OD on matters relating to laboratory practice and coordinates Division responses to requests for technical assistance or information about activities supported by the Division; (16) reviews, prepares, coordinates, and develops Congressional testimony and briefing materials; and (17) represents the Division and at times CSELS or CDC at professional and scientific meetings, within and outside CDC.

Laboratory Training and Services Branch (CPNBC). (1) Provides advanced laboratory training to maintain a competent, prepared, and sustainable national and global laboratory workforce for testing of public health importance; (2) engages agency and laboratory community experts to collaboratively develop effective training products which incorporate safety and quality laboratory practices; (3) assesses, designs, develops, and implements effective needs-based training pertaining to clinical and public health laboratory methodology, technology, safety and practice; (4) evaluates the efficiency and effectiveness of public health laboratory education and training for state and local public health, clinical, uniformed service, CDC, and other federal agency laboratory professionals; (5) evaluates the effectiveness and measures the outcomes of all training to ensure quality and safety; (6) provides oversight and management for CDC/ATSDR Specimen Packaging, Inventory, and Repository (CASPIR); (7) provides services for the safe storage, cataloging, assembly and shipping of isolates, panels, and other reference materials; (8) provides informatics support and project management for the specimen inventory management system and other databases related to public health laboratory services; and (9) evaluates the effectiveness of the branch's scientific support services and products to its customers.

Laboratory Practice Standards Branch (CPNBD). (1) Provides technical expertise and support for oversight and implementation of the CLIA program and relevant federal advisory committees; (2) develops laboratory practice standards and guidelines, and assists with their adoption and validation; (3) supplies technical assistance and review of laboratory accreditation, state licensure programs, and proficiency testing programs; (4) provides scientific consultation for inquiries about testing complexity, personnel qualifications, quality control and quality assessment, and proficiency testing; (5) evaluates the applicability of federal quality standards to new laboratory technologies and establishes new alternative quality assurance measures; (6) interprets and assists the implementation of CLIA regulations; (7) collaborates to develop standards and guidance for laboratory information management in electronic health records and laboratory reporting for CDC's surveillance strategy; (8) supports the Clinical Laboratory Improvement Advisory Committee, its subcommittees, and workgroups; (9) provides scientific support for issues related to the development and implementation of cytology and related pathology standards; (10) assists in the development and review of laboratory performance standards and guidelines; and (11) disseminates information about laboratory standards and practices.

Laboratory Research and Evaluation Branch (CPNBE). (1) Encourages establishment and adoption of performance standards and guidelines for laboratory practice; (2) develops, evaluates, and implements systems for measuring and assessing laboratory quality; (3) facilitates and conducts research and demonstration projects to support the scientific development of performance standards and guidelines, evaluation systems, and regulatory standards; and assesses the efficacy of established standards; (4) develops, promotes, implements, and evaluates intervention strategies to improve general performance deficiencies in health laboratory systems and worker competencies; (5) provides a forum for exchange of information about laboratory practice and research and development activities to promote the coordination of federal, state, and clinical laboratory improvement efforts; (6) coordinates and conducts activities that provide technical and scientific support to CMS in its evaluation, development, and revision of standards and guidelines; (7) evaluates current and emerging practices and provides guidance to ensure and promote quality in the application of advanced molecular technologies; (8) evaluates emerging technology and the impact on clinical and public health laboratory practice; (9) collaborates with other CDC genomics programs, including the Office of Public Health Genomics, for broad genomics policy initiatives; and (10) collaborates in the development of standards and guidance for laboratory information management in electronic health records in support of CLIA objectives and electronic laboratory reporting to support CDC's surveillance strategy.

Division of Public Health Information and Dissemination (CPNC). The primary mission of the Division of Public Health Information and Dissemination (DPHID) is to serve as a hub for scientific publications, information and library

sciences, systematic reviews and recommendations, and public health genomics, thereby collaborating with CDC CIOs and the public health community in producing, disseminating, and implementing evidence-based and actionable information to strengthen public health science and improve public health decision-making.

In carrying out its mission, DPHID: (1) Provides leadership and overall direction for the execution of programs that produce scientific publications, strengthen public health science, and provide access to scientific research and innovative products for improving population health and public health decision making; (2) identifies what works in community preventive services and collaborates with CDC and the public health community to educate and encourage action to improve public health; (3) serves as a hub of research, information exchange, and learning for the CDC and the public health community; (4) provides access to scientific literature and systematic review support; (5) sets and ensures adherence to quality standards for manuscripts, reports, and other scientific products; (6) develops curriculum, training, and consultation services for CDC and other federal and non-federal partners to foster the development of skills in publication of public health information, systematic reviews, library sciences, and information literacy; (7) presents a selection of public health genomic approaches, studies, and lessons learned from efforts to build greater program collaboration and service integration; (8) advances the field of public health informatics for CSELS and the Agency through applied research and innovation; and (9) through strategic communications, fosters collaboration with CIOs across CDC and the public health community to encourage dialog about actions that can be taken to improve the quality of science and public health decision making.

Office of the Director (CPNC1). (1) Provides leadership and strategic direction on program priority setting to advance the mission of the Division, Center and CDC to achieve critical public health outcomes; (2) advises CSELS OD on matters relating to genomics, systematic reviews and recommendations, information and library sciences, scientific publications, dissemination and implementation, and informatics innovation; (3) defines goals and objectives for policy formation, scientific oversight, and guidance in program planning and development; (4) develops budgets, allocates resources, monitors progress, and reports accomplishments, future directions, and resource requirements; (5) establishes and implements a communications strategy in support of the Division's overarching goals and priorities; (6) fosters engagement, collaboration, and strategic partnerships with CDC Programs, other federal agencies, and with the public health community in support of Division and Center priorities; (7) oversees and coordinates proactive and reactive issues management related to Division programs; (8) provides oversight for the evaluation of programmatic performance of all Division activities to ensure health impact; (9) ensures scientific quality and integrity across the Division; (10) performs scientific review and clearance and may provide direct managerial and editorial oversight for Division publications, presentations, and reports; (11) collaborates with CSELS OD and Division programs to ensure adherence to information technology standards, procedures and requirements; (12) provides Division-level oversight to management, administration, human resources, business, extramural, space, and support services, and coordinates with relevant offices and programs on administrative matters; (13) reviews, prepares, coordinates, and develops Congressional testimony and briefing materials; and (14) represents the Division and at times CSELS or CDC at professional and scientific meetings, within and outside CDC.

Informatics Innovation Unit (CPNC12) (1) Advances the field of public health informatics for CSELS and the Agency through applied research and innovation; (2) collaborates with CDC programs and the broader public health community to develop innovative technologies and techniques to positively impact public health practice; (3) transitions new informatics solutions, standards, and techniques to public health programs for deployment and implementation; (4) provides CDC and its external research and public health partners with consultation, evaluation, guidance, and support in the use of new informatics solutions for public health practice; (5) leverages its resources to rapidly create prototypes, conduct pilot projects, and examine and test hypotheses generated by CSELS, CDC, and its external partners to support innovative public health informatics solutions; (6) provides CDC, and its external partners an optimal (*i.e.,* flexible and scalable) environment for the rapid development of prototype and pilot public health informatics solutions for collaboration, testing and evaluation purposes; (7) participates and represents CSELS within innovation committees, workgroups, organizations, and councils, within CDC and with other federal agencies as well; (8) facilitates public health informatics innovation within the Agency and the public health community, through partner outreach and collaboration, using crowdfunding, challenge grants, and other novel cost efficient mechanisms; (9) disseminates relevant knowledge to CDC and its partners via presentations, manuscripts, web-based content and other modalities; (10) provides education to fellows, colleagues, and partners on emerging informatics tools, techniques, and methodologies; and (11) provides regular updates to CSELS leadership as to the status of all projects in the technology laboratory.

Office of Public Health Genomics (CPNC13). The Office of Public Health Genomics is charged with identifying opportunities for genomics to improve health and transform health care, informing CDC and partners about evidence-based genomic applications to impact health, and integrating evidence-based genomic applications into practice and programs—including pathogen genomics (advanced molecular detection), genomic markers for birth defects, reproductive health, child health, chronic disease as well as environmental and occupational exposures. To accomplish these aims, the Office (1) integrates advances in pathogen and human (*e.g.,* birth defects) genomics responsibly and effectively into health care and disease prevention; (2) provides technical assistance and advice to CDC leadership and programs, other federal agencies, state health departments, and other external partners by identifying, evaluating, and implementing evidence-based genomics practices to prevent and control the country's leading chronic, infectious, environmental, and occupational diseases; (3) supports policy, education, and surveillance frameworks to promote effective implementation of evidence-based recommendations for genomic tests and family health history applications that can save lives now, as well as those applications that will emerge in the next decade and beyond; (4) fosters public health genomics programs at the state and national level by providing ongoing consultation and tools to state health departments, CDC programs, and other stakeholders to share successful approaches to promote the optimal use of genomic tests; (5) evaluates emerging genomic applications with the potential to

impact population health; (6) supports the evaluation of genomic applications in the development of an evidence framework for introducing whole genome sequencing into practice, assessing the role of genomics and family history in recommendations for chronic disease; (7) identifies new emerging genomic applications with the potential to impact population health through horizon scanning and evidence summaries of validity and utility; (8) sponsors the development of stakeholder driven methods working group for accelerating research translation of genomics into practice and programs; (9) communicates evidence-based messages through well-established communications channels, including the Genomics and Health Impact Update & Blog, CDC Expert Commentary Series on Medscape, the CDC Web site, publications, and other means; (10) conducts programmatic efforts to implement public health genomics interventions and surveillance in partnership with state public health departments; and (11) conducts public health genomics epidemiologic studies and analyses based on health and biometric data.

Community Guide Branch (CPNCC). The Community Guide Branch collaborates with CDC and the public health community to identify effective community preventive services and to educate and encourage action to improve public health. To accomplish these aims, the Branch: (1) Convenes and provides ongoing administrative, research, and technical support for the operations of the independent Community Preventive Services Task Force (Task Force), as directed by statutory mandate; (2) conducts and oversees production of the systematic reviews that serve as the scientific basis for Task Force findings and recommendations; (3) coordinates and manages large and diverse teams of internal and external partners participating in the systematic review process; (4) participates with other CDC programs and other federal and non-governmental partners in developing and refining methods for conducting systematic reviews; (5) assists CDC and other federal and non-federal partners in understanding, using, and communicating methods for conducting systematic reviews; (6) assists CDC and other federal and non-federal partners in linking reviews of evidence to guidelines development and program implementation; (7) assists the Task Force in producing reports on evidence gaps and priority areas for further examination; (8) establishes, updates, and evaluates the utility and use of the Community Guide Web site (*www.thecommunityguide.org*) by intended users; (9) convenes and participates with other CDC programs and other federal and non-governmental partners in (a) disseminating products and promotional materials throughout the U.S. health care and public health systems and to their multi-sectoral partners via a variety of media, such as journals, books, documents, the World Wide Web, and other media, (b) developing and testing policies and processes for referencing Task Force findings in research and programmatic funding announcements to increase use of Task Force findings and fill evidence gaps, and (c) developing, refining, and evaluating methods for assisting users in implementing Task Force recommendations; (10) convenes and participates with other CDC programs and other federal and non-governmental partners in establishing methods for evaluating implementation, use, and impact of Task Force-recommended strategies; (11) participates in the development of national and regional public and private partnerships to enhance prevention research and the translation of evidence into policy and action; (12) provides epidemiologic and scientific support for health departments, non-profit hospitals and other community-based organizations engaged in community health improvement; (13) maintains scientific expertise in cross-cutting measures of population health and population health determinants; (14) develops stakeholder-driven epidemiological resources including analytic tools and scientific resources for identifying community health priorities and health disparities, and monitoring and evaluating public health impact; (15) hosts and periodically updates the Community Health Status Indicators web application; and (16) participates with CDC and other federal and non-federal partners to encourage multi-sector collaborations that support shared ownership of community health improvement.

Library Science and Services Branch (CPNCD). The Stephen B. Thacker CDC Library supports CDC's scientific and public health information needs by serving as CDC's resource for library collections, electronic and hardcopy resources, customized library services and tools, and information exchange and learning. To accomplish these aims, the Branch: (1) Develops, curates, and sustains collections of public health information, including (a) providing a user-friendly portal to collections through cataloging, classification, and metadata tagging that improves efficiency and access, (b) evaluating library resource usage data to assess collection usefulness and inform purchasing decisions; and (c) preserving collections that document CDC's role in public health missions, and unique, one-of-a-kind, historical, out-of-print and archival collections, (2) provides CDC scientists with ready and timely access to electronic and hardcopy scientific and public health programmatic resources, including (a) document delivery and interlibrary loan services, and (b) access to journals, databases, electronic and print books, (most via the CDC intranet to the employee's desktop); (3) provides library science technical assistance (including for systematic reviews), training, and tools including (a) tailored literature searches, (b) reference services at the main library and library branches, (c) subject matter depth to better assist CDC science staff including the science and practice of systematic reviews, (d) training CDC staff to utilize library resources more efficiently and effectively, and (e) delivery of Science Clips—a weekly summary of notable publications—to CDC scientists and external partners; (4) provides and manages facilities for scientific inquiry, learning and research including space for conferences, meetings, computer and other training, hoteling, accessing special collections, and checking email; (5) provides staff support to the Library Advisory Board, whose members ensure their CIO's needs are considered in library operations and planning; and (6) collaborates with other federal libraries, Atlanta medical libraries, other library and information scientists, and public health partners to increase access to resources and explore innovations in information and library science that will enhance efficiency and effectiveness in meeting the information needs of the public health workforce.

Scientific Publications Branch (CPNCE). Produces and disseminates timely, reliable, accurate, credible scientific information for public health action through publications and companion materials. Branch includes the *MMWR* Series and *Vital Signs,* and may accommodate other CDC publications. To accomplish these aims, the Branch: (1) Develops publications and companion materials that serve as primary vehicles for dissemination of CDC policy statements (MMWR) or calls to action (Vital Signs); (2) works directly, quickly and collaboratively with CDC programs and CDC OD, and actively solicits content; (3) provides

complete editorial services, from conception of content to final proofreading; (4) builds public health capacity to share information for public health action by publishing the work of state, local and foreign health departments and working with inexperienced authors, as well as, provides consultation and training on relevant publication matters; (5) assures that publications and companion materials meet current publications and scientific standards, facilitates compliance with OSTP memo to link published reports with underlying data, and advances publication platforms such as inclusion of interactive options; (6) actively seeks mechanisms to disseminate content further through collaboration with the CDC Office of the Associate Director for Communication (*e.g.,* media releases, fact sheets, Web sites, and social media), non-CDC publications (*e.g., Journal of the American Medical Association, Journal of Public Health, Pediatrics*), and other federal, state and local government agencies and non-government partners; (7) leads innovation in publication standards across the publication field that affect CDC's mission, such as recommendations and guidelines, in collaboration with other scientific publications and the Council of Scientific Editors; (8) meets informational needs of primary and secondary audiences, including state and local health agencies, policy makers, public health practitioners, clinicians, nurses and school and health educators, and the general public; (9) monitors and evaluates dissemination strategies, publication impact, and public health impact to optimize publications and companion materials; (10) produces and disseminates evidence-based, actionable information on a selected topic each month to the public, media outlets, and public health and medical health providers; and (11) coordinates and manages all aspects of Vital Signs releases by the Office of the Director, CDC.

Division of Scientific Education and Professional Development (CPND). The primary mission of the Division of Scientific Education and Professional Development (DSEPD) is to improve health outcomes through a competent, sustainable, and empowered public health workforce. In carrying out its mission, DSEPD: (1) Plans, directs and manages programs that develop the current and future public health workforce (including the field of public health laboratory science and practice); (2) provides leadership in scientific workforce education and development, including quality assurance, technical consultation and evaluation; and (3) provides leadership to facilitate or coordinate CDC and partner strategic workforce initiatives to increase capability of the current workforce, expand pipeline programs to recruit new talent, strengthen systems to support the workforce, and leverage partnerships to maximally achieve goals.

Office of the Director (CPND1). (1) Provides leadership and overall direction for DSEPD; (2) develops goals and objectives, and provides leadership, policy formation, scientific oversight, and guidance in scientific education and professional development program planning and development; (3) plans, coordinates, and develops workforce-related research plans for DSEPD; (4) ensures adherence and provides training to DSEPD on CDC and HHS science-related policies; (5) oversees and manages DSEPD clearance process for scientific, technical, and programmatic documents; (6) manages DSEPD communication activities, including communication product development, promotion and dissemination strategies, media relations coordination, and DSEPD Web sites; (7) responds to freedom of information requests and controlled correspondence; (8) coordinates all DSEPD program reviews; (9) reviews, prepares, coordinates, and develops Congressional testimony and briefing materials; (10) leads Division programmatic evaluation activities, assists DSEPD programs in establishing performance metrics, and coordinates quarterly reviews with programs to ascertain status on meeting of the metrics; (11) coordinates DSEPD budget formulation and negotiation related to program initiatives and goals management; (12) provides leadership, oversight, and guidance in the management and operations of DSEPD programs, including agency-wide assistance with OMB requirements and policy; (13) ensures and promotes the use of best practices in scientific education and professional development processes, services, and products; (14) provides leadership and guidance on new developments and national trends for public health workforce education and training; (15) establishes policies and standards for public health education and training activities and initiatives, including but not limited to, competency development, quality assurance, and evaluation, and works collaboratively within DSEPD and other components of CDC to ensure their implementation and adoption; (16) develops and implements a crosscutting framework for planning, implementing, and evaluating fellowship training programs that provide service to the organizations where fellows are assigned (*e.g.,* CIOs, SLHDs) and the communities they serve, and are responsive to the needs of CDC's internal workforce and to the needs of DSEPD's external partners, including the academic sector; (17) manages pilot fellowship programs in early stages of development, as needed; (18) develops and manages unified DSEPD-wide administrative systems and supports the commitment of resources for application development; (19) coordinates management information systems and analyses of data for improved use of DSEPD resources; and (20) directs systems analysis and design, programming, and systems training as it relates to implementation of new and existing administrative, management, and executive information systems; (21) provides leadership to coordinate CDC and partner strategic workforce initiatives to increase capability of existing workforce, expand pipeline programs to recruit new talent, and strengthen systems to support the workforce; and (22) represents the Division and at times CSELS or CDC at professional and scientific meetings, within and outside CDC.

Education and Training Services Branch (CPNDB). (1) Plans, directs, and manages training design, development, consultation, and delivery, and accredits educational activities for entry level public health professionals and the existing public health workforce; (2) identifies and implements best practices and methods for developing the public health workforce; (3) develops evidence-based policies and standards for public health education and training activities and initiatives, including but not limited to, competency development, quality assurance, and evaluation, and provides technical assistance within DSEPD and other components of CDC to ensure their implementation and adoption; (4) develops and maintains appropriate liaisons with all fellowship programs in DSEPD, and provides technical assistance to other programs across the agency to ensure the development of rigorous educational programs based on the science of adult learning and instructional technology; (5) facilitates a cross-cutting approach and sharing of educational/evaluation lessons learned and tools across DSEPD programs, as well as other programs across the agency; (6) provides guidance in planning and implementation of the educational components of complex

systems and processes to support learners, such as fellows and other learners seeking continuing education to ensure data requirements are consistent with the evaluation framework and capture educational outcomes of learners; (7) provides consultation, guidance, and technical assistance to course developers, incorporating principles of learning theory to ensure consistent design and delivery of accredited educational activities; (8) maintains knowledge of continuing education standards and applies quality assurance practices required to uphold national accreditations; (9) assesses need and demand for additional accreditations to support professional license and certification needs of technical and professional staff within the health workforce; (10) develops and maintains internal and external partnerships to foster best practices in the design and delivery of educational activities and training; (11) maintains knowledge of information technology and learning standards as they apply to education and training to demonstrate and promote compliance and best practices by CDC programs; (12) applies the principles of instructional systems design and learning theory to design, develop, deliver, and evaluate informational and instructional products; (13) implements and maintains technology-based systems to support learners, such as CDC Training and Continuing Education Online, a web-based accreditation and registration system; (14) coordinates educational opportunities and resources for learners across public health and health care through the CDC Learning Connection Web site, which includes CDC TRAIN, an online portal that provides learners no-cost access to a comprehensive catalog of learning products; (15) adapts information systems and processes to reflect current best practices and adherence to accreditation requirements; and (16) provides technical assistance and guidance to learners to ensure accreditation and learner support.

Epidemiology Workforce Branch (CPNDC). (1) Plans, directs, and manages CDC-wide training and service programs for teaching and training future public health professionals, and supports the existing workforce in applied epidemiology, including but not limited to the Epidemic Intelligence Service Program, Epidemiology Elective for Senior Medical and Veterinary Students, and the CDC-Hubert Global Health Fellowship; (2) plans, directs, and evaluates elementary and high school student program pipeline activities intended to increase the number of individuals aware of and choosing a career in public health; (3) sponsors complementary activities to train teachers to develop lesson plans of public health significance for middle and high school students; (4) establishes and implements overall Branch policies, plans, and procedures; (5) develops and implements a formal plan to evaluate the effectiveness of all fellowship program activities, including the completion of program activities by EIS officers (EISOs), quality of field and HQ assignments, performance of officers, and effectiveness of educational activities; (6) conducts site visits and maintains liaison with supervisors of EISOs within CDC and in field assignments; (7) coordinates the assignment and deployment of EISOs in response to natural disasters, terrorist events, and other large scale public health emergencies; (8) provides technical assistance, consultation, resources, and training for DSEPD, other components of CDC, and the broader health workforce (*e.g.,* state and local workers), including, but not limited to the development and dissemination of standard curricula, training, and related materials, in epidemiology; (9) maintains liaison with alumni within and outside CDC to assist with training, recruitment, and promotional activities; (10) responds to domestic and international requests for assistance and consultation (*e.g.,* Epi-Aids); (11) maintains liaison with other governmental agencies, academic institutions and organizations, state and local health agencies, private health organizations, professional organizations, and other outside groups; (12) assumes an active national and international leadership role in applied epidemiology training; and (13) collaborates, as appropriate, with the CDC/OD, other CIOs, and domestic and international agencies to carry out the functions of the branch.

Population Health Workforce Branch (CPNDD). (1) Plans, directs, and manages CDC-wide training and service programs for teaching and training future public health professionals, and supports the existing workforce in applied public health sciences, including but not limited to the Preventive Medicine Residency/Fellowship, Public Health Informatics Fellowship, Prevention Effectiveness Fellowship, and the Presidential Management Fellows Program; (2) operates and maintains an accredited preventive medicine residency program for physicians in CDC through the Accreditation Council for Graduate Medical Education and a complementary fellowship program for public health veterinarians; (3) establishes and implements overall Branch policies, plans, and procedures; (4) develops and implements a formal plan to evaluate the effectiveness of all fellowship program activities, including the completion of program activities by fellows and residents, the quality of field and HQ assignments, performance of fellows/residents, and effectiveness of educational activities; (5) conducts site visits and maintains liaison with supervisors of fellows/residents within CDC and in field assignments; (6) coordinates the assignment and deployment of fellows/residents in response to natural disasters, terrorist events, and other large scale public health emergencies; (7) provides technical assistance, consultation, resources, and training for DSEPD, other components of CDC, and the broader health workforce (*e.g.,* state and local workers), including, but not limited to the development and dissemination of standard curricula, training, and related materials, in preventive medicine, informatics, prevention effectiveness and leadership/management and policy; (8) maintains liaison with alumni within and outside CDC to assist with training, recruitment, and promotional activities; (9) responds to domestic and international requests for assistance and consultation (*e.g.,* Info-Aids, Econ-Aids); (10) maintains liaison with other governmental agencies, academic institutions and organizations, state and local health agencies, private health organizations, professional organizations, and other outside groups; (11) assumes an active national and international leadership role in applied public health sciences training in preventive medicine, public health informatics, prevention effectiveness, and leadership and management, and policy; (12) collaborates, as relevant, with the CDC/OD, other CIOs, and domestic and international agencies to carry out the functions of the branch; (13) fosters closer linkages between academia and public health practice; (14) supports and provides oversight for cooperative agreements with academic partner organizations to enhance development of public health and health professionals skilled in improving the health of populations; (15) provides technical consultation to academic associations regarding improvements in curriculum and experiential learning opportunities; and (16) works with partners in academia, state and local health agencies, public health and health professional

organizations to address public health educational needs, including developing population health competencies for academia to improve health professional education (*e.g.,* schools of medicine, nursing, and public health).

Division of Health Informatics and Surveillance Systems (CPNE). The mission of the Division of Health Informatics and Surveillance Systems (DHIS) is to provide leadership and cross-cutting support in developing public health information systems, managing public health surveillance programs, and provisioning health-related data required to monitor control, and prevent the occurrence and spread of diseases and other adverse health conditions. DHIS strives to improve surveillance and the quality of data for decision making through a focus on transparency and trust in collaborations with public health partners while applying new and efficient information technologies, standardized data collection processes, improved data analysis methods, and versatile and user friendly information systems. DHIS promotes a multidisciplinary approach (which includes epidemiology, statistics, analytics, data management, informatics, and evaluation sciences) to assure that the surveillance programs, information systems, and data serve public health program objectives.

Office of the Director (CPNE1). (1) Provides leadership and overall direction for execution of programs that support public health surveillance, access to data for public health decision making, development of public health information systems, and the application of epidemiology and informatics to improve public health, playing a significant role in advising CDC senior leadership; (2) conducts strategic planning and establishes Division goals, objectives and priorities and assures alignment with the Center's and CDC goals, objectives and priorities; (3) provides coordination and guidance for a portfolio of projects and activities that address notifiable disease reporting, syndromic surveillance, surveillance best practices, data standards and harmonization, cutting edge IT solutions, analytic data management, software development for epidemiologic investigations, and partnership engagement on Division programs; (4) promotes a multidisciplinary approach (epidemiology, statistics, analytics, data management, informatics, evaluation sciences, and contract management) to assure that CDC surveillance and information systems serve public health program objectives; (5) works with internal and external partners to monitor and inform strategies related to informatics, data standards, health information technology, and health care-public health integration; (6) monitors progress in implementation of Division projects and activities, and evaluates the impact of Division initiatives that support CDC and the Center's goals, objectives, and priorities; (7) provides oversight and approval of scientific products including manuscripts, Web sites, databases, reports, and other documents; (8) assures compliance with all federal rules and regulations regarding research with human subjects, the paperwork reduction act, and data sharing; (9) facilitates scientific, policy, communication, technology, and program collaboration among Divisions and centers, and between CDC and other federal and non-federal partners; (10) provides communication and policy expertise in support of Division activities and responds to requests for information from CSELS OD and Divisions, OPHSS OD, and other internal and external organizations; (11) provides Division-level management, administration, support services, and coordinates with appropriate offices on program and administrative matters; (12) develops Division budget, monitors progress and allocation of resources, and plans for future resource requirements; (13) coordinates Division requirements relating to procurement, grants, cooperative agreements, material management, and interagency agreements; (14) provides fiscal management and stewardship of grants, contracts, and cooperative agreements, serving as a resource for robust contract management for CSELS; (15) develops and implements administrative policies, procedures, and operations for the Division; (16) represents the Division and at times CSELS and CDC at official professional and scientific meetings, both within and outside of CDC; (17) advises CSELS OD on workforce engagement CSELS-wide; (18) reviews, prepares, coordinates, and develops Congressional testimony and briefing materials; and (19) performs scientific review and clearance for Division publications, presentations, and reports.

Surveillance and Data Branch (CPNEC). (1) Provides leadership, operational support, and data management for two national surveillance programs, the National Notifiable Disease Surveillance System (NNDSS) and the National Syndromic Surveillance Program (NSSP); (2) collaborates with stakeholders to identify and analyze surveillance needs and align them with informatics solutions and data management practices and policies; (3) provides subject matter expertise (SME) and technical assistance for harmonizing data collection across surveillance programs and employing current data standards; (4) uses analytic data management techniques to provision surveillance data to CDC programs and partners, and provides analysis and interpretation for MMWR tables and reports based on NNDSS data; (5) works with CDC programs and State, Tribal, Local and Territorial (STLT) programs on business requirements for the IT solutions used for surveillance including the CDC Platform and Message Validation Processing System (CDCP–MVPS) and the BioSense application; (6) manages data use agreements and memorandums of understanding for data sharing and acquisition of external data sources (*e.g.,* CMS, MarketScan, VA data) for use by CDC programs; (7) provides technical assistance and consultation on analytic methods, analytic data management, and analysis of complex data to other units within CDC; (8) supports the acquisition of analytic tools, and the development of analytic and visualization methods for data analysis; (9) develops and maintains the WONDER Web site for the dissemination of multiple data sources; (10) collaborates with CDC and STLT programs on studies of data quality, representativeness, and investigations of disease or condition occurrences; and (11) provides technical monitoring for cooperative agreements with public health partners on informatics and surveillance related projects.

Information Systems Branch CPNEB. (1) Provides innovative informatics solutions and services that support public health information systems for CDC programs and external partners; (2) develops and supports a portfolio of preparedness information systems including the Countermeasure Tracking Systems and the Laboratory Reporting Network; (3) provides subject matter expertise (SME) and technical support to client programs in information technology systems design, project management, data interchange strategies, data management, security, architecture, systems integration, technical standards, best practices, federal regulations, and protocols for deploying and operating systems at CDC; (4) finds opportunities for and develops shared information technology components that can be used by multiple programs and partners in order to increase efficiency, decrease cost, and promote interoperability and

information sharing; (5) provides information technology services to CDC programs and external partners including modernization of legacy applications; (6) provides IT project management for two surveillance programs—the National Notifiable Disease Surveillance System and the National Syndromic Surveillance Program—including the development of the CDC Platform and Message Validation Processing System (CDCP–MVPS) the BioSense application, and the NEDSS Base System (NBS); (7) develops, maintains, and improves epidemiologic tools for data collection, data management, and data analysis, including Epi Info; (8) provides training, technical assistance, and support to public health partners and entities using Epi Info for outbreak investigations, studies, and surveillance; (9) provides SMEs, specifications, and services for standards-based data interchanges, electronic messaging, vocabulary management, message validation, security and credential management, routing and directory management; (10) provides consultation and technical assistance to CDC programs and to external partners on technical and informatics aspects of systems and tools required or endorsed by CDC; (11) provides Public Health Information Network (PHIN) certification; and (12) provides support, technical assistance, and strategic counsel to CDC programs for the transition from ICD–9 to ICD–10 (and future iterations).

Partnerships and Evaluation Branch (CPNED). (1) Supports CDC and STLT Programs in the conduct of national surveillance; (2) supports and manages STLT and partner organizations cooperative agreements with regard to fiscal support and monitoring of expenditures; (3) coordinates the development of Funding Opportunity Announcements, Interim Progress Report Guidance, and Continuation Applications; (4) monitors activities of partner organizations and STLT cooperative agreements to assure program goals, objectives and key performance indicators are achieved; (5) assesses technical assistance needs of grantees and develops strategies to address those needs; (6) collaborates with other DHIS branches and programs in the development of evaluation criteria and performance measures for program planning and improvement; (7) leads and coordinates or develops and implements guidelines, uniform reporting procedures, performance measures, and evaluation criteria for STLT and other external partner cooperative agreements and grants; (8) works with other DHIS branches to synthesize, translate, and disseminate evaluation findings, success stories, and lessons learned; (9) coordinates and supports Division training activities related to analytic data bases and data collection and information systems; (10) develops and manages collaborative relationships with grantees and partners to increase awareness, understanding, and support for DHIS initiatives and priorities; (11) supports and facilitates partnership outreach and communications to existing and new partners; (12) provides guidance and support on the establishment and governance of Communities of Practice associated with DHIS programs; and (13) provides leadership for coordinating technical assistance and support to other CDC programs, STLT grantees, and other external partners or organizations.

James Seligman,

Acting Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2015–07348 Filed 3–31–15; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Start-Up Exclusive Evaluation Option License Agreement: Pre-Clinical Evaluation and Commercial Development of Anti-Tyrosine Kinase-Like Orphan Receptor 1 Antibody-Drug Conjugates for the Treatment of Human Cancers

Correction

In notice document 2015–06486 appearing on pages 15226–15227 in the issue of Monday, March 23, 2015 make the following correction:

On page 15226, in the third column, under the **DATES** heading, in the last line, ''April 6, 2015'' should read ''April 7, 2015''.

[FR Doc. C1–2015–06486 Filed 3–31–15; 8:45 am]

BILLING CODE 1505–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1474]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA,

500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 23, 2015.

Roy E. Wright,

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

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama:						
Montgomery ...	City of Montgomery (15–04–0687P).	The Honorable Todd Strange, Mayor, City of Montgomery, P.O. Box 1111, Montgomery, AL 36104.	City Hall, 103 North Perry Street, Montgomery, AL 36104.	*http://www.msc.fema.gov/lomc*	Apr. 30, 2015	010174
Montgomery ...	Unincorporated areas of Montgomery County (15–04–0687P).	The Honorable Elton Dean, Sr., Chairman, Montgomery County Board of Commissioners, 101 South Lawrence Street, Montgomery, AL 36104.	Montgomery County Courthouse Annex 1, 100 South Lawrence Street, Montgomery, AL 36104.	*http://www.msc.fema.gov/lomc*	Apr. 30, 2015	010278
Arizona:						
Maricopa	City of Surprise (14–09–4439P).	The Honorable Sharon Wolcott, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	Community Development Services, 12425 West Bell Road, Suite D–100, Surprise, AZ 85374.	*http://www.msc.fema.gov/lomc*	Apr. 24, 2015	040053
Maricopa	Unincorporated areas of Maricopa County (14–09–4439P).	The Honorable Denny Barney, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	Maricopa County Flood Control District, 2801 West Durango Street, Phoenix, AZ 85009.	*http://www.msc.fema.gov/lomc*	Apr. 24, 2015	040037
Pinal	City of Maricopa (14–09–3623P).	The Honorable Christian Price, Mayor, City of Maricopa, 39700 West Civic Center Plaza, Maricopa, AZ 85139.	City Hall, 44624 West Garvey Avenue, Maricopa, AZ 85239.	*http://www.msc.fema.gov/lomc*	Apr. 27, 2015	040052
California:						
Contra Costa ..	City of Orinda (14–09–0967P).	The Honorable Sue Severson, Mayor, City of Orinda, 22 Orinda Way, Orinda, CA 94563.	Public Works Department, 22 Orinda Way, Orinda, CA 94563.	*http://www.msc.fema.gov/lomc*	Apr. 23, 2015	060722
San Joaquin ...	Unincorporated areas of San Joaquin County (14–09–2962P).	The Honorable Bob Elliott, Chairman, San Joaquin County Board of Supervisors, 44 North San Joaquin Street, Suite 627, Stockton, CA 95202.	San Joaquin County Department of Public, Works, 1810 East Hazelton, Avenue, Stockton, CA 95205.	*http://www.msc.fema.gov/lomc*	May 7, 2015	060299
Santa Clara	City of Santa Clara (15–09–0127P).	The Honorable Jamie L. Matthews, Mayor, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, CA 95050.	Planning and Inspection Department, 1500 Warburton Avenue, Santa Clara, CA 95050.	*http://www.msc.fema.gov/lomc*	Apr. 16, 2015	060350
Solano	City of Dixon (14–09–2494P).	The Honorable Jack Batchelor, Jr., Mayor, City of Dixon, 600 East A Street, Dixon, CA 95620.	Engineering Department, 600 East A Street, Dixon, CA 95620.	*http://www.msc.fema.gov/lomc*	Apr. 2, 2015	060369

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Colorado:						
Douglas	Town of Castle Rock (14–08–0954P).	The Honorable Paul Donahue, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Utilities Department, 175 Kellogg Court, Castle Rock, CO 80109.	*http://www.msc.fema.gov/lomc*	May 1, 2015	080050
Douglas	Unincorporated areas of Douglas County (14–08–0954P).	The Honorable Roger Partridge, Chairman, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works Department, Engineering Division, 100 3rd Street, Castle Rock, CO 80104.	*http://www.msc.fema.gov/lomc*	May 1, 2015	080049
Jefferson	City of Arvada (14–08–1098P).	The Honorable Marc Williams, Mayor, City of Arvada, P.O. Box 8101, Arvada, CO 80001.	Engineering Department, 8101 Ralston Road, Arvada, CO 80001.	*http://www.msc.fema.gov/lomc*	May 8, 2015	085072
Florida:						
Bay	City of Panama City Beach (14–04–4599P).	The Honorable Gayle Oberst, Mayor, City of Panama City Beach, 110 South Arnold Road, Panama City Beach, FL 32413.	Building Department, 110 South Arnold Road, Panama City Beach, FL 32413.	*http://www.msc.fema.gov/lomc*	Apr. 23, 2015	120013
Bay	City of Panama City Beach (14–04–8184P).	The Honorable Gayle Oberst, Mayor, City of Panama City Beach, 110 South Arnold Road, Panama City Beach, FL 32413.	Building Department, 110 South Arnold Road, Panama City Beach, FL 32413.	*http://www.msc.fema.gov/lomc*	Apr. 14, 2015	120013
Bay	Unincorporated areas of Bay County (14–04–4599P).	The Honorable Guy M. Tunnell, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Department, 707 Jenks Avenue, Suite B, Panama City, FL 32401.	*http://www.msc.fema.gov/lomc*	Apr. 23, 2015	120004
Bay	Unincorporated areas of Bay County (14–04–AA70P).	The Honorable Guy M. Tunnell, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Department, 707 Jenks Avenue, Suite B, Panama City, FL 32401.	*http://www.msc.fema.gov/lom* ..	May 4, 2015	120004
Broward	Town of Lauderdale-By-The-Sea (15–04–0738X).	The Honorable Scot Sasser, Mayor, Town of Lauderdale-By-The-Sea, 4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308.	City Hall, 4501 Ocean Drive, Lauderdale-By-The-, Sea, FL 33308.	*http://www.msc.fema.gov/lomc*	May 7, 2015	125123
Columbia	City of Lake City (13–04–6159P).	The Honorable Stephen M. Witt, Mayor, City of Lake City, 205 North Marion Avenue, Lake City, FL 32055.	City Hall, 205 North Marion Avenue, Lake City, FL 32055.	*http://www.msc.fema.gov/lomc*	Apr. 16, 2015	120406
Columbia	Unincorporated areas of Columbia County (13–04–6159P).	The Honorable Ronald Williams, Chairman, Columbia County Board of Commissioners, P.O. Box 1529, Lake City, FL 32056.	Columbia County Building and Zoning Department, 173 Northeast Hernando Avenue, Lake City, FL 32055.	*http://www.msc.fema.gov/lomc*	Apr. 16, 2015	120070
Lake	City of Fruitland Park (14–04–A712P).	The Honorable Chris Bell, Mayor, City of Fruitland Park, 506 West Berckman Street, Fruitland Park, FL 34731.	Building Department, 506 West Berckman Street, Fruitland Park, FL 34731.	*http://www.msc.fema.gov/lomc*	Apr. 30, 2015	120387
Montana: Butte-Silver Bow.	Unincorporated areas of Butte-Silver Bow County (14–08–0867P).	The Honorable Cindi Shaw, Chair, Butte-Silver Bow County Council of Commissioners, 155 West Granite Street, Butte, MT 59701.	Butte-Silver Bow County Floodplain Administrator, 115 West Granite Street, Butte, MT 59701.	*http://www.msc.fema.gov/lomc*	Apr. 17, 2015	300077
Nevada: Washoe ..	Unincorporated areas of Washoe County (14–09–2693P).	The Honorable David Humke, Chairman, Washoe County Board of Commissioners, P.O. Box 11130, Reno, NV 89512.	Washoe County, Public Works Department, 1001 East 9th Street, Reno, NV 89512.	*http://www.msc.fema.gov/lomc*	Apr. 27, 2015	320019
North Carolina:						
Henderson	City of Hendersonville (14–04–A582P).	The Honorable Barbara Volk, Mayor, City of Hendersonville, 145 5th Avenue East, Hendersonville, NC 28792.	Zoning Department, 100 North King Street, Hendersonville, NC 28792.	*http://www.msc.fema.gov/lomc*	April 22, 2015	370128

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Transylvania ...	City of Brevard (14–04–A625P).	The Honorable Jimmy Harris, Mayor, City of Brevard, 95 West Main Street, Brevard, NC 28712.	Planning Department, 95 West Main Street, Brevard, NC 28712.	*http://www.msc.fema.gov/lomc*	Apr. 7, 2015	370231
South Carolina: Lancaster.	Unincorporated areas of Lancaster County (14–04–3565P).	The Honorable Larry McCullough, Chairman, Lancaster County Council, 101 North Main Street, 2nd Floor, Lancaster, SC 29721.	Lancaster County Building and Zoning Department, 101 North Main Street, Lancaster, SC 29721.	*http://www.msc.fema.gov/lomc*	Apr. 23, 2015	450120
Utah:						
Davis	City of Kaysville (14–08–0854P).	The Honorable Steve A. Hiatt, Mayor, City of Kaysville, 23 East Center Street, Kaysville, UT 84037.	City Hall, 23 East Center Street, Kaysville, UT 84037.	*http://www.msc.fema.gov/lomc*	May 8, 2015	490046
Salt Lake	City of Murray (14–08–0600P).	The Honorable Ted Eyre, Mayor, City of Murray, 5025 South State Street, 2nd Floor, Murray, UT 84107.	Public Works Office, 4646 South 500 West, Murray, UT 84123.	*http://www.msc.fema.gov/lomc*	Apr. 16, 2015	490103

[FR Doc. 2015–07402 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 23, 2015.

Roy E. Wright,

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

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Kentucky: Boyd, (FEMA Docket No.: B–1444).	Unincorporated areas of Boyd County (14–04–3344P).	The Honorable Steve Towler, Boyd County Judge Executive, P.O. Box 423, Catlettsburg, KY 41129.	Boyd County Courthouse, 2800 Louisa Street, Catlettsburg, KY 41129.	Jan. 15, 2015	210016
Ohio: Tuscarawas, (FEMA Docket No.: B–1444).	Unincorporated areas of Tuscarawas County (14–05–2619P).	The Honorable Chris Abbuhl, President, Tuscarawas County Board of Commissioners, 125 East High Avenue, New Philadelphia, OH 44663.	Tuscarawas County Administrative Office, 125 East High Avenue, New Philadelphia, OH 44663.	Jan. 12, 2015	390782
Texas:					
Bastrop, (FEMA Docket No.: B–1444).	Unincorporated areas of Bastrop County (14–06–0986P).	The Honorable Paul Pape, Bastrop County Judge, 804 Pecan Street, Bastrop, TX 78602.	Bastrop County, Tax Assessor and Development Services Building, 211 Jackson Street, Bastrop, TX 78602.	Jan. 9, 2015	481193
Bexar, (FEMA Docket No.: B–1444).	City of San Antonio (14–06–1774P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Stormwater Engineering, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Jan. 15, 2015	480045
Bexar, (FEMA Docket No.: B–1444).	Unincorporated areas of Bexar County (13–06–4182P).	The Honorable Nelson W. Wolff, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Stret, Suite 420, San Antonio, TX 78207.	Jan. 8, 2015	480035
Denton, (FEMA Docket No.: B–1444).	City of The Colony (14–06–2287P).	The Honorable Joe McCourry, Mayor, City of The Colony, 6800 Main Street, The Colony, TX 75056.	6800 Main Street, The Colony, TX 75056.	Jan. 20, 2015	481581
El Paso, (FEMA Docket No.: B–1444).	City of El Paso (14–06–0855P).	The Honorable Oscar Leeser, Mayor, City of El Paso, 300 North Campbell Street, El Paso, TX 79901.	Land Development, 801 Texas Avenue, El Paso, TX 79901.	Jan. 21, 2015	480214
Harris, (FEMA Docket No.: B–1444).	Unincorporated areas of Harris County (14–06–2404P).	The Honorable Ed M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Jan. 12, 2015	480287
Virginia: Loudoun, (FEMA Docket No.: B–1444).	Town of Leesburg (14–03–1028P).	The Honorable Kristen C. Umstattd, Mayor, Town of Leesburg, 25 West Market Street, Leesburg, VA 20176.	Town Hall, 25 West Market Street, Leesburg, VA 20176.	Jan. 8, 2015	510091

[FR Doc. 2015–07401 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

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Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 23, 2015.

Roy E. Wright,

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

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alabama: Tuscaloosa (FEMA Docket No.: B–1454)	City of Tuscaloosa (14–04–4663P).	The Honorable Walter Maddox, Mayor, City of Tuscaloosa, 2201 University Boulevard, Tuscaloosa, AL 35401.	Engineering Department, 2201 University Boulevard, Tuscaloosa, AL 35401.	Jan. 15, 2015	010203
Arizona:					
Maricopa (FEMA Docket No.: B–1454).	City of Chandler (14–09–2082P).	The Honorable Jay Tibshraeny, Mayor, City of Chandler, P.O. Box 4008, Chandler, AZ 85244.	Public Works Department, 215 East Buffalo Street, Chandler, AZ 85244.	Jan. 23, 2015	040040
Maricopa (FEMA Docket No.: B–1454).	City of Surprise (14–09–2037P).	The Honorable Sharon Wolcott, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	Community Development Services Department, 12425 West Bell Road, Suite D–100, Surprise, AZ 85374.	Jan. 16, 2015	040053
California:					
Alameda (FEMA Docket No.: B–1448).	City of Fremont (14–09–0995P).	The Honorable Bill Harrison, Mayor, City of Fremont, 3300 Capitol Avenue, Fremont, CA 94538.	Development Services Center, 39550 Liberty Street, Fremont, CA 94538.	Dec. 29, 2014	065028
Alameda (FEMA Docket No.: B–1448).	City of Fremont (14–09–3370P).	The Honorable Bill Harrison, Mayor, City of Fremont, 3300 Capitol Avenue, Fremont, CA 94538.	Development Services Center, 39550 Liberty Street, Fremont, CA 94538.	Dec. 29, 2014	065028
Imperial (FEMA Docket No.: B–1448).	Unincorporated areas of Imperial County (14–09–3275P).	The Honorable John Renison, Chairman, Imperial County Board of Supervisors, 940 Main Street, Suite 209, El Centro, CA 92243.	Imperial County Public Works Department, 155 South 11th Street, El Centro, CA 92243.	Jan. 8, 2015	060065
Los Angeles (FEMA Docket No.: B–1448).	City of Palmdale (14–09–1102P).	The Honorable James C. Ledford, Jr., Mayor, City of Palmdale, 38300 Sierra Highway, Palmdale, CA 93550.	Public Works Department, 38300 Sierra Highway, Palmdale, CA 93550.	Jan. 8, 2015	060144
Santa Clara, (FEMA Docket No.: B–1454).	Town of Los Altos Hills, (14–09–3550P).	The Honorable John Radford, Mayor, Town of Los Altos Hills, 26379 Fremont Road, Los Altos Hills, CA 94022.	Public Works Department, 26379 Fremont Road, Los Altos Hills, CA 94022.	Jan. 8, 2015	060342
Colorado: Boulder (FEMA Docket No.: B–1454).	City of Longmont (14–08–0705P).	The Honorable Dennis Coombs, Mayor, City of Longmont, 350 Kimbark Street, Longmont, CO 80501.	Service Center, 1100 South Sherman Street, Longmont, CO 80501.	Jan. 26, 2015	080027
Florida:					
Bay, (FEMA Docket No.: B–1448).	Unincorporated areas of Bay County, (13–04–8550P).	The Honorable Guy M. Tunnel, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning And Zoning Department, 707 Jenks Avenue, Panama City, FL 32401.	Dec. 26, 2014	120004
Charlotte (FEMA Docket No.: B–1448).	Unincorporated areas of Charlotte County (14–04–5938P).	The Honorable Ken Doherty, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	Jan. 5, 2015	120061
Collier (FEMA Docket No.: B–1448).	City of Marco Island (14–04–5224P).	The Honorable Kenneth E. Honecker, Chairman, Marco Island City Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	City Hall, 50 Bald Eagle Drive, Marco Island, FL 34145.	Dec. 26, 2014	120426
Duval (FEMA Docket No.: B–1448).	City of Jacksonville (14–04–5239P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	Dec. 26, 2014	120077
Duval (FEMA Docket No.: B–1454).	City of Jacksonville (14–04–5730P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	Dec. 26, 2014	120077
Duval (FEMA Docket No.: B–1454).	City of Jacksonville (14–04–6014P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	Jan. 12, 2015	120077
Manatee (FEMA Docket No.: B–1448).	Unincorporated areas of Manatee County (14–04–8302P).	The Honorable Larry Bustle, Chairman, Manatee County Board of Commissioners, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	Dec. 26, 2014	120153
Miami-Dade (FEMA Docket No.: B–1448).	City of Sunny Isles Beach (14–04–4656P).	The Honorable Norman S. Edelcup, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Government Center, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Jan. 5, 2015	120688
Orange (FEMA Docket No.: B–1448).	City of Orlando (14–04–4627P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	Permitting Services Department, 400 South Orange Avenue, Orlando, FL 32801.	Jan. 9, 2015	120186

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Orange (FEMA Docket No.: B–1454).	City of Orlando (14–04–7362P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32802.	Permitting Services Department, 400 South Orange Avenue, Orlando, FL 32802.	Jan. 23, 2015	120186
Orange (FEMA Docket No.: B–1448).	Unincorporated areas of Orange County (14–04–4627P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Management Department, 4200 South John Young Parkway, Orlando, FL 32839.	Jan. 9, 2015	120179
Polk (FEMA Docket No.: B–1448).	City of Winter Haven (14–04–4079P).	The Honorable Nathaniel Birdsong, Mayor, City of Winter Haven, 451 3rd Street Northwest, Winter Haven, FL 33881.	Engineering Services Division, 451 3rd Street Northwest, Winter Haven, FL 33881.	Jan. 5, 2015	120271
Seminole (FEMA Docket No.: B–1448).	City of Altamonte Springs (14–04–7250P).	The Honorable Patricia Bates, Mayor, City of Altamonte Springs, 225 Newburyport Avenue, Altamonte Springs, FL 32701.	Public Library, 281 North Maitland, Altamonte Springs, FL 32701.	Dec. 26, 2014	120290
Seminole (FEMA Docket No.: B–1448).	City of Casselberry (14–04–5862P).	The Honorable Charlene Glancy, Mayor, City of Casselberry, 95 Triplet Lake Drive, Casselberry, FL 32707.	City Hall, 95 Triplet Lake Drive, Casselberry, FL 32707.	Jan. 9, 2015	120291
Georgia:					
Columbia (FEMA Docket No.: B–1448).	Unincorporated areas of Columbia County (14–04–7278P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Stormwater Utility Department, 603 Ronald Reagan Drive, Building B, 2nd Floor, Evans, GA 30809.	Jan. 2, 2015	130059
Fulton (FEMA Docket No.: B–1448).	Unincorporated areas of Fulton County (14–04–0878P).	The Honorable John Eaves, Chairman, Fulton County Board of Commissioners, 141 Pryor Street, Suite 10061, Atlanta, GA 30303.	Fulton County Office of Environment and Community Development, 141 Pryor Street, Suite 2085, Atlanta, GA 30303.	Jan. 12, 2015	135160
Montana:					
Mineral (FEMA Docket No.: B–1442).	Town of Superior (14–08–0313P).	The Honorable Roni Phillips, Mayor, Town of Superior, P.O. Box 729, Superior, MT 59872.	Town Hall, 105 Cedar Street, Superior, MT 59872.	Jan. 15, 2015	300128
Ravalli (FEMA Docket No.: B–1448).	Unincorporated areas of Ravalli County (14–08–0632P).	The Honorable Greg Chilcott, Chairman, Ravalli County Board of Commissioners, 215 South 4th Street, Suite A, Hamilton, MT 59840.	Ravalli County Floodplain Map Repository, 215 South 4th Street, Suite A, Hamilton, MT 59840.	Jan. 19, 2015	300061
Nevada:					
Clark (FEMA Docket No.: B–1448).	City of Henderson (14–09–1585P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, P.O. Box 95050, Henderson, NV 89009.	Public Works Department, 240 Water Street, Henderson, NV 89015.	Dec. 29, 2014	320005
Douglas (FEMA Docket No.: B–1454).	Unincorporated areas of Douglas County (14–09–1494P).	The Honorable Doug N. Johnson, Chairman, Douglas County Board of Commissioners, P.O. Box 218, Minden, NV 89423.	Douglas County Public Works Department, 1615 8th Street, Minden, NV 89423.	Jan. 22, 2015	320008
South Carolina: Horry (FEMA Docket No.: B–1454).	City of North Myrtle Beach (14–04–7517P).	The Honorable Marilyn Hatley, Mayor, City of North Myrtle Beach, 1018 2nd Avenue South, North Myrtle Beach, SC 29582.	Planning and Development Department, 1015 2nd Avenue South, North Myrtle Beach, SC 29582.	Jan. 15, 2015	450110
Wyoming: Teton (FEMA Docket No.: B–1448).	Town of Jackson (14–08–0328P).	The Honorable Mark Barron, Mayor, Town of Jackson, P.O. Box 1687, Jackson, WY 83001.	Planner's Office, 150 East Pearl Street, Jackson, WY 83001.	Dec. 26, 2014	560052

[FR Doc. 2015–07403 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: Extension, With Change, of an Existing Information Collection; Comment Request

ACTION: 30-Day Notice of Information collection for review; Form No. 10–002; Electronic Funds Transfer Waiver Request; OMB Control No. 1653–0043.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), is submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. The information collection was previously published in the **Federal Register** on January 30, 2015, Vol. 80 No. 01770 allowing for a 60 day comment period. No comments were received on this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

Written comments and suggestions regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Immigration and Customs Enforcement, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, with change, of a currently approved information collection.

(2) *Title of the Form/Collection:* Electronic Funds Transfer Waiver Request.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* (No. Form 10–002); U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local or Tribal Government. Section 404(b) of the Immigration and Nationality Act (8 U.S.C. 1101 note) provides for the reimbursement to States and localities for assistance provided in meeting an immigration emergency. This collection of information allows for State or local governments to request reimbursement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 300 annual burden hours.

Dated: March 31, 2015.

Scott Elmore,

Program Manager, Forms Management Office, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2015–07328 Filed 3–31–15; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov*.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

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Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov*.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 23, 2015.

Roy E. Wright,

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

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
North Carolina:					
Chatham (FEMA Docket No.: B–1417).	Unincorporated areas of Chatham County (13–04–7171P).	The Honorable Walter Petty, Chairman, Chatham County Board of Commissioners, P.O. Box 1809, Pittsboro, NC 27312.	Chatham County Planning Department, 80–A East Street, Pittsboro, NC 27312.	May 2, 2014	370299
Lenoir (FEMA Docket No.: B–1417).	City of Kinston (13–04–6410P).	The Honorable B.J. Murphy, Mayor, City of Kinston, 207 East King Street, Kinston, NC 28501.	City Hall, 207 East King Street, Kinston, NC 28501.	June 14, 2014	370145
Rutherford (FEMA Docket No.: B–1417).	Town of Rutherfordton (14–04–0666P).	The Honorable Jimmy Dancy, Mayor, Town of Rutherfordton, 129 Main Street, Rutherfordton, NC 28139.	Town Hall, 129 Main Street, Rutherfordton, NC 28139.	April 16, 2014	370219
Transylvania (FEMA Docket No.: B–1417).	Unincorporated areas of Transylvania County (13–04–8461P).	The Honorable Mike Hawkins, Chairman, Transylvania County Board of Commissioners, 21 East Main Street, Brevard, NC 28712.	Transylvania County Inspections Department, 98 East Morgan Street, Brevard, NC 28712.	May 9, 2014	370230

[FR Doc. 2015–07397 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

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ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

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(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 23, 2015.

Roy E. Wright,

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

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
California: San Bernardino, (FEMA Docket No.: B–1446).	City of Yucaipa (14–09–0135P).	The Honorable Denise Hoyt, Mayor, City of Yucaipa, 34272 Yucaipa Boulevard, Yucaipa, CA 92399.	34272 Yucaipa Boulevard, Yucaipa, CA 92399.	January 12, 2015	060739
Connecticut:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Fairfield, (FEMA Docket No.: B–1456).	City of Stamford (14–01–2347P).	The Honorable David Martin, Mayor, City of Stamford, 888 Washington Boulevard, Stamford, CT 06901.	888 Washington Boulevard, Stamford, CT 06901.	February 19, 2015	090015
Fairfield, (FEMA Docket No.: B–1449).	Town of Darien (14–01–1743P).	The Honorable Jayme J. Stevenson, First Selectman, Town of Darien, 2 Renshaw Road, Darien, CT 06820.	2 Renshaw Road, Darien, CT 06820.	February 13, 2015	090005
Fairfield, (FEMA Docket No.: B–1449).	Town of Darien (14–01–3341P).	The Honorable Jayme J. Stevenson, First Selectman, Town of Darien, 2 Renshaw Road, Darien, CT 06820.	2 Renshaw Road, Darien, CT 06820.	March 9, 2015	090005
Fairfield, (FEMA Docket No.: B–1456).	Town of Trumbull (14–01–2179P).	Mr. Timothy M. Herbst, First Selectman, Town of Trumbull, 5866 Main Street, Trumbull, CT 06611.	5866 Main Street, Trumbull, CT 06611.	March 6, 2015	090017
New Haven, (FEMA Docket No.: B–1456).	City of West Haven (14–01–2474P).	The Honorable Edward M. O'Brien, Mayor, City of West Haven, 355 Main Street, West Haven, CT 06516.	355 Main Street, West Haven, CT 06516.	March 7, 2015	090092
Idaho:					
Ada, (FEMA Docket No.: B–1446).	City of Boise (14–10–0845P).	The Honorable David Bieter, Mayor, City of Boise, 150 North Capitol Boulevard, Boise, ID 83701.	150 North Capitol Boulevard, Boise, ID 83701.	December 24, 2014	160002
Illinois:					
Peoria, (FEMA Docket No.: B–1449).	City of Peoria (14–05–7931P).	The Honorable Jim Ardis, Mayor, City of Peoria, 419 Fulton Street, Room 207, Peoria, IL 61602.	419 Fulton Street, Room 207, Peoria, IL 61602.	February 18, 2015	170536
Peoria, (FEMA Docket No.: B–1449).	Unincorporated Areas of Peoria County (14–05–7931P).	The Honorable Thomas O'Neil, Chairman, Peoria County, 324 Main Street, Peoria, IL 61602.	324 Main Street, Peoria, IL 61602.	February 18, 2015	170533
Will, (FEMA Docket No.: B–1446).	City of Crest Hill (14–05–5077P).	The Honorable Ray Soliman, Mayor, City of Crest Hill, 1610 Plainfield Road, Crest Hill, IL 60403.	1610 Plainfield Road, Crest Hill, IL 60403.	January 13, 2015	170699
Will, (FEMA Docket No.: B–1446).	City of Joliet (14–05–5077P).	The Honorable Thomas C. Giarrante, Mayor, City of Joliet, 150 West Jefferson Street, Joliet, IL 60432.	150 West Jefferson Street, Joliet, IL 60432.	January 13, 2015	170702
Will, (FEMA Docket No.: B–1449).	City of Naperville (14–05–5854P).	The Honorable A. George Pradel, Mayor, City of Naperville, 400 South Eagle Street, Naperville, IL 60540.	400 South Eagle Street, Naperville, IL 60540.	February 16, 2015	170213
Indiana:					
Dearborn, (FEMA Docket No.: B–1456).	City of Aurora (14–05–2910P).	The Honorable Donnie Hastings, Jr., Mayor, City of Aurora, 235 Main Street, Aurora, IN 47001.	235 Main Street, Aurora, IN 47001.	March 20, 2015	185172
Dearborn, (FEMA Docket No.: B–1456).	City of Lawrenceburg (14–05–2910P).	The Honorable Dennis Carr, Mayor, City of Lawrenceburg, 230 Walnut Street, Lawrenceburg, IN 47025.	230 Walnut Street, Lawrenceburg, IN 47025.	March 20, 2015	180041
Dearborn, (FEMA Docket No.: B–1456).	Unincorporated areas of Dearborn County (14–05–2910P).	The Honorable Shane McHenry, President, Dearborn County Board of Commissioners, 215 B West High Street, Lawrenceburg, IN 47025.	215 B West High Street, Lawrenceburg, IN 47025.	March 20, 2015	180038
Marion, (FEMA Docket No.: B–1449).	City of Indianapolis (14–05–4021P).	The Honorable Gregory A. Ballard, Mayor, City of Indianapolis, 200 East Washington Street, Indianapolis, IN 46204.	200 East Washington Street, Indianapolis, IN 46204.	February 4, 2015	180159
Monroe, (FEMA Docket No.: B–1456).	City of Bloomington (14–05–6705P).	The Honorable Mark Kruzan, Mayor, City of Bloomington, 401 North Morton Street, Suite 210, Bloomington, IN 47404.	401 North Morton Street, Bloomington, IN 47404.	February 11, 2015	180169
Iowa: Woodbury, (FEMA Docket No.: B–1449).	City of Sioux City (14–07–1433P).	The Honorable Bob Scott, Mayor, City of Sioux City, 405 6th Street, Sioux City, IA 51102.	405 6th Street, Sioux City, IA 51102.	February 10, 2015	190298
Kansas:					
Butler, (FEMA Docket No.: B–1449).	City of Andover (14–07–1469P).	The Honorable Ben Lawrence, Mayor, City of Andover, 1609 East Central Avenue, Andover, KS 67002.	1609 East Central Avenue, Andover, KS 67002.	February 13, 2015	200383
Butler, (FEMA Docket No.: B–1449).	Unincorporated Areas of Butler County (14–07–1469P).	Mr. William Johnson, County Administrator, Butler County, 205 West Central, El Dorado, KS 67042.	205 West Central, El Dorado, KS 67042.	February 13, 2015	200037
Rice, (FEMA Docket No.: B–1446).	City of Lyons (14–07–1730P).	The Honorable Michael Young, Mayor, City of Lyons, 217 East Avenue South, Lyons, KS 67554.	217 East Avenue South, Lyons, KS 67554.	December 22, 2014	200295
Sedgwick, (FEMA Docket No.: B–1456).	City of Wichita (14–07–2054P).	The Honorable Carl Brewer, Mayor, City of Wichita, 455 North Main , 1st Floor, Wichita, KS 67202.	455 North Main, Wichita, KS 67202.	March 5, 2015	200328
Sedgwick, (FEMA Docket No.: B–1456).	Unincorporated areas of Sedgwick County (14–07–2054P).	The Honorable James Skelton, Commissioner, Sedgwick County, 525 North Main, Suite 320, Wichita, KS 67203.	525 North Main, Wichita, KS 67203.	March 5, 2015	200321

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Maine: Androscoggin, (FEMA Docket No.: B–1446).	Town of Greene (14–01–2808P).	Mr. Ronald I. Grant, Chairman, Town of Greene, 220 Main Street, Greene, ME 04236.	220 Main Street, Greene, ME 04236.	December 23, 2014	230475
Massachusetts: Plymouth, (FEMA Docket No.: B–1446).	Town of Marion (14–01–0063P).	Mr. Paul F. Dawson, Town Administrator, Town of Marion, 2 Spring Street, Marion, MA 02738.	2 Spring Street, Marion, MA 02738.	December 26, 2014	255213
Michigan:					
Macomb, (FEMA Docket No.: B–1449).	Township of Washington (14–05–2918P).	The Honorable Dan O'Leary, Supervisor, Township of Washington, 57900 Van Dyke Road, Washington Township, MI 48094.	57900 Van Dyke Road, Washington Township, MI 48094.	February 3, 2015	260447
Oakland, (FEMA Docket No.: B–1449).	City of Troy (14–05–4347P).	The Honorable Dan Slater, Mayor, City of Troy, 500 West Big Beaver Road, Troy, MI 48084.	500 West Big Beaver Road, Troy, MI 48084.	February 3, 2015	260180
Oakland, (FEMA Docket No.: B–1446).	City of Troy (14–05–5494P).	The Honorable Dane Slater, Mayor, City of Troy, 500 West Big Beaver, Troy, MI 48084.	500 West Big Beaver, Troy, MI 48084.	January 26, 2015	260180
Minnesota:					
Hennepin, (FEMA Docket No.: B–1446).	City of Edina (14–05–2615P).	The Honorable James Hovland, Mayor, City of Edina, 4801 West 50th Street, Edina, MN 55424.	4801 West 50th Street, Edina, MN 55424.	December 29, 2014	270160
Hennepin, (FEMA Docket No.: B–1446).	City of St. Louis Park (14–05–2615P).	The Honorable Jeff Jacobs, Mayor, City of St. Louis Park, 5005 Minnetonka Boulevard, St. Louis Park, MN 55416.	5005 Minnetonka Boulevard, St. Louis Park, MN 55416.	December 29, 2014	270184
Washington, (FEMA Docket No.: B–1449).	City of Woodbury (14–05–4889P).	The Honorable Mary Giuliani-Stephens, Mayor, City of Woodbury, 8301 Valley Creek Road, Woodbury, MN 55125.	8301 Valley Creek Road, Woodbury, MN 55125.	February 5, 2015	270699
Missouri: St. Charles, (FEMA Docket No.: B–1446).	City of O'Fallon (14–07–1935P).	The Honorable Bill Hennessy, Mayor, City of O'Fallon, 8 Shelby Crest Court, O'Fallon, MO 63366.	100 North Main Street, O'Fallon, MS 63366.	January 22, 2015	290316
Ohio:					
Butler, (FEMA Docket No.: B–1449).	City of Monroe (14–05–5954P).	The Honorable Robert E. Routson, Mayor, City of Monroe, 233 South Main Street, Monroe, OH 45050.	233 South Main Street, Monroe, OH 45050.	February 16, 2015	390042
Franklin, (FEMA Docket No.: B–1456).	City of Grove City (13–05–7763P).	The Honorable Richard Stage, Mayor, City of Grove City, 4035 Broadway, Grove City, OH 43123.	4035 Broadway, Grove City, OH 43123.	March 12, 2015	390173
Franklin, (FEMA Docket No.: B–1456).	Unincorporated areas of Franklin County (13–05–7763P).	The Honorable Marilyn Brown, President, Franklin County Board of Commissioners, 373 South High Street, 26th Floor, Columbus, OH 43215.	373 South High Street, Columbus, OH 43215.	March 12, 2015	390167
Oregon:					
Clackamas, (FEMA Docket No.: B–1446).	City of Portland (14–10–1890P).	The Honorable Charlie Hales, Mayor, City of Portland, 1221 Southwest 4th Avenue, Room 340, Portland, OR 97204.	1221 Southwest 4th Avenue, Room 230, Portland, OR 97204.	November 24, 2014	410183
Tillamook, (FEMA Docket No.: B–1449).	City of Nehalem (14–10–1695P).	The Honorable Shirley Kalkhoven, Mayor, City of Nehalem, 35900 8th Street, Nehalem, OR 97131.	35900 8th Street, Nehalem, OR 97131.	February 11, 2015	410200
Tillamook, (FEMA Docket No.: B–1449).	Unincorporated Areas of Tillamook (14–10–1695P).	The Honorable Tim Josi, Board of County Commissioners, Tillamook County, 201 Laurel Avenue, Tillamook, OR 97141.	201 Laurel Avenue, Tillamook, OR 97141.	February 11, 2015	410196
Tillamook, (FEMA Docket No.: B–1449).	Unincorporated Areas of Tillamook (14–10–1696P).	The Honorable Tim Josi, Board of County Commissioners, Tillamook County, 201 Laurel Avenue, Tillamook, OR 97141.	201 Laurel Avenue, Tillamook, OR 97141.	February 11, 2015	410196
Washington, (FEMA Docket No.: B–1446).	City of Hillsboro (14–10–1241P).	The Honorable Jerry Wiley, Mayor, City of Hillsboro, 150 East Main Street, Hillsboro, OR 97123.	123 West Main Street, Hillsboro, OR 97123.	January 2, 2015	410243

[FR Doc. 2015–07395 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2015–0010]

Committee Name: Homeland Security Academic Advisory Council

AGENCY: Department of Homeland Security

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Homeland Security Academic Advisory Council will meet on April 22, 2015 in Washington, DC. The meeting will be open to the public.

DATES: The Homeland Security Academic Advisory Council will meet

Wednesday, April 22, 2015, from 10:00 a.m. to 3:30 p.m. Please note that the meeting may close early if the Council has completed its business.

ADDRESSES: The meeting will be held at the Ronald Reagan International Trade Center, 1300 Pennsylvania Avenue NW., Floor B, Room B1.5–10, Washington, DC 20004. All visitors to the Ronald Reagan International Trade Center must bring a Government-issued photo ID. Please use the main entrance on 14th Street NW.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, send an email to *AcademicEngagement@hq.dhs.gov* or contact Lindsay Burton at 202–447–4686 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Council prior to the adoption of the recommendations as listed in the ''Supplementary Information'' section below. Comments must be submitted in writing no later than Tuesday, April 14, 2015, must include DHS–2015–0010 as the identification number, and may be submitted using *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: AcademicEngagement@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 202–447–3713
- *Mail:* Academic Engagement; Office of Academic Engagement/Mailstop 0440; Department of Homeland Security; 245 Murray Lane SW.; Washington, DC 20528–0440

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket, to read background documents or comments received by the Homeland Security Academic Advisory Council, go to *http://www.regulations.gov* and search for ''Homeland Security Academic Advisory Council'' then select the notice dated April 3, 2015.

One thirty-minute public comment period will be held during the meeting on April 22, 2015 after the conclusion of the presentation of draft recommendations, but before the Council deliberates. Speakers will be requested to limit their comments to three minutes. Contact the Office of Academic Engagement as indicated below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Lindsay Burton, Office of Academic Engagement/Mailstop 0440; Department of Homeland Security; 245 Murray Lane SW; Washington, DC 20528–0440, email: *AcademicEngagement@hq.dhs.gov,* tel: 202–447–4686 and fax: 202–447–3713.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. Appendix. The Homeland Security Academic Advisory Council provides advice and recommendations to the Secretary and senior leadership on matters relating to student and recent graduate recruitment; international students; academic research; campus and community resiliency, security and preparedness; faculty exchanges; and cybersecurity. *Agenda:* The six Council subcommittees (Student and Recent Graduate Recruitment, Homeland Security Academic Programs, Academic Research and Faculty Exchange, International Students, Campus Resilience, and Cybersecurity) will give progress reports and may present draft recommendations for action in response to the taskings issued by the Department. DHS senior leadership will provide an update on the Department's efforts in implementing the Council's approved recommendations as well as its recent initiatives with the academic community. The Council will also receive briefings on DHS initiatives related to homeland security academic programs and campus resilience.

The meeting materials will be posted to the Council Web site at: *http://www.dhs.gov/homeland-security-academic-advisory-council-hsaac* on or before April 17, 2015.

Responsible DHS Official: Lauren Kielsmeier, *AcademicEngagement@hq.dhs.gov,* 202–447–4686.

Dated: March 25, 2015.

Lauren Kielsmeier,

Executive Director for Academic Engagement.

[FR Doc. 2015–07421 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent to Request Renewal From OMB of One Current Public Collection of Information: TSA Claims Management Branch Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0039, abstracted below that we will submit to OMB for renewal in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of information from claimants in order to thoroughly examine and resolve tort claims against the agency.

DATES: Send your comments by June 1, 2015.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0039; TSA Claims Management Program allows the agency to collect information from claimants in order to thoroughly examine and resolve tort claims against the agency. TSA receives approximately

1,000 tort claims per month arising from airport screening activities and other circumstances, including motor vehicle accidents and employee loss. The Federal Tort Claims Act (28 U.S.C. 1346(b), 1402(b), 2401(b), 2671–2680) is the authority under which the TSA Claims Management Branch adjudicates tort claims.

The data is collected whenever an individual believes s/he has experienced property loss or damage, a personal injury, or other damages due to the negligence or wrongful act or omission of a TSA employee, and decides to file a Federal tort claim against TSA. Submission of a claim is entirely voluntary and initiated by individuals. The claimants (or respondents) to this collection are typically the traveling public. Currently, claimants file a claim by submitting to TSA a Standard Form 95 (SF–95), which has been approved under OMB control number 1105–0008. Because TSA requires further clarifying information, claimants are asked to complete a Supplemental Information page added to the SF–95. If TSA determines payment is warranted, TSA will send the claimant a form requesting banking information (routing and accounting numbers) in order to direct payment to the claimant. This form has been approved under OMB control number 1652–0039.

Claim instructions and forms are available through the TSA Web site at *http://www.tsa.gov.* Claimants must download these forms and mail or fax them to TSA. On the Supplemental Information page, claimants are asked to provide additional claim information including: (1) Email address, (2) airport, (3) location of incident within the airport, (4) complete travel itinerary, (5) whether baggage was delayed by airline, (6) why they believe TSA was negligent, (7) whether they used a third-party baggage service, (8) whether they were traveling under military orders, and (9) whether they submitted claims with the airlines or insurance companies.

If TSA determines payment is warranted, TSA sends the claimant a form requesting: (1) Claimant signature, (2) banking information, and (3) Social Security number (required by the U.S. Treasury for all Government payments to the public pursuant to 31 U.S.C. 3325).

Under the current system of claims submitted by mail or fax, TSA estimates there will be approximately 10,000 respondents on an annual basis, for a total annual hour burden of 6,000 hours.

Use of Results

TSA will use all data collected from claimants to examine and analyze tort claims against the agency to determine alleged TSA liability and to reimburse claimants when claims are approved. In some cases, TSA may use the information to identify victims of theft or to aid any criminal investigations into property theft.

Dated: March 20, 2015.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2015–07411 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1475]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR

60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 23, 2015.

Roy E. Wright,

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

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Texas: Ellis	City of Grand Prairie (14–06–4417P).	The Honorable Ron Jensen, Mayor, City of Grand Prairie, P.O. Box 534045, Grand Prairie, TX 75053.	Engineering Department, 206 West Church Street, Grand Prairie, TX 75050.	*http://www.msc.fema.gov/lomc.*	Apr. 16, 2015	485472
Ellis	City of Midlothian (14–06–2291P).	The Honorable Bill Houston, Mayor, City of Midlothian, 104 West Avenue E, Midlothian, TX 76065.	City Hall, 104 West Avenue E, Midlothian, TX 76065.	*http://www.msc.fema.gov/lomc.*	Apr. 16, 2015	480801
Ellis	City of Midlothian (14–06–4417P).	The Honorable Bill Houston, Mayor, City of Midlothian, 104 West Avenue E, Midlothian, TX 76065.	City Hall, 104 West Avenue E, Midlothian, TX 76065.	*http://www.msc.fema.gov/lomc.*	Apr. 16, 2015	480801
Ellis	Unincorporated areas of Ellis County (14–06–4417P).	The Honorable Carol Bush, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Courthouse, 101 West Main Street, Waxahachie, TX 75165.	*http://www.msc.fema.gov/lomc.*	Apr. 16, 2015	480798

[FR Doc. 2015–07400 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2009–0024]

Enforcement Actions Summary

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice of availability.

SUMMARY: The Transportation Security Administration (TSA) is providing notice that it has issued an annual summary of all enforcement actions taken by TSA under the authority granted in the Implementing Recommendations of the 9/11 Commission Act of 2007.

FOR FURTHER INFORMATION CONTACT: Emily Su, Assistant Chief Counsel, Civil Enforcement, Office of the Chief Counsel, TSA–2, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6002; telephone (571) 227–2305; facsimile (571) 227–1380; email *emily.su@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

On August 3, 2007, section 1302(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (the 9/11 Act), Public Law 110–53, 121 Stat. 392, gave TSA new authority to assess civil penalties for violations of any surface transportation requirements under title 49 of the U.S. Code (U.S.C.) and for any violations of chapter 701 of title 46 of the U.S. Code, which governs transportation worker identification credentials (TWICs).

Section 1302(a) of the 9/11 Act, codified at 49 U.S.C. 114(v), authorizes the Secretary of the Department of Homeland Security (DHS) to impose civil penalties of up to $10,000 per violation of any surface transportation requirement under 49 U.S.C. or any requirement related to TWICs under 46 U.S.C. chapter 701. TSA exercises this function under delegated authority from the Secretary. *See* DHS Delegation No. 7060–2.

Under 49 U.S.C. 114(v)(7)(A), TSA is required to provide the public with an annual summary of all enforcement actions taken by TSA under this subsection; and include in each such summary the identifying information of each enforcement action, the type of alleged violation, the penalty or penalties proposed, and the final assessment amount of each penalty. This summary is for calendar year 2013.

Document Availability

You can get an electronic copy of both this notice and the enforcement actions summary on the Internet by searching the electronic Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov,* Docket No. TSA–2009–0024;

You can get an electronic copy of only this notice on the Internet by—

(1) Accessing the Government Publishing Office's Web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR* to view the daily published **Federal Register** edition; or accessing the ''Search the **Federal Register** by Citation'' in the ''Related Resources'' column on the left, if you need to do a Simple or Advanced search for information, such as a type of document that crosses multiple agencies or dates; or

(2) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Stakeholders'' at the top of the page, then the link ''Research Center'' in the left column.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

Issued in Arlington, Virginia, March 25, 2015.

Kelly D. Wheaton,

Deputy Chief Counsel, Enforcement.

March 2015

Annual Summary of Enforcement Actions Taken Under 49 U.S.C. § 114(v)

Annual Report

Pursuant to 49 U.S.C. 114(v)(7)(A), TSA provides the following summary of enforcement actions taken by TSA in calendar year 2013 under section 114(v).[1]

Background

Section 114(v) of title 49 of the U.S. Code gave the Transportation Security Administration (TSA) new authority to assess civil penalties for violations of any surface transportation requirements under 49 U.S.C. and for any violations of chapter 701 of title 46 of the U.S. Code, which governs transportation worker identification credentials. Specifically, section 114(v) authorizes the Secretary of the Department of Homeland Security (DHS) to impose civil penalties of up to $10,000 per violation of any surface transportation requirement under title 49 U.S.C. or any requirement related to transportation worker identification credentials (TWIC) under 46 U.S.C. chapter 701.[2]

ENFORCEMENT ACTIONS TAKEN BY TSA IN CALENDAR YEAR 2013

TSA Case No./type of violation	Penalty proposed/assessed
TSA Case # 2013DAL0118, Rail Security Coordinator (49 CFR 1580.101)	None (Warning Notice).
TSA Case # 2013ATL0236, Rail Car Chain of Custody (49 CFR 1580.107 Rail Car)	None (Letter of Correction).
TSA Case # 2013MEM0068, Rail Car Chain of Custody (49 CFR 1580.107 Rail Car)	None (Letter of Correction).
TSA Case # 2013PHX0484, Rail Car Chain of Custody (49 CFR 1580.107 Rail Car)	None (Letter of Correction).
TSA Case # 2013PHX0491, Rail Car Chain of Custody (49 CFR 1580.107 Rail Car)	None (Letter of Correction).
TSA Case # 2013SMF0058, Rail Car Chain of Custody (49 CFR 1580.107 Rail Car)	None (Warning Notice).
TSA Case # 2013JAX0181, Rail Car Location (49 CFR 1580.103)	None (Letter of Correction).
TSA Case # 2014JAX0001, Rail Car Location (49 CFR 1580.103)	None (Letter of Correction).
TSA Case # 2013HOU0236, Rail Car Location (49 CFR 1580.103)	None (Letter of Correction).
TSA Case # 2013ELP0186, Reporting Security Concerns (49 CFR 1580.203)	None (Notice of Non-Compliance).
TSA Case # 2013SAN0264, Reporting Security Concerns (49 CFR 1580.203)	None (Notice of Non-Compliance).
TSA Case # 2013SAN0238, TWIC—Fraudulent Use Or Manufacture (49 CFR 1570.7)	None (Warning Notice).
TSA Case # 2013SAN0235, TWIC—Fraudulent Use Or Manufacture (49 CFR 1570.7)	None (Warning Notice).
TSA Case # 2013SAN0239, TWIC—Fraudulent Use Or Manufacture (49 CFR 1570.7)	None (Warning Notice).

[FR Doc. 2015–07415 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0144]

Light Lists—Changes in Distribution Methods

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard is changing the way in which it makes Light Lists available to the public. The Coast Guard will continue to publish electronic versions of these publications and make them available free of charge, updated weekly, by means of the Internet, but will no longer produce printed Light List volumes.

DATES: Electronic-only publication of the Light Lists began February 23, 2015.

ADDRESSES: The Coast Guard is not requesting but will accept public comments on this change. To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

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

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Frank Parker, Aids to Navigation Division, Commandant (CG–NAV–1), U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., Stop 7418, Washington, DC 20593–7418; telephone (202) 372–1551, email *franklin.l.parker@uscg.mil.* For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION: The Coast Guard has statutory and treaty obligations to make navigation information available to the public. Coast Guard Light Lists are a means for communicating aids to navigation information that is available nowhere else. Light Lists are available free of charge via the Internet or at a cost through the Government Publishing Office. However, based on emerging technology and the ability to update these volumes on a weekly basis, the cost and time for printing the Light List on an annual basis has reached obsolescence. Technology now allows us to provide the Light List in a timelier and less costly manner via the Internet. The Coast Guard has successfully published updated Light Lists electronically via the Internet for several years. Electronic Light Lists are available on the Coast Guard Navigation Center's Web site at *http://www.navcen.uscg.gov/?pageName=lightLists.* Light Lists are updated weekly on the Coast Guard Navigation Center's Web site at *http://www.navcen.uscg.gov/?pageName=lightListWeeklyUpdates.* Electronic nautical publications are authorized for use on commercial vessels. While the Light Lists will no longer be available in government printed form, commercial reproductions may be available in the future. The 2014

[1] 49 U.S.C. 114(v)(7)(A) states: In general. Not later than December 31, 2008, and annually thereafter, the Secretary shall—(i) provide an annual summary to the public of all enforcement actions taken by the Secretary under this subsection; and (ii) include in each such summary the docket number of each enforcement action, the type of alleged violation, the penalty or penalties proposed, and the final assessment amount of each penalty.

[2] TSA exercises this function under delegated authority from the Secretary. *See* DHS Delegation No. 7060–2.

editions were the last government printed Light Lists.

Light Lists are referred to in two Coast Guard regulations, 33 CFR 72.05–1 and 72.05–5. They relate to Coast Guard agency management and are general policy statements without binding effect either on the public or on the Coast Guard. Therefore, under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), they can be amended without public notice and comment. We expect to revise these regulations to eliminate obsolete references to print distribution, as part of our forthcoming technical amendments to Title 33 of the CFR.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: March 25, 2015.

Gary C. Rasicot,

Director, Senior Executive Service, U.S. Coast Guard, Marine Transportation Systems Management.

[FR Doc. 2015–07501 Filed 3–31–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17619; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Gulf Islands National Seashore. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Gulf Islands National Seashore at the address in this notice by May 1, 2015.

ADDRESSES: Daniel R. Brown, Superintendent, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway, Gulf Breeze, FL 32563, telephone (850) 934–2600, email *daniel_r_brown@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL. The human remains and associated funerary objects were removed from Top of Benchmark 2, Escambia County, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Gulf Islands National Seashore.

Consultation

A detailed assessment of the human remains was made by Gulf Islands National Seashore professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; Kialegee Tribal Town; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and Tunica-Biloxi Indian Tribe (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At an unknown date, human remains representing, at minimum, three individuals were removed from Top of Benchmark 2 in Escambia County, FL. These remains were donated to Gulf Islands National Seashore at an unknown date by Yulee Lazarus of the Fort Walton Temple Mound Museum. No known individuals were identified. The nine associated funerary objects are three untyped vessel fragments, two Weeden Island Incised vessel fragments, and four Wakulla Check Stamped vessel fragments.

Top of Benchmark 2 is a prehistoric midden site that dates from the Weeden Island to the Pensacola period (400 B.C.–A.D. 1700) and was first reported by William Lazarus and Gordon Simmons in the 1960s. Based on diagnostic ceramics, the Pensacola people were most likely the inhabitants of the area during this time. The Pensacola culture extended along the western Gulf coast of Florida, but also shared ceramic styles with groups in Alabama, Louisiana, and Mississippi. Conflict in the 18th century displaced the Pensacola people in Florida, and historical evidence indicates that some were assimilated into the Choctaw. Others were likely absorbed by the Creek Indians when they overtook the area. Pensacola people are also believed to have gone west with other area tribes to join the Tunica-Biloxi Indians. The Pensacola spoke a Muscogean language; other Muscogee language family speakers include the Alabama, Seminole, Miccosukee, and Coushatta.

Determinations Made By Gulf Islands National Seashore

Officials of Gulf Islands National Seashore have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the nine objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Daniel R. Brown, Superintendent, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway,

Gulf Breeze, FL 32563, telephone (850) 934–2600, email *daniel_r_brown@nps.gov,* by May 1, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

Gulf Islands National Seashore is responsible for notifying The Tribes that this notice has been published.

Dated: February 17, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07416 Filed 3–31–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–GATE–17824; PPNEGATEB0, PPMVSCS1Z.Y00000]

Notice of the 2015 Meeting Schedule for Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee

AGENCY: National Park Service, Interior.

ACTION: Notice of Meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), notice is hereby given of the 2015 meeting schedule of the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee.

Agenda: The Committee will offer expertise and advice regarding the preservation of historic Army buildings at Fort Hancock and Sandy Hook Proving Ground National Historic Landmark into a viable, vibrant community with a variety of uses for visitors, not-for-profit organizations and residents. The final agenda will be posted on *www.forthancock21stcentury.org* prior to the meeting.

DATES: All meetings will be held on Fridays and will begin at 9:00 a.m. (Eastern). The meetings will take place on the following dates for the remainder of 2015: Friday, May 8, 2015, Friday, June 26, 2015, Friday, September 11, 2015, Friday, October 23, 2015, Friday, December 4, 2015

ADDRESSES: The meetings to be held on May 8, 2015, June 26, 2015, September 11, 2015, and October 23, 2015, will be held in the Beech Room at the Thompson Park Visitor Center, located at 805 Newman Springs Road, Lincroft, N.J. Thompson Park is part of the Monmouth County Park System. The final meeting of the year held on December 4, 2015, will take place at the Chapel at Sandy Hook, Hartshorne Drive, Middletown, N.J.

FOR FURTHER INFORMATION CONTACT: Further information concerning the meetings may be obtained by mail from John Warren, External Affairs Officer, Gateway National Recreation Area, 26 Hudson Road, Highlands, N.J. 07732, or by calling (732) 872–5908, or via email at *GATE_BMD@nps.gov,* or by visiting the park Web site at *http://www.nps.gov/gate/home.htm.*

SUPPLEMENTARY INFORMATION: As provided under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), the purpose of the Committee is to provide advice to the Secretary of the Interior, through the Director of the National Park Service, on the development of a reuse plan and on matters relating to future uses of certain buildings within the Fort Hancock Historic Landmark District, within the Sandy Hook Unit of Gateway National Recreation Area. Meetings are open to the public. Interested members of the public may present, either orally or through written comments, opinions or information for the Committee to consider during the public meeting.

Attendees and those wishing to provide comment are strongly encouraged to preregister through the contact information provided. The public will be able to comment at the meetings from 11:30 a.m. to 1:45 p.m. Written comments will be accepted prior to, during, or after the meeting. Due to time constraints during the meeting, the Committee is not able to read written public comments submitted into the record. Individuals or groups requesting to make oral comments at the public committee meeting will be limited to no more than five minutes per speaker.

Before including your address, telephone number, email address, or other personal identifying information in your written comments, 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. All comments will be made part of the public record and will be electronically distributed to all Committee members.

Dated: March 24, 2015.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–07428 Filed 3–31–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX15EB00A181100]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a revision of a currently approved information collection (1028–0085).

SUMMARY: We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This collection is scheduled to expire on September 30, 2015.

DATES: To ensure that your comments are considered, we must receive them on or before June 1, 2015.

ADDRESSES: You may submit comments on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'Information Collection 1028–0085 National Land Remote Sensing Education, Outreach and Research Activity' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Sarah Cook, Land Remote Sensing Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 516, Reston, VA 20192 (mail); 703–648–6136 (phone); or *scook@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Land Remote Sensing Education, Outreach and Research Activity (NLRSEORA) is an effort that involves the development of a U.S. National consortium in building the capability to receive, process and archive remotely sensed data for the purpose of providing access to university and State organizations in a ready-to-use format; and to expand the science of remote sensing through education, research/applications development and outreach in areas such as environmental monitoring, climate change research,

natural resource management and disaster analysis. Respondents are submitting proposals to acquire funding for a National (U.S.) program to promote the uses of space-based land remote sensing data and technologies through education and outreach at the State and local level and through university-based and collaborative research projects. The information collected will ensure that sufficient and relevant information is available to evaluate and select a proposal for funding. A panel of USGS Land Remote Sensing Program managers and scientists will review each proposal to evaluate the technical merit, requirements, and priorities identified in the Program's call for proposals.

This notice concerns the collection of information that is sufficient and relevant to evaluate and select proposals for funding. 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), and under regulations at 30 CFR 250.197, ''Data and information to be made available to the public or for limited inspection.'' Responses are voluntary. No questions of a ''sensitive'' nature are asked. We intend to release the project abstracts and primary investigators for awarded/funded projects only.

II. Data

OMB Control Number: 1028–0085.

Form Number: NA.

Title: National Land Remote Sensing Education, Outreach and Research Activity (NLRSEORA).

Type of Request: New information collection.

Affected Public: Non-profit organizations.

Respondent's Obligation: Voluntary (necessary to receive benefits).

Frequency of Collection: Once per year.

Estimated Total Number of Annual Responses: Approximately 5 applications.

Estimated Time per Response: We expect to receive approximately 5 applications per year, taking each applicant approximately 24 hours to complete, totaling 120 burden hours. We anticipate awarding one (1) grant per year. The grantee will be required to submit an interim Annual Progress Report to the designated USGS Project Officer within 90 days of the end of the project period and a final report on or before 90 working days after the expiration of the agreement.

Estimated Annual Burden Hours: 120 hours per year.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this IC.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

Timothy R. Newman,

Program Coordinator, Land Remote Sensing Program, U.S. Geological Survey.

[FR Doc. 2015–07344 Filed 3–31–15; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2015–N045; FXES11120600000–156–FF06E13000]

Endangered and Threatened Wildlife and Plants; Enhancement of Survival Permit Applications; Greater Sage-Grouse Umbrella Candidate Conservation Agreement With Assurances for Wyoming Ranch Management

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received applications for enhancement of survival permits (EOS permits) under the Endangered Species Act of 1973, as amended (Act), pursuant to the Greater Sage-grouse Umbrella Candidate Conservation Agreement with Assurances for Wyoming Ranch Management (Umbrella CCAA). The permit applications, if approved, would authorize incidental take associated with implementation of specified individual Candidate Conservation Agreements with Assurances (individual CCAAs) developed in accordance with the Umbrella CCAA. We invite the public to comment on the EOS permit applications described below. The Act requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please send your written comments by May 1, 2015.

ADDRESSES: *Submitting Comments:* Send written comments by one of the following methods. Please specify the permit(s) you are commenting on by relevant number(s) (*e.g.,* Permit No. TE–XXXXXX).

- *U.S. mail:* Tyler Abbott, Wyoming Ecological Services Field Office (ESFO), U.S. Fish and Wildlife Service, 5353 Yellowstone Road, Suite 308A, Cheyenne, WY 82009.
- *Email: tyler_abbott@fws.gov.*
- *Fax:* Tyler Abbott, (307) 772–2358.

Reviewing Documents: You may review copies of the enhancement of survival permit applications during regular business hours at the Wyoming ESFO (see address above). You may also request hard copies by telephone at (307) 772–2374, ext. 231, or by letter to the Wyoming ESFO. Please specify the permit(s) you are interested in by relevant number(s) (*e.g.,* Permit No. TE–XXXXXX).

FOR FURTHER INFORMATION CONTACT: Tyler Abbott, U.S. Fish and Wildlife Service, (307) 772–2374, ext. 231 (phone); *tyler_abbott@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

A Candidate Conservation Agreement with Assurances is an agreement with the Service in which private and other non-Federal landowners voluntarily agree to undertake management activities and conservation efforts on their properties to enhance, restore, or maintain habitat to benefit species that are proposed for listing under the Act, that are candidates for listing, or that may become candidates. The Service and several State, Federal, and local

partners developed the Umbrella CCAA (available at *http://www.fws.gov/wyominges*) to provide Wyoming ranchers with the opportunity to voluntarily conserve greater sage-grouse and its habitat while carrying out their ranching activities. The Umbrella CCAA was made available for public review and comment on February 7, 2013 (see 78 FR 9066), and was executed by the Service on November 8, 2013.

Pursuant to the Umbrella CCAA, ranchers in Wyoming may apply for an EOS permit under the Act by agreeing to implement certain conservation measures for the greater sage-grouse on their properties. These conservation measures are specified in individual CCAAs for their properties, which are developed in accordance with the Umbrella CCAA and are subject to the terms and conditions stated in that agreement. Landowners consult with the Service and other participating agencies to develop an individual CCAA for their property, and submit it to the Service for approval with their EOS permit application. If we approve the individual CCAA and EOS permit application, we will issue an EOS permit, under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*), that authorizes incidental take of greater sage-grouse that results from activities covered by the individual CCAA, should the species become listed. Through the Umbrella CCAA and the individual CCAA and EOS permit, we also provide assurances to participating landowners that, if the greater sage-grouse is listed, and so long as they are properly implementing their individual CCAA, we will not require any conservation measures with respect to greater sage-grouse in addition to those provided in the individual CCAA or impose additional land, water, or financial commitments or restrictions on land, water, or resource use in connection with the species. The EOS permit would become effective on the effective date of listing of the greater sage-grouse as endangered or threatened, and would continue through the end of the individual CCAA's 20-year term. Regulatory requirements and issuance criteria for EOS permits through a CCAA are found in 50 CFR 17.22(d) and 17.32(d), as well as 50 CFR part 13.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following EOS permit applications. The Umbrella CCAA, as well as the individual CCAAs submitted with the permit applications, are also available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552). The following applicants request approval of EOS permits for the greater sage-grouse, pursuant to the Umbrella CCAA, for the purpose of enhancing the species' survival.

Permit Application Number TE58867B–0

Applicant: Bull Springs LLC, Carbon County, Wyoming.

Permit Application Number TE58871B–0

Applicant: Dexter Peak LLC, Carbon County, Wyoming.

Permit Application Number TE58896B

Applicant: Charles T. Rourke, Campbell County, Wyoming.

Permit Application Number TE58902B

Applicant: Hellyer Limited Partnership, Fremont County, Wyoming.

Permit Application Number TE58903B

Applicant: V Ventures, LLC, Hot Springs County, Wyoming.

Permit Application Number TE58904B

Applicant: Eagle Ridge Ranch Co., Natrona County, Wyoming.

Permit Application Number TE58907B–0

Applicant: Blue Butte Ranch LLC, Johnson County, Wyoming.

Permit Application Number TE58908B–0

Applicant: Griffin Hashknife Inc., Fremont County, Wyoming.

Permit Application Number TE58909B–0

Applicant: Blake Sheep Co., Carbon County, Wyoming.

Permit Application Number TE58911B–0

Applicant: Battle Mountain Co., Carbon County, Wyoming.

Permit Application Number TE58912B–0

Applicant: Ladder Livestock Company LLC, Carbon County, Wyoming.

Permit Application Number TE58913B–0

Applicant: Rocky Point Grazing Association, Crook County, Wyoming.

Permit Application Number TE58914B–0

Applicant: Bates Creek Cattle Co., Natrona County, Wyoming.

Permit Application Number TE58915B–0

Applicant: Purple Sage LLC, Carbon County, Wyoming.

Permit Application Number TE58916B–0

Applicant: Hesse Ranch, LLC, Johnson County, Wyoming.

Permit Application Number TE58917B–0

Applicant: The Nature Conservancy, Fremont County, Wyoming.

Public Availability of Comments

All comments and materials we receive in response to these requests will become part of the public record, and will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: We provide this notice under section 10(c) of the Act (16 U.S.C. 1539(c)).

Dated: March 4, 2015.

Michael G. Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2015–07446 Filed 3–31–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17701; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Montezuma Castle National Monument, Camp Verde, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Montezuma Castle National Monument has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that

there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Montezuma Castle National Monument. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Montezuma Castle National Monument at the address in this notice by May 1, 2015.

ADDRESSES: Dorothy FireCloud, Superintendent, PO Box 219, Camp Verde, AZ 86322, telephone (928) 567–5276, email *dorothy_firecloud@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Montezuma Castle National Monument, Camp Verde, AZ. The human remains and associated funerary objects were removed from multiple sites in Yavapai County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Montezuma Castle National Monument.

Consultation

A detailed assessment of the human remains was made by Montezuma Castle National Monument professional staff in consultation with representatives of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At an unknown date, human remains representing, at minimum, two individuals were removed from an unnamed site near the Langdon Ranch in Yavapai County, AZ. The remains were donated to Montezuma Castle National Monument prior to 1933. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, two individuals were removed from an unnamed site on the Jackson Homestead in Yavapai County, AZ. The remains were donated to Montezuma Castle National Monument in 1933. No known individuals were identified. The 32 associated funerary objects are 8 shell bracelets, 10 beads, 2 ceramic bowls, 3 bound sticks, 1 wooden cradleboard, 1 wooden bow, 1 miniature ceramic jar, 1 pendant, 1 wooden atlatl dart shaft, 1 worked stone artifact, 1 length of cordage, 1 piece of textile, and 1 stone mosaic pendant.

At an unknown date, human remains representing, at minimum, two individuals were removed from the Montezuma Well Cave site in Yavapai County, AZ, during unauthorized excavations. In 1959 the remains were confiscated from W.K. Duffy by the National Park Service. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed from the Montezuma Well area in Yavapai County, AZ, by unidentified boys. The boys gave the remains to a Mrs. Hallet who passed them along to someone named Stenhouse who in turn gave them to Montezuma Castle National Monument staff. In 1978 the remains were forwarded to the Museum of Northern Arizona and in 1997 they were returned to Montezuma Castle National Monument. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed from Montezuma Castle in Yavapai County, AZ, by National Park Service employees conducting preservation work. No known individuals were identified. The two associated funerary objects are one piece of textile and one length of cordage.

At unknown dates, human remains representing, at minimum, two individuals were removed from Montezuma Castle by unknown park visitors. No known individuals were identified. No associated funerary objects are present.

Between 1894 and 1896, human remains representing, at minimum, eight individuals were removed from Montezuma Castle in Yavapai County, AZ, by S.L Palmer. In 1971 the remains and funerary objects were donated to Montezuma Castle National Monument by Gaylord L. Palmer. No known individuals were identified. The 14 associated funerary objects are 9 pieces of textile, 1 bowl, 1 wooden bow, 1 arrow, and 2 arrow mainshafts.

In 1909, human remains representing, at minimum, one individual were removed from Montezuma Castle in Yavapai County, AZ, by Frank P. Turner. The remains were donated to Fort Verde State Historic Park by Mr. Turner's daughter and in 1998 they were returned to Montezuma Castle National Monument by Arizona State Parks. No known individuals were identified. No associated funerary objects are present.

In 1927, human remains representing, at minimum, 10 individuals were removed from Castle A in Yavapai County, AZ, by the National Park Service. No known individuals were identified. The two associated funerary objects are one basketry bowl and one piece of cotton textile.

Between 1929 and 1940, human remains representing, at minimum, 19 individuals were removed from the Montezuma Well area in Yavapai County, AZ, by the William Back family, former owners of Montezuma Well. The human remains were transferred to the National Park Service when the property was purchased in 1947. No known individuals were identified. No associated funerary objects are present.

Between 1933 and 1934, human remains representing, at minimum, 68 individuals were removed from Castle A in Yavapai County, AZ, during a Civil Works Administration project. No known individuals were identified. The 23 associated funerary objects are 9 pendants, 4 beads, 4 shell tinklers, 3 ceramic bowls, 2 shell bracelets, and 1 worked shell.

In the 1950s, human remains representing, at minimum, one individual were removed from Castle A in Yavapai County, AZ, by unknown visitors. No known individuals were identified. No associated funerary objects are present.

Between 1952 and 1953, human remains representing, at minimum, two individuals were removed from Castle A in Yavapai County, AZ, by the National Park Service. No known individuals were identified. No associated funerary objects are present.

In 1960, human remains representing, at minimum, eight individuals were removed from Swallet Cave in Yavapai County, AZ, during a salvage project by the National Park Service. No known individuals were identified. The one associated funerary object is a Tuzigoot red ceramic bowl.

In 1986, human remains representing, at minimum, one individual were removed from Montezuma Castle in Yavapai County, AZ, by National Park Service archeologists. No known individuals were identified. The nine associated funerary objects are four pieces of matting, one piece of textile, two sherds, one flake tool, and one length of cordage.

The sites from which the human remains and associated funerary objects were removed are located in the Verde Valley of Arizona. Most are multi-room masonry-walled pueblos or cliff dwellings and all are classified as southern Sinagua. With one exception, Swallet Cave, all are dated to A.D. 1125–1425. Swallet Cave, one of the pueblos on the inside cliff wall of Montezuma Well, a natural limestone sink hole with a lake fed by underground springs, is dated to A.D. 1125–1300.

The Ak Chin Indian Community of Maricopa (Ak Chin) Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation; and Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Archeological artifacts found at the sites, including plain woven textiles, coiled basketry, and twill matting, are similar to items made and used by historic O'odham people.

The Fort McDowell Yavapai Nation, Arizona and the Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona) trace their ancestry to Yavapai bands once living in the Verde Valley. Continuity between the people of the Verde Valley during A.D. 1125–1425 and the Fort McDowell Yavapai and Yavapai-Prescott tribes is demonstrated by geographic, linguistic, folkloric, oral tradition, and historical evidence. For example, there are specific Yavapai ancestral names for Montezuma Well, and living tribal members curate oral traditions about ancestral people living at the sites.

The Hopi Tribe of Arizona considers all of Arizona to be within traditional Hopi lands or within areas where Hopi clans migrated in the past. Evidence demonstrating continuity between the people of the Verde Valley during A.D. 1125–1425 and the Hopi Tribe includes archeological, anthropological, linguistic, folkloric, and oral traditions. Ceramic vessels made only on the Hopi mesas are found at the sites and are similar to items made by historic and modern Hopi people. Additionally, plain woven and painted textiles, coiled basketry, and woven matting are similar to items made and used by modern Hopi people. Living Hopi clan members also have ancestral names and traditional stories about specific events and people at each site.

The Zuni Tribe of the Zuni Reservation, New Mexico considers the Verde Valley to be within the migration path of ancestral Zuni people. Archeological evidence, including similarities in ceramic designs, textiles, and woven basketry, demonstrates continuity between the people of the Verde Valley during A.D. 1125–1425 and the people of Zuni.

Determinations Made by Montezuma Castle National Monument

Officials of Montezuma Castle National Monument have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 128 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 83 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dorothy FireCloud, Superintendent, Montezuma Castle National Monument, PO Box 219, Camp Verde, AZ 86322, telephone (928) 567–5276, email *dorothy_firecloud@nps.gov,* by May 1, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

Montezuma Castle National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: February 17, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07394 Filed 3–31–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17697; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Logan Museum of Anthropology, Beloit College, Beloit, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Logan Museum of Anthropology, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of sacred object and object of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Logan Museum of Anthropology. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Logan Museum of Anthropology at the address in this notice by May 1, 2015.

ADDRESSES: William Green, Director, Logan Museum of Anthropology, Beloit College, 700 College St., Beloit, WI 53511, telephone (608) 363–2119, email *greenb@beloit.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the

Logan Museum of Anthropology that meets the definition of sacred object and object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural item. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 2006, the estate of Rita Gaples donated a mask (catalog number RG 321) to the Logan Museum of Anthropology. Associated records indicate Ms. Gaples acquired the mask from Shango Galleries in Dallas, TX in 2005. The prior owner was Ronald Slowinski. It is not known when, how, or from whom Mr. Slowinski acquired the mask. Shango Gallery records identify the mask as a Jemez Apa' Kachina mask and indicate a date of manufacture of ca. 1930, though the records contain no rationale for this date.

The mask is cylindrical in shape, with a flat base and two protruding ears. The mask is made of leather, stitched with cotton thread. On each ear, a rectangular piece of abalone shell is attached to the front surface by a leather thong through a perforation in the ear. Two sticks are secured with leather lacing to the top of the mask. The overall dimensions of the mask with the sticks are 16 inches in height and 19 inches in width. The front of the mask has perforations for the eyes and the mouth; the mouth is surrounded on the inside by pin-hole size perforations. The front of the mask is painted green, thinning or fading at the top. The eyes are surrounded by black side-facing triangles and the mouth by a small, circular rim of black paint. One red and one yellow band, both bordered in black, extend along the base of the mask and continue along the side and back toward the face, just below the eyes. The base of the mask shows wear from material that was probably attached as a collar. Four sets of leather ties are attached along the base and two long leather ties are attached from the inside. Stitching, covered by paint, extends vertically through the center of the back of the mask. The back of the mask is painted white, superimposed by images of three corn plants painted in black. The stem of each plant forms a toothed rake. The top of the mask is unpainted leather, and the stitching that attaches the top to the cylinder is not painted over, indicating the top was attached to the mask after the cylinder was built and painted. The top has pencil marks on the edges, which indicate where the pattern was drawn before the piece was cut. A letter ''R'' and the letters ''RC'' are painted in red on the interior of the top. The paint overall is matte in finish, flaky, and abrades easily. Brush marks are visible except in the green portion of the face, which appears to have been sprayed on. The corn images appear to have been painted over a previous layer of paint. Some of the previous layer is visible and apparently was also painted with corn stalks. The ears appear to have many layers of paint as evident by flaking red paint and green paint underneath.

Both long sticks fastened to the top of the mask with leather ties are carved at one end into three segments; each segment is painted yellow, red, or brown. A small remnant of feather down is present on the leather. Also on top of the mask is an open appendage with a finial made of corn husk wrapped with cotton thread embedded with remnants of green pigment.

The mask is incomplete in several respects, as it lacks the collar, top band, painted top, and feathers of Jemez Apa' masks. However, masks were repeatedly renewed, and the ''missing'' or unfinished features of this mask may indicate it was collected while undergoing or awaiting renovation.

Consultation with the Pueblo of Jemez included a visit from Jemez representatives in 2010. Consultation and published sources demonstrate that the mask is culturally affiliated with the Pueblo of Jemez. Jemez Kachina masks play an active role in the religious life of the community. They are used in religious practice and are owned and cared for by religious societies rather than individuals. They are considered sacred and living persons—friends and family members—rather than objects. These masks cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Pueblo of Jemez.

Determinations Made by the Logan Museum of Anthropology

Officials of the Logan Museum of Anthropology have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 1 cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the 1 cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and object of cultural patrimony and the Pueblo of Jemez, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to William Green, Director, Logan Museum of Anthropology, Beloit College, 700 College St., Beloit, WI 53511, telephone (608) 363–2119, email *greenb@beloit.edu,* by May 1, 2015. After that date, if no additional claimants have come forward, transfer of control of the sacred object and object of cultural patrimony to the Pueblo of Jemez, New Mexico, may proceed.

The Logan Museum of Anthropology is responsible for notifying the Pueblo of Jemez, New Mexico, that this notice has been published.

Dated: February 13, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07396 Filed 3–31–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17621; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to Gulf Islands National Seashore. If no additional

claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Gulf Islands National Seashore at the address in this notice by May 1, 2015.

ADDRESSES: Daniel R. Brown, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway, Gulf Breeze, FL 32563, telephone (850) 934–2600, email *daniel_r_brown@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Gulf Islands National Seashore.

History and Description of the Cultural Items

Between 1964 and 1965, three cultural items were removed from Naval Live Oaks Reservation in Santa Rosa County, FL. These cultural items were associated with three burials. According to the excavation report one set of remains was re-interred. Given the reported conditions of the remains in the other two burials, it is likely that they were left in-situ or re-interred, but neither can be confirmed. At the time of the excavation, the Naval Live Oaks Reservation Cemetery was under the jurisdiction of the State of Florida. In 1971, the site became part of Gulf Islands National Seashore. The objects appear to have been curated at the Fort Walton Temple Mound Museum until 1981, when they were donated to Gulf Islands National Seashore by curator Yulee Lazarus. The objects are currently curated at the National Park Service's Southeast Archeological Center. The three unassociated funerary objects are one pig bone, one iron fragment, and one shell fragment.

Analysis of ceramic vessel fragments indicates that the Naval Live Oaks Reservation Cemetery site was in use during the Bear Point phase of the Pensacola period (A.D. 1500 to 1700). Historical documentation places the Pensacola Indians in the area of the Naval Live Oak Reservation Cemetery site during that time period. The Pensacola culture extended along the western Gulf coast of Florida, but also shared ceramic styles with groups in Alabama, Louisiana, and Mississippi. Conflict in the 18th century displaced the Pensacola people in Florida, and historical evidence indicates that some were assimilated into the Choctaw. Others were likely absorbed by the Creek Indians when they overtook the area. Pensacola people are also believed to have gone west with other area tribes to join the Tunica-Biloxi Indians. The Pensacola spoke a Muscogean language; other Muscogee language family speakers include the Alabama, Seminole, Miccosukee, and Coushatta.

Determinations Made by Gulf Islands National Seashore

Officials of Gulf Islands National Seashore have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the three cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; Kialegee Tribal Town; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and Tunica-Biloxi Indian Tribe.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Daniel R. Brown, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway, Gulf Breeze, FL 32563, telephone (850) 934–2600, email *daniel_r_brown@nps.gov,* by May 1, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; Kialegee Tribal Town; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and Tunica-Biloxi Indian Tribe may proceed.

The Gulf Islands National Seashore is responsible for notifying the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; Kialegee Tribal Town; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and Tunica-Biloxi Indian Tribe that this notice has been published.

Dated: February 17, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07413 Filed 3–31–15; 8:45 am]

BILLING CODE 4310–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17699: PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arizona State Museum, University of Arizona in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Arizona State Museum, University of Arizona. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Arizona State Museum, University of Arizona at the address in this notice by May 1, 2015.

ADDRESSES: John McClelland, NAGPRA Coordinator, Arizona State Museum, University of Arizona, P.O. Box 210026, Tucson, AZ 85721, telephone (520) 626–2950.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Arizona State Museum, University of Arizona that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1933–1934, 10 cultural items were removed from Tuzigoot Pueblo, AZ N:4:1(ASM), in Yavapai County, AZ. The excavations were conducted by University of Arizona graduate students Louis Caywood and Edward Spicer. The cultural items were found in association with human burials, but the human remains were not collected. The collection was accessioned by the Arizona State Museum in 1934. The 10 unassociated funerary objects are 1 animal bone awl, 3 ceramic bowls, 2 macaw bones, 1 shell bracelet, and 3 shell tinklers.

In 1933–1934, two cultural items were removed from Hatalacva Pueblo, AZ N:4:3(ASM), in Yavapai County, AZ. The excavations were conducted by University of Arizona graduate students Louis Caywood and Edward Spicer. The cultural items were found in association with human burials, but the human remains were not collected. The collection was accessioned by the Arizona State Museum in 1934. The two unassociated funerary objects are one ceramic jar and one shell pendant.

Tuzigoot Pueblo is a large pueblo with more than 100 rooms, which is classified by archeologists as Southern Sinagua, Honanki and Tuzigoot phases. Occupation dates range from A.D. 1125 to A.D. 1425. Hatalacva Pueblo is a small, multi-room pueblo near Tuzigoot National Monument, also classified as Southern Sinagua, Honanki and Tuzigoot phases.

The Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Material culture items found at the sites, including associated funerary objects, demonstrate continuity between the people of Tuzigoot and Hatalacva pueblos and the O'odham. These items include plain woven textiles, coiled basketry, and twill matting that display similar design motifs and construction styles as historic and contemporary O'odham items. Additionally, locally made plainware ceramics are similar in construction and appearance to plainware ceramics made in lands attributed to the Hohokam archeological culture, commonly considered to be ancestral O'odham. Consultation with O'odham tribes also indicates that oral traditions exist that describe ancestral O'odham people living in the Verde Valley.

The Fort McDowell Yavapai Nation, Arizona, traces ancestry to Yavapai bands once living in the Verde Valley. Consultation with Yavapai tribes indicates the existence of specific ancestral names for the Tuzigoot and Hatalacva sites and a belief that ancestors lived near the sites. Archeological sites identified as Yavapai have also been found near the Tuzigoot and Hatalacva Pueblos. Material culture items found at Hatalacva and Tuzigoot, including basketry and turquoise pendants, are similar in construction and appearance to historic Yavapai items. Additionally, Hatalacva and Tuzigoot are identified as being within the Yavapai traditional lands.

The Hopi Tribe of Arizona considers all of Arizona to be within traditional Hopi lands or within areas where Hopi clans migrated in the past. Evidence demonstrating continuity between the people of Tuzigoot and Hatalacva Pueblos and the Hopi Tribe includes archeological, anthropological, linguistic, folkloric and oral traditions. Ceramic vessels made only on the Hopi mesas as well as plain woven and painted textiles, coiled basketry, and woven matting demonstrate continuity between Tuzigoot, Hatalacva, and Hopi people. Burial patterns noted at Tuzigoot are also similar in appearance to burials at other ancestral Hopi sites. During consultation, Hopi clan members also identified ancestral names and traditional stories about specific events and ancestral people at each site.

The Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona) traces ancestry to Yavapai bands once living in the Verde Valley. Consultation with Yavapai tribes indicates the existence of specific ancestral names for the Tuzigoot and Hatalacva sites and a belief that ancestors lived near the sites. Archeological sites identified as Yavapai have also been found in and near the Tuzigoot and Hatalacva Pueblos. Material culture items found at Tuzigoot and Hatalacva including basketry, turquoise pendants, and twill matting, are similar in construction and appearance to historic Yavapai items. Additionally, Tuzigoot and Hatalacva are identified as being within the Yavapai traditional lands.

The Zuni Tribe of the Zuni Reservation, New Mexico, considers the Verde Valley to be within the migration path of ancestral Zuni people. Archeological evidence demonstrates continuity between the people of Tuzigoot and Hatalacva Pueblos and the people of Zuni. Material culture items, such as ceramic designs, textiles, and woven basketry, are similar in appearance and construction to historic Zuni items.

Determinations Made by the Arizona State Museum, University of Arizona

Officials of the Arizona State Museum, University of Arizona have determined that*:*

- Pursuant to 25 U.S.C. 3001(3)(B), the 12 cultural items described above are reasonably believed to have been

placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to John McClelland, NAGPRA Coordinator, Arizona State Museum, University of Arizona, P.O. Box 210026, Tucson, AZ 85721, telephone (520) 626–2950, by May 1, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico, may proceed.

The Arizona State Museum is responsible for notifying the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: February 17, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07399 Filed 3–31–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17618: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Western Archeological and Conservation Center, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Western Archeological and Conservation Center has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Western Archeological and Conservation Center. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Western Archeological and Conservation Center at the address in this notice by May 1, 2015.

ADDRESSES: Dr. Stephanie Rodeffer, Museum Services Program Manager, Western Archeological and Conservation Center, 255 N. Commerce Park Loop, Tucson, AZ 85745, telephone (520) 791–6401, email *tef_rodeffer@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Western Archeological and Conservation Center, Tucson, AZ. The human remains and associated funerary objects were removed from unnamed sites in Yavapai and Graham Counties, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the Museum Services Program Manager, Western Archeological and Conservation Center.

Consultation

A detailed assessment of the human remains was made during a region-wide, multi-park process by Western Archeological and Conservation Center professional staff in consultation with representatives of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Tohono O'odham Nation of Arizona; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; and Utu Utu Gwaitu Paiute Tribe of the Benton

Paiute Reservation, California (hereafter referred to as ''The Consulted Tribes'').

The following tribes were invited to consult but did not participate in the face-to-face consultation meeting: Apache Tribe of Oklahoma; Arapaho Tribe of the Wind River Reservation, Wyoming; Big Pine Paiute Tribe of the Owens Valley (previously listed as the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California); Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California); Bridgeport Indian Colony (previously listed as the Bridgeport Paiute Indian Colony of California); Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon); Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Fort McDowell Yavapai Nation, Arizona; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Lone Pine Paiute-Shoshone Tribe (previously listed as the Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California); Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Summit Lake Paiute Tribe of Nevada; Tonto Apache Tribe of Arizona; Walker River Paiute Tribe of the Walker River Reservation, Nevada; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada; and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Invited Tribes'').

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from an unnamed mound site in Graham County, AZ. In 1962, the remains were donated to the Western Archeological and Conservation Center by Edith Latham, a Midland City, AZ, collector. The remains consist of a cremation in a Mogollon bowl, which was likely a trade piece. No known individuals were identified. The one associated funerary object is a Mogollon bowl.

At an unknown date, human remains representing, at minimum, one individual were removed from an unknown site in Yavapai County, AZ. In 1956, the remains were donated to the Western Archeological and Conservation Center by Dr. Cyril M. Cron, a Miami, AZ, collector. The remains consist of a cremation in a Salado type jar, which was likely a trade piece. No known individuals were identified. The one associated funerary object is a Salado type jar.

Determinations Made by Western Archeological and Conservation Center

Officials of Western Archeological and Conservation Center have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on archeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. The National Park Service intends to convey the associated funerary objects to the tribes pursuant to 16 U.S.C. 18f–2.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Apache Tribe of Oklahoma; Fort McDowell Yavapai Nation, Arizona; Fort Sill Apache Tribe of Oklahoma; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; and Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona).
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona.
- Other credible lines of evidence, including relevant and authoritative governmental determinations and information gathered during government-to-government consultation from subject matter experts, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation,

Arizona; Apache Tribe of Oklahoma; Fort McDowell Yavapai Nation, Arizona; Fort Sill Apache Tribe of Oklahoma; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tohono O'odham Nation of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Stephanie Rodeffer, Museum Services Program Manager, Western Archeological and Conservation Center, 255 N. Commerce Park Loop, Tucson, AZ 85745, telephone (520) 791–6401, email *tef_rodeffer@nps.gov,* by May 1, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Apache Tribe of Oklahoma; Fort McDowell Yavapai Nation, Arizona; Fort Sill Apache Tribe of Oklahoma; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tohono O'odham Nation of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

Western Archeological and Conservation Center is responsible for notifying The Consulted Tribes and The Invited Tribes that this notice has been published.

Dated: February 17, 2015

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07417 Filed 3–31–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17620; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on June 18, 2001. This notice corrects the minimum number of individuals and number of associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Gulf Islands National Seashore. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Gulf Islands National Seashore at the address in this notice by May 1, 2015.

ADDRESSES: Daniel R. Brown, Superintendent, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway, Gulf Breeze, FL 32563, telephone (850) 934–2600, email *daniel_r_brown@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL. The human remains and associated funerary objects were removed from Naval Live Oaks Reservation, Santa Rosa County, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Gulf Islands National Seashore.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (66 FR 32841–32842, June 18, 2001). Re-examination of remains revealed fewer individuals than published. Additional funerary objects were also located and identified during tribal consultation. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (66 FR 32841–32842, June 18, 2001), paragraph four, sentence one is corrected by substituting the following sentence:

Between 1964–1965, human remains representing five individuals were recovered during excavations at the Naval Live Oaks Reservation Cemetery site.

In the **Federal Register** (66 FR 32841–32842, June 18, 2001), paragraph four, sentence three is corrected by substituting the following sentence:

The 84 associated funerary objects are 1 copper disc fragment, 1 iron fragment, 1 flint chip, 2 Mississippi Plain vessel fragments, 1 untyped vessel fragment, 64 Pensacola Incised vessel fragments, and 14 Moundville Incised vessel fragments.

In the **Federal Register** (66 FR 32841–32842, June 18, 2001), paragraph six, sentences one and two are corrected by substituting the following sentences:

Based on the above-mentioned information, the superintendent of Gulf Islands National Seashore has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of five

individuals of Native American ancestry. The superintendent of Gulf Islands National Seashore also has determined that, pursuant to 43 CFR 10.2 (d)(2), the 84 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Daniel R. Brown, Superintendent, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway, Gulf Breeze, FL 32563, telephone (850) 934–2600, email *daniel_r_brown@nps.gov,* by May 1, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Alabama-Quassarte Tribal Town; Jena Band of Choctaw Indians; Kialegee Tribal Town; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and Tunica-Biloxi Indian Tribe may proceed.

Gulf Islands National Seashore is responsible for notifying the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Chitimacha Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians; Kialegee Tribal Town; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); Shawnee Tribe; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; Tunica-Biloxi Indian Tribe; and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: February 17, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07414 Filed 3–31–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SER–BICY–17702; PPSEBICY00, PPMPSPD1Z.YM0000]

2015 Meeting Schedule of the Big Cypress National Preserve Off-Road Vehicle Advisory Committee

AGENCY: National Park Service, Interior.

ACTION: Notice of meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), notice is hereby given of the 2015 meeting schedule of the Big Cypress National Preserve Off-Road Vehicle Advisory Committee.

DATES: The Committee will meet on the following dates: Tuesday, June 16, 2015, 3:30 p.m.–8:00 p.m., Tuesday, October 20, 2015, 3:30 p.m.–8:00 p.m.

ADDRESSES: All meetings will be held at the Big Cypress Swamp Welcome Center, 33000 Tamiami Trail East, Ochopee, Florida. Written comments and requests for agenda items may be submitted electronically on the Web site *http://www.nps.gov/bicy/parkmgmt/orv-advisory-committee.htm.* Alternatively, comments and requests may be sent to: Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, FL 34141–1000, Attn: ORV Advisory Committee.

FOR FURTHER INFORMATION CONTACT: J. D. Lee, Acting Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, Florida 34141–1000, telephone (239) 695–1103, or go to the Web site *http://www.nps.gov/bicy/parkmgmt/orv-advisory-committee.htm.*

SUPPLEMENTARY INFORMATION: The Committee was established (**Federal Register**, August 1, 2007, pp. 42108–42109) pursuant to the Preserve's 2000 *Recreational Off-Road Vehicle Management Plan* and the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix 1–16) to examine issues and make recommendations regarding the management of off-road vehicles in the Preserve. The agendas for these meetings will be published by press release and on the *http://www.nps.gov/bicy/parkmgmt/orv-advisory-committee.htm* Web site. The meetings will be open to the public, and time will be reserved for public comment. Oral comments will be summarized for the record. If you wish to have your comments recorded verbatim, you must submit them in writing. 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: March 24, 2015.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–07427 Filed 3–31–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17700; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, Camp Verde, AZ, and the Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, and the Arizona State Museum, University of Arizona, have completed inventories of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and each has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to either Tuzigoot National Monument or the Arizona State Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the associated funerary objects that are under the control of Tuzigoot National Monument should contact Tuzigoot National Monument at the address in this notice by May 1, 2015.

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the human remains and associated funerary objects that are under the control of the Arizona State Museum should contact the Arizona State Museum at the address below by May 1, 2015.

ADDRESSES: Dorothy FireCloud, Superintendent, Tuzigoot National Monument, P.O. Box 219, Camp Verde, AZ 86322, telephone (928) 567–5276, email *dorothy_firecloud@nps.gov.* John McClelland, NAGPRA Coordinator, Arizona State Museum, University of Arizona, P.O. Box 210026, Tucson, AZ 85721, telephone (520) 626–2950, email *jmcclell@email.arizona.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, Camp Verde, AZ, and the completion of an inventory of human remains and associated funerary objects under the control of the Arizona State Museum, University of Arizona, Tucson, AZ, and in the physical custody of the U.S. Department of the Interior, National Park Service, Western Archeological and Conservation Center, Tucson, AZ. The human remains and associated funerary objects were removed from two sites in Yavapai County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice regarding the associated funerary objects under the control of Tuzigoot National Monument are the sole responsibility of the Superintendent, Tuzigoot National Monument. The determinations in this notice regarding the human remains and associated funerary objects under the control of the Arizona State Museum are the sole responsibility of the Arizona State Museum.

Consultation

A detailed assessment of the human remains was made by Tuzigoot National Monument and the Arizona State Museum professional staff in consultation with representatives of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'').

History and Description of the Remains

Tuzigoot Pueblo and Hatalacva Pueblo, in the Verde Valley of Arizona, were excavated in 1933 and 1934 by University of Arizona graduate students, Louis Caywood and Edward Spicer, when the sites were on private land. The human remains and a small number of artifacts were accessioned by the Arizona State Museum in 1934. The rest of the artifacts were taken to a private museum in Clarkdale, AZ. After Tuzigoot National Monument was established in 1939, many of the artifacts held by the private museum were transferred to Tuzigoot National Monument. These included some funerary objects that were once associated with human remains that remained under the control of the Arizona State Museum. In 2012, human remains and funerary objects under the control of the Arizona State Museum were transferred to the physical custody of the Western Archeological and Conservation Center.

Collections Under the Control of Tuzigoot National Monument

In 1933 and 1934, human remains were removed from Tuzigoot Pueblo in Yavapai County, AZ. The remains are under the control of the Arizona State Museum and are described below. The 29 associated funerary objects under the control of Tuzigoot National Monument are 15 bowls, 8 pendants, 1 bracelet, 2 necklaces, 1 pitcher, 1 bone tool and 1 matting fragment.

In 1933 and 1934, human remains were removed from Hatalacva Pueblo in Yavapai County, AZ. The remains are under the control of the Arizona State Museum and are described below. The seven associated funerary objects under the control of Tuzigoot National Monument are five bowls, one pendant and one necklace.

Collections Under the Control of the Arizona State Museum

In 1933 and 1934, human remains representing, at minimum, 114 individuals were removed from Tuzigoot Pueblo in Yavapai County, AZ. No known individuals were identified. The three associated funerary objects under the control of the Arizona State Museum are one bowl, one lot of shell beads, and one bracelet.

In 1933 and 1934, human remains representing, at minimum, 14 individuals were removed from Hatalacva Pueblo in Yavapai County, AZ. No known individuals were identified. The three associated funerary objects under the control of the Arizona State Museum are shell bracelets.

Tuzigoot Pueblo is a large pueblo with more than 100 rooms, which is classified by archeologists as Southern Sinagua, Honanki and Tuzigoot phases. Occupation dates range from A.D. 1125 to A.D. 1425. Hatalacva Pueblo is a small, multi-room pueblo near Tuzigoot National Monument, also classified as Southern Sinagua, Honanki and Tuzigoot phases.

The Ak Chin Indian Community of Maricopa (Ak Chin) Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Material culture items found at the sites, including associated funerary objects, demonstrate continuity between the people of Tuzigoot and Hatalacva pueblos and the O'odham. These items include plain woven textiles, coiled basketry, and twill matting that display similar design motifs and construction styles as historic and contemporary O'odham items. Additionally, locally made plainware ceramics are similar in construction and appearance to plainware ceramics made in lands attributed to the Hohokam archeological culture, commonly considered to be ancestral O'odham. Consultation with O'odham tribes also indicates that oral traditions exist that describe ancestral O'odham people living in the Verde Valley.

The Fort McDowell Yavapai Nation, Arizona traces ancestry to Yavapai bands once living in the Verde Valley. Consultation with Yavapai tribes indicates the existence of specific ancestral names for the Tuzigoot and Hatalacva sites and a belief that

ancestors lived near the sites. Archeological sites identified as Yavapai have also been found near the Tuzigoot and Hatalacva Pueblos. Material culture items found at Hatalacva and Tuzigoot, including basketry and turquoise pendants, are similar in construction and appearance to historic Yavapai items. Additionally, Hatalacva and Tuzigoot are identified as being within the Yavapai traditional lands.

The Hopi Tribe of Arizona considers all of Arizona to be within traditional Hopi lands or within areas where Hopi clans migrated in the past. Evidence demonstrating continuity between the people of Tuzigoot and Hatalacva Pueblos and the Hopi Tribe includes archeological, anthropological, linguistic, folkloric and oral traditions. Ceramic vessels made only on the Hopi mesas as well as plain woven and painted textiles, coiled basketry, and woven matting demonstrate continuity between Tuzigoot, Hatalacva, and Hopi people. Burial patterns noted at Tuzigoot are also similar in appearance to burials at other ancestral Hopi sites. During consultation, Hopi clan members also identified ancestral names and traditional stories about specific events and ancestral people at each site.

The Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona) traces ancestry to Yavapai bands once living in the Verde Valley. Consultation with Yavapai tribes indicates the existence of specific ancestral names for the Tuzigoot and Hatalacva sites and a belief that ancestors lived near the sites. Archeological sites identified as Yavapai have also been found in and near the Tuzigoot and Hatalacva Pueblos. Material culture items found at Tuzigoot and Hatalacva including basketry, turquoise pendants, and twill matting, are similar in construction and appearance to historic Yavapai items. Additionally, Tuzigoot and Hatalacva are identified as being within the Yavapai traditional lands.

The Zuni Tribe of the Zuni Reservation, New Mexico, considers the Verde Valley to be within the migration path of ancestral Zuni people. Archeological evidence demonstrates continuity between the people of Tuzigoot and Hatalacva Pueblos and the people of Zuni. Material culture items, such as ceramic designs, textiles, and woven basketry, are similar in appearance and construction to historic Zuni items.

Determinations Made by Tuzigoot National Monument

Officials of Tuzigoot National Monument have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the 36 objects described in this notice under the control of Tuzigoot National Monument are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the associated funerary objects under the control of Tuzigoot National Monument and The Tribes.

Determinations Made by the Arizona State Museum

Officials of the Arizona State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice under the control of the Arizona State Museum represent the physical remains of 128 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the six objects described in this notice under the control of the Arizona State Museum are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects under the control of the Arizona State Museum and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the associated funerary objects under the control of Tuzigoot National Monument should submit a written request with information in support of the request to Dorothy FireCloud, Superintendent, Tuzigoot National Monument, P.O. Box 219, Camp Verde, AZ 86322, telephone (928) 567–5276, email *dorothy_firecloud@nps.gov,* by May 1, 2015.

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the human remains and associated funerary objects under the control of the Arizona State Museum should submit a written request with information in support of the request to John McClelland, NAGPRA Coordinator, Arizona State Museum, University of Arizona, P.O. Box 210026, Tucson, AZ 85721, telephone (520) 626–2950, email *jmcclell@email.arizona.edu,* by May 1, 2015.

After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

Tuzigoot National Monument and the Arizona State Museum are responsible for notifying The Tribes that this notice has been published.

Dated: February 17, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07412 Filed 3–31–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17698; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arizona State Museum, University of Arizona has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Arizona State Museum, University of Arizona. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Arizona State Museum, University of Arizona at the address in this notice by May 1, 2015.

ADDRESSES: John McClelland, NAGPRA Coordinator, Arizona State Museum, University of Arizona, P.O. Box 210026, Tucson, AZ 85721, telephone (520) 626–2950.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Arizona State Museum, University of Arizona, Tucson, AZ. The human remains were removed from a site in Yavapai County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Arizona State Museum professional staff in consultation with representatives of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

In 1936–1940, human remains representing, at minimum, four individuals were removed from Montezuma Well, AZ O:5:92(ASM), in Yavapai County, AZ. The burials were excavated by William Back, who was the landowner before the property was purchased by the National Park Service. The fragmentary human remains, all representing adult individuals, were accessioned by the Arizona State Museum on an unknown date prior to 1951. No known individuals were identified. No associated funerary objects are present.

Montezuma Well is a large limestone sinkhole filled with warm spring water that has served as an important resource for wildlife and people of the Verde Valley for thousands of years. The earliest evidence of human occupation near the well consists of Hohokam pit houses and irrigation structures dating to about A.D. 700. Beginning about A.D. 1100, people characterized by archeologists as Sinagua appeared in the Montezuma Well area and established a small pueblo on the rim of the well. Two burial areas were located in the well vicinity. These areas appear to have been most heavily utilized during the Honanki and Tuzigoot phases, A.D. 1125–1400, based on ceramic typologies.

The Ak Chin Indian Community of Maricopa (Ak Chin) Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Material culture items found at the site, including associated funerary objects, demonstrate continuity between the prehistoric occupants of the Montezuma Well area and the O'odham. Locally made plainware ceramics are similar in construction and appearance to plainware ceramics made in lands attributed to the Hohokam archeological culture, commonly considered to be ancestral O'odham. Consultation with O'odham tribes also includes oral traditions that describe ancestral O'odham people living in the region.

The Fort McDowell Yavapai Nation, Arizona, traces ancestry to Yavapai bands once living in the Verde Valley. Consultation with Yavapai tribes indicates the existence of a specific ancestral name for Montezuma Well, oral traditions that attribute the rooms built around the well to Yavapai ancestors, and a belief that the well was a place of emergence for the Yavapai people. Archeological sites identified as Yavapai have also been found in the same region.

The Hopi Tribe of Arizona considers all of Arizona to be within traditional Hopi lands or within areas where Hopi clans migrated in the past. Evidence demonstrating continuity between the people of Montezuma Well and the Hopi Tribe includes archeological, anthropological, linguistic, folkloric and oral traditions. Burial patterns noted at Montezuma Well are also similar in appearance to burials at other ancestral Hopi sites. During consultation, Hopi clan members also identified ancestral names and traditional stories about specific events and ancestral people at Montezuma Well.

The Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona) traces ancestry to Yavapai bands once living in the Verde Valley. Consultation with Yavapai tribes indicates the existence of a specific ancestral name for Montezuma Well, oral traditions that attribute the rooms built around the well to Yavapai ancestors, and a belief that the well was a place of emergence for the Yavapai people. Archeological sites identified as Yavapai have also been in the same region.

The Zuni Tribe of the Zuni Reservation, New Mexico, considers the Verde Valley to be within the migration path of ancestral Zuni people. Archeological evidence demonstrates continuity between the people of the Montezuma Well region and the people of Zuni. Material culture items, such as ceramic designs, are similar in appearance and construction to historic Zuni items.

Determinations Made by the Arizona State Museum, University of Arizona

Officials of the Arizona State Museum, University of Arizona have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to John McClelland, NAGPRA Coordinator, Arizona State Museum, University of Arizona, P.O. Box 210026, Tucson, AZ 85721, telephone (520) 626–2950, by May 1, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Ak Chin Indian Community of the Maricopa (Ak Chin)

Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico, may proceed.

The Arizona State Museum is responsible for notifying the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: February 17, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–07398 Filed 3–31–15; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–462 and 731–TA–1156–1158 (First Review) and 731–TA–1043–1045 (Second Review)]

Polyethylene Retail Carrier Bags From China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty order on polyethylene retail carrier bags from Vietnam and the antidumping duty orders on polyethylene retail carrier bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is May 1, 2015. Comments on the adequacy of responses may be filed with the Commission by June 15, 2015. For further information concerning the conduct of this proceeding and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: Effective Date: April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background—On May 4, 2010, the Department of Commerce issued a countervailing duty order on imports of polyethylene retail carrier bags from Vietnam (75 FR 23670) and antidumping duty orders on imports of polyethylene retail carrier bags from Indonesia, Taiwan, and Vietnam (75 FR 23667). On August 9, 2004, the Department of Commerce issued antidumping duty orders on imports of polyethylene retail carrier bags from China, Malaysia, and Thailand (69 FR 48201, 48203, and 48204). Following first five-year reviews by Commerce and the Commission, effective July 7, 2010, Commerce issued a continuation of the antidumping duty orders on imports of polyethylene retail carrier bags from China, Malaysia, and Thailand (75 FR 38978). The Commission is now conducting first five-year reviews of the orders concerning Indonesia, Taiwan, and Vietnam and second five-year reviews of the orders concerning China, Malaysia, and Thailand to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. [2] It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Countries* in these reviews are China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations concerning Indonesia, Taiwan, and Vietnam, and in its original determinations and its full first five-year review determinations concerning China, Malaysia, and Thailand, the Commission found one *Domestic Like Product* consisting of the continuum of polyethylene retail carrier bags, consistent with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations concerning Indonesia, Taiwan, and Vietnam, and in its original determinations and its full first five-year review determinations concerning China, Malaysia, and Thailand, the Commission found a single *Domestic Industry* consisting of all U.S. producers of polyethylene retail carrier bags.

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 15–5–330, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

[2] With respect to the orders on polyethylene retail carrier bags from China, Malaysia, and Thailand, Commerce published notification concerning the advancement of the initiation date of these five-year reviews from June 1, 2015 to April 1, 2015, upon determining that the initiation of the reviews for all of the orders concerning polyethylene retail carrier bags on the same date would promote administrative efficiency. *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews,* 80 FR 11171, March 2, 2015.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 1, 2015. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is June 15, 2015. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov.* Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Inability to provide requested information—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided In Response to This Notice Of Institution—If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2008.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2014, except as noted (report quantity data in number of bags and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in number of bags and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in number of bags and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2008, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 23, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–06936 Filed 3–31–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–437 and 731–TA–1060 and 1061 (Second Review)]

Carbazole Violet Pigment 23 From China and India; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty order on carbazole violet pigment 23 from India and the revocation of the antidumping duty orders on carbazole violet pigment 23 from China and India would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is May 1, 2015. Comments on the adequacy of responses may be filed with the Commission by June 15, 2015. For further information concerning the conduct of this proceeding and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—On December 29, 2004, the Department of Commerce issued a countervailing duty order on carbazole violet pigment 23 from India (69 FR 77995) and antidumping duty orders on carbazole violet pigment 23 from China (69 FR 77987) and India (69 FR 77988). Following first five-year reviews by Commerce and the Commission, effective May 27, 2010, Commerce issued a continuation of the countervailing duty order on imports of carbazole violet pigment 23 from India (75 FR 29719) and antidumping duty orders on imports of carbazole violet pigment 23 from China and India (75 FR 29718). The Commission is now conducting second reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Countries* in these reviews are China and India.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations and its expedited first five-year review determinations, the Commission found a single *Domestic Like Product* comprised of both crude and finished carbazole violet pigment 23 that corresponds to Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its expedited first five-year determinations, the Commission defined the *Domestic Industry* to include all producers of crude and finished carbazole violet pigment 23.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 15–5–328, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 1, 2015. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is June 15, 2015. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov*. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided In Response To This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2008.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2014, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (*i.e.*, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (*i.e.*, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2008, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 23, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–06930 Filed 3–31–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–463 and 731–TA–1159 (Review)]

Oil Country Tubular Goods From China; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C.1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty and countervailing duty orders on oil country tubular goods from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: Effective Date: March 6, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Szustakowski (202) 205–3169)), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On Friday, March 6, 2015, the Commission determined that the domestic interested party group response to its notice of institution (79 FR 71121, December 1, 2014) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly,

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any

Continued

the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on Wednesday, April 2, 2015, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in these reviews. Comments are due on or before Monday, April 7, 2015 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by Monday, April 7, 2015. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 27, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–07430 Filed 3–31–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–130 (Fourth Review)]

Chloropicrin From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on chloropicrin from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is May 1, 2015. For further information concerning the conduct of this proceeding and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: Effective April 1, 2015. Comments on the adequacy of responses may be filed with the Commission by June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On March 22, 1984, the Department of Commerce issued an antidumping duty order on imports of chloropicrin from China (49 FR 10691). Following first five-year reviews by Commerce and the Commission, effective April 14, 1999, Commerce issued a continuation of the antidumping duty order on imports of chloropicrin from China (64 FR 42655, August 15, 1999). Following second five-year reviews by Commerce and the Commission, effective August 23, 2004, Commerce issued a continuation of the antidumping duty order on imports of chloropicrin from China (69 FR 51811). Following third five-year reviews by Commerce and the Commission, effective May 18, 2010, Commerce issued a continuation of the antidumping duty order on imports of chloropicrin from China (75 FR 27704). The Commission is now conducting a fourth review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the

individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the responses submitted by United States Steel Corporation; Maverick Tube Corporation; Boomerang Tube LLC; Tejas Tubular Products; Energex Tube, a division of JMC Steel Group; Vallourec Star L.P.; Welded Tube USA Inc.; EVRAZ Rocky Mountain Steel; and TMK IPSCO to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 15–5–327, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, its expedited first and second five-year review determinations, and its full third five-year review determination, the Commission defined the *Domestic Like Product* as chloropicrin.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, its expedited first and second five-year review determinations, and its full third five-year review determination, the Commission defined the *Domestic Industry* as all U.S. producers of chloropicrin.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 1, 2015. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is June 15, 2015. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov.* Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be Provided In Response to this Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which

your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2008.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2014, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2008, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 23, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–06940 Filed 3–31–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1070A (Second Review)]

Crepe Paper From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on crepe paper from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is May 1, 2015. Comments on the adequacy of responses may be filed with the Commission by June 15, 2015. For further information concerning the conduct of this proceeding and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On January 25, 2005, the Department of Commerce issued an antidumping duty order on imports of certain crepe paper products from China (70 FR 3509). Following first five-year reviews by Commerce and the Commission, effective May 13, 2010, Commerce issued a continuation of the antidumping duty order on imports of crepe paper from China (75 FR 26919). The Commission is now conducting a second review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination and its expedited first five-year review determination, the Commission defined the *Domestic Like Product* as crepe paper, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its expedited first five-year review determination, the Commission defined the *Domestic Industry* as all domestic producers (whether integrated or converters) of crepe paper.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9),

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 15–5–329, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 1, 2015. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is June 15, 2015. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov.* Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided in Response to this Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2008.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2014, except as noted (report quantity data in square meters and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s')

operations on that product during calendar year 2014 (report quantity data in square meters and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in square meters and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2008, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 23, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–06941 Filed 3–31–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1687]

Webinar Meeting of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of webinar meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has scheduled a webinar meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

DATES: The webinar meeting will take place online on Monday, April 20, 2015, 1:00–4:00 p.m. (ET).

FOR FURTHER INFORMATION CONTACT: Kathi Grasso, Designated Federal Official, OJJDP, *Kathi.Grasso@usdoj.gov,* or (202) 616–7567. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: reviewing federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to State perspectives on the operation of OJJDP and federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *www.facjj.org.*

Meeting Agenda: The proposed agenda includes: (a) Opening Remarks, Introductions, Webinar Logistics; (b) Remarks of Robert L. Listenbee, Administrator, OJJDP; (c) FACJJ Subcommittee Reports (Legislation; Expungement/Sealing of Juvenile Court Records; Research/Publications)); (d) FACJJ Administrative Business; and (e) Summary, Next Steps, and Meeting Adjournment.

To participate in or view the webinar meeting, FACJJ members and the public must pre-register online. Members and interested persons must link to the webinar registration portal through *www.facjj.org,* no later than Wednesday, April 15, 2015. Upon registration, information will be sent to you at the email address you provide to enable you to connect to the webinar. Should problems arise with webinar registration, please call Michelle Duhart-Tonge at 703–225–2103. [This is not a toll-free telephone number.] Note: Members of the public will be able to listen to and view the webinar as observers, but will not be able to participate actively in the webinar.

An on-site room is available for members of the public interested in viewing the webinar in person. If members of the public wish to view the webinar in person, they must notify Marshall Edwards by email message at *Marshall.Edwards@usdoj.gov,* no later than Monday, April 20, 2015.

With the exception of the FACJJ Chair, FACJJ members will not be physically present in Washington, DC

for the webinar. They will participate in the webinar from their respective home jurisdictions.

Written Comments: Interested parties may submit written comments by email message in advance of the webinar to Kathi Grasso, Designated Federal Official, at *Kathi.Grasso@usdoj.gov,* no later than Monday, April 20, 2015. In the alternative, interested parties may fax comments to 202–307–2819 and contact Joyce Mosso Stokes at 202–305–4445 to ensure that they are received. [These are not toll-free numbers.]

Robert L. Listenbee,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2015–07419 Filed 3–31–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the National Crime Prevention and Privacy Compact Council (Council) created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the Federal Government and 30 states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative federal-state system to exchange such records.

The United States Attorney General appointed 15 persons from state and federal agencies to serve on the Council. The Council will prescribe system rules and procedures for the effective and proper operation of the Interstate Identification Index system for noncriminal justice purposes.

Matters for discussion are expected to include:

(1) Bureau of Indian Affairs Purpose Code X Proposal

(2) Proposed Changes to the Noncriminal Justice Rap Back Policy and Implementation Guide

(3) National Crime Prevention and Privacy Compact Ratification Checklist

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement with the Council or wishing to address this session of the Council should notify the Federal Bureau Of Investigation (FBI) Compact Officer, Mr. Gary S. Barron at (304) 625–2803, at least 24 hours prior to the start of the session. The notification should contain the individual's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed and the time needed for the presentation. Individuals will ordinarily be allowed up to 15 minutes to present a topic.

Dates and Times: The Council will meet in open session from 9 a.m. until 5 p.m., on May 13–14, 2015.

ADDRESSES: The meeting will take place at the Knoxville Marriott Hotel, 501 East Hill Avenue, Knoxville, Tennessee, telephone 865–637–1234.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mr. Gary S. Barron, FBI Compact Officer, Module D3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone (304) 625–2803, facsimile (304) 625–2868.

Dated: March 24, 2015.

Gary S. Barron,

FBI Compact Officer, Criminal Justice Information, Services Division, Federal Bureau of Investigation.

[FR Doc. 2015–07426 Filed 3–31–15; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations, 30 CFR part 44, govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before May 1, 2015.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, Attention: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Numbers: M–2015–003–C.

Petitioner: Rosebud Mining Company, P.O. Box 1025, Northern Cambria, Pennsylvania 15714.

Mines: Coral-Graceton Mine, MSHA I.D. No. 36–09595 and Crooked Creek Mine, MSHA I.D. No. 36–09972, both located in Indiana County, Pennsylvania.

Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 18.35(a)(5)(i) (Portable (trailing) cables and cords).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of 480-volt trailing cables with a maximum length of 1200 feet when No. 2 American Wire Gauge (AWG) cable is used and a maximum length of 950 feet when No. 4 AWG cable is used on roof bolters. The petitioner states that:

(1) The trailing cables for the 480-volt bolters will not be smaller than No. 4 AWG cable.

(2) All circuit breakers used to protect the No. 2 AWG trailing cable or the No. 4 AWG trailing cable exceeding 700 feet in length will have instantaneous trip units calibrated to trip at 500 amperes. The trip setting of these circuit breakers will be sealed to ensure that the settings cannot be changed, and these circuit breakers will have permanent, legible labels. Each label will identify the circuit breaker as being suitable for protecting the cables.

(3) Replacement circuit breakers and/or instantaneous trip units used to protect the No. 2 AWG trailing cable or the No. 4 AWG trailing cable will be calibrated to trip at 500 amperes and they will be sealed.

(4) All components that provide short-circuit protection will have a sufficient interruption rating in accordance with the maximum calculated fault currents available.

(5) During each production day, the trailing cables and the circuit breakers will be examined in accordance with all 30 CFR provisions.

(6) Permanent warning labels will be installed and maintained on the load center identifying the location of each short-circuit protection device. These labels will warn miners not to change or alter the settings of these devices.

(7) If the affected trailing cables are damaged in any way during the shift, the cable will be de-energized and repairs made.

(8) The alternative method will not be implemented until all miners who have been designated to operate the bolters, or any other person designated to examine the trailing cables or trip settings on the circuit breakers, have received the proper training as to the performance of their duties.

(9) Within 60 days after the proposed decision and order becomes final, the petitioner will submit proposed revisions for their approved 30 CFR part 48 training plans to the District Manager. These revisions will specify task training for miners designated to examine the trailing cables for safe operating condition and verify that the short-circuit settings of the circuit-interrupting devices that protect the affected trailing cables do not exceed the settings specified previously in this petition. The training will include the following elements:

(a) The hazards of setting the short-circuit interrupting device(s) too high to adequately protect the trailing cables.

(b) How to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained.

(c) Mining methods and operating procedures that will protect the trailing cables against damage.

(d) Proper procedures for examining the trailing cables to ensure that the cables are in safe operating condition by visually inspecting the entire cable, observing the insulation, the integrity of splices, nicks and abrasions.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the standard.

Docket Numbers: M–2015–004–C.

Petitioner: Bowie Resources, LLC, P.O. Box 1488, Paonia, Colorado 81428.

Mine: Bowie No. 2 Mine, MSHA I.D. No. 05–04591, located in Delta County, Colorado.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible infrared scanning and digital camera equipment in or inby the last open crosscut. The petitioner asserts that equivalent permissible equipment does not exist. The petitioner states that:

(1) Prohibiting the use of an infrared (IR) digital camera under the existing standard will result in the reduction of safety for the miners at the Bowie No. 2 Mine. The use of the IR will provide an effective method to detect and identify small areas of higher than normal coal pillar oxidation that may lead to spontaneous combustion.

(2) Using currently available means of detecting coal pillar oxidation, which is limited to hand-held carbon monoxide detectors, odor, or smoke is ineffective and may allow oxidation to become a heating or spontaneous combustion event.

(3) In the alternative to compliance with the existing standard the petitioner proposes the following:

(a) Nonpermissible infrared IR scanning and digital equipment will be used only when equivalent permissible equipment does not exist.

(b) All nonpermissible battery operated IR equipment will be limited to:

(i) Flir i50 7.2 volt Li/ion S/N 399002500.

(ii) Flir E5 3.6 volt Li/ion S/N 63913354.

(iii) Flir E5 3.6 volt Li/ion S/N 63917252.

(4) Nonpermissible IR equipment will only be used until equivalent permissible IR is available.

(5) A logbook will be maintained for electronic IR and will be kept in the mine office where the equipment is located. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic IR equipment and will be made available to MSHA on request.

(6) All nonpermissible electronic IR equipment to be used in or inby the last open crosscut will be examined by the person that will operate the equipment, prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. These checks will include:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspecting for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(vi) Recording the results of the inspection in the equipment logbook.

(7) The equipment will be examined at least weekly by a qualified person as defined in 30 CFR 75.153. The examination results will be recorded weekly in the logbook. Inspection entries in the logbook may be expunged after one year.

(8) All nonpermissible electronic IR equipment will be serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment logbook and will include a description of the work performed.

(9) The nonpermissible IR equipment that will be used in or inby the last open crosscut will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance.

(10) Nonpermissible IR equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more of methane is detected while the nonpermissible IR equipment is being used, the equipment will be deenergized immediately and withdrawn outby the last open crosscut. Prior to returning inby the last open crosscut, all

requirements of 30 CFR 75.323 will be complied with.

(11) As an additional safety check, prior to energizing nonpermissible IR equipment in or inby the last open crosscut, the operator of the equipment will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock dusted and for the presence of accumulated float coal dust. If the rock dusting appears insufficient or the presence of accumulated coal dust is observed, the equipment may not be energized until sufficient rock dust has been applied and/or the accumulations of coal dust have been cleaned up. If nonpermissible IR equipment is to be used in an area that is not rock dusted, within 40-feet of a working face where a continuous miner is used to extract coal, the area is to be rock dusted prior to energizing the electronic IR equipment.

(12) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined by 30 CFR 75.320. All methane detectors must provide visual and audible warnings when methane is detected at or above one percent.

(13) Prior to energizing the electronic IR equipment in or inby the last open crosscut, methane tests must be made no more than eight inches from the roof or floor in the area where the equipment is to be used.

(14) All areas to be examined with nonpermissible IR equipment must be pre-shifted according to 30 CFR 75.360 prior to the IR examination. If the area is not pre-shifted a supplemental examination according to 30 CFR 75.361 must be performed before any non-certified person enters the area. If the area has been examined according to 30 CFR 75.360 or 75.361, an additional examination is not required.

(15) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible IR equipment in or inby the last open crosscut.

(16) Batteries contained in the IR equipment must be changed out or charged in intake air outby the last open crosscut. Replacement batteries for the electronic IR equipment will not be brought in or inby the last open crosscut. Upon entry into the mine, all batteries for the electronic infrared equipment must be fully charged.

(17) When using nonpermissible electronic IR equipment in or inby the last open crosscut the operator must confirm by measurement or by inquiry of the person in charge of the section that the air quantity on the section, on that shift, in the last open crosscut is the quantity that is required by the mine's ventilation plan.

(18) Personnel engaged in the use of IR equipment will be properly trained to recognize the hazards and limitations associated with the use of the equipment in areas where methane could be present.

(19) All persons who operate nonpermissible electronic IR equipment will receive specific training on the terms and conditions of this petition before using nonpermissible electronic equipment in or inby the last open crosscut. A record of the training will be kept with other training records.

(20) Within 60 days after the proposed decision and order (PDO) becomes final, the petitioner will submit proposed revisions for their approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the PDO. When training is conducted an MSHA Certificate of Training (Form 5000–23) will be completed. Comments on the certificate of training will indicate IR operator training.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Numbers: M–2015–005–C.

Petitioner: Bowie Resources, LLC, P.O. Box 1488, Paonia, Colorado 81428.

Mine: Bowie No. 2 Mine, MSHA I.D. No. 05–04591, located in Delta County, Colorado.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible infrared scanning and digital camera equipment in return airways. The petitioner asserts that equivalent permissible equipment does not exist. The petitioner states that:

(1) Prohibiting the use of an infrared (IR) digital camera under the existing standard will result in the reduction of safety for the miners at the Bowie No. 2 Mine. The use of the IR will provide an effective method to detect and identify small areas of higher than normal coal pillar oxidation that may lead to spontaneous combustion.

(2) Using currently available means of detecting coal pillar oxidation, which is limited to hand-held carbon monoxide detectors, odor, or smoke is ineffective and may allow oxidation to become a heating or spontaneous combustion event.

(3) In the alternative to compliance with the existing standard the petitioner proposes the following:

(a) Nonpermissible IR scanning and digital equipment will be used only when equivalent permissible equipment does not exist.

(b) All nonpermissible battery operated IR equipment will be limited to:

(i) Flir i50 7.2 volt Li/ion S/N 399002500.

(ii) Flir E5 3.6 volt Li/ion S/N 63913354.

(iii) Flir E5 3.6 volt Li/ion S/N 63917252.

(4) Nonpermissible IR equipment will only be used until equivalent permissible IR is available.

(5) A logbook will be maintained for electronic IR and will be kept in the mine office where the equipment is located. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic IR equipment and will be made available to MSHA on request.

(6) All nonpermissible electronic IR equipment to be used in a return airway will be examined by the person that will operate the equipment, prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. These checks will include:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspecting for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(vi) Recording the results of the inspection in the equipment logbook.

(7) The equipment will be examined at least weekly by a qualified person as defined in 30 CFR 75.153. The examination results will be recorded weekly in the logbook. Inspection entries in the logbook may be expunged after one year.

(8) All nonpermissible electronic IR equipment will be serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment logbook and will include a description of the work performed.

(9) The nonpermissible IR equipment that will be used in return airways will

not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance.

(10) Nonpermissible IR equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more of methane is detected while the nonpermissible IR equipment is being used, the equipment will be deenergized immediately and withdrawn from the return airway. Prior to returning to the return airway, all requirements of 30 CFR 75.323 will be complied with.

(11) As an additional safety check, prior to energizing nonpermissible IR equipment in a return airway, the operator of the equipment will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock dusted and for the presence of accumulated float coal dust. If the rock dusting appears insufficient or the presence of accumulated coal dust is observed, the equipment may not be energized until sufficient rock dust has been applied and/or the accumulations of coal dust have been cleaned up.

(12) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper condition as defined by 30 CFR 75.320. All methane detectors must provide visual and audible warnings when methane is detected at or above one percent.

(13) Prior to energizing the electronic IR equipment in a return airway, methane tests must be made no more than eight inches from the roof or floor in the area where the equipment is to be used.

(14) All areas to be examined with nonpermissible IR equipment must be pre-shifted according to 30 CFR 75.360 prior to the IR examination. If the area is not pre-shifted a supplemental examination according to 30 CFR 75.361 must be performed before any non-certified person enters the area. If the area has been examined according to 30 CFR 75.360 or 75.361, an additional examination is not required.

(15) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible IR equipment in a return airway.

(16) Batteries contained in the IR equipment must be changed out or charged in intake air outside of a return airway. Replacement batteries for the electronic IR equipment will not be brought into a return airway. Upon entry into the mine all batteries for the electronic IR equipment must be fully charged.

(17) When using nonpermissible electronic IR equipment in a return airway, the operator must confirm by measurement or by inquiry of the person in charge of the section that the air quantity in the return airway, on that shift, is the quantity that is required by the mine's ventilation plan.

(18) Personnel engaged in the use of IR equipment will be properly trained to recognize the hazards and limitations associated with the use of IR equipment in areas where methane could be present.

(19) All persons who operate nonpermissible electronic IR equipment will receive specific training on the terms and conditions of this petition before using nonpermissible electronic equipment in a return airway. A record of the training will be kept with other training records.

(20) Within 60 days after the proposed decision and order (PDO) becomes final, the petitioner will submit proposed revisions for their approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the PDO. When training is conducted an MSHA Certificate of Training (Form 5000–23) will be completed. Comments on the certificate of training will indicate IR operator training.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Numbers: M–2015–006–C.

Petitioner: Bowie Resources, LLC, P.O. Box 1488, Paonia, Colorado 81428.

Mine: Bowie No. 2 Mine, MSHA I.D. No. 05–04591, located in Delta County, Colorado.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible infrared scanning and digital camera equipment within 150 feet of a pillar line or longwall face. The petitioner asserts that equivalent permissible equipment does not exist. The petitioner states that:

(1) Prohibiting the use of an infrared (IR) digital camera under the existing standard will result in the reduction of safety for the miners at the Bowie No. 2 Mine. The use of the IR will provide an effective method to detect and identify small areas of higher than normal coal pillar oxidation that may lead to spontaneous combustion.

(2) Using currently available means of detecting coal pillar oxidation, which is limited to hand-held carbon monoxide detectors, odor, or smoke is ineffective and may allow oxidation to become a heating or spontaneous combustion event.

(3) In the alternative to compliance with the existing standard the petitioner proposes the following:

(a) Nonpermissible IR scanning and digital equipment will be used only when equivalent permissible equipment does not exist.

(b) All nonpermissible battery operated IR equipment will be limited to:

(i) Flir i50 7.2 volt Li/ion S/N 399002500.

(ii) Flir E5 3.6 volt Li/ion S/N 63913354.

(iii) Flir E5 3.6 volt Li/ion S/N 63917252.

(4) Nonpermissible IR equipment will only be used until equivalent permissible IR is available.

(5) A logbook will be maintained for electronic IR and will be kept in the mine office where the equipment is located. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic IR equipment and will be made available to MSHA on request.

(6) All nonpermissible electronic IR equipment to be used within 150 feet of a pillar line or longwall face will be examined by the person that will operate the equipment, prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. These checks will include:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspecting for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(vi) Recording the results of the inspection in the equipment logbook.

(7) The equipment will be examined at least weekly by a qualified person as defined in 30 CFR 75.153. The examination results will be recorded weekly in the logbook. Inspection entries in the logbook may be expunged after one year.

(8) All nonpermissible electronic IR equipment will be serviced according to

the manufacturer's recommendations. Dates of service will be recorded in the equipment logbook and will include a description of the work performed.

(9) The nonpermissible IR equipment that will be used within 150 feet of a pillar line or longwall face will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance.

(10) Nonpermissible IR equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more of methane is detected while the nonpermissible IR equipment is being used, the equipment will be deenergized immediately and withdrawn from within 150 feet of the pillar line or longwall face. Prior to returning to within 150 feet of a pillar line or longwall face, all requirements of 30 CFR 75.323 will be complied with.

(11) As an additional safety check, prior to energizing nonpermissible IR equipment within 150 feet of a pillar line or longwall face, the operator of the equipment will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock dusted and for the presence of accumulated float coal dust. If the rock dusting appears insufficient or the presence of accumulated coal dust is observed, the equipment may not be energized until sufficient rock dust has been applied and/or the accumulations of coal dust have been cleaned up.

(12) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper condition as defined by 30 CFR 75.320. All methane detectors must provide visual and audible warnings when methane is detected at or above one percent.

(13) Prior to energizing the electronic IR equipment within 150 feet of a pillar line or longwall face, methane tests must be made no more than eight inches from the roof or floor in the area where the equipment is to be used.

(14) All areas to be examined with nonpermissible IR equipment must be pre-shifted according to 30 CFR 75.360 prior to the IR examination. If the area is not pre-shifted a supplemental examination according to 30 CFR 75.361 must be performed before any non-certified person enters the area. If the area has been examined according to 30 CFR 75.360 or 75.361, an additional examination is not required.

(15) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible IR equipment within 150 feet of a pillar line or longwall face.

(16) Batteries contained in the IR equipment must be changed out or charged in intake air outside of 150 feet of a pillar line or longwall face. Replacement batteries for the electronic IR equipment will not be brought within 150 feet of a pillar line or longwall face. Upon entry into the mine all batteries for the electronic IR equipment must be fully charged.

(17) When using nonpermissible electronic IR equipment within 150 feet of a pillar line or longwall face, the operator must confirm by measurement or by inquiry of the person in charge of the section that the intake air quantity to the pillar line or the longwall face, on that shift, is the quantity that is required by the mine's ventilation plan.

(18) Personnel engaged in the use of IR equipment will be properly trained to recognize the hazards and limitations associated with the use of IR equipment in areas where methane could be present.

(19) All persons who operate nonpermissible electronic IR equipment will receive specific training on the terms and conditions of this petition before using nonpermissible electronic equipment within 150 feet of a pillar line or longwall face. A record of the training will be kept with other training records.

(20) Within 60 days after the proposed decision and order (PDO) becomes final, the petitioner will submit proposed revisions for their approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the PDO. When training is conducted an MSHA Certificate of Training (Form 5000–23) will be completed. Comments on the certificate of training will indicate IR operator training.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Numbers: M–2015–001–M.

Petitioner: The Doe Run Company, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.

Mines: Buick Mine/Mill, MSHA I.D. No. 23–00457 and Viburnum No. 35 (Casteel Mine), MSHA I.D. No. 23–01800, located in Iron County, Missouri; Sweetwater Mine/Mill, MSHA I.D. No. 23–00458, Fletcher Mine/Mill, MSHA I.D. No. 23–00409, and Brushy Creek Mine/Mill, MSHA I.D. No. 23–00499, located in Reynolds County, Missouri; and Viburnum No. 29 Mine, MSHA I.D. No. 23–00495, located in Washington County, Missouri.

Regulation Affected: 30 CFR 57.11052(d) (Refuge areas).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of compressed air cylinders and bottled water at its underground lead mines. The petitioner states that:

(1) The mines consist of both development and production headings. Activities include drilling, blasting, scaling, loading and hauling of ore.

(2) The compressed air and bottled water will be used in proposed refuge areas located at various locations.

(3) The mines currently use designated points of safety (DPOS) located throughout the mine for areas of safe refuge in case of an emergency. The DPOS contains compressed air with a regulator, bottled water, first aid supplies, maps and a phone.

(4) As an alternative to compliance with the existing standard, Doe Run proposes the following:

(a) The proposed refuge chambers will be constructed out of fire resistant material.

(b) The door to the proposed refuge chambers will have at least a fire rating of one and one-half hours.

(c) The chamber will be equipped with at minimum three compressed air bottles each containing 7,929 liters at 310 cubic feet of Grade D breathing air; a regulator to meter the air; a minimum of 15 gallons of bottled water; first aid kit; stretcher; six tubes of latex caulk to seal around the door; one fire extinguisher; and a set of escape maps and an escape plan.

(d) A pager phone will be used for communication. The phone line servicing the phone will be a heavy jacketed, shielded line that runs from the main shop area to the refuge area, and a second line will be installed.

(e) The refuge chambers will be equipped with a ball valve located on the wall to relieve pressure build up from the use of the compressed air inside the chambers.

(f) Two benches will be located along the walls to provide seating for the miners.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Dated: March 26, 2015.

Sheila McConnell,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2015–07388 Filed 3–31–15; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request To Be Selected as Payee

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Request to be Selected as Payee,'' 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 1, 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=201412–1240–001* (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–OWCP, 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 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 Request to be Selected as Payee information collection. Benefits are payable by the DOL to miners who are totally disabled due to pneumoconiosis and to certain survivors of a miner under the Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. 901 *et seq.*). If a beneficiary is incapable of handling his/her affairs, the person or institution responsible for the beneficiary's care is required to apply to receive the benefit payments on the beneficiary's behalf. A representative payee applicant completes and submits Form CM–910 for evaluation to the district office that has jurisdiction over the beneficiary's claim file. This information collection has been classified as a revision, because of minor clarifications to Form CM–910 to allow applicants better to understand what information they need to provide. In addition, an accommodation statement has been added to Form CM–910 to inform applicants with mental or physical limitations to contact the Division of Coal Mine Workers' Compensation if further assistance is needed in the claims process. The Black Lung Benefits Act authorizes this information collection. *See* 30 U.S.C. 923, 936.

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 1240–0010. 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 10, 2014 (79 FR 73340).

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 1240–0010. 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–OWCP.

Title of Collection: Request to be Selected as Payee.

OMB Control Number: 1240–0010.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 2,300.

Total Estimated Number of Responses: 2,300.

Total Estimated Annual Time Burden: 575 hours.

Total Estimated Annual Other Costs Burden: $1,196.

Dated: March 26, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–07432 Filed 3–31–15; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Vinyl Chloride Standard

ACTION: Notice.

SUMMARY: On March 31, 2015, the Department of Labor (DOL) will submit the Occupational Safety and Health Administration (OSHA), sponsored information collection request (ICR) titled, ''Vinyl Chloride Standard,'' to the Office of Management and Budget (OMB) for review and approval for

continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 30, 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=201503-1218-002* (this link will only become active on April 1, 2015) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) 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–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Vinyl Chloride (VC) Standard information collection requirements codified in regulations 29 CFR 1910.1017. The VC Standard is an occupational safety and health standard that protects workers from the adverse health effects that may result from exposure to VC. The Standard's information collection requirements are essential components protecting workers from occupational exposure. An Occupational Safety and Health Act of 1970 (OSH Act) covered employer and workers use the information to implement the protections the Standard requires. The information collections in the VC Standard include notifying workers of VC exposures; written compliance and emergency programs; a respirator program; a worker medical surveillance program; and the development, maintenance, and disclosure of worker's exposure monitoring and medical records. OSH Act sections 2(b)(9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0010.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 4, 2014 (79 FR 72031).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section by April 30, 2015. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0010. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Vinyl Chloride Standard.

OMB Control Number: 1218–0010.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 24.

Total Estimated Number of Responses: 835.

Total Estimated Annual Time Burden: 535 hours.

Total Estimated Annual Other Costs Burden: $43,320.

Dated: March 25, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–07334 Filed 3–31–15; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 15–020]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Availability of Inventions for Licensing.

SUMMARY: Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Bryan A. Geurts, Patent Counsel, Goddard Space Flight Center, Mail Code 140.1, Greenbelt, MD 20771–0001; telephone (301) 286–7351; fax (301) 286–9502.

NASA Case No.: GSC–17004–1: System, Apparatus, Composition and Method for Superhydrophobic and Dust Mitigating Coatings;

NASA Case No.: GSC–16900–1: Miniature Release Mechanism or Diminutive Assembly for Nanosatellite deploYables (DANY);

NASA Case No.: GSC–15733–1: Systems and Methods for Communication Link Analysis in Space Mission Planning;

NASA Case No.: GSC–16937–1: Phase Occulted Visible Nulling Coronagraph Apparatus and Method;
NASA Case No.: GSC–16664–1: High Precision Metal Thin Film Liftoff Technique;
NASA Case No.: GSC–16098–1: Computer Controlled Automated Safe to Mate for Both Flight Hardware and Ground Support Equipment;
NASA Case No.: GSC–16876–1: Systems and Methods for Precipitation Logging and Analysis;
NASA Case No.: GSC–16966–1: Cubesat Instrument for Occulation Measurements of Atmospheric Methane and Carbon Dioxide;
NASA Case No.: GSC–17118–1: Climate Data Services Application Programing Interface (CDS API) MERRA Analytic Services (MERRA/AS);
NASA Case No.: GSC–17115–1: Climate Data Services Application Programing Interface (CDS API) Persistence Services (PS);
NASA Case No: GSC–16495–1: Double Parity Single Error Correction (DPSEC) Code;
NASA Case No.: GSC–16148–1: Graphene Transparent Conductive Electrodes for Next Generation Microshutter Arrays;
NASA Case No.: GSC–17087–1: System and Method for Detecting Unauthorized Device Access by Comparing Multiple Independent Spatial-Time Date Sets from Other Devices;
NASA Case No.: GSC–15510–1: Superior Piezoresistive Sensor Designs for Rotation or Torque Sensing in Silicon MEMS Devices;
NASA Case No.: GSC–16589–1: Photonic Waveguide Choke Joint with Absorptive Loading;
NASA Case No.: GSC–16509–2: Digital Beamforming Interferometry;
NASA Case No.: GSC–16591–1: Large Format Gallium Arsenide Quantum Well Infrared Photodetectors;
NASA Case No.: GSC–16883–2: Meta-Material Blocking Filter with Low Geometric Inductance;
NASA Case No.: GSC–16730–1: A Simulation and Verification System and Method;
NASA Case No.: GSC–16149–1: Resonance-Actuation of Microshutter Arrays;
NASA Case No.: GSC–16594–1: MERRA Analytic Services (MERRA/AS) Concept, Design, Architecture, and Operation;
NASA Case No.: GSC–17117–1: Climate Data Services Application Programing Interface (CDS API) Reference Model, Library, and Command Interpreter;
NASA Case No.: GSC–16598–1: Range and Intensity Image-Based Terrain and Vehicle Relative Pose Estimation System;
NASA Case No.: GSC–17075–1: Improved White Molecular Adsorber Coating System;
NASA Case No.: GSC–16144–1: Controlling Charged Particles with Inhomogeneous Electrostatic Fields;
NASA Case No.: GSC–16794–1: Symmetric Absorber-Coupled Far-Infrared Microwave Kinetic Inductance Detector;
NASA Case No.: GSC–15978–1: Compact Adiabatic Demagnetization Refrigeration Stage with Integral Passive Gas-Gap Heat Switch;
NASA Case No.: GSC–16995–1: Photonic Waveguide Choke Joint with Non-Absorptive Loading;
NASA Case No.: GSC–17116–1: Climate Data Services Application Programing Interface (CDS API) Client Distribution Package.

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2015–07454 Filed 3–31–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15–019)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Robert H. Earp, III, Patent Attorney, Glenn Research Center at Lewis Field, Code 21–14, Cleveland, OH 44135; telephone (216) 433–3663; fax (216) 433–6790.

NASA Case No.: LEW–19240–1: Advanced Protective Coatings for Graphite Substrates;
NASA Case No.: LEW–19132–1: The Vibration Ring;
NASA Case No.: LEW–19098–1: High Temperature, Flexible Composite Seals for Aeronautics and Space Environments Incorporation Aerogel Insulation;
NASA Case No.: LEW–19121–1: Propellant Distributor/Anode with Downstream Plenum Chamber for the Hall Thruster;
NASA Case No.: LEW–19148–1: High/Low Temperature Contactless RF Probes for Characterizing Microwave Integrated Circuits (MICs) and Devices;
NASA Case No.: LEW–18844–2: Electrospun Nanofiber Coating of Fiber Materials: A Composite Toughening Approach;
NASA Case No.: LEW–18928–1: Pt-Ti-Si Simultaneous Ohmic Contacts to N- and P-Type Silicon Carbide.

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2015–07453 Filed 3–31–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15–021)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Mark W. Homer, Patent Counsel, NASA Management Office—JPL, 4800 Oak Grove Drive, Mail Stop 180–200, Pasadena, CA 91109; telephone (818) 354–7770.

NASA Case No.: NPO–49116–1–CU: Heliostat with Stowing and Wind Survival Capabilities;
NPO–49439–1: Deep Space Positioning System;
DRC–009–008DIV: Improved Digital Map Rending Method;
DRC–013–019: System and Method for Monitoring the Deflection and Slope of a Three-Dimensional Structure such as a Wing using Strain Measurements at Discrete Locations;
NASA Case No.: DRC–013–020: Wavelet-Based Processing for Fiber Optic Sensing Systems;
DRC–014–003: Highly Elastic Strain Gage for Low Modulus Materials;
DRC–012–033: Improved Ground Collision Avoidance System (iGCAS).

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2015–07455 Filed 3–31–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15–022)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark office, and are available for licensing.

DATES: April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Edward K. Fein, Patent Counsel, Johnson Space Center, Mail Code AL, 2101 NASA Parkway, Houston, TX 77058, (281) 483–4871; (281) 483–6936 [Facsimile].

NASA Case No.: MSC–24798: Soft Decision Analyzer and Method;
NASA Case No.: MSC–25632–1: Robot Task Commander with Extensible Programming Environment;
NASA Case No.: MSC–24919–1: System and Methods for RFID-Enabled Information Collection;
NASA Case No.: MSC–25604–1: Systems and Methods for RFID-Enabled Dispenser;
NASA Case No.: MSC–25313–1: Hydrostatic Hyperbaric Apparatus and Method;
NASA Case No.: MSC–25265–1: Device and Method for Digital-to-Analog Transformation and Reconstructions of Multi-Channel Electrocardiograms;
NASA Case No.: MSC–24813–1: Preparation System and Method;
NASA Case No: MSC–25590–1: Systems and Methods for RFID-Enabled Pressure Sensing Apparatus;
NASA Case No.: MSC–25605–1: Switch Using Radio Frequency Identification;
NASA Case No.: MSC–24811–1: System and Method for Isolation of Samples;
NASA Case No. MSC–24525–1: Deployable Wireless Fresnel Lens;
NASA Case No. MSC–24541–1: Modifying the Genetic Regulation of Bone and Cartilage Cells and Associated Tissue by EMF Stimulation Fields and Uses Thereof;
NASA Case No.: MSC–24149–2: Method and Apparatus for an Inflatable Shell;
NASA Case No.: MSC–24509–1: Battery Fault Detection with Saturating Transformers;
NASA Case No.: MSC–24733–1: Pyrometer;
NASA Case No.: MSC–25026–1: Battery Cell Balancing System and Method;
NASA Case No.: MSC–23882–1: Analog Strain Gauge Conditioning System for Space Environment;
NASA Case No.: MSC–24506–1: Methods and Systems for Measurement and Estimation of Normalized Contrast in Infrared Thermography;
NASA Case No.: MSC–24346–1: Extended Range Passive Wireless Tag System and Method;
NASA Case No.: MSC–24314–1: High-Density Spot Seeding for Tissue Model Formation;
NASA Case No.: MSC–24444–1: Methods and systems for Characterization of an Anomaly Using Infrared Flash Thermography;
NASA Case No.: MSC–24541–2: Electromagnetic Time-Variance Magnetic Fields (TVMF) to Generate, and re-grow Cartilage Cells by a Noninvasive Method;
NASA Case No.: MSC–25391–1: System, Apparatus and Method for Pedal Control;
NASA Case No.: MSC–25386–1: Active Response Gravity Offload and Method;
NASA Case No.: MSC–25307–1: Microwave-Based Water Decontamination System;
NASA Case No.: MSC–25759–1: Methods, Systems and Apparatuses for Radio Frequency Identification;
NASA Case No.: MSC–25203–1: Systems and Methods for Beamforming RFID Tags;
NASA Case No.: MSC–25626–1: RFID Torque-Sensing Tag System for Fasteners;
NASA Case No.: MSC–25760–1: Methods, Systems and Apparatuses for Radio Frequency Identification;
NASA Case No.: MSC–24758–1: Methods, Systems and Apparatuses for Radio Frequency Identification;
NASA Case No.: MSC–25286–1: Pretreatment Solution for Water Recovery Systems;
NASA Case No.: MSC–25758–1: Methods, Systems and Apparatuses for Radio Frequency Identification.

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2015–07456 Filed 3–31–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15–024)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: April 1, 2015.

FOR FURTHER INFORMATION CONTACT: James J. McGroary, Patent Counsel, Marshall Space Flight Center, Mail Code LS01, Huntsville, AL 35812; telephone (256) 544–0013; fax (256) 544–0258.

NASA Case No.: MFS–33161–1: Method of System for Predicting Rocket Nozzle Deformation During Engine Start-Up and Shut-Down Transients;
NASA Case No.: MFS–32931–1: Reconfigurable Sensor Monitoring System.

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2015–07458 Filed 3–31–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 15–023]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Availability of Inventions for Licensing.

SUMMARY: Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Counsel, Langley Research Center, Mail Stop 30, Hampton, VA 23681–2199; telephone (757) 864–3230; fax (757) 864–9190.

NASA Case No.: LAR–18063–1: Nanoparticle Hybrid Composites by RF Plasma Spray Deposition;
NASA Case No.: LAR 18327–1: Stretchable Mesh for Cavity Noise Reduction;
NASA Case No.: LAR–17318–2: Preparation of Metal Nanowire Decorated Carbon Allotropes;
NASA Case No.: LAR–17841–1: High Mobility Transport Layer Structures for Rhombohedral Si/Ge/SiGe Devices;
NASA Case No.: LAR–17951–1: Physiologically Modulating

Videogames or Simulations which use Motion-Sensing Input Devices;
NASA Case No.: LAR–18006–2: Process for Nondestructive Evaluation of the Quality of a Crimped Wire Connector;
NASA Case No.: LAR–17996–1: Nanostructure Neutron Converter Layer Development;
NASA Case No.: LAR–17579–2: Wireless Chemical Sensor and Sensing Method for Use Therewith;
NASA Case No.: LAR–17813–1–CON: Methods for Using Durable Adhesively Bonded Joints for Sandwich Structures;
NASA Case No.: LAR–17747–1–CON: Wireless Temperature Sensor having no Electrical Connections and Sensing Method for Use Therewith;
NASA Case No.: LAR–18147–1: Gas Phase Alloying for Wire Fed Joining and Deposition Processes;
NASA Case No.: LAR–18318–1: In-Situ Load System for Calibrating and Validating Aerodynamic Properties of Scaled Aircraft in Ground-Based Aerospace Testing Applications;
NASA Case No.: LAR–17993–2: Locomotion of Amorphous Surface Robots;
NASA Case No.: LAR–16256–1–CON: Method and Apparatus for Performance Optimization Through Physical Perturbation of Task Elements;
NASA Case No.: LAR–18036–1: High Pressure Soft Lithography for Micro-topographical Patterning of Molded Polymers and Composites;
NASA Case No.: LAR–18185–1: Sucrose Treated Carbon Nanotube and Graphene Yarns and Sheets;
NASA Case No.: LAR–17922–1: Double Sided Si(Ge)/Sapphire/III-Nitride Hybrid Structure;
NASA Case No.: LAR–17495–1: An Optical Method for Detecting Displacements and Strains at Ultra High Temperatures during Thermo-Mechanical Testing;
NASA Case No.: LAR–18374–1: Modulated Sine Waves for Differential Absorption Measurements Using a CW Laser System;
NASA Case No.: LAR 17681–3: System for Repairing Cracks in Structures;
NASA Case No.: LAR–18270–1: Airborne Doppler Wind Lidar Post Data Processing Software DAPS–LV;
NASA Case No.: LAR–17919–2: Methods of Making Z-Shielding;
NASA Case No.: LAR–18266–1: Airborne Wind Profiling Algorithm for Doppler Wind Lidar;
NASA Case No.: LAR–18257–1: A Structural Joint with Multi-Axis Load Carrying Capacity;
NASA Case No.: LAR–17502–1–CON: Flame Holder System;
NASA Case No.: LAR–17455–3: A Nanotube Film Electrode and an Electroactive Device Fabricated with the Nanotube Film Electrode and Methods for Making Same.

Sumara M. Thompson-King,

Deputy General Counsel.

[FR Doc. 2015–07457 Filed 3–31–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15–018)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Availability of Inventions for Licensing.

SUMMARY: Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Robert M. Padilla, Patent Counsel, Ames Research Center, Code 202A–4, Moffett Field, CA 94035–1000; telephone (650) 604–5104; fax (650) 604–2767.

NASA Case No.: ARC–17241–1: Optimum Strategies for Selecting Descent Flight-Path Angles;

NASA Case No.: ARC–17299–1: Unmanned Aerial Systems Traffic Management;

NASA Case No.: ARC–17085–1: Electromagnetic Monitoring and Control of a Plurality of Nanosatellites;

NASA Case No.: ARC–17266–1: Atmospheric Pressure Plasma Based Fabrication of Printable Electronics and Functional Coatings;

NASA Case No.: ARC–17335–1: A Simplified Production of Organic Compounds Containing High Enantiomer Excesses.

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2015–07452 Filed 3–31–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–032]

Open Meeting on General Records Schedule (GRS) 6.1, Email Managed Under a Capstone Approach

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of public meeting on General Records Schedule (GRS) 6.1.

SUMMARY: The National Archives and Records Administration (NARA) announces an open meeting to solicit comments on General Records Schedule (GRS) 6.1, Email Managed Under a Capstone Approach. The meeting is open to the public.

DATES: The meeting will be on Thursday, May 21, 2015, from 10 a.m. to 12 p.m. You must R.S.V.P. for the meeting by 5 p.m. on May 18, 2015. If you wish to submit comments in writing instead, you must email them by close of business on June 1, 2015.

Location: National Archives Building, McGowan Theater, 700 Pennsylvania Avenue NW., Washington, DC 20408. Please enter on the Constitution Avenue side of the building.

Contacts: To R.S.V.P. to attend the meeting, submit comments in writing, or to request a paper copy of the GRS review packet, email *request.schedule@nara.gov.* For other information, contact Sean Curry, by mail at National Archives and Records Administration; 8601 Adelphi Road, College Park, MD 20740, by telephone at 301–821–7914, or by email at *specialevents@nara.gov*.

SUPPLEMENTARY INFORMATION: *Purpose and scope of the GRS.* NARA developed GRS 6.1 to provide disposition authority for agencies that implement a capstone approach to managing their email, and to assist agencies to meet Goal 1.2 of the *Managing Government Records Directive*. The capstone approach is outlined in *NARA Bulletin 2013–02: Guidance on a New Approach to Managing Email Records [Capstone]*. Goal 1.2 of the Directive requires agencies to manage both permanent and temporary email records in an accessible electronic format by December 31, 2016.

Security. Due to space limitations and access procedures, you must R.S.V.P. in advance if you wish to attend the meeting. You will also go through security screening when you enter the building.

GRS review materials. You may find a packet related to this GRS, including the draft records schedule, accompanying FAQ, and appraisal

memorandum, on the *National Archives' Records Express blog.*

Dated: March 24, 2015.

Paul M. Wester, Jr.,

Chief Records Officer for the U.S. Government.

[FR Doc. 2015–07184 Filed 3–31–15; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings

April 2015.

TIME AND DATES: All meetings are held at 2:00 p.m.

Wednesday, April 1;

Thursday, April 2;

Tuesday, April 7;

Wednesday, April 8;

Thursday, April 9;

Tuesday, April 14;

Wednesday, April 15;

Thursday, April 16;

Tuesday, April 21;

Wednesday, April 22;

Thursday, April 23;

Tuesday, April 28;

Wednesday, April 29;

Thursday, April 30.

PLACE: Board Agenda Room, No. 11820, 1099 14th St. NW., Washington, DC 20570.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition . . . of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Henry Breiteneicher, Associate Executive Secretary, (202) 273–2917.

Dated: March 30, 2015.

William B. Cowen,

Solicitor.

[FR Doc. 2015–07565 Filed 3–30–15; 4:15 pm]

BILLING CODE 7545–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2015–0072]

South Carolina Electric and Gas Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting a one-time exemption to South Carolina Electric and Gas Company (the licensee) from NRC regulations that require that a licensee must use the criteria in NUREG–1021, ''Operator Licensing Examination Standards for Power Reactors,'' in effect six months before the examination date to prepare the written examinations and the operating tests. NUREG–1021, Revision 10, which was published on January 2, 2015, adds guidance for licensing operators of new reactors and includes NUREG–2103, ''Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Pressurized-Water Reactors, Westinghouse AP1000,'' dated October 2011, but does not go into effect until July 2, 2015. The exemption allows the licensee to use NUREG–1021, Revision 10, prior to July 2, 2015, to prepare, proctor, and grade the written examinations and to prepare the operating tests required by NRC regulations.

ADDRESSES: Please refer to Docket ID NRC–2015–0072 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–2015–0072. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–0681, email: *Denise.McGovern@nrc.gov*

SUPPLEMENTARY INFORMATION: The following sections include the text of the exemption in its entirety as issued to South Carolina Electric and Gas Company (the licensee).

I. Background

South Carolina Electric and Gas Company (the licensee) is the holder of Combined Licenses No. NPF–93 and No. NPF–94, issued March 30, 2012, which authorize construction and operation of the Virgil C. Summer Nuclear Station, Units 2 and 3 (VCSNS). The licenses provide, among other things, that the licenses are subject to, and the licensee shall comply with, all applicable provisions of the Atomic Energy Act of 1954, as amended, and the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two Westinghouse AP1000 pressurized-water reactors located in Fairfield County, South Carolina, which are currently under construction.

II. Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR) part 55, ''Operators' Licenses,'' § 55.40, ''Implementation,'' paragraph (a) states in part, ''The Commission shall use the criteria in NUREG–1021, ''Operator Licensing Examination Standards for Power Reactors,'' in effect six months before the examination date to prepare the written examinations required by 10 CFR 55.41 and 55.43 and the operating tests required by 10 CFR 55.45. The Commission shall also use the criteria in NUREG–1021 to evaluate the written examinations and operating tests prepared by power reactor facility licensees pursuant to paragraph (b) of this section.'' 10 CFR 55.40(b)(1) requires licensees to prepare and evaluate written examinations and operating tests in accordance with

NUREG–1021 as described in 10 CFR 55.40(a). NUREG–1021 explains the policies, procedures, and practices for a particular aspect of the operator testing program.

NUREG–1021, Revision 9, Supplement 1, establishes the policies, procedures, and practices for administering the required initial written examinations and operating tests, and is appropriate to use for currently operating pressurized water reactors (PWR) and boiling water reactors (BWR). NUREG–1021, Revision 10, allows for the preparation, administration, and evaluation of initial operator licensing examinations for the currently operating PWRs, BWRs, as well as the Westinghouse AP1000 reactors (AP1000), and the General Electric Advanced Boiling Water Reactor (ABWR). NUREG–1021, Revision 10, also contains a new examination standard, ES–401N, ''Preparing Initial Site-Specific Written Examinations,'' which ensures the equitable and consistent administration and evaluation of examinations for all applicants.

Under 10 CFR 55.40(b)(1), the licensee is required, as described in 10 CFR 55.40(a), to use NUREG–1021, Revision 9, Supplement 1, to prepare the AP1000 operator licensing written examinations and operator testing for the initial licensing examination of reactor operators and senior reactor operators (applicants) because NUREG–1021, Revision 10, which was published on January 2, 2015, will not be in effect for six months, or until July 2, 2015. This limited, one-time exemption would allow the licensee to use NUREG–1021, Revision 10, for the preparation and administration of the VCSNS initial operator licensing written examinations and operator testing prior to July 2, 2015.

III. Discussion

Pursuant to 10 CFR 55.11, the Commission may, upon application by an interested person, or upon its own initiative, grant exemptions from the requirements of 10 CFR part 55 when the exemptions are authorized by law and will not endanger life or property and are otherwise in the public interest.

A. Authorized by Law

This exemption would allow the licensee to develop, prepare, and evaluate initial operator licensing written examinations and operator testing for the AP1000 reactors under construction at its Fairfield County, South Carolina site prior to July 2, 2015. Under 10 CFR 55.11, the Commission's regulations allow the Commission to grant exemptions from the regulations in 10 CFR part 55 as the Commission determines are authorized by law and will not endanger life or property and are otherwise in the public interest. The NRC staff has determined that granting of this limited, one-time exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws, and will not endanger life or property and is otherwise in the public interest. Therefore, the exemption is authorized by law.

B. No Endangerment of Life or Property

The purpose of 10 CFR part 55 is to establish the procedures and criteria for the issuance of licenses to reactor operators and senior reactor operators, provide the terms and conditions upon which the Commission will issue or modify those licenses, and provide the terms and conditions to maintain and renew those licenses. Specifically, 10 CFR 55.40(b) establishes the criteria licensees must use for the preparation and evaluation of the written examinations required by 10 CFR 55.41 and 10 CFR 55.43, and the operating tests required by 10 CFR 55.45. 10 CFR 55.40(b)(1) requires licensees to prepare these written examinations and operating tests in accordance with the criteria in NUREG–1021, ''Operator Licensing Examination Standards for Power Reactors,'' as described in 10 CFR 55.40(a), which requires the use of the version of NUREG–1021 in effect six months before the examination date. NUREG–1021, Revision 9, Supplement 1, which does not address examination standards for the AP1000 reactor, is currently in effect. NUREG–1021, Revision 9 requires the use of NUREG–1122, ''Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Pressurized-Water Reactors.'' NUREG–1122 provides the basis for developing content-valid PWR licensing examinations and, in conjunction to the instructions in NUREG–1021, will ensure that the initial licensing examination includes a representative sample of the items specified in the regulations.

VCSNS will include two new Westinghouse AP1000 pressurized-water reactors, which are currently under construction at the site. The most significant new features in the AP1000 design involve the increased use of passive safety systems for accident prevention and mitigation that rely on passive means, such as gravity, natural circulation, condensation and evaporation, and stored energy. As a result, the AP1000 design includes many features that are not found in the designs of currently operating reactors, and certain systems, components, and processes that are part of the currently operating pressurized-water reactors are not a part of the AP1000 design. The AP1000 has numerous systems, including safety systems, not covered in NUREG–1122 that should be tested as part of a comprehensive operator licensing examination. Similarly, the knowledge, skills, and abilities of current PWR licensed operators are somewhat different from those of the future AP1000 licensed operators.

NUREG–1021, Revision 10, which addresses the AP1000 reactor, was issued on January 2, 2015, and does not go into effect until July 2, 2015. NUREG–1021, Revision 10, in addition to providing guidance for currently operating PWRs and BWRs, contains a new examination standard, ES–401N, ''Preparing Initial Site-Specific Written Examinations.'' ES–401N will provide guidance for the preparation and evaluation of the AP1000 design and site specific examinations. ES–401N provides for the use of NUREG–2103, ''Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Westinghouse AP1000 Pressurized-Water Reactors.'' NUREG–2103 provides the basis for developing content-valid AP1000 licensing examinations and, in conjunction with the instructions in NUREG–1021, will ensure that the initial licensing examination includes a representative sample of the items specified in the regulations and improve the comprehensiveness of the examination over an examination developed using NUREG–1021, Revision 9. Accordingly, the NRC staff has determined that granting of the exemption will not endanger life or property.

C. Otherwise in the Public Interest

The purpose of 10 CFR part 55 is to establish the procedures and criteria for the issuance of licenses to reactor operators and senior reactor operators, provide the terms and conditions upon which the Commission will issue or modify those licenses, and provide the terms and conditions to maintain and renew those licenses. Specifically, 10 CFR 55.40(b)(1) establishes the criteria licensees are required to use for the preparation and evaluation of the written examinations required by 10 CFR 55.41 and 10 CFR 55.43, and the operating tests required by 10 CFR 55.45. 10 CFR 55.40(b)(1) requires licensees to prepare these written examinations and operating tests in accordance with the criteria in NUREG–1021, ''Operator Licensing Examination Standards for Power Reactors,'' as described in 10 CFR 55.40(a), which

requires the use of the version of NUREG–1021 in effect six months before the examination date.

NUREG–1021, Revision 9, Supplement 1, which does not address AP1000, is currently in effect, while NUREG–1021, Revision 10, which does address AP1000, was issued on January 2, 2015, does not go into effect until July 2, 2015. Because the exemption enables the use of guidance specific to the new AP1000 reactors that was not available in the previous revision of NUREG–1021, and will allow the licensee to utilize the appropriate criteria to prepare and evaluate operator licensing written examinations and operating tests, the NRC staff determined that the exemption is otherwise in the public interest.

IV. Eligibility for Categorical Exclusion From Environmental Review

With respect to the exemption's impact on the quality of the human environment, the NRC has determined that this specific exemption request is eligible for categorical exclusion as identified in 10 CFR 51.22(c)(25) and justified by the NRC staff as discussed below.

10 CFR 51.22(c)(25)(i): The criteria for determining whether there is no significant hazards consideration are found in 10 CFR 50.92(c)(1) through (3):

(1) The proposed exemption is administrative in nature and is limited to allowing the licensee to use NUREG–1021, Revision 10, to prepare and evaluate operator licensing written examinations and operating tests prior to July 2, 2015. The proposed exemption does not make any changes to the facility or operating procedures and does not alter the design, function or operation of any plant equipment. Therefore, issuance of this exemption does not increase the probability or consequences of an accident previously evaluated.

(2) The proposed exemption is administrative in nature and is limited to allowing the licensee to use NUREG–1021, Revision 10, to prepare and evaluate operator licensing written examinations and operating tests prior to July 2, 2015. The proposed exemption does not make any changes to the facility or operating procedures and would not create any new accident initiators. The proposed exemption does not alter the design, function, or operation of any plant equipment. Therefore, this exemption does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed exemption is administrative in nature and is limited to allowing the licensee to use NUREG–1021, Revision 10, to prepare and evaluate operator licensing written examinations and operating tests prior to July 2, 2015. The proposed exemption does not alter the design, function, or operation of any plant equipment. Therefore, this exemption does not involve a significant reduction in the margin of safety.

The NRC staff has also determined that the exemption involves no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; that there is no significant increase in individual or cumulative occupational radiation exposure; that there is no significant construction impact; and there is no significant increase in the potential for or consequences from radiological accidents. The requirement from which an exemption is sought involves education, training, experience, qualification, requalification or other employment suitability requirements. Accordingly, the exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the exemption.

V. Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 55.11, granting a limited, one-time exemption to the licensee from the requirements in 10 CFR 55.40(b)(1), allowing the use of NUREG–1021, Revision 10, for the preparation and evaluation of operator licensing written examinations and operator testing for the AP1000 reactors under construction at VCSNS, prior to July 2, 2015, is authorized by law and will not endanger life or property and is otherwise in the public interest. Therefore, the Commission hereby grants South Carolina Electric and Gas Company an exemption from the requirement of 10 CFR 55.40(b)(1), to allow the use of NUREG–1021, Revision 10, for the preparation and evaluation of operator licensing written examinations and operator testing for the AP1000 reactors under construction at the VCSNS, prior to July 2, 2015.

Pursuant to 10 CFR 51.22, the Commission has determined that the exemption request meets the applicable categorical exclusion criteria set forth in 10 CFR 51.22(c)(25), and the granting of this exemption will not have a significant effect on the quality of the human environment.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 19th day of March 2015.

For The Nuclear Regulatory Commission.

Frank Akstulewicz,

Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–07473 Filed 3–31–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Reliability & PRA; Notice of Meeting

The ACRS Subcommittee on Reliability & PRA will hold a meeting on April 24, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, April 24, 2015—1:00 p.m. Until 5:00 p.m.

The Subcommittee will discuss the Human Reliability Analysis Development and Progress. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), John Lai (Telephone 301–415–5197 or Email: *John.Lai@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 25, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–07481 Filed 3–31–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on April 23, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, April 23, 2015—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review the second supplemental Safety Evaluation Report (SER) associated with the staff's review of the Indian Point Nuclear Generating Units 2 and 3 license renewal application. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Kent Howard (Telephone 301–415–2989 or Email: *Kent.Howard@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 25, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–07482 Filed 3–31–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Digital I&C; Notice of Meeting

The ACRS Subcommittee on Digital I&C will hold a briefing on April 24, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Friday, April 24, 2015—8:30 a.m. Until 12:30 p.m.

The Subcommittee will be briefed on Digital I&C designs that are under current review and associated topical reports. The Subcommittee will hear presentations by and hold discussions with the NRC staff, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christina Antonescu (Telephone 301–415–6792 or Email: *Christina.Antonescu@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained

from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 25, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–07485 Filed 3–31–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MC2015–42; Order No. 2414]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the Postal Service's notice of a minor classification change regarding the issuance of new Forever stamps. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 2, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On March 25, 2015, the Postal Service filed a notice of minor classification changes under Commission rules 39 CFR 3020.90 and 3020.91.[1] The Postal Service seeks to add non-denominated, non-expiring (''Forever'') status to stamps in five different First-Class Mail stamp categories: (1) A postcard stamp, (2) the two-ounce letter stamp, (3) the three-ounce letter stamp, (4) the additional ounce stamp, and (5) the first ounce nonmachinable surcharge stamp, as well as modify the definition of Forever stamps. Notice at 1. The Postal Service presents these proposed changes to the Mail Classification Schedule (MCS) in Attachment 1 to the Notice. *See* Notice, Attachment 1.

The Postal Service states that the proposed changes reflect its objective to simplify the transactions associated with price changes. Notice at 2. It also seeks to eliminate the need for customers and the Postal Service to acquire and distribute new denominated stamps when a prices change occurs. *Id.* The Postal Service states that the proposed changes are minor in nature and are consistent with 39 U.S.C. 3642. *Id.* at 1, n.1, and 3.

II. Notice of Commission Action

Pursuant to 39 CFR 3020.92, the Commission has posted the Notice on its Web site and invites comments on whether the Postal Service's filings in Docket No. MC2015–42 are consistent with the policies of 39 U.S.C. 3642 and 39 CFR 3020 subpart E. Comments are due no later than April 2, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth E. Richardson to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2015–42 to consider matters raised by the notice.

2. Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons are due by April 2, 2015.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–07355 Filed 3–31–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Minor Classification Changes Related to the Issuance of Forever Stamp Status to the Postcard, Two-Ounce, Three-Ounce, Additional Ounce, and Nonmachinable Surcharge Stamps, March 25, 2015 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74587; File No. SR–CME–2015–005]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Default Management Committee and Address OTC Products That Are Subject to CME's Base Financial Safeguards

March 26, 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 23, 2015, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III, below, which Items have been primarily prepared by CME. CME filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, so that the proposed rule change was 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

CME is filing a proposed rule change that is limited to its business as a derivatives clearing organization. More specifically, the proposed rule change would make amendments to existing rules to establish a default management committee (''Active Base OTC Default Management Committee'' or ''Committee'') and address over-the-counter (''OTC'') products that are subject to CME's base financial safeguards, including OTC FX.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning

[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)(4)(ii).

the purpose 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. CME 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

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission (''CFTC'') and currently offers clearing services for many different futures and swaps products. With this filing, CME proposes to make rulebook changes that are limited to its business clearing futures and swaps under the exclusive jurisdiction of the CFTC. More specifically, the proposed rule change would make amendments to existing rules to establish a default management committee and address OTC products that are subject to CME's base financial safeguards, including OTC FX.

CME currently has an IRS Default Management Committee to assist with the management of a defaulting IRS Clearing Member's positions and a CDS Default Management Committee to assist with the management of a defaulting CDS Clearing Member's positions. The proposed rule change establishes the Committee as a similar construct to assist with the management of portfolio of its OTC Clearing Member's positions. The Committee will be comprised of traders in OTC products that are employees or directors of Base OTC Clearing Members (or their affiliates) and will serve on the Committee on a rotating basis. The Committee will assist CME in structuring hedges and portfolios for auction. Members of the Committee will also participate in default management drills for Base OTC products.

The proposed rule amendments are summarized further as follows:

- New CME Rule 8F025. (Active Base OTC Default Management Committee) will establish the Committee and specify its composition of traders in the relevant OTC products who will serve on a rotational basis;
- CME Rule 8F004 (OTC Clearing Member Obligations and Qualifications) amendments will add requirements for OTC Clearing Members to (i) avail traders with proper experience to the Committee and (ii) participate in OTC Derivative default drill exercises;
- CME Rule 8F014 (Mitigation of Losses) amendments will harmonize with the related OTC IRS and OTC CDS rules, including the deletion of allocations of OTC positions;
- CME Rule 8F002 (Definitions) amendments will add the terms ''Base OTC Clearing Member'' and ''OTC Derivative Product Category.''

The proposed rule change that is described in this filing is limited to CME's business as a derivatives clearing organization clearing products under the exclusive jurisdiction of the CFTC. CME has not cleared security based swaps and does not plan to, and therefore the proposed rule change does not impact CME's security-based swap clearing business in any way. The proposed rule change will become effective immediately. CME notes that it has also submitted the proposed rule change that is the subject of this filing to its primary regulator, the CFTC, in CME Submission 14–080.

CME believes the proposed rule change is consistent with the requirements of the Act including Section 17A of the Act.[5] The establishment of the Committee and OTC Clearing Member requirements to provide traders and participate in auction as set forth in the proposed rule change forms part of CME's default procedures for OTC products to permit CME to take timely action to contain losses resulting from OTC positions in the event of a default of a CME OTC Clearing Member. The proposed rule change should therefore be seen to be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Act.[6]

Furthermore, the proposed rule change is limited to CME's futures and swaps clearing businesses, which means it is limited in its effect to products that are under the exclusive jurisdiction of the CFTC. As such, the proposed rule change is limited to CME's activities as a derivatives clearing organization clearing futures that are not security futures and swaps that are not security-based swaps. CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the proposed rule change is limited in its effect to CME's futures and swaps clearing businesses, the proposed rule change is properly classified as effecting a change in an existing service of CME that:

(a) primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps; and forwards that are not security forwards; and

(b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the proposed rule change is therefore consistent with the requirements of Section 17A of the Act[7] and is properly filed under Section 19(b)(3)(A)[8] and Rule 19b–4(f)(4)(ii)[9] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed rule change would make amendments to existing rules to establish a default management committee to further strengthen CME's ability to take timely action to contain losses resulting from OTC positions in the event of a default of a CME OTC Clearing Member. Further, the proposed rule change is limited to CME's futures and swaps clearing businesses and, as such, does not affect the security-based swap clearing activities of CME in any way and therefore does not impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(4)(ii).

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) [10] of the Act and paragraph (f)(4)(ii) of Rule 19b–4 [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–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 21049–1090.

All submissions should refer to File Number SR–CME–2015–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours or 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 CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2015–005 and should be submitted on or before April 22, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07361 Filed 3–31–15; 8:45 am]

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[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(4)(ii).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74589; File No. SR–BATS–2015–23]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

March 26, 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 17, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b-4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members [5] and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its fee schedule in order to: (1) Modify the requirements for meeting Add Volume Tiers 5 and 6; (2) delete Tier 3 of the Cross-Asset Step-Up Tiers; (3) adjust rebates for orders that yield fee code A; (4) add new fee code RN; (5) add a clarifying statement regarding fee codes applicable to certain orders routed to NYSE Arca, Inc. (''NYSE Arca''); and (6) to make a non-substantive change to remove a typographical error.

Modifying Add Volume Tiers 5 and 6

The Exchange proposes to amend its fee schedule to raise the ADAV [6] as a percentage of TCV [7] required to meet Tiers 5 and 6 of the Add Volume Tiers

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] ''ADAV'' means average daily volume calculated as the number of shares added per day on a monthly basis.

[7] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

from 0.75% and 1.00% to 1.00% and 1.25%, respectively. Currently, the Exchange offers a $0.0031 rebate per share added to Members that qualify for Tier 5 of the Add Volume Tiers by having an ADAV as a percentage of TCV equal to or greater than 0.75% or an ADV [8] as a percentage of TCV equal to or greater than 1.40%. The Exchange also offers a $0.0032 rebate per share added to Members that qualify for Tier 6 of the Add Volume Tiers by having an ADAV as a percentage of TCV equal to or greater than 1.00% or an ADV as a percentage of TCV equal to or greater than 1.75%. The Exchange is not proposing to change the rebates or ADV as a percentage of TCV thresholds associated with Tiers 5 and 6.

Cross-Asset Step-Up Tiers

The Exchange is also proposing to eliminate Tier 3 of the Cross-Asset Step-Up Tiers. Currently, the Exchange offers a $0.0032 rebate per share added to Members that qualify for Tier 3 of the Cross-Asset Step-Up Tiers by having a Step-Up Add TCV [9] from December 2014 equal to or greater than 0.15% and an Options Step-Up Add TCV [10] equal to or greater than 0.60%. As stated above, the Exchange is proposing to eliminate Tier 3, but is not proposing to make any changes to existing Tiers 1 and 2. As part of this change, the Exchange is also proposing to remove the third column from the Cross-Asset Step-Up Tiers chart because the deletion of Tier 3 removes any need for a column related to a Member's Step-Up Add TCV from December 2014. The Exchange also proposes to eliminate the column that includes the word ''and'' between the third column and the Options Step-Up Add TCV column.

Fee Code A

In securities priced at or above $1.00, the Exchange currently provides a rebate of $0.0015 per share for Members' orders that yield fee code A, which routes to Nasdaq Stock Market LLC (''Nasdaq'') and adds liquidity. The Exchange proposes to amend its Fee Schedule to decrease this rebate to $0.0004 per share for Members' orders that yield fee code A. The proposed change represents a pass through of the lowest possible rebate that BATS Trading, Inc. (''BATS Trading''), the Exchange's affiliated routing broker-dealer, receives for adding liquidity on Nasdaq. When BATS Trading routes and adds liquidity to Nasdaq, it is rebated a standard rate of $0.0004 per share for orders in select symbols (''Nasdaq's Select Symbol Program''). When BATS Trading routes to Nasdaq in other symbols, it is rebated a standard rate of $0.0015 per share. Further, BATS Trading might qualify for tiered pricing that would increase the amount of the rebate received. However, due to billing system limitations that do not allow for separate rates on a security by security basis and in order to maintain a simple to understand fee schedule, the Exchange will provide a rebate of $0.0004 per share for executions in all Tapes A, B & C securities routed to Nasdaq that yield fee code A.

The Exchange notes that the proposed change is in response to Nasdaq's January 2015 fee change where Nasdaq decreased the rebate it provides its customers, such as BATS Trading, for orders in symbols included in Nasdaq's Select Symbol Program from a rebate of $0.0015 per share to a rebate of $0.0004 per share.[11]

Fee Code RN

The Exchange proposes to adopt new fee code RN, which would be applied to orders routed to Nasdaq using the ROOC routing strategy that add liquidity. Orders that yield fee code RN will receive a rebate of $0.0015 per share. The ROOC Routing strategy routes orders to participate in the opening, re-opening (following a halt, suspension, or pause), or closing process of a primary listing market if received before the opening/re-opening/closing time of such market. In turn, an order that has been sent to participate in an opening or closing process may add liquidity prior to the commencement of such process. Proposed fee code RN represents a pass through of the standard rebate that BATS Trading, the Exchange's affiliated routing broker-dealer, is rebated for added liquidity on Nasdaq in securities not included in Nasdaq's Select Symbol Program (presuming it does not qualify for a volume tiered rebate). When BATS Trading routes to Nasdaq using the ROOC routing strategy and an order adds liquidity, BATS Trading receives a standard rebate of $0.0015 per share for securities that are not included in Nasdaq's Select Symbol Program. As noted above, due to billing system limitations that do not allow for separate rates on a security by security basis and in order to maintain a simple to understand fee schedule, the Exchange will pass through the rebate of $0.0015 per share for executions in all Tapes A, B & C securities routed to Nasdaq that yield fee code RN. The Exchange notes that fee code A above will continue to be applied to all orders routed to Nasdaq not utilizing the ROOC routing strategy that add liquidity.

Orders routed via ROOC that add liquidity at Nasdaq have previously yielded fee code A, and thus, have received a rebate of $0.0015 per share. The Exchange has proposed to add fee code RN to maintain the applicable pricing (*i.e.,* a rebate of $0.0015 per share) for orders that are routed via ROOC and add liquidity at Nasdaq. The Exchange notes that it has proposed to pass on the standard rebate for executions that yield fee code RN even though the Exchange will receive a lower rebate per share, $.0004 per share, for executions of securities that are included in Nasdaq's Select Symbol Program.

NYSE and NYSE MKT Rule 49

The Exchange proposes to add a bullet under the General Notes section of the Fee Schedule to describe the rates that would apply where the New York Stock Exchange, Inc. (''NYSE'') or NYSE MKT LLC (''NYSE MKT'') declare an emergency condition under their Rule 49. Under NYSE and NYSE MKT Rule 49, the NYSE or NYSE MKT may invoke their emergency powers during an emergency condition and designate NYSE Arca as their backup facility to receive and process bids and offers and to execute orders on behalf of the NYSE or NYSE MKT. In such case, the Exchange will route any order that was intended to be routed to the NYSE or NYSE MKT to NYSE Arca and the Exchange's System will identify such trades as being executed on NYSE Arca, not the NYSE or NYSE MKT. Because the executions occurred on NYSE Arca, NYSE Arca will charge BATS Trading their applicable fee or rebate, and BATS Trading will pass through that fee or rebate to the Exchange who would, in turn, pass that rate along to its Members. Therefore, the Exchange proposes to add a bullet to its Fee Schedule stating that fee codes applicable to orders routed to NYSE Arca will be applied to orders routed to the NYSE or NYSE MKT where, pursuant to NYSE and NYSE MKT Rule 49, the NYSE or NYSE MKT have designated NYSE Arca as their backup facility to receive and process

[8] ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day on a monthly basis.

[9] ''Step-Up Add TCV'' means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV.

[10] ''Options Step-Up Add TCV'' means ADAV as a percentage of TCV in January 2014 subtracted from current ADAV as a percentage of TCV, using the definitions of ADAV and TCV as provided under the Exchange's fee schedule for BATS Options.

[11] *See* Securities Exchange Act Release No. 73967 (December 30, 2014), 80 FR 594 (January 6, 2015) (SR–Nasdaq–2014–128).

bids and offers and to execute orders on behalf of the NYSE or NYSE MKT.

Non-Substantive Change

The Exchange is proposing to make a non-substantive change to revise references to ''the BZX Top'' and ''the BZX Last Sale'' that are currently present in the Market Data Fees section of the fee schedule. The Exchange is proposing to delete the word ''the'' from those references.

Implementation Date

The Exchange proposes to implement the amendments to its fee schedule effective immediately.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[12] Specifically, the Exchange believes that the proposed rule change is consistent with Sections 6(b)(4) of the Act and 6(b)(5) of the Act,[13] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive.

Modifying Add Volume Tiers 5 and 6

The Exchange believes that its proposal to increase the threshold of ADAV as a percentage of TCV that a Member must achieve in order to qualify for Tiers 5 and 6 of the Add Volume Tiers is reasonable, fair, and equitable because it will provide an incentive to Members to increase the amount of liquidity that they add on the Exchange. While the proposed changes would make it more difficult to meet or exceed the threshold to qualify for Tiers 5 and 6, the Exchange believes that the increased liquidity from incentivizing Members to increase their participation on the Exchange will benefit all investors by deepening the liquidity pool on the Exchange, supporting the quality of price discovery, promoting market transparency, and improving investor protection would offset the negative effects that such an increase would have. The Exchange believes that tiered pricing programs such as that proposed herein reward a Member's increased participation on the Exchange and that such increased volume increases the potential revenue to the Exchange, which will allow the Exchange to continue to provide and potentially expand the incentive programs operated by the Exchange. Such pricing programs are also fair and equitable and non-discriminatory in that they are available to all Members. Further, volume-based rebates and fees such as the ones maintained by the Exchange, including those amendments proposed herein, have been widely adopted by equities and options exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value of an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes.

Cross-Asset Step-Up Tiers

The Exchange believes that its proposal to eliminate Tier 3 from the Cross-Asset Step-Up Tiers is reasonable, fair, and equitable for several of the reasons stated above. Specifically, the requirements to qualify for Tier 3 and the increased rebate associated therewith have not operated in the way that it was designed or the way the Exchange believed in that it has not resulted in an increase in liquidity or any of the ancillary benefits to the market that come from increased liquidity on the Exchange. As such, the Exchange believes that removing the tier from its fee schedule is reasonable, fair, and equitable. The Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

Fee Code A

The Exchange believes that its proposal to decrease the pass through rebate for Members' orders that yield fee code A from $0.0015 to $0.0004 per share represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to the changes related to the Nasdaq Select Symbol Program, Nasdaq provided BATS Trading a rebate of $0.0015 per share for orders that added liquidity, which BATS Trading passed through to the Exchange and the Exchange passed through to its Members pursuant to fee code A. In January 2015, Nasdaq decreased the standard rebate it provides its customers, such as BATS Trading, from a rebate of $0.0015 per share to a rebate of $0.0004 per share for orders that add liquidity on Nasdaq in symbols included in its Select Symbol Program.[14] Therefore, the Exchange believes that the proposed change in fee code A from a rebate of $0.0015 per share to a rebate of $0.0004 per share is equitable and reasonable because it accounts for the pricing changes on Nasdaq and is necessary due to billing system limitations and to maintain a simple to understand fee schedule. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

Fee Code RN

The Exchange believes its proposal to adopt new fee code RN, which would be applied to orders routed to Nasdaq using the ROOC routing strategy that add liquidity, represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities because the Exchange does not levy additional fees or offer additional rebates for orders that it routes to Nasdaq through BATS Trading using the ROOC routing strategy. Proposed fee code RN represents a pass through of the standard rebate that BATS Trading, the Exchange's affiliated routing broker-dealer, receives for adding liquidity to Nasdaq in securities not included in Nasdaq's Select Symbol Program (presuming BATS Trading does not qualify for a volume tiered rebate). The Exchange believes the proposal to provide proposed fee code RN a rebate of $0.0015 per share is equitable and reasonable because it accounts for pricing on Nasdaq in securities not subject to the Select Symbol Program and it allows the Exchange to continue to provide its Members a pass-through rebate of $0.0015 per share for orders that are routed to Nasdaq using the ROOC routing strategy. The Exchange notes that it has proposed to pass on the standard rebate of $0.0015 for executions that yield fee code RN even though the Exchange will receive a lower rebate per share, $0.0004 per share, for executions of securities that are included in Nasdaq's Select Symbol Program. The Exchange believes that the proposed fee structure is equitable and reasonable because it does not represent a change from the current pricing applicable to orders sent through such strategy that add liquidity at Nasdaq and

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See supra* note 11.

because orders that use the ROOC routing strategy could only add liquidity at Nasdaq immediately prior to the opening or closing processes rather than throughout the day. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

NYSE and NYSE MKT Rule 49

The Exchange believes that adding a bullet under the General Notes section of the Fee Schedule to describe the rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49 is reasonable because it is designed to provide greater transparency to Members by describing which rates would apply in such circumstances. In the case when NYSE or NYSE MKT invoke their Rule 49, the Exchange will route any order that was intended for the NYSE or NYSE MKT to NYSE Arca and the Exchange's System will identify such trades as being executed on NYSE Arca, not the NYSE or NYSE MKT. Because the executions occurred on NYSE Arca, NYSE Arca will charge their applicable fee or rebate. The proposed bullet is intended to make clear within the Fee Schedule which rate would apply where the NYSE or NYSE MKT invoke their emergency powers under their Rule 49, thereby eliminating potential investor confusion, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

Non-Substantive Changes

Finally, the Exchange believes that the non-substantive changes discussed above would contribute to the protection of investors and the public interest by helping to avoid confusion with respect the Exchange fee schedule.

B. Self-Regulatory Organization's Statement on Burden on Competition

As further described below, the Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

Modifying Add Volume Tiers 5 and 6

The Exchange believes that the proposed changes to the Add Volume Tiers will allow the Exchange to compete more ably with other execution venues by drawing additional volume to the Exchange, thereby making it a more desirable destination venue for its customers. Further, the Exchange does not believe that these proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

Cross-Asset Step-Up Tiers

The Exchange believes that its proposal to eliminate Tier 3 from the Cross-Asset Step-Up Tiers will have no effect on competition because, as explained above, the tier has not had a significant impact on trading activity on the Exchange.

Fee Code A

The Exchange also believes that its proposal to amend the pricing for orders routed to Nasdaq would enhance the Exchange's ability to compete because the change is designed to insure that it is not providing a greater rebate than is being provided to BATS Trading by Nasdaq for an execution. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

Fee Code RN

The Exchange believes that its proposal to add fee code RN for orders that route to Nasdaq using the ROOC routing strategy and pass through a rebate of $0.0015 per share to Members would increase intermarket competition because it offers customers an alternative means to route orders to Nasdaq to participate in their opening, re-opening or closing process for a similar rate as entering orders in certain symbols on Nasdaq directly. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

NYSE and NYSE MKT Rule 49

The Exchange believes that adding a bullet under the General Notes section of the Fee Schedule to describe which rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49 would not affect intermarket nor intramarket competition because none of these changes are designed to amend any rebate or alter the manner in which the Exchange calculates rebates. This change is not designed to have a competitive impact. Rather, it is intended to make clear to Members and investors within the Fee Schedule which rate would apply where the NYSE or NYSE MKT invoke their emergency powers under their Rule 49, thereby eliminating potential investor confusion.

Non-Substantive Changes

The Exchange believes that the non-substantive changes to the fee schedule would not affect intermarket nor intramarket competition because none of the proposed changes are designed to amend any fee or rebate or to alter the manner in which the Exchange asses fees or rebates. The changes are intended to make the fee schedule as clear and concise as possible.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 thereunder.[16] 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

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2015–23 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–BATS–2015–23. 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–BATS–2015–23, and should be submitted on or before April 22, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07363 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74594; File No. SR–BYX–2015–18]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Y-Exchange, Inc.

March 26, 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 17, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change 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 filed a proposal to amend the fee schedule applicable to Members [5] and non-members of the Exchange pursuant to BYX Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule in order to: (i) Adjust rebates for orders that yield fee code A; (ii) add new fee code RN; and (iii) add a clarifying statement regarding fee codes applicable to certain orders routed to NYSE Arca, Inc. (''NYSE Arca'').

Fee Code A

In securities priced at or above $1.00, the Exchange currently provides a rebate of $0.0015 per share for Members' orders that yield fee code A, which routes to Nasdaq Stock Market LLC (''Nasdaq'') and adds liquidity. The Exchange proposes to amend its Fee Schedule to decrease this rebate to $0.0004 per share for Members' orders that yield fee code A. The proposed change represents a pass through of the lowest possible rebate that BATS Trading, Inc. (''BATS Trading''), the Exchange's affiliated routing broker-dealer, receives for adding liquidity on Nasdaq. When BATS Trading routes and adds liquidity to Nasdaq, it is rebated a standard rate of $0.0004 per share for orders in select symbols (''Nasdaq's Select Symbol Program''). When BATS Trading routes to Nasdaq in other symbols, it is rebated a standard rate of $0.0015 per share. Further, BATS Trading might qualify for tiered pricing that would increase the amount of the rebate received. However, due to billing system limitations that do not allow for separate rates on a security by security basis and in order to maintain a simple to understand fee schedule, the Exchange will provide a rebate of $0.0004 per share for executions in all

[17] 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)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

Tapes A, B & C securities routed to Nasdaq that yield fee code A.

The Exchange notes that the proposed change is in response to Nasdaq's January 2015 fee change where Nasdaq decreased the rebate it provides its customers, such as BATS Trading, for orders in symbols included in Nasdaq's Select Symbol Program from a rebate of $0.0015 per share to a rebate of $0.0004 per share.[6]

Fee Code RN

The Exchange proposes to adopt new fee code RN, which would be applied to orders routed to Nasdaq using the ROOC routing strategy that add liquidity. Orders that yield fee code RN will receive a rebate of $0.0015 per share. The ROOC Routing strategy routes orders to participate in the opening, re-opening (following a halt, suspension, or pause), or closing process of a primary listing market if received before the opening/re-opening/closing time of such market. In turn, an order that has been sent to participate in an opening or closing process may add liquidity prior to the commencement of such process. Proposed fee code RN represents a pass through of the standard rebate that BATS Trading, the Exchange's affiliated routing broker-dealer, is rebated for added liquidity on Nasdaq in securities not included in Nasdaq's Select Symbol Program (presuming it does not qualify for a volume tiered rebate). When BATS Trading routes to Nasdaq using the ROOC routing strategy and an order adds liquidity, BATS Trading receives a standard rebate of $0.0015 per share for securities that are not included in Nasdaq's Select Symbol Program. As noted above, due to billing system limitations that do not allow for separate rates on a security by security basis and in order to maintain a simple to understand fee schedule, the Exchange will pass through the rebate of $0.0015 per share for executions in all Tapes A, B & C securities routed to Nasdaq that yield fee code RN. The Exchange notes that fee code A above will continue to be applied to all orders routed to Nasdaq not utilizing the ROOC routing strategy that add liquidity.

Orders routed via ROOC that add liquidity at Nasdaq have previously yielded fee code A, and thus, have received a rebate of $0.0015 per share. The Exchange has proposed to add fee code RN to maintain the applicable pricing (*i.e.,* a rebate of $0.0015 per share) for orders that are routed via ROOC and add liquidity at Nasdaq. The Exchange notes that it has proposed to pass on the standard rebate for executions that yield fee code RN even though the Exchange will receive a lower rebate per share, $.0004 per share, for executions of securities that are included in Nasdaq's Select Symbol Program.

NYSE and NYSE MKT Rule 49

The Exchange proposes to add a bullet under the General Notes section of the Fee Schedule to describe the rates that would apply where the New York Stock Exchange, Inc. (''NYSE'') or NYSE MKT LLC (''NYSE MKT'') declare an emergency condition under their Rule 49. Under NYSE and NYSE MKT Rule 49, the NYSE or NYSE MKT may invoke their emergency powers during an emergency condition and designate NYSE Arca as their backup facility to receive and process bids and offers and to execute orders on behalf of the NYSE or NYSE MKT. In such case, the Exchange will route any order that was intended to be routed to the NYSE or NYSE MKT to NYSE Arca and the Exchange's System will identify such trades as being executed on NYSE Arca, not the NYSE or NYSE MKT. Because the executions occurred on NYSE Arca, NYSE Arca will charge BATS Trading their applicable fee or rebate, and BATS Trading will pass through that fee or rebate to the Exchange who would, in turn, pass that rate along to its Members. Therefore, the Exchange proposes to add a bullet to its Fee Schedule stating that fee codes applicable to orders routed to NYSE Arca will be applied to orders routed to the NYSE or NYSE MKT where, pursuant to NYSE and NYSE MKT Rule 49, the NYSE or NYSE MKT have designated NYSE Arca as their backup facility to receive and process bids and offers and to execute orders on behalf of the NYSE or NYSE MKT.

Implementation Date

The Exchange proposes to implement the amendments to its fee schedule effective immediately.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[7] Specifically, the Exchange believes that the proposed rule change is consistent with Sections 6(b)(4) of the Act and 6(b)(5) of the Act,[8] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

Fee Code A

The Exchange believes that its proposal to decrease the pass through rebate for Members' orders that yield fee code A from $0.0015 to $0.0004 per share represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to the changes related to the Nasdaq Select Symbol Program, Nasdaq provided BATS Trading a rebate of $0.0015 per share for orders that added liquidity, which BATS Trading passed through to the Exchange and the Exchange passed through to its Members pursuant to fee code A. In January 2015, Nasdaq decreased the standard rebate it provides its customers, such as BATS Trading, from a rebate of $0.0015 per share to a rebate of $0.0004 per share for orders that add liquidity on Nasdaq in symbols included in its Select Symbol Program.[9] Therefore, the Exchange believes that the proposed change in fee code A from a rebate of $0.0015 per share to a rebate of $0.0004 per share is equitable and reasonable because it accounts for the pricing changes on Nasdaq and is necessary due to billing system limitations and to maintain a simple to understand fee schedule. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

Fee Code RN

The Exchange believes its proposal to adopt new fee code RN, which would be applied to orders routed to Nasdaq using the ROOC routing strategy that add liquidity, represents an equitable allocation of reasonable dues, fees, and other charges among Members and other

[6] *See* Securities Exchange Act Release No. 73967 (December 30, 2014), 80 FR 594 (January 6, 2015) (SR–Nasdaq–2014–128).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] *See supra* note 6.

persons using its facilities because the Exchange does not levy additional fees or offer additional rebates for orders that it routes to Nasdaq through BATS Trading using the ROOC routing strategy. Proposed fee code RN represents a pass through of the standard rebate that BATS Trading, the Exchange's affiliated routing broker-dealer, receives for adding liquidity to Nasdaq in securities not included in Nasdaq's Select Symbol Program (presuming BATS Trading does not qualify for a volume tiered rebate). The Exchange believes the proposal to provide proposed fee code RN a rebate of $0.0015 per share is equitable and reasonable because it accounts for pricing on Nasdaq in securities not subject to the Select Symbol Program and it allows the Exchange to continue to provide its Members a pass-through rebate of $0.0015 per share for orders that are routed to Nasdaq using the ROOC routing strategy. The Exchange notes that it has proposed to pass on the standard rebate of $0.0015 for executions that yield fee code RN even though the Exchange will receive a lower rebate per share, $0.0004 per share, for executions of securities that are included in Nasdaq's Select Symbol Program. The Exchange believes that the proposed fee structure is equitable and reasonable because it does not represent a change from the current pricing applicable to orders sent through such strategy that add liquidity at Nasdaq and because orders that use the ROOC routing strategy could only add liquidity at Nasdaq immediately prior to the opening or closing processes rather than throughout the day. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

NYSE and NYSE MKT Rule 49

The Exchange believes that adding a bullet under the General Notes section of the Fee Schedule to describe the rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49 is reasonable because it is designed to provide greater transparency to Members by describing which rates would apply in such circumstances. In the case when NYSE or NYSE MKT invoke their Rule 49, the Exchange will route any order that was intended for the NYSE or NYSE MKT to NYSE Arca and the Exchange's System will identify such trades as being executed on NYSE Arca, not the NYSE or NYSE MKT. Because the executions occurred on NYSE Arca, NYSE Arca will charge their applicable fee or rebate. The proposed bullet is intended to make clear within the Fee Schedule which rate would apply where the NYSE or NYSE MKT invoke their emergency powers under their Rule 49, thereby eliminating potential investor confusion, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

As further described below, the Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

Fee Code A

The Exchange also believes that its proposal to amend the pricing for orders routed to Nasdaq would enhance the Exchange's ability to compete because the change is designed to insure that it is not providing a greater rebate than is being provided to BATS Trading by Nasdaq for an execution. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

Fee Code RN

The Exchange believes that its proposal to add fee code RN for orders that route to Nasdaq using the ROOC routing strategy and pass through a rebate of $0.0015 per share to Members would increase intermarket competition because it offers customers an alternative means to route orders to Nasdaq to participate in their opening, re-opening or closing process for a similar rate as entering orders in certain symbols on Nasdaq directly. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

NYSE and NYSE MKT Rule 49

The Exchange believes that adding a bullet under the General Notes section of the Fee Schedule to describe which rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49 would not affect intermarket nor intramarket competition because none of these changes are designed to amend any rebate or alter the manner in which the Exchange calculates rebates. This change is not designed to have a competitive impact. Rather, it is intended to make clear to Members and investors within the Fee Schedule which rate would apply where the NYSE or NYSE MKT invoke their emergency powers under their Rule 49, thereby eliminating potential investor confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and paragraph (f) of Rule 19b–4 thereunder.[11] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2015–18 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–BYX–2015–18. 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 a.m. and 3 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–BYX–2015–18, and should be submitted on or before April 22, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07368 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74591; File No. SR–CME–2015–010]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rules Change To Amend Listing Rules for New CDX Indexes Available for Clearing

March 26, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 23, 2015, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III, below, which Items have been prepared primarily by CME. CME filed the proposal pursuant to Section 19(b)(3)(A)(ii)[3] of the Act, and Rule 19b–4(f)(2)[4] thereunder, so that the proposal was 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

CME is filing a proposed rule change that is limited to its business as a derivatives clearing organization. More specifically, the proposed rule change would make amendments to its rules regarding the listing of new CDS indexes available for clearing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose 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. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission (''CFTC'') and currently offers clearing services for many different futures and swaps products. With this filing, CME proposes to make rulebook changes that are limited to its business clearing futures and swaps under the exclusive jurisdiction of the CFTC. More specifically, the proposed changes would make amendments to its rules regarding the listing of new CDS indexes available for clearing.

CME offers clearing for CDX North American Investment Grade (Series 8–24) and CDX North American High Yield (14–24) Index Contracts. Further, CME plans to clear all future on-the-run series of the respective indices on a going forward basis. The proposed amendments would permit CME to maintain a list on its Web site of each index that a cleared CDX Index Untranched CDS Contract may reference, in lieu of maintaining such list in Appendix 1 to Rule 802, as it currently does. CME currently maintains on its Web site a similar list for iTraxx Europe Index Untranched CDS Contracts; the amendments proposed hereby would simply conform CME's practice for maintaining the list of indices for CDX Index Untranched CDS Contracts to CME's existing practice for maintaining the list of indices for iTraxx Europe Index Untranched CDS Contracts. The proposed amendments would affect CME Rules 80202.A.B. and 80202.B. and Appendix 1 of Rule 802.

The proposed rule change that is described in this filing is limited to its business as a derivatives clearing organization clearing products under the exclusive jurisdiction of the Commodity Futures Trading Commission (''CFTC''). CME has not cleared security based swaps and does not plan to and therefore the proposed rule change does not impact CME's security-based swap clearing business in any way. The proposed rule change would become effective immediately. CME notes that it has also submitted the proposed rule change that is the subject of this filing to its primary regulator, the CFTC, in CME Submission 14–095.

CME believes the proposed rule change is consistent with the requirements of the Exchange Act including Section 17A of the Exchange

Act.[5] The revisions to Rules 80202.A.B. and 80202.B.B. and to Appendix 1 to Rule 802 will conform CME's practice for listing indices for cleared CDX Index Untranched CDS Contracts to its existing practice for listing indices for cleared iTraxx Europe Index Untranched CDS Contracts. These amendments would provide market participants with a consistent format for identifying product eligibility requirements and should therefore be seen to be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[6]

Furthermore, the proposed rule change is limited to CME's futures and swaps clearing businesses, which mean they are limited in their effect to products that are under the exclusive jurisdiction of the CFTC. As such, the changes are limited to CME's activities as a DCO clearing futures that are not security futures and swaps that are not security-based swaps. CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Exchange Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the proposed rule change is limited in their effect to CME's futures and swaps clearing businesses, the proposed rule change is properly classified as effecting a change in an existing service of CME that:

(a) Primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps; and forwards that are not security forwards; and

(b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the changes are therefore consistent with the requirements of Section 17A of the Exchange Act[7] and are properly filed under Section 19(b)(3)(A)[8] and Rule 19b–4(f)(4)(ii)[9] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed amendments would simply provide market participants with a consistent format for identifying product eligibility requirements. Further, the changes are limited to CME's futures and swaps clearing businesses and, as such, do not affect the security-based swap clearing activities of CME in any way and therefore do not impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)[10] of the Act and Rule 19b–4(f)(4)(ii)[11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–2015–010 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–CME–2015–010. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2015–010 and should be submitted on or before April 22, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07365 Filed 3–31–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–237, OMB Control No. 3235–0226]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(4)(ii).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(4)(ii).

[12] 17 CFR 200.30–3(a)(12).

Commission, Office of FOIA Services, 100 F Street, NE., Washington, DC 20549–2736.

Extension: Rule 10f–3

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information discussed below. The Commission plans to submit these existing collections of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 10(f) of the Investment Company Act of 1940 (15 U.S.C. 80a) (the ''Act'') prohibits a registered investment company (''fund'') from purchasing any security during an underwriting or selling syndicate if the fund has certain relationships with a principal underwriter for the security.[1] Congress enacted this provision in 1940 to protect funds and their shareholders by preventing underwriters from ''dumping'' unmarketable securities on affiliated funds.

Rule 10f-3 permits a fund to engage in a securities transaction that otherwise would violate section 10(f) if, among other things: (i) Each transaction effected under the rule is reported on Form N–SAR; (ii) the fund's directors have approved procedures for purchases made in reliance on the rule, regularly review fund purchases to determine whether they comply with these procedures, and approve necessary changes to the procedures; and (iii) a written record of each transaction effected under the rule is maintained for six years, the first two of which in an easily accessible place.[2] The written record must state: (i) From whom the securities were acquired; (ii) the identity of the underwriting syndicate's members; (iii) the terms of the transactions; and (iv) the information or materials on which the fund's board of directors has determined that the purchases were made in compliance with procedures established by the board.

Rule 10f–3 also conditionally allows managed portions of fund portfolios to purchase securities offered in otherwise off-limits primary offerings. To qualify for this exemption, rule 10f–3 requires that the subadviser that is advising the purchaser be contractually prohibited from providing investment advice to any other portion of the fund's portfolio and consulting with any other of the fund's advisers that is a principal underwriter or affiliated person of a principal underwriter concerning the fund's securities transactions.

These requirements provide a mechanism for fund boards to oversee compliance with the rule. The required recordkeeping facilitates the Commission staff's review of rule 10f–3 transactions during routine fund inspections and, when necessary, in connection with enforcement actions.

The staff estimates that approximately 270 funds engage in a total of approximately 3,350 rule 10f–3 transactions each year.[3] Rule 10f–3 requires that the purchasing fund create a written record of each transaction that includes, among other things, from whom the securities were purchased and the terms of the transaction. The staff estimates[4] that it takes an average fund approximately 30 minutes per transaction and approximately 1,675 hours[5] in the aggregate to comply with this portion of the rule.

The funds also must maintain and preserve these transactional records in accordance with the rule's recordkeeping requirement, and the staff estimates that it takes a fund approximately 20 minutes per transaction and that annually, in the aggregate, funds spend approximately 1,117 hours[6] to comply with this portion of the rule.

In addition, fund boards must, no less than quarterly, examine each of these transactions to ensure that they comply with the fund's policies and procedures. The information or materials upon which the board relied to come to this determination also must be maintained and the staff estimates that it takes a fund 1 hour per quarter and, in the aggregate, approximately 1,080 hours[7] annually to comply with this rule requirement.

The staff estimates that reviewing and revising as needed written procedures for rule 10f–3 transactions takes, on average for each fund, two hours of a compliance attorney's time per year.[8] Thus, annually, in the aggregate, the staff estimates that funds spend a total of approximately 540 hours[9] on monitoring and revising rule 10f–3 procedures.

Based on an analysis of fund filings, the staff estimates that approximately 251 fund portfolios enter into subadvisory agreements each year.[10] Based on discussions with industry representatives, the staff estimates that it will require approximately 3 attorney hours to draft and execute additional clauses in new subadvisory contracts in order for funds and subadvisers to be able to rely on the exemptions in rule 10f–3. Because these additional clauses are identical to the clauses that a fund would need to insert in their subadvisory contracts to rely on rules 12d3–1, 17a–10, and 17e–1, and because we believe that funds that use one such rule generally use all of these rules, we apportion this 3 hour time burden equally to all four rules. Therefore, we estimate that the burden allocated to rule 10f–3 for this contract change would be 0.75 hours.[11] Assuming that all 251 funds that enter into new subadvisory contracts each year make the modification to their contract required by the rule, we estimate that the rule's contract modification requirement will result in 188 burden hours annually.[12]

The staff estimates, therefore, that rule 10f–3 imposes an information collection burden of 4,060 hours.[13] This estimate does not include the time spent filing transaction reports on Form N–SAR, which is encompassed in the information collection burden estimate for that form.

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of

[1] 15 U.S.C. 80a–10(f).

[2] 17 CFR 270.10f–3.

[3] These estimates are based on staff extrapolations from filings with the Commission.

[4] Unless stated otherwise, the information collection burden estimates are based on conversations between the staff and representatives of funds.

[5] This estimate is based on the following calculation: (0.5 hours x 3,350 = 1,675 hours).

[6] This estimate is based on the following calculations: (20 minutes x 3,350 transactions = 67,000 minutes; 67,000 minutes/60 = 1,117 hours).

[7] This estimate is based on the following calculation: (1 hour per quarter x 4 quarters x 270 funds = 1,080 hours).

[8] These averages take into account the fact that in most years, fund attorneys and boards spend little or no time modifying procedures and in other years, they spend significant time doing so.

[9] This estimate is based on the following calculation: (270 funds x 2 hours = 540 hours).

[10] Based on information in Commission filings, we estimate that 38 percent of funds are advised by subadvisers.

[11] This estimate is based on the following calculation (3 hours ÷ 4 rules = .75 hours).

[12] These estimates are based on the following calculations: (0.75 hours × 251 portfolios = 188 burden hours).

[13] This estimate is based on the following calculation: (1,675 hours + 1,117 hours + 1,080 hours + 188 hours = 4,060 total burden hours).

information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: March 27, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–07462 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

New Information Collection:

Supplier Diversity Business Management System; SEC File No. 270–663, OMB Control No. 3235–XXXX.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request to approve the collection of information discussed below.

The Commission is required under Section 342 of the Dodd Frank Wall Street and Reform Act to develop standards and procedures for ensuring the fair inclusion of minority-owned and women-owned businesses in all of the Commission's business activities. The Commission is also required to develop standards for coordinating technical assistance minority-owned and women-owned businesses. As part of its implementation of Section 342 of the Dodd-Frank Act, the Commission is developing a new electronic Supplier Diversity Business Management System (the System) to collect up-to-date business information and capabilities statements from diverse suppliers interested in doing business with the Commission. The information collected in the System will allow the Commission to update and more effectively manage its current internal repository of diverse suppliers. Further, the information in the System will also allow the Commission to measure the effectiveness of its technical assistance and outreach efforts, and target areas where additional program efforts are necessary.

Information will be collected in the System via web-based, e-filed, dynamic form-based technology. The company point of contact will complete a profile consisting of basic contact data and information on the capabilities of the business. The profile will include a series of questions, some of which are based on the data that the individual enters. Drop-down lists will be included where appropriate to increase ease of use.

The information collection is voluntary. The System is scheduled to be released in May 2015. There are no costs associated with this collection. The public interface to the System will be available via a web-link provided by the agency.

Estimated number of annual responses = 500

Estimated annual reporting burden = 250 hours (30 minutes per submission)

On January 27, 2015, the Commission published a 60-day notice in the **Federal Register** (80 FR 4320) requesting public comment on the proposed collection of information. The Commission received no comments.

Written comments continue to be invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Background documentation for this information collection may be viewed at the following Web site, *www.reginfo.gov*. Please direct general comments to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an email to Shagufta Ahmed at *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 30 days of this notice.

Dated: March 27, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–07464 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74590; File No. SR–CBOE–2015–029]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Stock-Option Order Handling

March 26, 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 16, 2014, 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 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 rules regarding the handling and processing of stock-option orders on the Exchange. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules regarding the handling and processing of stock-option orders represented in open outcry on the floor of the Exchange. Specifically, the Exchange proposes to adopt subparagraph (d) to Rule 6.48 (Contract Made on Acceptance of Bid or Offer) to extend electronic stock component routing functionality currently only available in the electronic trading environment to Public Automated Routing (''PAR'') workstation [3] users and thus, allow Trading Permit Holders (''TPHs'') or PAR Officials [4] to electronically route the stock component of a stock-option order represented in open outcry on the floor of the Exchange to an Exchange-designated broker-dealer not affiliated with the Exchange for electronic execution at a stock trading venue directly from PAR. In addition, the Exchange proposes to amend Interpretation and Policy .06 to Rule 6.53C to require that the Clearing Trading Permit Holder (''CTPHs'') (instead of the executing TPH), on a stock-option order, enter into a brokerage agreement with one or more non-affiliated Exchange-designated broker-dealers before electronically routing the stock component a of stock-option order to an Exchange-designated broker-dealer for execution at a stock-trading venue.[5] The Exchange also proposes to add cross-references to the proposed amended stock-option order handling and processing rules in the Interpretations and Policies to Rules 6.45A (Priority and Allocation of Equity Option Trades on the CBOE Hybrid System) and 6.45B (Priority and Allocation of Trades in Index Options and Options on ETFs on the CBOE Hybrid System). The Exchange believes that the proposed enhanced functionalities with respect to the handling and processing of stock-option orders on PAR will promote more efficient trading and benefit market participants by eliminating intermediary manual steps currently required for open outcry stock-option order execution.

Current Procedures

Under Rule 1.1, a stock-option order is defined as ''an order to buy or sell a stated number of units of an underlying or a related security coupled with either (a) the purchase or sale of option contract(s) on the opposite side of the market representing either the same number of units of the underlying or related security or the number of units of the underlying security necessary to create a delta neutral position or (b) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and each representing the same number of units of stock as, and on the opposite side of the market from, the underlying or related security portion of the order.'' [6] Stock-option orders are a popular with investors (*e.g.,* buy-writes) and are frequently handled and processed on the Exchange. Currently, eligible stock-option orders [7] may be handled and processed on the Exchange either manually in open outcry or electronically through the Hybrid Trading System.[8] This proposal seeks to enhance PAR functionality to allow a third option for handling and processing of a stock-option order on the Exchange by allowing the stock component of a stock-option order executed in open outcry to be handled electronically directly from PAR by a PAR user (*i.e.* a floor broker or PAR Official) on the floor of the Exchange.

Manual Processing

Stock-option orders may be handled and processed on the Exchange in open outcry, with the stock portion of the order manually transmitted (*e.g.,* via telephone) by the PAR user (*i.e.* a floor broker or PAR Official) on the floor to a broker on a stock trading venue for execution.[9] Trading of a stock-option order in open outcry involves the stock-option order being represented in open outcry as a strategy order at a single net price with the option component being traded by a broker or PAR Official on the floor of the Exchange and the stock portion being manually transmitted to a broker at a stock trading venue for execution.[10] Manual transmission of the stock component of a stock-option order is accomplished by placing a stock order with a broker as two paired orders with a designated limit price to be matched by the broker either on a lit stock exchange, Alternative Trading System (''ATS''), or over-the-counter. As agent, the broker is responsible for determining whether the order may be executed in accordance with all of the rules applicable to the execution of equity orders, including compliance with the applicable short sale, trade-through, and reporting rules. In the event that the stock leg of a stock-option order cannot be executed by the broker, the stock-option order will remain on

[3] The PAR workstation (''PAR'') is an Exchange-provided order management tool for use on the Exchange's trading floor by TPHs and PAR Officials. *See* Rule 6.12A; *see also* Rule 7.12 for a description of the responsibilities and obligations of PAR Officials. The Exchange's order handling system allows for orders to be routed to and from PAR in accordance with TPH and Exchange order routing parameters and the Rules of the Exchange. *See* Rule 6.12A.

[4] A PAR Official is an Exchange employee or independent contractor whom the Exchange may designate as being responsible for (i) operating the PAR workstation in a DPM trading crowd with respect to the classes of options assigned to him/her; (ii) when applicable, maintaining the book with respect to the classes of options assigned to him/her; and (iii) effecting proper executions of orders placed with him/her. *See* Rule 7.12.

[5] To enter transactions on the Exchange, a TPH must either be a CTPH or must have a CTPH agree to accept financial responsibility for all of its transactions. *See* Rule 6.21. Every CTPH will be responsible for the clearance of Exchange transactions of a TPH that ''gives up'' the CTPH pursuant to a Letter of Authorization, Letter of Guarantee, or other authorization given by the CTPH to the executing TPH. *See id.*

[6] Rule 1.1(ii); *accord* Rule 6.53C(a)(2).

[7] Eligible stock-option orders must comply with the Qualified Contingent Trade Exemption under Rule 611(a) of Regulation NMS. *See infra* at pages 8–9. TPHs submitting such orders represent that the orders comply with the QCT Exemption. *See* Interpretation and Policy .06 to Rule 6.53C. Certain other eligibility requirements may also apply to stock-option orders, which may be determined by Exchange routing parameters or in accordance with the order's terms. For example, stock-option orders must couple the stated number of units of an underlying stock or a security convertible into the underlying stock (''convertible security'') with the purchase or sale of options contract(s) on the opposite side of the market representing either (i) the same number of units of the underlying stock or convertible security, or (ii) the number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying stock or convertible security in the option leg to the total number of units of the underlying stock or convertible security in the stock leg (or such lower ratio as may be determined by the Exchange on a class-by-class basis). Only those stock-option orders with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis, are eligible for processing. *See* Rule 6.53C(a)(2). For electronic orders, the representing TPH must include a tied to stock indicator on each stock-option order upon systemization. *See* Rule 6.53(y); *see also* Regulatory Circular RG12–088 (Automation of Stock-Option Strategy Orders).

[8] The ''Hybrid Trading System'' refers to (i) the Exchange's trading platform that allows Market-Makers to submit electronic quotes in their appointed classes and (ii) any connectivity to the foregoing trading platform that is administered by or on behalf of the Exchange, such as a communications hub. References to ''Hybrid,'' ''Hybrid System,'' or ''Hybrid Trading System'' in the Exchange's Rules include all platforms unless otherwise provided by rule.

[9] TPHs are required to comply with the Qualified Contingent Trade (''QCT'') Exemption of Rule 611(a) of Regulation NMS with respect to the execution of stock-option orders. *See* Interpretation and Policy .06 to Rule 6.53C.

[10] *See* Securities and Exchange Release No. 34–66394 (February 14, 2012), 77 FR 10026 (February 21, 2012) (Notice of Filing of a Proposed Rule Change Related to Stock-Option Processing) (SR–CBOE–2012–005); *see also* Rules 6.45A(b) and 6.45B(b).

PAR or, at the order entry firm's discretion, to the order entry firm's booth.[11] Stock-option orders have historically been handled and processed in open outcry on the Exchange. The Exchange continues to allow TPHs to manually execute stock-option orders in this manner.[12]

Electronic Processing

Stock-option orders may also be handled electronically on the Exchange, with the stock portion of the order being electronically transmitted by the Exchange to a non-affiliated third party Exchange-designated broker-dealer for execution at an away stock trading venue.[13] Generally, the stock component of a stock-option order is transmitted to an Exchange-designated broker-dealer[14] as two paired orders with a designated limit price after the Exchange's trading system has determined that a stock-option order is executable at the designated net price. Once transmitted to the Exchange-designated broker-dealer, the Exchange-designated broker dealer acts as agent for the stock leg of the stock-option order and is responsible for the proper execution, trade reporting, and submission to clearing of the stock trade. Specifically, the Exchange-designated broker-dealer will be responsible for determining whether the orders may be executed in accordance with all of the rules applicable to the execution of equity orders, including compliance with the applicable short sale, trade-through, and reporting rules. In the event that the stock component of a stock-option order cannot be executed by the Exchange-designated broker-dealer, the stock-option order execution will be nullified and parties to the trade will be notified by the Exchange.[15]

Currently, TPHs that wish to participate in electronic stock-option order processing must enter into a customer agreement with one or more designated broker-dealer that is not affiliated with the Exchange.[16] In addition, to be eligible for electronic processing, TPHs must validate that they have executed a brokerage agreement with an Exchange-designated broker-dealer in order to obtain activation of stock-option order entry functionality on the Floor Broker Workstation (''FBW'').[17] TPHs may only submit complex orders with a stock component for electronic processing if such orders comply with the Qualified Contingent Trade (''QCT'') Exemption of Rule 611(a) of Regulation NMS.[18] A QCT is a transaction consisting of two or more component orders, executed as agent or principal, that satisfies the six elements enumerated in the Commission's Order exempting QCTs from the requirements of 611(a), which requires trading centers to establish, maintain, and enforce written policies and procedures that are reasonably designed to prevent trade-throughs. TPHs submitting stock-option orders for electronic processing must represent that the orders' terms comply with the QCT Exemption of Rule 611(a) of Regulation NMS.[19]

Proposed Rule Changes

The Exchange proposes to introduce enhanced PAR functionality that would allow TPHs and PAR Officials to route the stock portion of a stock-option order directly to an Exchange-designated broker-dealer for electronic execution at a stock trading facility. Under proposed Rule 6.48(d), TPHs and PAR Officials would be able to transmit stock portions of stock-option orders represented in open outcry directly from PAR to an Exchange-designated broker-dealer not affiliated with the Exchange for electronic execution at a stock trading venue. Thus, rather than executing stock orders manually via telephone, PAR users would be able to electronically send the stock portion of the stock-option order from PAR directly to an Exchange-designated broker-dealer for immediate execution at a stock trading venue. The Exchange notes that this functionality (electronic stock component order routing, processing, and handling), is already in use for electronic stock-option orders submitted into the Hybrid Trading System. The Exchange is merely proposing to extend this functionality to stock-option orders handled on the floor of the Exchange. The Exchange believes this added functionality will support more efficient stock-option order execution, streamline the steps required for open outcry stock-option order trading, and enhance the Exchange's audit trail by creating a more robust record of the stock component of stock option order executions on the floor of the Exchange.

Proposed Rule 6.48(d) would also provide that stock portions of stock-option orders represented in open outcry may be routed to a designated broker-dealer not affiliated with the Exchange for electronic execution at a stock trading venue as single orders or as paired orders (including with orders transmitted from separate PAR workstations). Consistent with current practices, the Exchange-designated broker-dealer would be responsible for the proper execution, trade reporting, and submission to clearing of the stock trade that is part of the stock-option order. Stock-option order executions for which the stock portion of the order could not be executed at the designated price would be nullified and the parties to the trade would be notified by the Exchange.[20] In addition, consistent with current Interpretation and Policy .06(a) to Rule 6.53C, TPHs' compliance with the Qualified Contingent Trade (''QCT'') Exemption of Rule 611(a) of Regulation NMS would continue to be required for stock-option orders where the stock component of the stock-option order is routed from PAR to an Exchange-designated broker-dealer not affiliated with the Exchange for electronic

[11] *See* Interpretation and Policy .06 to Rule 6.53C(b)(1).

[12] *See* Interpretation and Policy .06 to Rule 6.53C.

[13] *See* Interpretation and Policy .06 to Rule 6.53C (Complex Orders on the Hybrid System); *see also* Securities and Exchange Release No. 34–66759 (April 6, 2012), 77 FR 22027 (April 12, 2012) (Order Approving a Proposed Rule Change Relating to Stock-Option Orders) (SR–CBOE–2012–005); Securities and Exchange Release No. 34–66394 (February 14, 2012), 77 FR 10026 (February 21, 2012) (Notice of Filing of a Proposed Rule Change Related to Stock-Option Processing) (SR–CBOE–2012–005); Securities and Exchange Release No. 34–56903 (December 5, 2007), 72 FR 70356 (December 11, 2007) (Order Approving Proposed Rule Change, as Modified by Amendment No. 1, Relating to Stock-Option Orders) (SR–CBOE–2007–068).

[14] Currently, ConvergEx Execution Services, LLC (''ConvergEx'') is the only Exchange-designated broker-dealer that the Exchange uses for executions of stock components of stock-option orders on away stock trading venues. The Exchange, however, may require TPHs to enter into a brokerage agreement with one or more Exchange-designated broker-dealers that are not affiliated with the Exchange to electronically execute the stock component of the stock-option order at a stock trading venue. *See* Interpretation and Policy .06 to Rule 6.53C.

[15] *See generally id.* [sic]; *see also* Rule 6.25(a)(3).

[16] *See* Interpretation and Policy .06 to Rule 6.53C; *see also* Regulatory Circular RG12–088 (Automation of Stock-Option Strategy Orders).

[17] FBW is a system for electronically entering and electronically managing orders on the floor of the Exchange. FBW is a third-party facility of the Exchange supplied and managed by LiquidPoint, LLC.

[18] *See* 17 CFR 242.611(a); Rule 6.53C.06(a); *see also* Securities and Exchange Release No. 34–57620 (April 4, 2008), 73 FR 19271 (April 9, 2008) (Order Modifying the Exemption for Qualified Contingent Trades from Rule 611(a) of Regulation NMS under the Securities Exchange Act of 1934); Securities Exchange Act Release No. 34–54389 (August 31, 2006), 71 FR 52829 (September 7, 2006) (Order Granting an Exemption for Qualified Contingent Trades from Rule 611(a) of Regulation NMS under the Securities Exchange Act of 1934).

[19] *See* Interpretation and Policy .06(a) to Rule 6.53C. In addition, the Exchange has built certain checks into the Hybrid Trading System to validate certain aspects of compliance with the QCT Exemption of Rule 611(a) of Regulation NMS for stock-option orders. Those QCT validating checks are described in SR–CBOE–2012–005. *See* Securities and Exchange Release No. 34–66394 (February 14, 2012), 77 FR 10026 (February 21, 2012) (Notice of Filing of a Proposed Rule Change Related to Stock-Option Processing) (SR–CBOE–2012–005).

[20] *See* Rule 6.25(a)(3).

execution at a stock trading venue selected by the Exchange-designated broker-dealer.

The Exchange also proposes to amend Interpretation and Policy .06(a) to Rule 6.53C. Under current Interpretation and Policy .06(a) to Rule 6.53C, the stock portion of a stock-option order cannot be processed automatically unless the executing TPH has entered into a brokerage agreement with one or more Exchange-designated broker-dealers that are not affiliated with the Exchange that can electronically execute the equity order on a stock trading venue. The Exchange proposes to change Interpretation and Policy .06 to Rule 6.53C to provide that the Trading Permit Holder shall give up a Clearing Trading Permit Holder previously identified to, and processed by the Exchange as a Designated Give Up for that Trading Permit Holder in accordance with Rule 6.21 and which has entered into a brokerage agreement with one or more Exchange-designated broker-dealers that are not affiliated with the Exchange to electronically execute the stock component of the stock-option order at a stock trading venue selected by the Exchange-designated broker-dealer on behalf of the Trading Permit Holder. The Exchange believes that the proposed rule change would bring Interpretation and Policy .06(a) to Rule 6.53C in line with the Exchange's give up rules in Rule 6.21.

All trades are finalized not when they are executed, but when they clear. It is the CTPH, not the order entry TPH that guarantees authorization of a trade and accepts financial responsibility for all Exchange transactions made by the executing TPH. Because the CTPH is the party guaranteeing the transaction, the Exchange believes that it is reasonable to require that the CTPH enter into a brokerage agreement with an Exchange-designated broker-dealer not affiliated with the Exchange in order to route the stock portion of a stock-option order for electronic processing rather than requiring an executing TPH (that may be acting as agent or broker) to enter into such an agreement on the CTPH's behalf. Consistent with Rule 6.21, the CTPH should be responsible for order handling and processing requirements for trades that it guarantees.[21]

Furthermore, under current Interpretation and Policy .06(a) to Rule 6.53C, the stock portion of a stock-option order cannot be processed automatically unless the executing TPH has entered into a brokerage agreement with one or more Exchange-designated broker-dealers that are not affiliated with the Exchange that can electronically execute the equity order on a stock trading venue. Accordingly, even when acting as agent or broker, a TPH cannot submit the stock portion of a stock-option order for electronic processing unless the TPH has entered into a brokerage agreement with an Exchange-designated broker-dealer that is not affiliated with the Exchange. The Exchange believes that current Interpretation and Policy .06(a) has a chilling effect on market activity because it prohibits TPHs from entering orders when acting as a broker for the account of a CTPH or a CTPH customer account. Brokers that represent a stock-option order merely as an executing agent rather than on behalf of their own customers may be less willing to enter into a brokerage agreement with one or more Exchange-designated broker-dealers and accept counterparty risk for a one-time fee. On the other hand, a CTPH that submits such an order to a floor broker on behalf of its own customer and has already accepted counterparty risk on behalf of its customer as clearing agent and would likely enter such a brokerage agreement willing as it would extend counterparty risk current parameters.[22]

Accordingly, the Exchange proposes to amend Interpretation and Policy .06(a) to Rule 6.53C to provide that TPHs shall give up a CTPH previously identified to, and processed by the Exchange as a Designated Give Up in accordance with Rule 6.21 and which has entered into a brokerage agreement with one or more Exchange-designated broker-dealers that are not affiliated with the Exchange to electronically execute the stock portion of the stock-option order at a stock trading venue selected by the Exchange-designated broker-dealer.[23]

The Exchange also proposes to change Interpretation and Policy .06 to Rule 6.53C to provide that stock-option orders may be executed against other electronic stock-option orders rather than state that such orders may be executed against other stock-option orders through the COB or COA. This change reflects the fact that such orders may be subjected to the Automated Improvement Mechanism (''AIM'') as well as executed through the COB or COA. Finally, the Exchange proposes conforming administrative changes to the Rules to include the language describing these functionality enhancements in Rules 6.45A and 6.45B. The proposed administrative changes would provide reference to this new technology within the priority rules for stock-option orders. Thus, these administrative changes merely add clarity to the Rules regarding the functionality available to TPHs on PAR.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[24] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[25] 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 facilitation 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)[26] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change removes impediments to and perfects the mechanism of a free and open market by eliminating steps involved in stock-option order execution on the Exchange which allows for more efficient trading.

[21] *See* Rule 6.21; *see also* Securities and Exchange Release No. 34–72668 (July 24, 2014), 79 FR 44229 (July 30, 2014) (Order Granting Approval of a Proposed Rule Change Relating to the Give Up of a Clearing Trading Permit Holder) (SR–CBOE–2014–048).

[22] Notably, CTPHs have indicated support this proposal. The Exchange believes that the proposed rule change will allow for more efficient handling and processing of stock-option orders on the Exchange and that adoption of the proposal would remove impediments to, and perfect the mechanisms, of a national market system across stock and options trading venues.

[23] Validations of the required brokerage agreements between CTPHs and an Exchange-designated broker-dealer would be conducted by the Exchange. Access to electronic processing of stock option orders would be systematically limited to those CTPHs identified as having a brokerage agreement with an Exchange-designated broker-dealer in place. In addition further validation will be ensured through market participant identifiers provided by CTPHs. MPIDs are firm identifiers issued by the NASDAQ Market Center for electronic securities order processing. All electronic stock option order messages sent to the Exchange must contain an MPID. The Exchange's designed broker-dealer would also use MPIDs to process and clear the stock component of electronically executed stock option orders.

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(5).

[26] *Id.*

By allowing PAR users to route the stock portion of a stock-option order to a broker at a stock trading venue directly from PAR, the Exchange is attempting to allow stock-option orders to be matched faster and more efficiently. Creating a more streamlined approach to the execution of stock-option orders allows for less complicated and, thus, less confusing trading on the Exchange. In addition, as a consequence, the proposed rule change will promote more liquidity on the national market system by allowing TPHs to more easily use stock-option orders and more quickly send stock leg portions of complex order to stock trading venues for execution. The Exchange also believes that the proposed rule would enhance the Exchange's audit trail by creating a more robust record of the stock component of stock option order executions on the floor of the Exchange.

The Exchange also believes that the proposed changes to Interpretation and Policy .06 to Rule 6.53C to provide that the Trading Permit Holder shall give up a Clearing Trading Permit Holder previously identified to, and processed by the Exchange as a Designated Give Up for that Trading Permit Holder in accordance with Rule 6.21 and which has entered into a brokerage agreement with one or more Exchange-designated broker-dealers that are not affiliated with the Exchange to electronically execute the stock component of the stock-option order at a stock trading venue selected by the Exchange-designated broker-dealer on behalf of the Trading Permit Holder would help create a more robust market for stock-option orders and protect investors interests consistent with the Act. The Exchange believes that the proposed rule change would bring Interpretation and Policy .06(a) to Rule 6.53C in line with the Exchange's give up rules in Rule 6.21. Consistent with Rule 6.21, the CTPH should be responsible for order handling and processing requirements for trades that it guarantees. The proposed amendments are reasonable and provide certainty that a CTPH will always be responsible for a trade, which protects investors and the public interest.

Finally, the Exchange believes that the proposed change to Interpretation and Policy .06 to Rule 6.53C providing that stock-option orders may be executed against other electronic stock-option orders and the proposed amendments to Rules 6.45A and 6.45B would add additional clarity and transparency to the Rules. The Exchange continues to evaluate its Rules to add additional clarity and transparency whenever possible. The Exchange believes that its efforts to clarify the Rules are in the interests of market participants and the general public and that providing added transparency in the Rules is consistent with 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. Specifically, the Exchange already offers such orders and is merely introducing new functionality to execute such orders. Thus, the Exchange does not believe that the proposed changes will pose a burden on intramarket competition or intermarket competition as these orders are already available on the Exchange. The functionality is available to all TPHs that choose to enter into the necessary agreements with the Exchange designated broker-dealer that is not affiliated with the Exchange. To the contrary, the Exchange believes that the proposed rule change will relieve any burden on, or otherwise promote, competition as it allows for market participants to more quickly execute stock-option orders via the Exchange's Hybrid System.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 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 will:

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–CBOE–2015–029 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–2015–029. 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–CBOE–2015–029, and should be submitted on or before April 22, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07364 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, Washington, DC 20549–0213.

Extension:
Rule 17g–1, SEC File No. 270–208, OMB Control No. 3235–0213.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l-3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17g–1 (17 CFR 270.17g–1) under the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–17(g)) governs the fidelity bonding of officers and employees of registered management investment companies (''funds'') and their advisers. Rule 17g–1 requires, in part, the following:

Independent Directors' Approval

The form and amount of the fidelity bond must be approved by a majority of the fund's independent directors at least once annually, and the amount of any premium paid by the fund for any ''joint insured bond,'' covering multiple funds or certain affiliates, must be approved by a majority of the fund's independent directors.

Terms and Provisions of the Bond

The amount of the bond may not be less than the minimum amounts of coverage set forth in a schedule based on the fund's gross assets. The bond must provide that it shall not be cancelled, terminated, or modified except upon 60-days written notice to the affected party and to the Commission. In the case of a joint insured bond, 60-days written notice must also be given to each fund covered by the bond. A joint insured bond must provide that the fidelity insurance company will provide all funds covered by the bond with a copy of the agreement, a copy of any claim on the bond, and notification of the terms of the settlement of any claim prior to execution of that settlement. Finally, a fund that is insured by a joint bond must enter into an agreement with all other parties insured by the joint bond regarding recovery under the bond.

Filings With the Commission

Upon the execution of a fidelity bond or any amendment thereto, a fund must file with the Commission within 10 days: (i) A copy of the executed bond or any amendment to the bond, (ii) the independent directors' resolution approving the bond, and (iii) a statement as to the period for which premiums have been paid on the bond. In the case of a joint insured bond, a fund must also file: (i) A statement showing the amount the fund would have been required to maintain under the rule if it were insured under a single insured bond; and (ii) the agreement between the fund and all other insured parties regarding recovery under the bond. A fund must also notify the Commission in writing within five days of any claim or settlement on a claim under the fidelity bond.

Notices to Directors

A fund must notify by registered mail each member of its board of directors of: (i) Any cancellation, termination, or modification of the fidelity bond at least 45 days prior to the effective date; and (ii) the filing or settlement of any claim under the fidelity bond when notification is filed with the Commission.

Rule 17g–1's independent directors' annual review requirements, fidelity bond content requirements, joint bond agreement requirement, and the required notices to directors are designed to ensure the safety of fund assets against losses due to the conduct of persons who may obtain access to those assets. These requirements also seek to facilitate oversight of a fund's fidelity bond. The rule's required filings with the Commission are designed to assist the Commission in monitoring funds' compliance with the fidelity bond requirements.

Based on conversations with representatives in the fund industry, the Commission staff estimates that for each of the estimated 3,319 active funds (respondents),[1] the average annual paperwork burden associated with rule 17g–1's requirements is two hours, one hour each for a compliance attorney and the board of directors as a whole. The time spent by a compliance attorney includes time spent filing reports with the Commission for fidelity losses (if any) as well as paperwork associated with any notices to directors, and managing any updates to the bond and the joint agreement (if one exists). The time spent by the board of directors as a whole includes any time spent initially establishing the bond, as well as time spent on annual updates and approvals. The Commission staff therefore estimates the total ongoing paperwork burden hours per year for all funds required by rule 17g–1 to be 6,638 hours (3,319 funds × 2 hours = 6,638 hours).

These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of Commission rules. The collection of information required by rule 17g–1 is mandatory and will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are requested on: (i) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (ii) the accuracy of the Commission's estimate of the burden of the collection of information; (iii) ways to enhance the quality, utility and clarity of the information collected; and (iv) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: March 27, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–07465 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

[1] Based on statistics compiled by Commission staff, we estimate that there are approximately 3,319 funds that must comply with the collections of information under rule 17g–1 and have made a filing within the last 12 months.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74592; File No. SR-Phlx-2015–28]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Harmonization of Phlx Rules

March 26, 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, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rules 771 entitled ''Excessive Trading of Members;'' 832, entitled ''Price Adjustment of Open Orders on Ex-Date;'' and 1006 entitled ''Other Restrictions on Exchange Options Transactions and Exercises.'' The Exchange proposes to make minor amendments for rule conformity to Rules 1001, entitled ''Position Limits;'' 1002 entitled ''Exercise Limits;'' 1003 entitled ''Reporting of Options Positions;'' 1040 entitled ''Failure to Pay Premium;'' 1041 entitled ''Options Contracts Of Suspended Members;'' 1042 ''Exercise of Equity Option Contracts;'' 1044 ''Delivery and Payment;'' 1048 ''Stock Transfer Tax;'' and 1090 entitled ''Clerks.'' The Exchange proposes to delete Rules 1021 entitled ''Excessive Dealing in Options;'' 1038 entitled ''Open Orders on Ex-Date; '' and 1045 ''Officers and Employees Restricted.''

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to update certain of the 1000 series options rules to harmonize the Rulebook and modernize Exchange rules. The Exchange is also proposing to amend other non-options rules as well. The Exchange proposes to amend rule text, make minor technical amendments to certain rules, such as numbering, and to delete other rules. Each proposed rule change will be discussed in greater detail below.

Amendment to Certain Exchange Rules

The Exchange proposes to amend Rule 771, entitled ''Excessive Trading of Members,'' to combine rule text from Rule 1021 entitled ''Excessive Dealing in Options. Both of these rules cover the same basic topic, excessive trading of members. Rule 1021 is specific to options, while Rule 771 is broader in nature. The Exchange proposes to add a new paragraph to Rule 771 which contains similar rule text to Commentary .01 of Rule 1021.[3] The Exchange does not believe it is necessary to have two rules in the Rulebook which discuss the same restriction, therefore, the Exchange will delete Rule 1021. This rule change is proposed to harmonize the Rulebook.

The Exchange proposes to amend Rule 832, entitled ''Price Adjustment of Open Orders on Ex-Date,'' to combine rule text from Rule 1038 entitled ''Open Orders on Ex-Date.'' Both of these rules cover the same basic topic, price adjustment of open orders on ''Ex-Date.'' Rule 1038 is specific to options, while Rule 832 is broader in nature. The Exchange proposes to add a new paragraph to Rule 832 which contains similar rule text to Rule 1038.[4] The Exchange does not believe it is necessary to have two rules in the Rulebook which discuss the same restriction; therefore the Exchange will delete Rule 1038. This rule change is proposed to harmonize the Rulebook.

The Exchange proposes to amend Rule 1006 entitled ''Other Restrictions on Exchange Options Transactions and Exercises,'' to harmonize this rule with NASDAQ Stock Market LLC (''NOM'') and NASDAQ OMX BX, Inc. (''BX'') rules at Chapter III, Section 12.[5] The Exchange believes the NOM and BX rules are more specific with respect to restrictions as compared to the Phlx rule. The proposed rule likewise imposes restrictions on transactions or exercises in one or more series of options, similar to the Phlx rule.[6] A similar restriction exists in the current Phlx rule with respect to the ten business days prior to the expiration date of a given series of options, other than index options, which shall include such expiration date for an option contract that expires on a business day.[7] Specifically the proposed rule would note, ''[n]otwithstanding the foregoing, during the ten (10) business days prior to the expiration date of a given series of options, other than index options, which shall include such expiration date for an option contract that expires on a business day, no restriction on exercise under this Section may be in effect with respect to that series of options. With respect to index options, restrictions on exercise may be in effect until the opening of business on the business day of their expiration or, in the case of an option contract expiring on a day that is not a business day, on the last business day before the expiration date.''[8]

The Exchange proposes to add specific language concerning exercise of American-style cash-settled index options, which shall be prohibited during any time when trading in such options is delayed, halted, or suspended.[9] The Exchange proposes to provide the following exceptions

(1) The exercise of an American-style, cash-settled index option may be processed and given effect in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The proposed text omits a reference to ''options'' that are [sic] currently in Rule 1021.

[4] The proposed text adds a new reference to ''options'' in Rule 832.

[5] *See* NOM and BX Rules at Chapter III, Section 12 entitled ''Other Restrictions on Options Transactions and Exercises.''

[6] *See* proposed Rule 1006(a) and (a)(i).

[7] *See* proposed Rule 1006(a)(ii). The proposed new rule text will not distinguish between European and American settlement with regard to the ten (10) business day restriction. The current Phlx rule does make such a distinction.

[8] *Id.*

[9] *See* proposed Rule 1006(a)(iii).

accordance with and subject to the Rules of The Options Clearing Corporation while trading in the option is delayed, halted, or suspended if it can be documented, in a form prescribed by Phlx Regulation, that the decision to exercise the option was made during allowable time frames prior to the delay, halt, or suspension;

(2) Exercises of expiring American-style, cash-settled index options shall not be prohibited on the business day of expiration, or in the case of an option contract expiring on a day that is not a business day, the last business day prior to their expiration;

(3) Exercises of American-style, cash-settled index options shall not be prohibited during a trading halt that occurs at or after 4 p.m. Eastern time. In the event of such a trading halt, exercises may occur through 4:20 p.m. Eastern time. .[sic] In addition, if trading resumes following such a trading halt pursuant to the procedures described in Rules 1047 and 1047A, exercises may occur during the resumption of trading and for five (5) minutes after the close of the resumption of trading. The provisions of this subparagraph (a)(iii)(3) are subject to the authority of the Board to impose restrictions on transactions and exercises pursuant to paragraph (a) of this Rule; and

(4) Phlx may determine to permit the exercise of American-style, cash-settled index options while trading in such options is delayed, halted, or suspended.[10]

Further, whenever the issuer of a security underlying a call option traded on Phlx is engaged or proposes to engage in a public underwritten distribution (''public distribution'') of such underlying security or securities exchangeable for or convertible into such underlying security, the underwriters may request that Phlx impose restrictions upon all opening writing transactions in such options at a ''discount'' where the resulting short position will be uncovered (''uncovered opening writing transactions''). The rule notes conditions which are necessary for the imposition of restrictions, such as:

(1) Less than a majority of the securities to be publicly distributed in such distribution are being sold by existing security holders;

(2) the underwriters agree to notify Phlx Regulation upon the termination of their stabilization activities; and

(3) the underwriters initiate stabilization activities in such underlying security on a national securities exchange when the price of such security is either at a ''minus'' or ''zero minus'' tick.[11]

Upon receipt of such a request and determination that the conditions listed above are met, Phlx Regulation shall impose the requested restrictions as promptly as possible but no earlier than fifteen (15) minutes after members or member organizations shall have been notified and shall terminate such restrictions upon request of the underwriters or when Phlx Regulation otherwise discovers that stabilizing transactions by the underwriters has been terminated.[12] An uncovered opening writing transaction in a call option will be deemed to be effected at a ''discount'' when the premium in such transaction is either: in the case of a distribution of the underlying security not involving the issuance of rights and in the case of a distribution of securities exchangeable for or convertible into the underlying security, less than the amount by which the underwriters' stabilization bid for the underlying security exceeds the exercise price of such option; or in the case of a distribution being offered pursuant to rights, less than the amount by which the underwriters' stabilization bid in the underlying security at the subscription price exceeds the exercise price of such option.[13]

The Exchange believes that adopting the NOM and BX rules provides greater specificity with respect to restrictions on options transactions and exercises.

Minor Technical Amendments to Options Rules

The Exchange proposes to amend Rule 1001, entitled ''Position Limits,'' to remove the header ''Commentary'' from the rule and replace it with consecutive numbering. The remainder of the changes correct cross-references to the newly renumbered sections, remove extraneous dashes and add a period and outside parentheses to the numbering in the rule text to conform the text to the portion that is not in the Commentary today.

The Exchange proposes to amend Rule 1002 entitled ''Exercise Limits,'' to similarly remove the header ''Commentary'' from the rule and replace it with consecutive lettering.

The Exchange proposes to amend Rule 1003 entitled ''Reporting of Options Positions,'' to remove the footnote in the rule and instead place the language in the footnote within the body of the rule. A minor grammatical correction was made to remove a dash in this section in the word ''market maker.''

The Exchange proposes to amend Rule 1040 entitled ''Failure to Pay Premium,'' to capitalize the certain terms and also utilize a newly defined term ''OCC'' throughout the rule.

The Exchange proposes to amend Rule 1041 entitled ''Options Contracts Of Suspended Members,'' to utilize a newly defined term ''OCC'' throughout the rule.

The Exchange proposes to amend Rule 1042 ''Exercise of Equity Option Contracts,'' to define the term ''CEA'' within the Rule and to remove the header ''Commentary'' and renumber the remainder of the rule. The Exchange is also proposing to remove a specific reference to The Options Clearing Corporation's Articles and instead refer to the by-laws more generally and utilize a newly defined term ''OCC'' throughout the rule.

The Exchange proposes to amend Rule 1044 ''Delivery and Payment,'' to utilize a newly defined term ''OCC'' throughout the rule.

The Exchange proposes to amend Rule 1048 ''Stock Transfer Tax, utilize a newly defined term ''OCC'' throughout the rule.

The Exchange proposes to amend Rule 1090 entitled ''Clerks,'' update a reference to an outdated ''DOT machine'' and replace that reference with the updated term ''order handling entry device.'' The Exchange also proposes to remove the header ''Commentary'' and renumber the remainder of the rule.

Deleted Rules

The Exchange proposes to delete Rules 1021 entitled ''Excessive Dealing in Options;'' and 1038 entitled ''Open Orders on Ex-Date;'' because these Rules are being combined with Rules 771 and 832, respectively, as described above. The Exchange is also proposing to delete Rule 1045 ''Officers and Employees Restricted,'' which is covered in detail by the Exchange's Code of Ethics.[14] Rule 1045 does not

[10] *See* proposed Rule 1006(a)(iii).

[11] *See* proposed Rule 1006(b)(i).

[12] *See* proposed Rule 1006(b)(ii).

[13] *See* proposed Rule 1006(b)(iii).

[14] Phlx Rule 1045(a) requires every salaried officer or employee of the Exchange and every salaried officer or employee of any corporation in which the Exchange owns the majority of the stock to promptly report to the Exchange every purchase or sale for his own account or the account of others of any security which is the underlying security of any option contract admitted to dealings on the Exchange. Today, Phlx employees are subject to the NASDAQ Code of Ethics, which refers to the Global Trading Policy which requires an annual and other periodic reporting of securities holdings to the Exchange. Phlx Rule 1045(b) provides that no salaried officer or employee of the Exchange or salaried officer or employee of any corporation in which the Exchange owns the majority of the

Continued

apply to members, but rather applies to employees of the Exchange. The Exchange has policies and procedures which are applicable to employees which are not contained in the Rulebook. The Exchange believes that this rule, which does not apply to members, is not necessary to retain in the Rulebook.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [15] in general, and furthers the objectives of Section 6(b)(5) of the Act [16] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that these proposed rule changes will harmonize and modernize the Phlx Rulebook.

The proposed rule changes to amend various options rules should harmonize the Exchange's Rulebook by removing duplicate rules by combining general Phlx rules with options rules, conforming the language in certain rules by defining terms within the rules and removing Commentary sections and instead renumbering the rule; and deleting unnecessary rules. It is in the interests of the protection of investors to eliminate any confusion among market participants with respect to the Rulebook. The rule changes are intended to provide a clearer Rulebook in order that market participants are aware of their obligations. The Exchange believes that these amendments will make clear the manner in which the Exchange operates and thereby remove impediments to and provide free and open markets.

The Exchange's proposed deletion of Rule 1045 would not impact members because this rule applies solely to employees of the Exchange. The Exchange has policies and procedures which are applicable to employees which are not contained in the Rulebook. The Exchange believes that this rule, which does not apply to members, is not necessary to retain in the Rulebook. The proposed amendment to Rule 1006 to adopt similar NOM and BX Rules [17] will provide members with additional specificity with respect to restrictions on options transactions and exercises, similar to the current practice at NOM and BX.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed amendments seek to harmonize the Rulebook by combining duplicative rules, conforming the text of the rules and also deleting unnecessary rules. Certain of these amendments apply to all members, equity and options, and other rules related to options, apply specifically to options members. The rules uniformly apply to members transacting a specific product. The proposed amendments do not unduly burden competition on the Exchange.

The proposed amendment to Rule 1006 will provide members with a rule substantially similar to rules on NOM and BX.[18] The Exchange believes that adopting the NOM and BX rules [19] will assist the Exchange in competing more effectively with respect to options.

The proposed deletion of Rule 1045 applies specifically to employees of the Exchange. This rule does not impact the competition among members transacting business on the Exchange but rather concerns the operation of the Exchange and conduct of its employees.

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 [20] and subparagraph (f)(6) of Rule 19b–4 thereunder.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2015–28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2015–28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

corporate stock may purchase or sell for his own account or for the account of others any option contract which entitles the purchaser to purchase or sell any security described in paragraph (a) of Rule 1045 or any foreign currency option contract admitted to dealings on the Exchange. The NASDAQ Code of Ethics refers to the Global Trading Policy which prohibits employees from holding or trading certain securities noted on the prohibited list. The prohibited list prohibits employees from holding or trading certain securities because those companies have dealings on the Exchange. The Code of Ethics is more expansive in scope as compared to Phlx Rule 1045.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *See* note 5.

[18] *See* note 25.

[19] *Id.*

[20] 15 U.S.C. 78s(b)(3)(a)(ii).

[21] 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.

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 a.m. and 3 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–Phlx–2015–28, and should be submitted on or before April 22, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07366 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74588; File No. SR–ICEEU–2015–004]

Self-Regulatory Organizations; ICE Clear Europe Limited; Order Approving Proposed Rule Change Relating to Additional European Sovereign CDS Contracts

March 26, 2015.

I. Introduction

On January 27, 2015, ICE Clear Europe Limited (''ICE Clear Europe'') 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 provide for the clearance of additional European sovereign credit default swap (''CDS'') contracts. The proposed rule change was published for comment in the **Federal Register** on February 11, 2015.[3] The Commission did not receive comments on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The purpose of the proposed rule change is to provide for the clearing of Western European sovereign CDS contracts referencing four additional reference entities: The Kingdom of the Netherlands, the Republic of Finland, the Kingdom of Sweden and the Kingdom of Denmark (the ''Additional WE Sovereign Contracts''). ICE Clear Europe currently clears CDS contracts referencing six other Western European sovereigns: Ireland, the Republic of Italy, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Belgium and the Republic of Austria.[4] ICE Clear Europe believes clearance of the Additional WE Sovereign Contracts will benefit the markets for credit default swaps on Western European sovereigns by offering to market participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to clearing house rules.

ICE Clear Europe has stated that the Additional WE Sovereign Contracts will constitute ''Non-STEC Single Name Contracts'' for purposes of the CDS Procedures and, accordingly, will be governed by Paragraph 10 of the CDS Procedures consistent with the treatment of the other Western European sovereign CDS contracts currently cleared by ICE Clear Europe. ICE Clear Europe has represented that clearing of the Additional WE Sovereign Contracts will not require any changes to ICE Clear Europe's existing Clearing Rules and Procedures, risk management framework (including relevant policies), or margin model.[5]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[6] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act[7] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest.

After careful review, the Commission finds that the proposed rule change is consistent with Section 17A of the Act[8] and the rules thereunder applicable to ICE Clear Europe. The proposed rule change will provide for clearing of the Additional WE Sovereign Contracts, which are similar to the other Western European sovereign CDS contracts currently cleared by ICE Clear Europe, in accordance with the existing rules and procedures applicable to Western European sovereign CDS contracts. Specifically, the Commission believes that ICE Clear Europe's proposal to clear the Additional WE Sovereign Contracts pursuant to its current risk management framework (including margin and guaranty fund methodology), operational procedures, settlement procedures and default management policies is designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of ICE Clear Europe or for which it is responsible, and in general, to protect investors and the public interest, consistent with Section 17A(b)(3)(F) of the Act.[9]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[10] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the

[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–74213 (February 5, 2015), 80 FR 7661 (February 11, 2015) (SR–ICEEU–2015–004).

[4] *See* Securities Exchange Act Release No. 34–71920 (April 9, 2014), 79 FR 21331 (April 15, 2015) (SR–ICEEU–2014–04) (order approving proposed rule change to clear Western European sovereign CDS contracts referencing Ireland, the Republic of Italy, the Portuguese Republic and the Kingdom of Spain) and Securities Exchange Act Release No. 34–73737 (December 4, 2014), 79 FR 73372 (December 10, 2014) (SR–ICEEU–2014–18) (order approving proposed rule change to clear additional Western European sovereign CDS contracts referencing Kingdom of Belgium and the Republic of Austria) (collectively, the ''Prior WE Sovereigns Orders'').

[5] For a description of previously approved changes to ICE Clear Europe's risk management framework to accommodate clearing of Western European sovereign CDS contracts, see the Prior WE Sovereigns Orders. *Id.* ICE Clear Europe represents that it has performed a variety of empirical analyses related to clearing of the Additional WE Sovereign Contracts under its margin methodology, including back tests and stress tests.

[6] 15 U.S.C. 78s(b)(2)(C).

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78s(b)(2).

proposed rule change (SR–ICEEU–2015–004) be, and hereby is, approved.[12]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07362 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form SE; SEC File No. 270–289, OMB Control No. 3235–0327.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form SE (17 CFR 239.64) is used by registrants to file paper copies of exhibits, reports or other documents that would be difficult or impossible to submit electronically, as provided in Rule 311 of Regulation S–T (17 CFR 232.311). The information contained in Form SE is used by the Commission to identify paper copies of exhibits. Form SE is filed by individuals, companies or other entities that are required to file documents electronically. Approximately 31 registrants file Form SE and it takes an estimated 0.10 hours per response for a total annual burden of 3 hours.

Written 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

Dated: March 27, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–07463 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74593; File No. SR–ICC–2015–003]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Provide for the Clearance of Additional Standard Emerging Market Sovereign Single Names

March 26, 2015.

I. Introduction

On January 23, 2015 ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICC–2015–003 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b-4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on February 9, 2015.[3] The Commission did not receive any comments. On March 25, 2015, ICC filed Amendment No. 1 to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change

A. Description of the Initial Rule Filing

ICC proposes to adopt rules that will provide the basis for ICC to clear additional credit default swap contracts. Specifically, ICC is proposing to amend Subchapter 26D–102 of its rules to provide for the clearance of additional Standard Emerging Market Sovereign single-name constituents of the CDX Emerging Markets Index (collectively, ''SES Contracts''). Currently, ICC is approved to clear eight SES Contracts: the Federative Republic of Brazil, the United Mexican States, the Bolivarian Republic of Venezuela, the Argentine Republic, the Republic of Turkey, the Russian Federation, the Republic of Hungary, and the Republic of South Africa.[5] The proposed change to the ICC Rules would provide for the clearance of five additional SES Contracts: the Republic of Chile, the Republic of Peru, the Republic of Colombia, Ukraine, and the Republic of Poland (''Additional SES Contracts'').

ICC believes that the addition of these SES Contracts will benefit the market for emerging market credit default swaps by providing market participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to clearing house rules. ICC states that the Additional SES Contracts will be offered on the 2014 ISDA Credit Derivatives Definitions and have terms consistent with the other SES Contracts approved for clearing at ICC and governed by Subchapter 26D of the ICC rules. According to ICC, the clearing of the Additional SES Contracts will not require any changes to ICC's Risk Management Framework or other

[12] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–74192 (Feb. 3, 2015), 80 FR 7070 (Feb. 9, 2015) (File No. SR–ICC–2015–003) (hereinafter referred to as the ''Initial Rule Filing'').

[4] ICC filed Amendment No. 1 to remove Ukraine from the list of proposed additional Standard Emerging Market Sovereign single-name constituents of the CDX Emerging Markets Index set forth in the Initial Rule Filing, as further described below.

[5] *See* Securities Exchange Act Release No. 34–65588 (Oct. 18, 2011), 76 FR 65763 (Oct. 24, 2011) (File No. SR–ICC–2011–01) (order approving rule change to clear SES Contracts referencing the Federative Republic of Brazil, the United Mexican States, the Bolivian Republic of Venezuela, and the Argentine Republic); Securities Exchange Act Release No. 34–70849 (Nov. 12, 2013), 78 FR 69167 (Nov. 18, 2013) (File No. SR–ICC–2013–07) (order approving rule change to clear SES Contracts referencing the Republic of Turkey and the Russian Federation); and Securities Exchange Act Release No. 34–73220 (Sep. 25, 2014), 79 FR 59340 (Oct. 1, 2014) (File No. SR–ICC–2014–13) (order approving rule change to clear SES Contracts referencing the Republic of Hungary and the Republic of South Africa).

policies and procedures constituting rules within the meaning of the Act. ICC states that, in connection with the clearance of the new contracts, it will apply its existing margin and guaranty fund methodology, operational and managerial resources, settlement procedures and account structures, and default management policies and procedures, which, together, it believes will provide sufficient financial, operational, and managerial resources to support the clearing of the new contracts.

B. Description of Amendment No. 1

On March 25, 2015, ICC filed Amendment No. 1 to the proposed rule change. The purpose of the proposed rule change in Amendment No. 1 is to modify the list of proposed contracts set forth in the Initial Rule Filing. Specifically, ICC proposes removing Ukraine from the proposed list of contracts. Therefore, the proposed rule change, as amended, seeks approval for the clearance of the Republic of Chile, the Republic of Peru, the Republic of Columbia, and the Republic of Poland. ICC states that Amendment No. 1 does not significantly change the purpose of, and statutory basis for, the proposed rule change. ICC believes the proposed rule change, as modified by Amendment No. 1, remains consistent with the promotion of the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act, as described in the Initial Rule Filing.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[6] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[7] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that clearing of the Additional SES Contracts, as modified by Amendment No. 1, is consistent with the requirements of Section 17A of the Act[8] and regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[9] The proposed rule change will provide for clearing of Additional SES Contracts, as modified by Amendment No. 1, which are similar to the other SES contracts currently cleared by ICC, in the same manner as other SES Contracts already cleared by ICC. Specifically, the Commission believes that ICC's proposal to clear the new contracts pursuant to ICC's existing margin and guaranty fund methodology, operational and managerial procedures, settlement procedures and default management policies is designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, to assure the safeguarding of securities and funds in the custody or control of ICC, and to protect investors and the public interest, consistent with Section 17A(b)(3)(F) of the Act.[10]

IV. Accelerated Approval of Proposed Rule Change as Modified by Amendment No. 1

As discussed above, ICC submitted Amendment No. 1 to the proposed rule change to removing Ukraine from the proposed list of the Additional SES Contracts. The Commission believes that the modification by Amendment No. 1 to the Initial Rule Filing is consistent with the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act[11]. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2)(C)(iii) of the Act[12], to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of Amendment No. 1 in the **Federal Register**.

V. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether Amendment No. 1 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–ICC–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, 21049–1090.

All submissions should refer to File Number SR–ICC–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 or 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of ICC and on ICC's Web site at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2015–003 and should be submitted on or before April 22, 2015.

VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the

[6] 15 U.S.C. 78s(b)(2)(C).

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1.

[9] 17 CFR 240.17Ad–22.

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 15 U.S.C. 78s(b)(2)(C)(iii).

Act and in particular with the requirements of Section 17A of the Act[13] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–ICC–2015–003), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.[15]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07367 Filed 3–31–15; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before May 1, 2015.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov*

SUPPLEMENTARY INFORMATION:

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. This form facilitates online registration for the Boots to Business course for eligible service members and their spouses. The collected data will be used to report course statistics, manage course operations more efficiently, tailor individual classes based on the experience and interests of the participants, and ultimately contact Boots to Business alumni.

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections:

Title: Boots to Business Course Registration.

Description of Respondents: Transitioning Service Members.

Form Number: N/A.

Estimated Annual Respondents: 10,500.

Estimated Annual Responses: 10,500.

Estimated Annual Hour Burden: 2,100.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2015–07410 Filed 3–31–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9073]

Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Tuesday, May 5, 2015, in Conference Rooms 8–9–10 of the United States Department of Transportation (DOT) Headquarters Building, 1200 New Jersey Avenue SE., Washington, DC 20590. The primary purpose of the meeting is to prepare for the sixty-eighth Session of the International Maritime Organization's (IMO) Marine Environment Protection Committee to be held at the IMO Headquarters, United Kingdom, May 11–15, 2015.

The agenda items to be considered include:

—Adoption of the agenda
—Harmful aquatic organisms in ballast water
—Air pollution and energy efficiency
—Further technical and operational measures for enhancing energy efficiency of international shipping
—Reduction of greenhouse gases (GHG) emissions from ships
—Consideration and adoption of amendments to mandatory instruments
—Review of nitrogen and phosphorus removal standards in the 2012 Guidelines on the implementation of effluent standards and performance tests for sewage treatment plants
—Use of electronic record books
—Identification and protection of Special Areas and Particularly Sensitive Sea Areas
—Inadequacy of reception facilities
—Reports of sub-committees
—Work of other bodies
—Promotion of implementation and enforcement of MARPOL and related instruments
—Technical co-operation activities for the protection of the marine environment
—Capacity building for the implementation of new measures
—Work program of the Committee and subsidiary bodies
—Application of the Committee's Guidelines
—Election of the Chairman and Vice-Chairman
—Any other business
—Consideration of the report of the Committee

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, LCDR Matt Frazee, by email at *imo@uscg.mil,* or by phone at (202) 372–1376, not later than April 29, 2015, 7 days prior to the meeting. Upon request, a limited number of teleconference lines may be available. Requests made after April 29, 2015 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the DOT Headquarters building. The DOT Headquarters building is accessible by public transportation (Navy Yard subway station), taxi and privately owned conveyance.

Dated: March 25, 2015.

Marc Zlomek,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 2015–07461 Filed 3–31–15; 8:45 am]

BILLING CODE 4710–09–P

[13] 15 U.S.C. 78q–1.

[14] 15 U.S.C. 78s(b)(2).

[15] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 9074]

Notice of Public Comments on FY 2016 U.S. Refugee Admissions Program

The United States actively supports efforts to provide protection, assistance, and durable solutions for refugees. The U.S. Refugee Admissions Program (USRAP) is a critical component of the United States' overall refugee protection efforts around the globe. In Fiscal Year 2015, the President established the ceiling for refugee admissions into the United States at 70,000 refugees.

As we begin to prepare the FY 2016 U.S. Refugee Admission Program, we welcome the public's input. Information about the Program can be found at *http://www.state.gov/g/prm/*. Persons wishing to submit written comments on the appropriate size and scope of the FY 2016 U.S. Refugee Admissions Program should submit them by 5 p.m. on Thursday, May 14, 2015 via email to *spruellda@state.gov* or fax (202) 453–9393.

If you have questions about submitting written comments, please contact Delicia Spruell, PRM/Admissions Program Officer at *spruellda@state.gov.*

Dated: March 25, 2015.

Simon Henshaw,

Principal Deputy Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State.

[FR Doc. 2015–07460 Filed 3–31–15; 8:45 am]

BILLING CODE 4710–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification Procedures for Products and Parts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 4, 2014. 14 CFR part 21 prescribes certification standards for aircraft, aircraft engines, propellers appliances and parts. The information collected is used to determine compliance and applicant eligibility. The respondents are aircraft parts designers, manufacturers, and aircraft owners.

DATES: Written comments should be submitted by May 1, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0018.

Title: Certification Procedures for Products and Parts.

Form Numbers: FAA Forms 8110–12, 8130–1, 8130–6, 8130–9, 8130–12.

Type of Review: Extension without change of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 4, 2014 (79 FR 72055). 14 CFR part 21 prescribes certification standards for aircraft, aircraft engines, propellers appliances and parts. The information collected is used to determine compliance and applicant eligibility. FAA Airworthiness inspectors, designated inspectors, engineers, and designated engineers review the required data submittals to determine that aviation products and articles and their manufacturing facilities comply with the applicable requirements, and that the products and articles have no unsafe features.

Respondents: Approximately 13,339 aircraft parts designers, manufacturers, and aircraft owners.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden: 19,487 hours.

Issued in Washington, DC, on March 27, 2015.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–07510 Filed 3–31–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35910]

Indiana Harbor Belt Railroad Company—Lease and Operation Exemption—Rail Line of Norfolk Southern Railway Company

Indiana Harbor Belt Railroad Company (IHB), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from Norfolk Southern Railway Company, and to operate, a 0.87-mile line of railroad (including branch lines) known as the Old Hammond Industrial Track, between milepost UO 0.03 and milepost UO 0.9 (including the underlying right-of-way between milepost UO 0.06 and milepost UO 0.9) in Cook County, Ill.

IHB certifies that the projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed $5 million. According to IHB, the lease does not contain any provision or agreement that may limit future interchange of traffic with a third-party connecting carrier.

The proposed transaction may be consummated on or after April 15, 2015, the effective date of this exemption (30 days after the verified notice was filed). If the verified 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 to stay must be filed by April 8, 2015 (at least seven days prior to the date the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35910, 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 applicant's representative, Roger A. Serpe, General Counsel, Indiana Harbor Belt Railroad Company, 55 W. Monroe Street Suite 1600, Chicago, IL 60603.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.''*

Decided: March 27, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2015–07560 Filed 3–31–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

First Meeting: RTCA Special Committee 234, Portable Electronic Devices (PEDs)

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

ACTION: Meeting notice of RTCA Special Committee 234, Portable Electronic Devices (PEDs).

SUMMARY: The FAA is issuing this notice to advise the public of the first meeting of the RTCA Special Committee 234, Portable Electronic Devices (PEDs).

DATES: The meeting will be held May 6th to 7th, 2015 from 9:00 a.m.–5:00 p.m.

ADDRESSES: RTCA Inc., 1150 18th Street NW., Suite 910, Washington, DC 200036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.* Additional contact information: RTCA contact is Karan Hofmann, *khofmann@rtca.org,* (202) 330–0680.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 234. The agenda will include the following:

Wednesday May 6th

- Welcome
- Administrative Remarks
- Introductions
- Agenda Review
- RTCA Overview Presentation
- SC–234 Scope and Terms of Reference review
- WG–99 Progress Presentation
- Presentation on PED ARC Outcome
- SC–234/WG–99 Structure and Organization of Work
- Proposed Schedule
- RTCA workspace presentation
- Other Business
- Date and Place of Next Meeting
- Adjourn

Thursday, May 7th

- Continuation of Plenary or Working Group Session

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 27, 2015.

Mohannad Dawoud,

Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.

[FR Doc. 2015–07511 Filed 3–31–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0216]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant requests from 6 individuals for exemptions from the regulatory requirement that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The regulation and the associated advisory criteria published in the Code of Federal Regulations as the ''Instructions for Performing and Recording Physical Examinations'' have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. The Agency concluded that granting exemptions for these CMV drivers will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. FMCSA grants exemptions that will allow these 6 individuals to operate CMVs in interstate commerce for a 2-year period. The exemptions preempt State laws and regulations and may be renewed.

DATES: The exemptions are effective April 1, 2015. The exemptions expire on April 1, 2017.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov*.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

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

B. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the safety regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period.

FMCSA grants 6 individuals an exemption from the regulatory requirement in§ 391.41(b)(8), to allow these individuals who take anti-seizure

medication to operate CMVs in interstate commerce for a 2-year period. The Agency's decision on these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s), the length of time elapsed since the individual's last seizure, and each individual's treatment regimen. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) [1] for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in Motor Carrier Management Information System (MCMIS).[2] For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers covered by the exemptions granted here have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

In reaching the decision to grant these exemption requests, the Agency considered both current medical literature and information and the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The Agency previously gathered evidence for potential changes to the regulation at 49 CFR 391.41(b)(8) by conducting a comprehensive review of scientific literature that was compiled into the ''*Evidence Report on Seizure Disorders and Commercial Vehicle Driving*'' (*Evidence Report*) [CD–ROM HD TL230.3 .E95 2007]. The Agency then convened a panel of medical experts in the field of neurology (the MEP) on May 14–15, 2007, to review 49 CFR 391.41(b)(8) and the advisory criteria regarding individuals who have experienced a seizure, and the 2007 *Evidence Report*. The *Evidence Report* and the MEP recommendations are published on-line at *http://www.fmcsa.dot.gov/rules-regulations/topics/mep/mep-reports.htm,* under Seizure Disorders, and are in the docket for this notice.

MEP Criteria for Evaluation

On October 15, 2007, the MEP issued the following recommended criteria for evaluating whether an individual with epilepsy or a seizure disorder should be allowed to operate a CMV.[3] The MEP recommendations are included in previously published dockets.

Epilepsy diagnosis. If there is an *epilepsy diagnosis,* the applicant should be seizure-free for *8 years, on or off medication*. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for *2 years*. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with an epilepsy diagnosis should be performed every year.

Single unprovoked seizure. If there is a *single unprovoked seizure* (*i.e.,* there is no known trigger for the seizure), the individual should be seizure-free for 4 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with a single unprovoked seizure should be performed every 2 years.

Single provoked seizure. If there is a *single provoked seizure* (*i.e.,* there is a known reason for the seizure), the Agency should consider specific criteria that fall into the following two categories: low-risk factors for recurrence and moderate-to-high risk factors for recurrence.

• *Examples of low-risk factors for recurrence* include seizures that were caused by a medication; by non-penetrating head injury with loss of consciousness less than or equal to 30 minutes; by a brief loss of consciousness not likely to recur while driving; by metabolic derangement not likely to recur; and by alcohol or illicit drug withdrawal.

• *Examples of moderate-to-high-risk factors for recurrence* include seizures caused by non-penetrating head injury with loss of consciousness or amnesia greater than 30 minutes, or penetrating head injury; intracerebral hemorrhage associated with a stroke or trauma; infections; intracranial hemorrhage; post-operative complications from brain surgery with significant brain hemorrhage; brain tumor; or stroke.

The MEP report indicates individuals with moderate to high-risk conditions should not be certified. Drivers with a history of a single provoked seizure with low risk factors for recurrence should be recertified every year.

Medical Review Board Recommendations and Agency Decision

FMCSA presented the MEP's findings and the *Evidence Report* to the Medical Review Board (MRB) for consideration. The MRB reviewed and considered the 2007 ''Seizure Disorders and Commercial Driver Safety'' evidence report and the 2007 MEP recommendations. The MRB recommended maintaining the current advisory criteria, which provide that ''drivers with a history of epilepsy/seizures off anti-seizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5 year period or more'' [Advisory criteria to 49 CFR 391.43(f)].

The Agency acknowledges the MRB's position on the issue but believes relevant current medical evidence supports a less conservative approach. The medical advisory criteria for epilepsy and other seizure or loss of consciousness episodes was based on the 1988 ''Conference on Neurological Disorders and Commercial Drivers'' (NITS Accession No. PB89–158950/AS). A copy of the report can be found in the docket referenced in this notice.

The MRB's recommendation treats all drivers who have experienced a seizure the same, regardless of individual medical conditions and circumstances. In addition, the recommendation to continue prohibiting drivers who are taking anti-seizure medication from operating a CMV in interstate commerce does not consider a driver's actual seizure history and time since the last seizure. The Agency has decided to use the 2007 MEP recommendations as the basis for evaluating applications for an exemption from the seizure regulation on an individual, case-by-case basis.

C. Exemptions

Following individualized assessments of the exemption applications, including a review of detailed follow-up information requested from each applicant, FMCSA is granting exemptions from 49 CFR 391.41(b)(8) to 6 individuals. Under current FMCSA regulations, all of the 6 drivers receiving

[1] *Commercial Driver License Information System* (CDLIS) is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes the databases of fifty-one licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

[2] *Motor Carrier Management Information System* (MCMIS) is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

[3] Engel, J., Fisher, R.S., Krauss, G.L., Krumholz, A., and Quigg, M.S., ''Expert Panel Recommendations: Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' FMCSA, October 15, 2007.

exemptions from 49 CFR 391.41(b)(8) would have been considered physically qualified to drive a CMV in interstate commerce except that they presently take or have recently stopped taking anti-seizure medication. For these 6 drivers, the primary obstacle to medical qualification was the FMCSA Advisory Criteria for Medical Examiners, based on the 1988 ''Conference on Neurological Disorders and Commercial Drivers,'' stating that a driver should be off anti-seizure medication in order to drive in interstate commerce. In fact, the Advisory Criteria have little if anything to do with the actual risk of a seizure and more to do with assumptions about individuals who are taking anti-seizure medication.

In addition to evaluating the medical status of each applicant, FMCSA evaluated the crash and violation data for the 6 drivers, some of whom currently drive a CMV in intrastate commerce. The CDLIS and MCMIS were searched for crash and violation data on the 6 applicants. For non-CDL holders, the Agency reviewed the driving records from the State licensing agency.

These exemptions are contingent on the driver maintaining a stable treatment regimen and remaining seizure-free during the 2-year exemption period. The exempted drivers must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free. The driver must undergo an annual medical examination by a medical examiner, as defined by 49 CFR 390.5, following the FCMSA's regulations for the physical qualifications for CMV drivers.

FMCSA published a notice of receipt of application and requested public comment during a 30-day public comment period in a **Federal Register** notice for each of the applicants. A short summary of the applicants' qualifications and a discussion of the comments received, if any, follows this section. For applicants who were denied an exemption, a notice will be published at a later date.

D. Comments

Docket # FMCSA–2014–0216

On October 1, 2014, FMCSA published a notice of receipt of exemption applications and requested public comment on seven individuals (79 FR 59345; Docket number FMCSA–2014–23439). The comment period ended on October 31, 2014. No commenters responded to this **Federal Register** notice. Of the seven applicants, one was denied. The Agency has determined that the following six applicants should be granted an exemption.

Ronald J. Bland

Mr. Bland is a 51 year-old class A CDL holder in Ohio. He has a history of three possible seizures due to head trauma in 2003. He has taken anti-seizure medication since 2004 with the dosage and frequency remaining the same since 2009. If granted an exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Bland receiving an exemption.

Joseph M. Celedonia

Mr. Celedonia is a 44 year-old driver in Maryland. He has a history of seizures and has remained seizure free since 1999. He takes anti-seizure medication with the dosage and frequency remaining the same since 2007. If granted an exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Celedonia receiving an exemption.

Mathew J. Chizek

Mr. Chizek is a 35 year-old driver in Wisconsin. He has a history of seizures and has remained seizure free since 2004. He takes anti-seizure medication with the dosage and frequency remaining the same since 2008. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Chizek receiving an exemption.

Gregory B. Hardy

Mr. Hardy is a 54 year-old class B CDL holder in Massachusetts. He has a history of seizure and has remained seizure free since 1985. He takes anti-seizure medication with the dosage and frequency remaining the same since 2011. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Hardy receiving an exemption.

Thomas K. Mitchell

Mr. Mitchell is a 54 year-old class A CDL holder in Mississippi. He has a history of seizures and has remained seizure free since 1999. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Mitchell receiving an exemption.

Himat S. Sandhu

Mr. Sandhu is a 52 year-old driver in California. He has a history of a possible seizure after a surgical resection of an arteriovenous malformation. He does not require anti-seizure medication. His physician states that he is supportive of Mr. Sandhu receiving an exemption.

E. Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting the driver to driving in intrastate commerce.

Conclusion

The Agency is granting exemptions from the epilepsy standard, 49 CFR 391.41(b)(8), to 6 individuals based on a thorough evaluation of each driver's safety experience, and medical condition. Safety analysis of information relating to these 6 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. By granting the exemptions, the interstate CMV industry will gain 6 highly trained and experienced drivers. In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for 2 years, with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 6 drivers for a period of 2 years with annual medical certification required: Ronald Bland (OH); Joseph Celedonia (MD); Mathew Chizek (WI); Gregory Hardy (MA); Thomas Mitchell (MS); and Himat Sandhu (CA) from the prohibition of CMV operations by persons with a clinical diagnosis of epilepsy or seizures. If the exemption is still in effect at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: March 19, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–07351 Filed 3–31–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Flightcrew Member Duty and Rest Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 22, 2014 (79 FR 76435). Reporting and recordkeeping are required any time a certificated air carrier has exceeded a maximum daily flight time limit or a maximum daily Flight Duty Period (FDP) limit. It is also required for the voluntary development of a Fatigue Risk Management System (FRMS), and for fatigue training.

DATES: Written comments should be submitted by May 1, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0751.

Title: Flightcrew Member Duty and Rest Requirements.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Extension without change of an information collection.

Background: The FAA collects reports from air carriers certificated under 14 CFR part 121 as prescribed in 14 CFR part 117, 117.11 and 117.19 of the Flightcrew Member Duty and Rest Requirements, to notify the FAA that the certificate holder has extended a flight time and/or FDP limitation. Additionally, if air carriers choose to develop a Fatigue Risk Management System (FRMS) they are required to collect data specific to the need of the operation for which they will seek an FRMS authorization. Each air carrier is required to develop specific elements and incorporate these elements into their training program and submit the revised training program for approval.

Respondents: 67 certificated air carriers.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 20 hours.

Estimated Total Annual Burden: 3,178 hours.

Issued in Washington, DC, on March 27, 2015.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–07513 Filed 3–31–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Information Reporting Program Advisory Committee (IRPAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for nominations.

SUMMARY: The Internal Revenue Service (IRS) requests nominations of individuals for selection to the Information Reporting Program Advisory Committee (IRPAC). Nominations should describe and document the proposed member's qualifications for IRPAC membership, including the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that he or she wishes to represent on the committee. In addition to individual nominations, the IRS is soliciting nominations from professional and public interest groups that wish to have representatives on the IRPAC. IRPAC will be comprised of 19 members. There are six positions open for calendar year 2016. It is important that IRPAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on the applicant's qualifications as well as the taxpayer or stakeholder base he/she represents.

The IRPAC advises the IRS on information reporting issues of mutual concern to the private sector and the federal government. The committee works with the Commissioner of Internal Revenue and other IRS leadership to provide recommendations on a wide range of information reporting administration issues. Membership is balanced to include representation from the tax professional community, small and large businesses, banks, colleges and universities, and industries such as securities, payroll, finance and software.

DATES: Written nominations must be received on or before May 29, 2015.

ADDRESSES: Nominations should be sent to: Ms. Caryl Grant, IRS National Public Liaison, CL:NPL:SRM, Room 7559, 1111 Constitution Avenue NW., Washington, DC 20224, Attn: IRPAC Nominations. Applications may also be submitted via fax to 855–811–8020 or via email at *PublicLiaison@irs.gov.* Application packages are available on the IRS Web site at *http://www.irs.gov/Tax-Professionals* . Application packages may also be requested by telephone from National Public Liaison, 202–317–6851 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Ms. Caryl Grant at 202–317–6851 (not a toll-free number) or *PublicLiaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Established in 1991 in response to an administrative recommendation in the final Conference Report of the Omnibus Budget Reconciliation Act of 1989, the IRPAC works closely with the IRS to provide recommendations on a wide range of issues intended to improve the information reporting program and achieve fairness to taxpayers. Conveying the public's perception of IRS activities to the Commissioner, the IRPAC is comprised of individuals who bring

substantial, disparate experience and diverse backgrounds to the Committee's activities.

Each IRPAC member is nominated by the Commissioner with the concurrence of the Secretary of Treasury to serve a three-year term. Working groups address policies and administration issues specific to information reporting. Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation are reimbursed within prescribed federal travel limitations.

Receipt of applications will be acknowledged, and all individuals will be notified when selections have been made. In accordance with Department of Treasury Directive 21–03, a clearance process including fingerprints, annual tax checks, a Federal Bureau of Investigation criminal check and a practitioner check with the Office of Professional Responsibility will be conducted. Equal opportunity practices will be followed for all appointments to the IRPAC in accordance with the Department of Treasury and IRS policies. The IRS has special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities are welcomed for service on advisory committees and, therefore, extends particular encouragement to nominations from such appropriately qualified candidates.

Dated: March 26, 2015.

John Lipold,

Designated Federal Official, National Public Liaison.

[FR Doc. 2015–07346 Filed 3–31–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in New York, NY.

DATES: The meeting will be held April 15, 2015.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held at 290 Broadway, New York, NY 10007.

FOR FURTHER INFORMATION CONTACT: John P. O'Dea, 290 Broadway, New York, NY, 10007. Telephone (212) 298–2132 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel will be held at 290 Broadway, New York, NY 10007. The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103. A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c)(3), (4), (6), and (7), of the Government in Sunshine Act and that the meeting will not be open to the public.

Kirsten B. Wielobob,

Chief, Appeals.

[FR Doc. 2015–07451 Filed 3–31–15; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

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Part II

Department of Housing and Urban Development

24 CFR Parts 5, 92, 200, et al.
Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 92, 200, 574, 576, 578, 880, 882, 883, 884, 886, 891, 960, 966, 982, and 983

[Docket No. FR–5720–P–02]

RIN 2501–AD71

Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's regulations to fully implement the requirements of the Violence Against Women Act (VAWA) as reauthorized in 2013 under the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). VAWA 2013 provides enhanced statutory protections for victims of domestic violence, dating violence, sexual assault, and stalking. VAWA 2013 also expands VAWA protections to HUD programs beyond HUD's public housing and Section 8 programs, which were covered by the reauthorization of VAWA in 2005 (VAWA 2005). In addition to proposing regulatory amendments to fully implement VAWA 2013, HUD is also publishing for public comment two documents concerning tenant protections required by VAWA 2013—a notice of occupancy rights and an emergency transfer plan. Although VAWA refers to women in its title, the statute makes clear that the protections are for all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, or age.

DATES: *Comments due* June 1, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. Interested persons are invited to submit comments regarding this proposed rule. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on the site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (Fax) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m., weekdays, at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 1–800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For information about: HUD's Public Housing program, contact Todd Thomas, Acting Director, Public Housing Management and Operations Division, Office of Public and Indian Housing, Room 4210, telephone number 202–402–5849; HUD's Housing Choice Voucher program (Section 8), contact Becky Primeaux, Director, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Room 4216, telephone number 202–402–6050; HUD's Multifamily Housing programs, contact Yvette M. Viviani, Director, Housing Assistance Policy Division, Office of Housing, Room 6138, telephone number 202–708–3000; HUD's HOME Investment Partnerships program, contact Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Room 7164, telephone number 202–708–2684; HUD's Housing Opportunities for Persons With AIDS (HOPWA) program, contact William Rudy, Acting Director, Office of HIV/AIDS Housing, Office of Community Planning and Development, Room 7212, telephone number 202–708–1934; and HUD's Homeless programs, contact Ann Marie Oliva, Director, Office of Special Needs Assistance, Office of Community Planning and Development, telephone number 202–708–4300. The address for all offices is the Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410. The telephone numbers listed above are not toll-free numbers. Persons with hearing or speech impairments may access these numbers through TTY by calling the Federal Relay Service, toll-free, at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of This Regulatory Action

This rule commences the rulemaking process to implement those provisions of VAWA 2013 that are not self-implementing. The reauthorization of VAWA 2013 expanded applicability of the VAWA protections to HUD programs beyond those HUD programs specified in VAWA 2005. VAWA 2013 also explicitly specifies sexual assault, which was not covered in VAWA 2005, as covered by VAWA protections. VAWA 2013 also expands the protections for victims of domestic violence, dating violence, sexual assault, and stalking by requiring housing providers to have emergency transfer plans, and by providing reasonable time for tenants to establish eligibility for assistance under a VAWA-covered program where an assisted household has to be divided as a result of domestic violence. While the core protections of VAWA—prohibition on denying or terminating housing assistance on the basis that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking—apply without rulemaking and HUD has advised its program participants of such immediate applicability, other requirements of VAWA 2013 must first be submitted for public comment, and this proposed rule addresses those requirements.

The importance of having HUD's VAWA regulations updated cannot be overstated. The expansion of VAWA 2013 to other HUD rental assistance programs emphasizes the importance of protecting victims of domestic violence, dating violence, sexual assault, and

stalking, in all HUD housing offering rental assistance. By having all housing providers in HUD-covered programs be aware of the protections of VAWA and the actions that they must take to provide such protections if needed, HUD signals to all tenants in the covered housing programs that HUD is an active part of the national response to prevent domestic violence, dating violence, sexual assault, and stalking

Summary of the Major Provisions of This Regulatory Action

Key regulatory provisions to be addressed by this rule include proposed regulations that would:

- Include ''sexual assault'' as an action covered by VAWA protections, an action that was not included for HUD-covered programs by VAWA 2005.
- Establish a definition for ''affiliated individual'' based on the statutory definition and that is usable and workable for programs covered by VAWA.
- Apply VAWA protections to the Housing Trust, which was not statutorily listed as a covered program.
- Establish a reasonable period of time during which a tenant (in situations where the tenant is not the perpetrator) may establish eligibility to remain in housing, where the tenant's household is divided due to domestic violence, dating, violence, sexual assault, or stalking, and where the tenant was not the member of the household that previously established eligibility for assistance.
- Establish what constitutes a safe and available unit to which a victim of domestic violence, dating violence, sexual assault, or stalking can be transferred on an emergency basis.
- Establish what documentation requirements, if any, should be required of a tenant seeking an emergency transfer to another assisted unit.

Please refer to section II of this preamble, entitled ''This Proposed Rule'' for a more detailed discussion of all the changes proposed by this rule.

Costs and Benefits

The benefits of HUD's proposed regulations include codifying, in regulation, the protections of VAWA to HUD programs beyond HUD's public housing and Section 8 programs that have been covered since VAWA 2005; strengthening the rights of victims of domestic violence, dating violence, sexual assault, and stalking in HUD-covered programs, including confidentiality rights; and possibly minimizing the loss of housing by such victims through the bifurcation of lease provision and emergency transfer provisions. With respect to rental housing, VAWA was enacted to bring housing stability to victims of domestic violence. It was determined that legislation was needed to require protections for victims of domestic violence in rental housing because landlords often responded to domestic violence occurring in one of their rental units by evicting the tenant regardless of whether the tenant was a victim of domestic violence, and refusing to rent to victims of domestic violence on the basis that violence would erupt in the victim's unit if the individual was accepted as a tenant. To ensure that landlords administering HUD rental assistance did not respond to domestic violence by denying or terminating assistance, VAWA 2005 brought HUD's public housing and Section 8 programs under the statute's purview, and VAWA 2013 covered the overwhelming majority of HUD programs providing rental assistance.

The costs of the regulations are primarily paperwork costs. These are the costs of providing notice to applicants and tenants of their occupancy rights under VAWA, the preparation of an emergency transfer plan, and documenting an incident or incidents of domestic violence, dating violence, sexual assault, and stalking. The costs, however, are minimized by the fact that VAWA 2013 requires HUD to prepare the notice of occupancy rights to be distributed to applicants and tenants; to prepare the certification form that serves as a means of documenting the incident or incidents of domestic violence, dating violence, sexual assault, and stalking; and to prepare a model emergency transfer plan that guides the entities and individuals administering the rental assistance provided by HUD in developing their own plans.

Invitation To Comment

HUD invites comment on its proposed regulations updating VAWA protections in HUD-covered programs. In this preamble, HUD includes twelve requests for comment on specific issues, and welcomes consideration of additional issues that may be identified by commenters.

I. Background

On March 7, 2013, President Obama signed into law VAWA 2013 (Pub. L. 113–4, 127 Stat. 54). VAWA 2013 reauthorizes and amends VAWA 1994 (Title IV, sec. 40001–40703 of Pub. L. 103–322), which was previously reauthorized by VAWA 2000 (Pub. L. 106–386) and VAWA 2005 (Pub. L. 109–162, approved January 5, 2006, with technical corrections made by Pub. L. 109–271, approved August 12, 2006). As originally enacted in 1994, VAWA provided protections and services for victims of domestic violence, sexual assault, and stalking, and authorized funding to combat and prosecute perpetrators of sexual and domestic violence crimes. VAWA 1994 was not applicable to HUD programs.

The VAWA 2005 reauthorization brought HUD's public housing program and HUD's tenant-based and project-based section 8 programs (collectively, the Section 8 programs) under coverage of VAWA by amending sections 6 and 8 of the United States Housing Act of 1937 (the 1937 Act) (42 U.S.C. 1437 *et seq.*), which are the authorizing statutes for those programs. VAWA 2005 established that being a victim of domestic violence, dating violence, or stalking cannot be the basis for denial of assistance or admission to public or Section 8 housing, and provided other protections for victims. VAWA 2005 also contained requirements for notification to tenants of the rights and protections provided under VAWA, provisions on the rights and responsibilities of public housing agencies (PHAs) and owners and managers of assisted housing, and provisions pertaining to acceptable documentation of incidents of domestic violence and related acts and maintaining the confidentiality of the victim. HUD regulations pertaining to VAWA 2005 protections, rights, and responsibilities are codified in 24 CFR part 5, subpart L.

Title VI of VAWA 2013, ''Safe Homes for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking,'' contains the provisions that are applicable to HUD programs. Specifically, section 601 of VAWA 2013 removes VAWA protections from the 1937 Act and adds a new chapter to Subtitle N of VAWA 1994 (42 U.S.C. 14043e *et seq.*) entitled ''Housing Rights.'' As applicable to HUD, this chapter provides additional protections for tenants beyond those provided in VAWA 2005, and expands VAWA protections to other HUD programs. In this preamble, unless otherwise stated, HUD uses the term VAWA 2013 to refer solely to the amendments made to Subtitle N of VAWA 1994 by VAWA 2013.

On August 6, 2013, at 78 FR 47717, HUD issued a **Federal Register** notice that provided an overview of the applicability of VAWA 2013 to HUD programs. This notice listed the new HUD housing programs that VAWA 2013 added to the list of covered housing programs, described the

changes that VAWA 2013 made to existing VAWA protections, and identified certain issues for which HUD specifically sought public comment. HUD solicited public comment for a period of 60 days, and the public comment period closed on October 7, 2013. HUD appreciates the public comments submitted in response to the August 6, 2013, notice, and these public comments were taken into consideration in the development of this proposed rule. The public comments on the August 6, 2013, notice can be found at the *www.regulations.gov* governmentwide portal, under docket number FR–5720–N–01, at *http://www.regulations.gov/#!docketDetail;D=HUD-2013-0074.*

Many of the comments submitted in response to the August 6, 2013, notice asked HUD to advise program participants that certain VAWA protections are in effect without the necessity of rulemaking. In response to these comments, HUD offices administering the housing programs covered by VAWA 2013 reached out to participants in the HUD programs to advise them that the basic protections of VAWA—not denying or terminating assistance to victims of domestic violence and expanding the VAWA protections to victims of sexual assault—are in effect, and do not require notice and comment rulemaking for compliance, and that they should proceed to comply with the basic VAWA protections.[1]

II. This Proposed Rule

This section of the preamble describes the regulatory changes that HUD proposes to make to HUD's regulations to fully implement the rights and protections of VAWA 2013.

A. HUD's Cross-Cutting VAWA Regulations—24 CFR Part 5, Subpart L

Subpart L of 24 CFR part 5 contains the core requirements of VAWA 2013 that are applicable to the HUD housing programs covered by VAWA (defined in this proposed rule as ''covered housing programs''). The regulations in this subpart are supplemented by the regulations for the covered housing programs. The program-specific regulations address how certain VAWA requirements are to be implemented for the applicable covered housing program, given the statutory and regulatory framework for the program. While the regulations in 24 CFR part 5, subpart L, establish the core requirements of VAWA and how the VAWA requirements are to be implemented generally, the program specific regulations, given the statutory parameters of the individual covered housing program, may provide for some VAWA protections to be applied differently from that provided in the part 5 regulations.

The variations in implementation primarily pertain to the requirements governing: Bifurcation of a lease to remove the perpetrator of domestic violence, dating violence, sexual assault, or stalking; emergency transfers; and who can request documentation pertaining to incidents of domestic violence, dating violence, sexual assault, or staking. The variations are largely found in the programs administered by HUD's Office of Community Planning and Development (CPD).

VAWA 2013 continues to contain language that reflects the structure of the HUD housing programs first covered by VAWA 2005; that is, housing that is administered by a public housing agency (PHA). The VAWA 2013 provisions do not quite match the structure of the newly covered HUD programs, in which housing is not administered by a PHA. In proposing how the VAWA protections are to be implemented in the newly covered programs, HUD took into account both the statutory and regulatory framework of each program and HUD's experiences in both administering the program and in working with the different entities that administer the program. In each case, HUD strived to fulfill the underlying intent of the VAWA protections and provide meaningful protection to victims of domestic violence, dating violence, sexual assault, or stalking. As the proposed regulatory text reflects, for some of the newly covered programs, greater responsibility to provide and oversee VAWA protections is placed on the entities that receive funding directly from HUD. For the other newly covered programs, more responsibility is placed on the housing owners or managers. For example, the HOME Investment Partnerships Program (HOME program) provides formula grants to States and localities for a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people, but the States and local jurisdictions are not responsible for administering assistance for rental housing in the same way that public housing agencies administer the public housing program. Under the HOME program, the assistance is administered by the property owner or manager, with the directly funded agencies (the states and localities) overseeing the administration of this eligible activity.[2] Additionally, some of the newly covered programs provide more discretion to the entities that HUD funds, while others are more prescriptive. For example, under HUD's Housing Opportunities for Persons With AIDS (HOPWA) program, the authorizing statute allows for family members of a HOPWA-eligible tenant who dies, to continue for a reasonable grace period, not to exceed 1 year, to remain in the unit, and provides assistance with moving expenses to the remaining family members. These program variations are reflected in the proposed regulations set out in this rule.

Specific solicitation of comment 1: HUD specifically seeks comment from the participants in each of the HUD-covered programs, who are familiar with how a specific HUD-covered program operates, on whether the proposed regulations for the specific HUD-covered program carry out the intent of VAWA within the statutory parameters of the program.

Applicability (24 CFR 5.2001)

Existing § 5.2001 lists the HUD programs covered by VAWA. This rule would amend § 5.2001 to include the new HUD housing programs added by VAWA 2013, and to advise that the regulations in 24 CFR part 5, subpart L, address the statutory requirements of VAWA but that application of the requirements to a specific program, as discussed in the preceding section, may vary given the statutory and regulatory framework of that individual covered housing program.

As provided in § 5.2001, applicable ''assistance'' provided under the covered housing programs generally consists of two types (one or both): Tenant-based rental assistance, which is rental assistance that is provided to the tenant; and project-based assistance, which is assistance that attaches to the unit in which the tenant resides. For project-based assistance, the assistance may consist of such assistance as

[1] See, for example, the letter to Executive Directors of public housing agencies from the Assistant Secretary for Public and Indian Housing, issued September 30, 2013, at *http://nhlp.org/files/Sept%202013%20VAWA%20letter%20to%20PHAs.pdf,* as well as communications from HUD's HOME Investment Partnerships Programs (HOME) at *https://www.onecpd.info/resources/documents/HOMEfires-Vol11-No1-Violence-Against-Women-Reauthorization-Act-2013.pdf,* and from HUD's Office of Special Needs Assistance Programs at *https://www.onecpd.info/news/reauthorization-of-the-violence-against-women-act-vawa/.*

[2] HUD's Guide for Property Owners participating in the HOME program provides additional information on the allocation of responsibilities. See *http://portal.hud.gov/hudportal/documents/huddoc?id=19760_2009homerentalpo.pdf.*

operating assistance, development assistance, and mortgage interest rate subsidy. Unless specificity is necessary to identify a particular type of assistance covered by VAWA, this preamble and the proposed regulations use the term ''assistance'' to refer broadly to the assistance provided under the covered housing programs.

Definitions (§ 5.2003)

Introductory text (Revised): The introductory text of § 5.2003 provides that certain terms are defined in subpart A of 24 CFR part 5. This rule would remove the terms ''1937 Act'' and ''Responsible Entity'' from the introductory text, as these terms are no longer used in this subpart given the extension of VAWA protections beyond 1937 Act programs.

Actual and imminent threat (Moved from § 5.2005(e) to § 5.2003): The definition of ''actual and imminent threat'' is currently found in § 5.2005(e). HUD does not propose to revise the definition, but rather to move the definition from § 5.2005(e) to the definition section, § 5.2003. HUD believes that the definition of ''actual and imminent threat'' is more appropriately placed in the definition section of the VAWA regulations.

Affiliated Individual (New): VAWA 2013 replaces the term ''immediate family member'' with ''affiliated individual.'' VAWA 2013 defines ''affiliated individual'' to mean, with respect to an individual: ''(A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis; or (B) any individual, tenant, or lawful occupant living in the household of that individual.'' The replacement of ''immediate family member'' with ''affiliated individual'' is intended to cover individuals lawfully occupying a unit but who may not necessarily meet a definition of ''family.'' [3]

Under VAWA, an individual who is an immediate family member as defined under VAWA 2005 or an affiliated individual under the broader terminology adopted in VAWA 2013 does not receive VAWA protections if the individual is not on the lease. However, if an affiliated individual is a victim of domestic violence, dating violence, sexual assault, or stalking, and the tenant is not the perpetrator of such actions, the tenant cannot be evicted or have assistance terminated because of the domestic violence, dating violence, sexual assault, or stalking suffered by the affiliated individual. In addition, if the affiliated individual were to apply for housing assistance, the affiliated individual could not be denied assistance on the basis that the affiliated individual is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

HUD adds this definition of ''affiliated individual'' to § 5.2003, but proposes to modify the statutory definition slightly for purposes of clarity and replaces the Latin term ''in loco parentis'' with plain language terminology. HUD proposes to define ''affiliated individual'' as follows: Affiliated individual, with respect to an individual, means: (A) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent to a child (for example, the affiliated individual is a child in the care, custody, or control of that individual); or (B) any individual, tenant, or lawful occupant living in the household of that individual.

In response to HUD's August 6, 2013, notice, a few commenters asked for more information about who could be considered an ''affiliated individual,'' and whether a live-in aide or caregiver would qualify. A commenter stated that because program participants must inform housing authorities and gain approval for the admittance of all household members, ''affiliated individuals'' should not include those who are unreported members of a household, or else it would result in the situation in which VAWA protections would extend to individuals violating program regulations.

HUD agrees with the commenter and does not read the statute to apply VAWA protections to guests, and unreported members of the household. The protections of VAWA are directed to the tenants. Generally, tenants in the HUD programs covered by VAWA (in some HUD programs, tenants are referred to as ''program participants'' or ''participants'') are individuals, who, at the time of admission, were screened for compliance with the eligibility requirements specified by the HUD covered program in which the tenant participates. Once admitted, these tenants have contractual rights under a lease and may have certain administrative protections, such as a right to an informal hearing before termination of assistance or eviction occurs. These rights and privileges do not apply to unauthorized or unreported members of the household, such as guests, nor do they apply to affiliated individuals.[4] If a guest, an unreported member of the household, or an affiliated individual is sexually assaulted, the tenant may not be evicted because of the sexual assault, as long as the tenant was not the perpetrator. While a live-in aide or caregiver who resides in a unit may be a lawful occupant, nonetheless such individual is not a tenant and the protections of VAWA would not apply, except that the live-in aide or caregiver cannot be denied assistance if he or she independently applies for assistance. Similarly, if an affiliated individual is a victim of domestic violence, dating violence, sexual assault, or stalking, the tenant with whom the affiliated individual resides cannot be evicted or have assistance terminated on the basis of the violence suffered by the affiliated individual, and, consequently, the affiliated individual may receive indirectly the benefit of continued assistance to the tenant.

A commenter asked that the VAWA regulations contain a definition of ''family'' that is consistent with HUD's definition of ''family'' at 24 CFR 5.403. With the removal of reference to ''family'' in the VAWA statute and regulations, HUD believes there is no need to add a definition of ''family'' in the VAWA regulations. Additionally, the majority of HUD programs covered by VAWA 2013 already incorporate the definition of ''family'' in 24 CFR 5.403.[5]

Bifurcate (Revised): Bifurcation of a lease was provided in VAWA 2005 as an option available to a covered housing provider (which term is defined below), and bifurcation of a lease remains an option, not a mandate under VAWA 2013.

This rule would amend the definition of ''bifurcate'' to remove reference to a ''public housing or section 8 lease'' since VAWA 2013 makes bifurcation of a lease an option in all covered housing programs, subject to permissibility to bifurcate a lease under the program requirements and/or state and local laws, as may be applicable.

This rule also proposes to revise the definition of ''bifurcate'' to reflect that VAWA 2013 authorizes a covered housing provider to evict, remove, or terminate assistance to any individual who is a tenant or a lawful occupant of a unit and who engages in criminal activity directly relating to domestic

[3] VAWA 2005 defined ''immediate family member'' as (i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (ii) any other person living in the household of that person and related to that person by blood or marriage.

[4] In addition to contractual rights and rights under VAWA, tenants have rights under State law. See *http://portal.hud.gov/hudportal/HUD?src=/topics/rental_assistance/tenantrights. http://portal.hud.gov/hudportal/HUD?src=/topics/rental_assistance/tenantrights.*

[5] See HUD's regulations at 24 CFR 92.2, 200.3, 236.1, 574.3, 891.105, 982.4.

violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

The rule proposes to define ''bifurcate'' to mean dividing a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable covered housing program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

VAWA 2013 also revises the bifurcation process in VAWA 2005, and these changes are addressed in § 5.2009.

Covered housing program (New): VAWA 2013 includes a definition for ''covered housing program.'' The statutory definition includes the VAWA 2005 covered housing programs (public housing and Section 8 programs) and the new HUD housing programs added by VAWA 2013. HUD proposes to adopt the statutory definition, with the proposed inclusion of the Housing Trust Fund program, as discussed below.[6]

For some of the HUD covered housing programs, the program may include assistance to which VAWA protections may not apply. For example, HUD's HOME program offers homeownership assistance (see 24 CFR part 92), and the HOME program's homeownership assistance is not covered by VAWA. The type of assistance to which VAWA protections apply, based on the statutory provisions themselves, is assistance for rental housing, as discussed under the proposed definition of ''assistance.'' This type of assistance generally involves a tenant, a landlord (the individual or entity that owns and/or leases rental units) and a lease specifying the occupancy rights and obligations of the tenant.[7] It is this relationship in which VAWA intervenes to ensure that, in covered housing programs, a tenant or other lawful occupant who is a victim of domestic violence, dating violence, sexual assault, or stalking is not further victimized by being evicted, having assistance terminated, or having assistance denied solely because the individual is a victim of domestic violence, dating violence, sexual assault, or stalking.

Accordingly, this rule defines ''covered housing program'' to encompass the HUD programs specified by the statute. The following highlights the types of assistance in which the VAWA protections apply to a covered housing program, given the statutory structure of the program. HUD does not highlight in the regulatory text of 24 CFR part 5, subpart L, the types of assistance within each covered housing program to which VAWA protections apply or may not apply. Programs change, as a result of statutory changes, including changes made by appropriations acts, and providing such specificity of assistance in the part 5 regulatory text could quickly be outdated. However, the program-specific regulations will reflect any changes in the coverage of VAWA protections.

(1) Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891. Coverage of the Section 202 Supportive Housing for the Elderly program includes Senior Preservation Rental Assistance Contracts (SPRAC), and Project Assistance Contracts (PAC). Coverage excludes Section 202 Direct Loan Projects that are without project-based Section 8 assistance (assistance necessary for VAWA coverage).[8]

(2) Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891. Coverage of the Section 811 Supportive Housing for Persons with Disabilities program includes housing assisted under the Capital Advance Program and the Section 811 Rental Assistance Program, as authorized under the Frank Melville Supportive Housing Investment Act (Pub. L. 111–274, approved January 4, 2011).

(3) Housing Opportunities for Persons With AIDS (HOPWA) program (42 U.S.C. 12901 *et seq.*), with implementing regulations at 24 CFR part 574. Coverage of the HOPWA program includes housing receiving assistance as provided in 24 CFR 574.320 and 574.340. In addition, and as provided in the HOPWA regulations, the protections of VAWA apply to project-based assistance or tenant-based rental assistance as provided in § § 574.300 and 574.320, and to community residences as provided in § 547.300.

(4) HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 *et seq.*), with implementing regulations at 24 CFR part 92. Coverage of the HOME program includes HOME tenant-based rental assistance and rental housing assisted with HOME funds, except as may be otherwise provided in 24 CFR 92.359.

(5) Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 *et seq.*), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576, coverage includes short- and medium-term rental assistance as provided in 24 CFR 576.407(g)), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming, see March 27, 2013, proposed rule at 78 FR 18726, and 78 FR 18746).[9] For the Continuum of Care program, the VAWA protections apply to all permanent housing and transitional housing, except safe havens,[10] for which

[6] A commenter on the August 6, 2013, notice asked about coverage of the Rural Development Voucher program. This program is administered by the U.S. Department of Agriculture (USDA) and HUD refers the commenter to USDA for VAWA information about USDA programs.

[7] For HUD programs, the assistance provided under a covered housing program may be assistance to the unit (assistance tied to the unit) assistance to the tenant (assistance tied to the tenant) or mortgage interest rate subsidies.

[8] Section 202 of the National Housing Act of 1959 authorized HUD to make long-term loans directly to multifamily housing projects and the loan proceeds were used to finance the construction of multifamily rental housing for persons age 62 years or older and for persons with disabilities. Amendments to Section 202 in 1990 replaced the direct loan program with capital advance programs for owners of housing designed for elderly or disabled residents. All projects that received Section 202 direct loans are eligible for project-based assistance under Section 8 but without such assistance the housing is not rental housing to which VAWA protections would apply.

[9] As noted in HUD's August 6, 2013, **Federal Register** notice, HUD stated, in footnote 4, that VAWA 2013 says that ''the program under subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 *et seq.*)'' is a VAWA-covered housing program. (See 78 FR at 44719.) However, subtitle A does not address a program, but rather provides definitions, and other general provisions, applicable to title IV. HUD reiterates here its view that the intent of Congress was to include the programs found elsewhere in title IV, which include the Emergency Solutions Grants program, the Continuum of Care program, and the Rural Housing Stability Assistance program. HUD is cognizant that the statutory reference is to a single program, and the predominant program addressed under title IV, subtitle A, is the Continuum of Care Program. That said, HUD proposes to apply the VAWA protections, to the extent practicable, to the Emergency Solutions Grants Program and the Rural Housing Stability Assistance Program, which are authorized under subtitles B and D of the Act, respectively.

[10] The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) amended the McKinney-Vento Homeless Assistance Act, to, among other changes, repeal the ''Safe Havens for Homeless Individuals Demonstration Program.'' Therefore, HUD has not funded any new safe haven projects, but HUD will continue to renew funding for existing safe haven

Continuum of Care grant funds are used for acquisition, rehabilitation, new construction, leasing, rental assistance, or operating costs. The VAWA protections also apply where funds are used for homelessness prevention, but only where the funds are used to provide short- and/or medium-term rental assistance.[11]

(6) Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221. The Section 221(d)(3) BMIR program insured and subsidized mortgage loans to facilitate new construction or substantial rehabilitation of multifamily rental cooperative housing for low- and moderate-income families. The program is no longer active, but Section 221(d)(3) BMIR properties that remain in existence are covered by VAWA. Coverage of Section 221(d)(3)/(d)(5) BMIR housing does not include section 221(d)(3)/(d)(5) BMIR projects that refinance under section 223(a)(7) or 223(f) of the National Housing Act where the interest rate is no longer determined under section 221(d)(5).

(7) Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z–1), with implementing regulations at 24 CFR part 236. Coverage of the Section 236 program includes not only those projects with mortgages under section 236(j) of the National Housing Act, but also non-FHA-insured projects that receive interest reduction payments (''IRP'') under section 236(b) of the National Housing Act and formerly insured Section 236 projects that continue to receive interest reduction payments through a ''decoupled'' IRP contract under section 236(e)(2) of the National Housing Act. Coverage also includes projects that receive rental assistance payments authorized under section 236(f)(2) of the National Housing Act.

(8) HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*), specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d)[12] (with regulations at 24 CFR chapter IX), tenant-based and project-based voucher assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapter VIII and IX), and the Section 8 Moderate Rehabilitation Single-Room Occupancy (SRO) (with implementing regulations at 24 CFR part 882, subpart H).

(9) The Housing Trust Fund (12 U.S.C. 4568) (with regulations forthcoming). In addition to the statutorily covered housing programs, HUD proposes to include in the definition of ''covered housing programs'' the Housing Trust Fund (HTF). In its proposed rule to establish program regulations for HTF, published on October 29, 2010, at 75 FR 66978, HUD proposed to codify the HTF program regulations in the same CFR part, 24 CFR part 92, in which the HOME program regulations are codified. HUD stated that the reason for the proposed codification of the HTF regulations in the same CFR part as the HOME program regulations was that the two programs were similar to each other in most respects.[13] Given the similarities between the HTF program and the HOME program, and the statutory coverage of the HOME program by VAWA 2013, HUD submits that the HTF is an appropriate program to add to the list of covered programs.

Specific solicitation of comment 2: HUD specifically solicits comment on applying VAWA protections to rental housing assisted under the HTF program in the same manner that HUD is proposing to apply the VAWA protections to rental housing assisted under the HOME program.

Covered housing provider (New): This rule proposes to add a definition of ''covered housing provider.'' This term would be used in the part 5, subpart L, regulations to refer collectively to the individuals or entities under the VAWA covered housing programs, such as a public housing agency (PHA), state or local government, sponsor, owner, mortgagor, grantee, recipient, or the subrecipient that has responsibility for the administration and/or oversight of VAWA protections. The existing regulations in 24 CFR part 5, subpart L, reference only PHAs and owners and managers of assisted housing, reflecting the limited coverage by VAWA 2005. This rule proposes the term ''covered housing providers,'' to reflect that, under VAWA 2013, implementation of VAWA protections and responsibilities are not limited to PHAs, owners, and managers of assisted housing.

The program-specific regulations for the HUD programs covered by VAWA identify the individual or entity that carries out the duties and responsibilities of the covered housing provider, as set forth in part 5, subpart L. For any of the covered housing programs, there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed, the covered housing provider may not always be the same individual or entity. This is the case generally for the newly covered HUD programs, for the reasons discussed earlier in this preamble, and that is that they are not administered by a PHA as was the case under the HUD program covered by VAWA 2005. For example, in the Section 8 Housing Assistance Payment programs, for which regulations are found in 24 CFR parts 880, 883, 884, and 886, and for which administration involves both a PHA and an owner of the housing, it is the PHA, not the owner, that is responsible for distributing to applicants and tenants the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). It is the owner (not the PHA) that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), and as discussed below, but it is the PHA, not the owner, that is responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b), which is also discussed below.

Domestic violence (Revised): HUD proposes to revise the definition of ''domestic violence'' to reflect the statutory inclusion of ''intimate partner'' and ''crimes of violence'' in the definition for this term. (See 42 U.S.C. 13925(a)(8).) Neither term is defined in title VI of VAWA of 2013. The term ''intimate partner'' is defined in section 40002(a) of VAWA 1994 (see 18 U.S.C. 2266), and addressed (but not revised) in section 3 of VAWA 2013. Section 3 of VAWA provides ''universal definitions'' for VAWA. (See 42 U.S.C. 13925(a).) Title 18 of the U.S. Code addresses Crimes and Criminal Procedure, and part I, chapter 110A of this title addresses domestic violence and stalking. Section 2266 of title 18 defines ''intimate partner'' to include a spouse, former spouse, a person who shares a child in common, and a person who cohabits or has cohabited as a spouse; or a person who is or has been in a romantic or intimate relationship,

projects as long as the project continues to operate in accordance with certain requirements. See *https://www.hudexchange.info/resources/documents/SafeHavenFactSheet_CoCProgram.PDF.* A safe haven is a form of supportive housing that serves hard-to-reach homeless persons with severe mental illness, who come primarily from the streets and have been unable or unwilling to participate in housing or supportive services.

[11] Funding, for example, to cover mediation, credit counseling, or case management are homeless prevention activities not covered by VAWA.

[12] A commenter asked whether Moving-to-Work PHAs must comply with VAWA and the answer is yes. They are not exempt from compliance.

[13] See HUD's October 29, 2010, proposed rule at 75 FR 66970.

as determined by factors such as the length and type of relationship; or any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction. The term ''crime of violence'' is defined in 18 U.S.C. 16 to mean: ''an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.'' HUD does not include the definitions for these terms but provides a cross-reference to their definitions in title 18 of the U.S. Code.

Immediate family member (Removed): As noted earlier, VAWA 2013 replaces the definition of ''immediate family member'' and substitutes ''affiliated individual.'' HUD therefore proposes to remove the definition of ''immediate family member'' from the definition section.

Sexual assault (New): While VAWA 2005 contained provisions to protect victims of sexual assault (see 42 U.S.C. 14043e–1), reference to victims of sexual assault was not included in the amendments to sections 6 and 8 of the 1937 Act, which established the VAWA protections for HUD's public housing and Section 8 programs. (See 42 U.S.C. 1437d(3) and 1437f(9) prior to amendment by VAWA 2013.) VAWA 2013 extends VAWA protections to victims of sexual assault for all HUD-covered housing programs. The term ''sexual assault'' is statutorily defined as ''any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.'' (See 42 U.S.C. 13925(a).)

This rule would add the definition of ''sexual assault'' to the definitions in 24 CFR part 5, subpart L, and would also add reference to victims of sexual assault where other victims protected under VAWA are addressed (*i.e.,* victims of domestic violence, dating violence, sexual assault, or stalking) to the regulations for the covered housing programs.

Stalking (Revised): VAWA 2013 removed the definition of ''stalking'' in title VI, but a definition of ''stalking'' remains in title I of VAWA. Title I defines ''stalking'' as ''engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.'' (See 42 U.S.C. 13925(a)(30)). HUD proposes to substitute this definition for the definition of ''stalking'' in § 5.2003.

VAWA (Revised): This rule would revise the definition of VAWA to solely cite to the applicable U.S. Code citations.

VAWA Protections (§ 5.2005)—Revised To Include New Protections

VAWA 2013 expands on the protections provided by VAWA 2005, and which are currently codified in HUD's regulations at 24 CFR 5.2005. VAWA 2005 obligated each PHA, owner, and manager of assisted housing to provide notice to tenants of their rights under VAWA, including the right to confidentiality. In addition, VAWA 2005 obligated each PHA to provide notice to owners and managers of assisted housing of their rights and obligations under VAWA. These requirements are addressed in HUD's existing regulations at 24 CFR 5.2005(a).

Notice of occupancy rights under VAWA and certification form (§ 5.2005(a)(1)(i)) and (ii): VAWA 2013 requires HUD, as opposed to the individual covered housing provider, to develop the notice of rights available under VAWA, which HUD refers to as the ''Notice of Occupancy Rights under VAWA.'' VAWA 2013 provides that each covered housing provider is to distribute the notice of occupancy rights developed by HUD, together with the certification form specified by VAWA 2013 (discussed below). The notice and certification form are to be distributed at such times as directed by VAWA.

VAWA 2013 states that the notice, to be developed by HUD, must also include the rights to confidentiality and the limits to such confidentiality. The confidentiality rights provided by VAWA and the limits on such rights, which are to be addressed in this notice, are also proposed to be codified in § 5.2007(c) of HUD's regulations, as further discussed below. VAWA 2013 provides that any information submitted to a covered housing provider by an applicant or tenant (the individual), including the fact that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in confidence by the covered housing provider and may not be entered into any shared database or disclosed to any other entity or any other individual, except to the extent that the disclosure is: (1) Requested or consented to by the individual in writing, (2) required for use in an eviction proceeding involving VAWA protections, or (3) otherwise required by applicable law. The ''otherwise required by applicable law'' includes any additional procedures that may be provided under the regulations of the applicable covered HUD programs, or as required by other Federal, State, or local law.

Unlike the emergency transfer plan, discussed below, which VAWA 2013 refers to as a ''model plan,'' the statute does not refer to the notice of occupancy rights as a ''model'' notice. HUD believes that the difference in referring to the emergency transfer plan as a model plan but not referring to the notice of occupancy rights as a model notice may pertain, with respect to the plan, to the ability and feasibility of a covered housing provider to transfer a victim of domestic violence, dating violence, sexual assault, or stalking to an available and safe unit, which may vary significantly given program differences. However, the basic protections of VAWA apply to all covered housing programs, notwithstanding program differences.

HUD, therefore, reads the statutory provision as requiring covered housing providers to issue the notice as developed by HUD, without substantive changes to the core protections and confidentiality rights in the notice, but that covered housing providers should customize the notice to reflect the specific assistance provided under the particular covered housing program, and to their program operations that may pertain to or affect the notice of occupancy rights. For example, covered housing providers should add to the notice information that identifies the covered program at issue (*e.g.,* Housing Choice Voucher program), the name of the covered housing provider (*e.g.,* the Housing Authority of Any Town), how much time a tenant would be given to relocate to new housing in the event the covered housing provider undertakes lease bifurcation and the tenant must move from the unit, and any additional information and terminology that is used in the program and makes the notice of occupancy rights more meaningful to the applicants and tenants that receive the notice (*e.g.,* use of ''apartment'' or ''housing'' in lieu of ''unit'').

Approved certification form (§ 5.2005(a)(1)(ii)): VAWA 2013 provides that an approvable certification form is one that: (1) States that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking; (2) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for VAWA protection meets the requirements under VAWA; and (3) includes the name of the individual who committed the domestic violence, dating violence,

sexual assault, or stalking, if the name is known and safe to provide. (See 42 U.S.C. 14043e–11(c)(3).)

Timing of distribution of notice of occupancy rights (§ 5.2005(a)(2)): VAWA 2013 directs the covered housing provider to provide the notice of occupancy rights and certification form to an applicant or tenant at the following times: (1) At the time the applicant is denied residency in a dwelling unit assisted under the covered housing program; (2) at the time the individual is admitted to a dwelling unit assisted under the covered housing program; and (3) at the time that any notification of eviction or notification of termination of rental assistance is issued. The proposed regulatory text includes these time periods but rewords the first two periods of time to read as follows: (1) At the time the applicant is denied assistance or admission under the covered housing program, and (2) at the time the individual is provided assistance or admission under the covered housing program.

Specific solicitation of comment 3: Given the many HUD programs that are being added to VAWA coverage by VAWA 2013, HUD is considering requiring that, at a minimum, the newly covered HUD programs distribute the notice of occupancy rights and certification form to all current tenants and not only to new tenants (*i.e.,* at the time an individual is provided assistance or admission under the covered housing program). HUD specifically solicits comment on this proposal and whether there is a less burdensome way to reach out to all existing tenants in the newly covered HUD programs about their rights under VAWA.

Notice and certification form to be available in other languages (§ 5.2005(a)(3)): VAWA 2013 also requires the notice and certification form to be available in multiple languages, consistent with guidance issued by HUD, implementing title VI of the Civil Rights Act, which prohibits discrimination on the basis of race, color, and national origin. (42 U.S.C. 14043e–11(d)(2).) The HUD Guidance was required by Executive Order 13116 and implements HUD title VI and related regulations in 24 CFR 1.4. HUD's Guidance requires recipients of Federal financial assistance to take reasonable steps to ensure meaningful access to programs and services by individuals with Limited English Proficiency (LEP) and to reduce barriers that can preclude meaningful access by LEP individuals. See HUD Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (January 22, 2007), available at *http://www.gpo.gov/fdsys/pkg/FR-2007-01-22/pdf/07-217.pdf.* The guidance contains a four-part individualized assessment for recipients to use to determine the extent of their obligations, and an appendix with examples of how the four-part assessment might apply.

Prohibited basis for denial or termination of assistance or eviction (§ 5.2005(b)): As discussed above, VAWA 2013 provides, to the extent applicable, the same protections for applicants and tenants. This proposed rule would therefore combine the protections for applicants (currently found at § 5.2005(b)) and the protections for tenants (currently found at § 5.2005(c)) into one paragraph at § 5.2005(b). (See 42 U.S.C. 14043e–11(b)(1).) In proposed § 5.2005(b), paragraph (b)(1) would state the general prohibition pertaining to denial or termination of assistance or eviction.

The prohibition, generally (§ 5.2005(b)(1)). Paragraph (b)(1) of § 5.2005(b)(1) provides that, under a covered housing program, neither an applicant nor tenant assisted may be denied assistance or admission, have assistance terminated, or be evicted on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy under a covered housing program.

Termination on the basis of criminal activity (§ 5.2005(b)(2)): In proposed § 5.2005(b), paragraph (b)(2) would address the VAWA prohibition on denying or terminating assistance or evicting a tenant solely on the basis of criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking if the tenant or affiliated individual is the victim or threatened victim of such activity. VAWA 2005 prohibited denying or terminating assistance or evicting a tenant solely on the basis of criminal activity directly related to domestic violence, dating violence, or stalking if the tenant or immediate family member is the victim of such activity. VAWA 2013 expands the 2005 statutory prohibition to include reference to sexual assault and reference to affiliated individuals, and this rule would revise this protection to reflect the change in terminology.

A commenter on the August 6, 2013, notice asked for clarification of the meaning of the term ''directly relating'' in the context of criminal activity stating that it assumed that the use of the word ''directly'' was intended to limit the reach of the protection. The commenter is correct. The prohibition in VAWA on denying or terminating assistance on the basis of criminal activity, is not intended to cover all criminal activity, such as criminal activity related to the selling and distribution of narcotics, but rather solely to the criminal activity that specifically relates to domestic violence, dating violence, sexual assault, or stalking. HUD believes that, read in context of the full VAWA provision, the term is clear and no further elaboration is needed.

Construction of lease terms and terms of assistance (§ 5.2005(c)): Proposed new paragraph (c) of § 5.2005 would incorporate the direction of VAWA 2013 on how to construe certain lease terms and terms of rental assistance. VAWA 2013 provides that an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as: (1) A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or (2) good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of a victim or threatened victim of such incident. (See 42 U.S.C. 14043e–11(b)(2).)

Although ''actual or threatened'' was removed by VAWA 2013 from almost all places that this term appeared in VAWA 2005, VAWA 2013 retains its use here with respect to direction on how to construe leases. The limited use of ''actual or threatened'' in VAWA 2013 may be because the VAWA protections that are applicable to individuals under the ''threat'' of domestic violence, dating violence, sexual assault, or stalking are limited to tenants; thus, necessitating the need to reference to ''threatened'' acts in determining lease violations. A tenant's fear of ''threatened'' harm also arises in the context of a tenant's request to be transferred to another unit. (See discussion of the emergency transfer plan later in this preamble.)

It is HUD's position that consideration of ''threatened'' acts of domestic violence is an important component of reducing domestic violence, and the intent of VAWA is to reduce domestic violence. In support of this position, HUD notes that the term ''crime of violence'' is used in VAWA's definition of ''domestic violence.'' ''Crime of violence'' is defined in 18 U.S.C. 16 to mean (a) an offense that has an element the use, attempted use, or *threatened*

use of physical force against the person or property of another or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Limitation of VAWA protections (§ 5.2005(d)): Paragraph (d) of § 5.2005 would continue to address the limitations of VAWA protections, but would be revised to reflect changes made by VAWA 2013. Those changes include the expansion of coverage of HUD programs beyond HUD's public housing and Section 8 programs, and new terminology such as ''affiliated individual.''

HUD proposes to incorporate in § 5.2005(d) the language currently found in paragraph (b) of § 5.2009 (Remedies available to victims of domestic violence, dating violence, sexual assault or stalking). Section 5.2009(b) addresses court orders and provides that nothing in VAWA may be construed to limit the authority of a covered housing provider to honor court orders and civil protection orders. HUD views this provision as a limitation on VAWA protections, since such orders may result in the disclosure of confidential information, and therefore has moved this language to § 5.2005(d)(1).

Although not required by VAWA, HUD retains paragraph (d)(3) of existing § 5.2005 (§ 5.2005(d)(4) in the proposed rule) that encourages a covered housing provider to evict or terminate assistance as provided in § 5.2005(d) only when there are no other actions that could be taken to reduce or eliminate the threat of domestic violence. This paragraph provides that any eviction or termination of assistance, as provided in the regulations, should be utilized by a covered housing provider only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. This paragraph was added to HUD's regulations in response to public comment in the prior rulemaking. Covered housing providers are strongly encouraged, although not mandated, to use eviction or termination as a last resort.

Removal of definition of ''actual and imminent threat'' in § 5.2005: As noted earlier in this preamble, HUD proposes to move the definition of ''actual and imminent threat'' to the definition section, § 5.2003.

Emergency transfer plan (§ 5.2005(e)): VAWA 2013 increases protection for victims of domestic violence, dating violence, sexual assault, and stalking by requiring HUD to develop and adopt a model emergency transfer plan for use by covered housing providers. HUD addresses the requirements for the emergency transfer plan in § 5.2005(e).

VAWA 2013 provides that the emergency transfer plan: (1) Must allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program if the tenant expressly requests the transfer; the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90-day period preceding the tenant's request for transfer; and (2) must incorporate reasonable confidentiality measures to ensure that the covered housing provider does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. (See 42 U.S.C. 14043e–11(e).)

HUD emphasizes certain points about the statutory language.

First, the statutory language refers to ''reasonable confidentiality measures'' and HUD replaces ''reasonable'' with ''strict'' confidentiality measures. HUD cannot overstate the importance of guarding the identity of victims of domestic violence, dating violence, sexual assault, and stalking and believes ''strict'' better reflects the intent of VAWA, which is optimum protections for victims of domestic violence.

Second, the statutory documentation requirements of VAWA, which are specified below in the discussion of § 5.2007, are not statutorily required with respect to a tenant requesting an emergency transfer. Under a strict interpretation of section 41411(c)(1), (3)(A)(ii), and (3)(B)(ii) of VAWA, the statutory requirements regarding documentation only apply when a victim of domestic violence, dating violence, sexual assault, or stalking requests ''protection under subsection (b)'' of section 41411, which pertains only to lease bifurcation and the prohibited bases for denial or termination of assistance or eviction. Emergency transfers, in contrast, are covered in subsections (e) and (f) of section 41411 and the statute is silent regarding documentation requirements for requests for protection under those subsections. In addition, the statutory language refers to ''tenants who are victims of domestic violence, dating violence, sexual assault, and stalking.'' This phrasing possibly indicates that the tenant may have already been determined to be victim of domestic violence, dating violence, sexual assault, and stalking, and, therefore, no need for further documentation.

HUD has reasonable discretion over what documentation requirements, if any, to apply or allow when victims of domestic violence, dating violence, sexual assault, or stalking request an emergency transfer from their existing unit to another safe and available unit. However, as noted earlier, because the statutory language refers to ''victims of domestic violence'' there is also the implication that the individual may have already been determined, through documentation, to be a victim of domestic violence and, therefore, further documentation would not be required.

In § 5.2007, HUD provides that the documentation requirements specified in paragraph (a) of § 5.2007 do not apply to a request for an emergency transfer requested under § 5.2005(e), unless otherwise specified by HUD by notice, or by the covered housing provider in its emergency transfer plan. Inclusion in the emergency transfer plan of any documentation requirements related to emergency transfer provides earlier notification to tenants of documentation requirements that may be imposed by the covered housing provider.

Specific solicitation of comment 4: HUD believes that documentation requirements pertaining to the need for an emergency transfer are important for both the tenant and the covered housing provider. HUD invites comments on requiring documentation in the situation in which a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking requests an emergency transfer from the tenant's existing unit to another safe and available unit, and what that documentation might include. HUD welcomes commenters' views on whether documentation requirements should be imposed for tenants requesting emergency transfer, and, if so, whether less stringent documentation requirements should apply due to the emergency nature of the requests or more stringent documentation requirements should apply due to the increased costs and risks that transfers might present to housing owners, grantees, and PHAs.

HUD also seeks comment on the possibility of requiring documentation after the emergency transfer has been achieved, which would then provide a record for the covered housing provider as to why such a move was necessary.

The statutory language refers to transfer to an ''available and safe dwelling unit assisted under a covered housing program.'' The tenant must expressly request the transfer and the tenant reasonably believe that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit, or in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90-day period preceding the request for transfer. The use of the terms ''available and safe unit'' reflect the limits of the covered housing provider's responsibility to transfer a victim of domestic violence, dating violence, sexual assault, or stalking to another unit.

Under an emergency transfer, the covered housing provider relocates a tenant who is a victim of such actions from the unit in which the tenant is residing to another unit if the covered housing provider has a unit that is: (1) Not occupied and available to the tenant given possible considerations that may be applicable, such as eligibility requirements, waiting list, tenant preferences or prioritization, unit restrictions, or term limitations; and (2) safe (for example, an unoccupied unit immediately next door to the unit in which the victim is residing would, on its face, be safer than the unit in which the victim is currently residing, but the degree and extent of safety may be questionable if the perpetrator remains in the unit in which the victim was residing).

HUD reads ''under a covered housing program'' to mean the covered housing provider must, at a minimum, transfer the tenant to a unit under the provider's control and assisted under the same covered program as the unit in which the tenant was residing, again, if a unit is available and is safe. An example of the meaning of control can be found in the Section 202 Supportive Housing for the Elderly program. Under this program, a covered housing provider would not be able to transfer a tenant to another Section 202 project that has a sponsor that is different from the sponsor of the project in which the tenant who is seeking to move is residing.

A covered housing provider, however, may transfer the tenant to a unit assisted under another covered program administered by the covered housing provider if a unit is available and safe, and if feasible given any possible differences in tenant eligibility. HUD provides in § 5.2005(e) that, with respect to emergency transfer of tenants, nothing in § 5.2005(e) is to be construed to supersede any eligibility, or other occupancy requirements, that may apply under a covered housing program.

Specific solicitation of comment 5: HUD also specifically solicits comment on available and safe dwelling units that a covered housing provider is required to consider in transferring a tenant, who expressly requests a transfer, as a result of an incident of domestic violence, dating violence, sexual assault, or stalking.

Specific solicitation of comment 6: HUD further solicits comment on whether it would be helpful to covered housing providers if HUD issues a model transfer request that includes the criteria for requesting the transfer; *i.e.,* reasonable belief that the tenant is being threatened.

HUD notes that HUD's Section 8 tenant-based rental program allows a family to move with continued assistance within a PHA's jurisdiction or to another PHA's jurisdiction (portability). The Section 8 tenant-based regulations at 24 CFR 982.314 provide that a family or member of a family may move with continued assistance if the move is needed to protect the health and safety of the family or family member as a result of domestic violence, dating, violence, sexual assault, or stalking, or any family member has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's request to move. This regulation provides that a PHA may not terminate assistance if a family moves with or without prior notification to the PHA because the family or member of the family reasonably believed they were in imminent threat from further violence (however, any family member that has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's move or request to move, is not required to believe that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit).

HUD's Continuum of Care (CoC) program regulations currently provide for transfer of tenant-based rental assistance for a family fleeing domestic violence, dating violence, sexual assault, or stalking. HUD's regulation at 24 CFR 578.51(c)(3) covers program participants who have complied with all program requirements during their residence and who have been victims of domestic violence, dating violence, sexual assault, or stalking. Section 578.51(c)(3) provide that program participants must reasonably believe they are imminently threatened by harm from further domestic violence, dating violence, sexual assault, or stalking (which would include threats from a third party, such as a friend or family member of the perpetrator of the violence). If program participants remain in the assisted unit, § 578.51(c)(3) provides that they must be able to document the violence and the basis for their belief. If program participants receiving tenant-based rental assistance satisfy the requirements of 24 CFR 578.51(c)(3), then they may retain rental assistance and move to a different CoC geographic area if they choose to move out of the assisted unit to protect their health and safety.

HUD is aware that the transfers of tenants from one unit to another are not without costs, and HUD proposes that covered housing providers follow, to the extent possible, existing policies and procedures in place with respect to transfers, and make every effort to facilitate transfers as quickly as possible, and to minimize such costs or bear such costs, where possible, consistent with existing policies and practices. HUD's CoC regulations, in addition to containing regulations that provide for a victim of domestic violence, dating violence, sexual assault, or stalking to retain his or her tenant-based rental assistance and move to a different CoC geographic area, include reasonable one-time moving costs as eligible supportive services cost. (See 24 CFR 578.53(e)(2).)

Specific solicitation of comment 7. For covered housing providers that have been involved in a transfer of tenants from one unit, regardless of the reason for the transfer, HUD specifically solicits comment on the costs of such transfer (including information on who bears the costs of the transfer) and the paperwork involved to achieve such transfer. For covered housing providers that have not been involved in transfers, HUD solicits comment on the anticipated costs of such transfer and anticipated paperwork involved.

VAWA documents: In addition to the proposed amendments discussed above, the appendices to the proposed rule present for public comment the documents that HUD is required to develop by VAWA: Appendix A to this proposed rule presents the notice of occupancy rights; Appendix B presents the model emergency transfer plan; and Appendix C presents the proposed certification form.

Documenting the Occurrence of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (§ 5.2007)

This proposed rule would amend § 5.2007, which addresses documenting domestic violence, dating violence, or stalking and, now, following VAWA 2013, documenting sexual assault. The proposed rule would also revise the heading of this section to include reference to ''sexual assault.'' VAWA 2013 does not make significant changes to the documentation content and procedures required by VAWA 2005. The types of documents that an applicant or tenant are eligible to submit are largely the same as in HUD's existing VAWA regulations, but there are some changes.

Request for documentation (§ 5.2007(a)): As is the case in the current regulations, if an applicant for assistance, or a tenant assisted under a covered housing program represents to the covered housing provider that the individual is entitled to the protections under § 5.2005, or to remedies under § 5.2009, the covered housing provider may request that the applicant or tenant submit to the covered housing provider the documentation required in § 5.2007. If the covered housing provider makes this request, the request must be in writing. As noted earlier in this preamble, the documentation requirements in § 5.2007(a) are not specified in this proposed rule as applicable to a request made by the tenant for an emergency transfer under § 5.2005(e), but HUD is considering requiring documentation for tenants requesting emergency transfer and has, earlier in this preamble, specifically solicited comment on this issue.

Timeline for submission of requested documentation (§ 5.2007(a)(2)(ii)): The time period for an applicant or tenant to submit documentation remains 14 business days following the date that the covered housing provider requests, in writing, such documentation. This is the same as in the existing regulations and, as in the existing regulation, the covered housing provider can extend the time period for the applicant or tenant to submit the necessary documentation.

Permissible documentation and submission requirements (§ 5.2007(b)): HUD proposes to reorganize existing § 5.2007 to consolidate the documentation requirements, including submission requirements, into paragraph (b). Under this proposed reorganization an applicant or tenant's statement or other evidence is now included in paragraph (b), along with the other forms of documentation, instead of in a separate paragraph in § 5.2007, as is currently found in HUD's existing regulations at § 5.2007(d). Paragraph (b), as proposed to be revised by this rule, would also address failure to provide the documentation (currently § 5.2007(c)) and conflicting evidence presented by the applicant or tenant (currently § 5.2007(e)). Paragraph (b) would also incorporate the statutory language, new to VAWA 2013, that provides that nothing in VAWA 2013 shall be construed to require a covered housing provider to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

Certification form (§ 5.2007(b)(1)(i)): VAWA 2013 retains, as acceptable documentation, a certification form, approved by HUD. The certification form, as acceptable documentation, is addressed in HUD's existing regulations at § 5.2007(b), and, under this proposed rule would be addressed in § 5.2005(a)(1)(ii).

As a result of VAWA 2005, HUD issued two approved certification forms. Form HUD–50066 is used for covered housing programs administered by HUD's Office of Public and Indian Housing. Form HUD–91066 is used for covered housing programs administered by HUD's Office of Multifamily Housing, Office of Housing. These forms are available at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/.*

Through the Paperwork Reduction Act process, the HUD covered housing programs will combine these forms into one (to be used for all programs) and modify the language to reflect updated terminology. The proposed combined certification form is modified to abbreviate the space given to a victim to describe the incident of domestic violence. HUD was concerned that the length of space made available on the form signaled that a very detailed description was required, which is not the case. As noted earlier in this preamble, HUD's proposed certification form is provided in Appendix C to this rule.

Specific solicitation of comment 8: HUD specifically solicits comment on the content of the proposed certification form. Specifically, HUD solicits comment from housing providers, as well as victims, survivors, and their advocates, who have experience with forms HUD–50066 and HUD–91066, about whether these forms have been useful and whether HUD should make any changes to the new proposed certification form provided in Appendix C.

Document signed by a professional (§ 5.2007(b)(1)(ii)): VAWA 2013 retains as an acceptable document, a document signed by an employee, agent, or volunteer of a victim service provider; an attorney; medical professional; or mental health professional (collectively ''professionals'' and ''professional'' individually) from whom the victim has sought assistance. In addition to the professionals listed in VAWA 2005, VAWA 2013 provides that the document may include the signature from a mental health professional. VAWA 2013 eliminates the requirement that the professional attest that the incident of abuse is ''bona fide.'' VAWA 2013 provides that the professional must attest, under penalty of perjury, the professional's belief in the occurrence of the incident of domestic violence, dating violence, sexual assault, stalking, that is grounds for protection under VAWA, and that the incident meets the definition of the applicable abusive action as provided in § 5.2003.

Official government or court records (§ 5.2007(b)(1)(iii)): VAWA 2013 continues to provide, as acceptable documentation of domestic violence, dating violence, sexual assault, and stalking, a Federal, State, tribal, territorial, or local police or court record and adds to this a record provided by an administrative agency, such as a state child protective services agency. An administrative agency, under a dictionary for legal terminology, is a governmental body with the authority to implement and administer particular legislation. (See Black's Law Dictionary, 8th Edition, 1999.)

Other documentation acceptable to the covered housing provider (§ 5.2007(b)(1)(iv)): In addition to the documentation specified by the statute, VAWA 2013 gives the housing provider the discretion to accept documentation other than that prescribed by statute. This provision is comparable to the provision in VAWA 2005 which allowed the covered housing provider to accept an individual's verbal statements or other corroborating evidence.

Conflicting documentation (§ 5.2007(b)(2)): Paragraph (b)(2) specifies the actions that a covered housing provider may take if the covered housing provider is confronted with conflicting documentation about the incident of domestic violence, dating violence, sexual assault, or stalking. This paragraph provides, as does the existing regulation on conflicting documentation, that if the covered housing provider receives documentation under § 5.2007(b)(1) that contains conflicting information

(including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the covered housing provider may require an applicant or tenant to submit third-party documentation as provided in § 5.2007(b)(1)(ii) or (b)(iii). The statute specifies no time period in which the third-party documentation is to be submitted.

Specific solicitation of comment 9: HUD specifically solicits comment on whether the 14-business-day time period for submitting documentation requested by the covered housing provider under § 5.2007(a)(2)(ii) should also apply to a third-party document requested under (§ 5.2007(b)(2). VAWA establishes the 14-business-day minimum time period for the victim to submit the requested documentation to the covered housing provider, and this time frame seems reasonable as a starting base for submission of third-party documentation, but this specific solicitation of comment recognizes that more time may be needed by the victim to obtain third-party documentation.

Confidentiality requirements (§ 5.2007(c)): The confidentiality requirements are revised primarily to reflect terminology changes in the statute. However, with respect to entering any information pertaining to an individual being a victim of domestic violence, dating violence, sexual assault, or stalking (confidential information) into a shared database, VAWA 2013 changed the ''shall not be entered'' to a ''may not be entered,'' but retains the exceptions to such prohibition. HUD is retaining the ''shall not'' phrasing that is in HUD's existing regulations. Given that VAWA 2013 continues to carve out exceptions to the prohibition on disclosure, and given that VAWA 2013 retains the ''shall be maintained in confidence'' clause, it is HUD's view that the prohibition is firm, not discretionary, unless one of the exceptions is present.

The statute and HUD's existing regulations provide that the VAWA-related information provided by a tenant shall be kept confidential unless required to be disclosed, among other permissible actions, for use in an eviction proceeding. HUD adds that disclosure is also permissible for use in a hearing regarding termination of assistance from the covered program. VAWA 2013 provides that the information provided by a tenant that is a victim of domestic violence, dating violence, sexual assault, or stalking must be kept confidential unless requested or consented by the individual in writing, required for use in an eviction proceeding, or otherwise required by law. A hearing to determine termination of assistance is required in some covered housing programs.

The remaining changes made to 24 CFR 5.2007 are those required to extend VAWA provisions to victims of sexual assault, and to expand the HUD programs subject to the regulations under VAWA 2013.

Remedies Available to Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (§ 5.2009)

As with the other sections in 24 CFR part 5, subpart L, this proposed rule would amend § 5.2009, which addresses remedies available for victims, to include victims of sexual assault and would revise the heading of this section to include the same.

Lease bifurcation: Existing § 5.2009(a) addresses the option (not a mandate) of a covered housing provider to bifurcate a lease to evict, remove, or terminate assistance to a perpetrator of a VAWA crime without evicting, removing, or terminating rental assistance to the remaining tenants. This option was provided in VAWA 2005. HUD's existing regulations in § 5.2009 provide that notwithstanding any Federal, State, or local law to the contrary, a PHA, owner, or management agent (the housing providers covered under VAWA 2005) may bifurcate a lease. The existing regulations also emphasize that, consistent with VAWA 2005, any eviction, removal, or termination of occupancy rights or assistance must be carried out in accordance with the procedures prescribed by Federal, State or local law for termination of assistance.

VAWA 2013 does not reflect that bifurcation of a lease may occur ''notwithstanding any Federal, State, or local law to the contrary'' but does reiterate the language in VAWA 2005 that the option to bifurcate a lease is subject to other Federal, State, or local law that may address bifurcation of a lease. Accordingly, HUD would revise § 5.2009(a) to remove the ''notwithstanding'' clause.

By providing that bifurcation of lease is an option, not a mandate, VAWA 2005 and VAWA 2013 both recognize that this remedy may not be an option in all covered housing programs, given statutory requirements of the program.

Reasonable time to establish eligibility for assistance or find alternative housing following bifurcation of a lease (§ 5.2009(b)): VAWA 2013 adds another remedy for victims of domestic violence, dating violence sexual assault, and stalking, which will be added at § 5.2009(b)(1). The new remedy provides that if a covered housing provider exercises the option to bifurcate a lease and evicts, removes, or terminates assistance to the individual who was the perpetrator of domestic violence, dating violence, sexual assault, or stalking, and that individual was the tenant eligible for assistance under the covered housing program, the covered housing provider shall provide any remaining tenant the opportunity to establish eligibility for assistance under the covered housing program. If the remaining tenant cannot establish eligibility, the covered housing provider shall provide the tenant with a reasonable period of time, as determined by HUD, to find new housing or to establish eligibility for assistance under another covered housing program.[14] (See 42 U.S.C. 14043e–11(b)(3)(B).) VAWA provides that the purpose of this provision is to not penalize the tenant victim or other tenants, who are not the perpetrators and are not eligible for assistance, by leaving them without housing.

The complication that this provision presents is whether the authorizing statutes for the covered housing programs allow continued assistance to any individual if eligibility has not been established. Several commenters raised this concern in response to the August 6, 2013, notice, and asked if assistance would continue once the only eligible tenant was removed. The response varies given the statutory framework of each program.

For example, HUD's HOPWA program already has in place in its regulations at 24 CFR part 574, a provision that allows, in limited instances, a surviving member or members of a household residing in a unit receiving assistance under the HOPWA program to remain in the unit. Section 574.310(e) of HUD's HOPWA regulations provides that with respect to the surviving member or members of a family who were living in a unit assisted under the HOPWA program with the person with AIDS at

[14] As noted later in this preamble, under some covered programs, the covered housing provider that bifurcates the lease (the owner of the assisted housing) may not be the covered housing provider (for example, the PHA) that determines family eligibility for assistance. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''Notice of occupancy rights under VAWA, and certification form'' described at § 5.2005(a). In addition, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at § 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''Reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at § 5.2009(b).'' See proposed regulations at § 982.53(e).

the time of his or her death, housing assistance and supportive services under the HOPWA program shall continue for a grace period following the death of the person with AIDS. The grantee or project sponsor shall establish a reasonable grace period for continued participation by a surviving family member, but that period may not exceed 1 year from the death of the family member with AIDS. The grantee or project sponsor shall notify the family of the duration of their grace period and may assist the family with information on other available housing programs and with moving expenses. HUD proposes to amend this section to allow for the grace period to include victims of domestic violence, and to further establish that the minimum grace period can be no less than 90 days (the minimum time period HUD is proposing as discussed below) and the maximum period can be no more than 1 year as provided in the existing regulations.

HUD's CoC program has a similar provision in its regulations at 24 CFR part 578 for permanent supportive housing projects. Section 578.75(i) of the CoC regulations provides that for permanent supportive housing projects, surviving members of any household who were living in a unit assisted under this part at the time of the qualifying member's death, long-term incarceration, or long-term institutionalization, have the right to rental assistance under this section until the expiration of the lease in effect at the time of the qualifying member's death, long-term incarceration, or long-term institutionalization. HUD would propose to amend this section to allow for the CoC grace period to extend to tenants (permanent supportive housing tenants) needing to establish eligibility after lease bifurcation.

As noted earlier, under VAWA 2013, reasonable time to establish eligibility for assistance is required if the covered housing provider opts to bifurcate the lease. Therefore, covered housing providers that exercise the bifurcation of lease option must be certain that, under the requirements of the covered housing program, they can provide the remaining tenant or tenants reasonable time to establish eligibility and allow the tenants to remain in the housing unit without assistance or to have the assistance continued for a reasonable period of time until eligibility is established. If the tenant cannot establish eligibility within a reasonable time, after the bifurcation of the lease the covered housing provider shall also provide the tenant reasonable time to find new housing or to establish eligibility for housing under another covered housing program.

HUD recognizes that, under some covered programs, the covered housing provider that bifurcates the lease (the owner of the assisted housing) may not be the covered housing provider (for example, the PHA) that determines family eligibility for assistance. This situation emphasizes the importance of the regulations for the specific covered housing program in determining how certain VAWA provisions are to be implemented.

Specific solicitation of comment 10: HUD specifically solicits comments on actions that covered housing providers may be able to take to help remaining tenants stay in housing or to continue to receive assistance consistent with requirements of the existing covered housing program. HUD also solicits comment on how a covered housing provider may establish an interim rent obligation on the remaining tenant during the time afforded to establish eligibility. It could be the case that HUD would not cover the assistance and an individual would have to pay a full rental amount. In such case, how would such a rental amount be determined and would rent be based on, for example, the subsidy HUD provides to the PHA for the unit.

Specific solicitation of comment 11: In addition to seeking comment, generally, on actions a covered housing provider may take to keep tenants in housing, HUD seeks comment on its Emergency Solutions Grants and CoC programs. HUD specifically requests comment on what lease requirements should apply when tenant-based rental assistance is used for homelessness prevention under the Emergency Solutions Grants and CoC programs, and the family wishes to stay in its existing housing.

Reasonable period of time to establish eligibility: VAWA 2013 leaves it to the applicable Federal agency, in this case HUD, to establish a reasonable time for any remaining tenants, following bifurcation of a lease, to establish eligibility. If the tenant cannot establish eligibility after the bifurcation of the lease, the covered housing provider shall provide the tenant reasonable time to find new housing or to establish eligibility for housing under another covered housing program. HUD would establish this reasonable period in § 5.2009(b)(2).

Commenters on the August 6, 2013, notice offered several time periods as being a reasonable time period to establish eligibility. The majority of the commenters submitted a time period of no less than 60 days and a maximum of 90 days. A few commenters submitted that the time period should be 120 days, and a few others suggested a 180-day period. Some commenters suggested that HUD allow the housing provider to determine the reasonable period of time to establish eligibility, but the majority of commenters did not favor that approach.

HUD agrees with those commenters recommending that 90 days would be a reasonable period for the remaining tenant or tenants to establish eligibility. For HUD covered housing programs, such as HUD's HOPWA program and CoC program, which already provide an ''eligibility grace period,'' HUD does not propose to alter those periods, but rather would amend those regulations to extend those grace periods to victims of domestic violence. HUD proposes to establish the 90-day period for the HUD covered housing programs that do not currently have an eligibility grace period.

In determining what may constitute a reasonable period to establish eligibility, HUD looked at its regulations in 24 CFR part 5, subpart B (Disclosure and Verification of Social Security Numbers and Employer Identification Numbers; Procedures for Obtaining Income Information) as a possible model to determine a reasonable period to provide to a tenant to establish eligibility under a covered housing program. A period of 90 calendar days is used in HUD's regulation at 24 CFR 5.216 (Disclosure and verification of Social Security and Employer Identification Numbers) to allow for a household to obtain a Social Security number for a new household member that is under the age of six. (See 24 CFR 5.216(e)(ii).) A period of 90 calendar days is also used as the period to allow an applicant to produce a Social Security number to maintain eligibility to for participation in the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) program for Homeless Individuals under 24 CFR part 882, subpart H. (See 24 CFR 5.216(h)(2).) HUD viewed these ''disclosure'' regulations as providing support that a minimum 90-day period presents a reasonable period to establish eligibility under a HUD covered housing program.

HUD notes that VAWA 2013 directs that the covered housing provider ''shall provide'' the remaining tenant (or tenants) with reasonable time to find new housing or to establish eligibility for the housing in which the tenant currently resides. HUD therefore proposes a minimum 90-day period that would be divided into two time periods: One time period would be to establish eligibility to remain in the unit in which

the tenant is now residing, and a second time period would be to allow the tenant to locate alternative housing if the tenant is unable to establish eligibility for the unit in which the tenant is now residing.

For the first period, the rule provides for 60 calendar days, commencing from the date of bifurcation of the lease, for the tenant to establish eligibility to remain in the unit in which the tenant is now residing. For the second reasonable period, the rule provides for 30 calendar days, commencing from the 61st date from the date of bifurcation of the lease for the tenant to find alternative housing.

Of course, during first (60 days) period and the second (30 days) period, the tenant may undertake efforts to both establish eligibility to remain in the unit in which the tenant is residing and to find alternative housing. HUD is proposing division of the time period for the tenant to obtain housing so that the tenant has sufficient opportunity to explore both options, provided by statute, for the tenant to obtain housing. A covered housing provider is strongly encouraged to assist a tenant in efforts to establish eligibility for the covered housing in which the tenant is participating, and then assist in finding alternative housing if it no longer seems possible that the tenant will be able to establish eligibility for the covered housing program.

For each of these time periods, the proposed rule would allow, but not mandate, covered providers to grant an extension for up to 30 days, subject, however, to the program regulations under the applicable covered housing program authorizing the covered housing provider to grant an extension, as part of the covered housing providers standard policies and practices or, alternatively, granting such an extension on a case-by-case basis. For some covered housing programs—for example, HUD's public housing and Section 8 voucher programs where demand for available housing and assistance is high—a period of more than 90 days may adversely affect applicants waiting for admission to public housing or receipt of a voucher, and, therefore, for these programs, the proposed is for a maximum period of 90 days, without an extension.

It is important to note that the reasonable time period may only be provided to tenants by covered housing providers that remain subject to the requirements of the other covered housing program once the eligible tenant departs the unit. Therefore the reasonable time period does not apply, generally, if the only assistance provided is tenant-based rental assistance. For such assistance, the assistance is tied to the tenant not the unit. However, where the assistance is tied to the unit, such as project-based assistance, operating assistance, or construction or rehabilitation assistance, the covered housing provider may provide the reasonable period of time to establish eligibility.

In addition, it is the tenant's responsibility to establish eligibility for assistance under the covered housing program or find alternative housing. While the covered housing provider may assist the tenant in the individual's efforts to establish eligibility for assistance under a covered housing program, or find alternative housing, and is encouraged to do so, the responsibility remains with the tenant to establish eligibility for assistance or find alternative housing.

Specific solicitation of comment 12: HUD specifically solicits comment on the ''reasonable'' time periods proposed in this rule. HUD recognizes that all of its covered rental programs have waiting lists for individuals and families already determined to be eligible who are waiting on an available unit to occupy. On the other hand, HUD wants to ensure that, consistent with the statute, covered housing providers allow sufficient time for individuals and families already occupying the unit to remain in the unit if possible, and not further contribute to populations lacking housing stability.

In this regard, HUD has added a new paragraph (c) to § 5.2009, which encourages covered housing providers to undertake whatever actions permissible and feasible under their respective programs to assist individuals residing in their units who are victims of domestic violence, dating violence, sexual assault, or stalking to remain in their units or other units under the covered housing program or other covered housing providers, and for the covered housing provider to bear the costs of any transfer, where permissible.

Court orders: Section 5.2009(b) of HUD's existing VAWA regulations, which pertain to court orders, is proposed to be moved, as discussed earlier in this preamble, to § 5.2005(d)(1).

Effect on Other Laws (§ 5.2011)

With the exception of including ''sexual assault,'' this section would remain unchanged.

B. Proposed Conforming Amendments to 24 CFR parts 92, 93, 200, 574, 576, 578, 880, 882, 883, 884, 886, 891, 960, 966, 982, and 983

For the programs already covered by VAWA, additional proposed amendments are primarily directed to include reference to sexual assault, which was added by VAWA 2013.

For the new HUD programs covered by VAWA 2013, the proposed rule would amend the regulations of the HUD-covered housing programs to cross-reference the applicability of the VAWA regulations in 24 CFR part 5, subpart L. However for certain of the newly covered programs, such as the HOME program, the HOPWA program, the Emergency Solutions Grants program, and the CoC program, regulations beyond reference to the core VAWA requirements provided in part 5, subpart L, are necessary to guide how the VAWA requirements are to be implemented in accordance with the unique program requirements of these four programs, the first three of which are formula funded programs.[15]

As noted earlier in this preamble, HUD also proposes to amend the HOPWA regulations at 24 CFR 578.75(i) to include a reasonable time for the remaining members of the household to continue occupancy in the housing after the qualifying member was evicted for having engaged in domestic violence, dating violence, sexual assault, or stalking.

For the multifamily housing programs administered by HUD's Office of Housing, the proposed conforming amendment is made to 24 CFR part 200, subpart A, under the undesignated heading of Miscellaneous Cross-Cutting Regulations. To this group of important cross-cutting regulations, HUD would add the requirement to comply with the VAWA protections.

While this rule proposes to make the necessary regulatory amendments to fully implement VAWA 2013 in all HUD-covered housing programs, the HUD offices administering assistance under the covered programs will develop guidance for their covered housing providers to further assist covered housing providers in their implementation of VAWA and elaborate on such nonregulatory requirements, such as encouraging the providers to aid remaining tenants in their efforts to establish eligibility for assistance and how such aid may be provided. The guidance will be in such forms that HUD program offices generally issue

[15] Although HOPWA is primarily a formula program, it does have a competitive grant component that is funded annually.

guidance to supplement and support statutory or regulatory program requirements, such as Office of Housing or PIH notices, Federal Housing Administration (FHA) mortgagee letters, etc. HUD recognizes that for HUD and the covered housing providers to more effectively assist victims of domestic violence, dating violence, sexual assault, or stalking, assistance may be needed from service providers, charitable organizations, and others in the community in which the housing is located, and HUD and covered housing providers will reach out to such organizations.

III. Paperwork Reduction Act

Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

The burden of the information collections in this proposed rule is estimated as follows:

REPORTING AND RECORDKEEPING BURDEN

24 CFR section	Number of respondents in covered programs					Number of responses per respondent (annually) **	Estimated average response time (in hours) **	Estimated annual burden (in hours) **
	PH & * Sec. 8	MF * HSG	HOME	HOPWA	Homeless			
5.2005(a) (Notice of Occupancy Rights.	3,400	23,000	180,487	255	450–CoC ..... 360–ESG ..... *230–RHS* 1,040	1	0.30	545,346.
5.2005(a) Certification.	3,400	23,000	180,487	255	450–CoC ..... 360–ESG ..... *230–RHS* 1,040	1	0.30	545,346.
5.2005(e) Emergency Transfer Plan.	3,400	23,000	180,487	255	450–CoC ..... 360–ESG ..... *230–RHS* 1,040	1	8.00	1,665,456.
5.2005(a) (Notice of Occupancy Rights ***.	.....	.....	.....	.....	.....	.....	.....	0.5. First year only—modifications to form to reflect housing provider
5.2005(a) Certification ***.	.....	.....	.....	.....	.....	.....	.....	0.5. First year only—modifications to form to reflect housing provider
5.2005(e) Emergency Transfer Plan ****.	.....	.....	.....	.....	.....	.....	.....	2 hrs. First year only—preparing emergency plan based on HUD's model.
5.2007(b)(1) ..... Documenting incident of DV.	3,400	23,000	180,487	255	450–CoC ..... 360–ESG*230–RHS* 1,040.	1	1 00	181,782.
5.2009 Bifurcation of lease.	3,400	23,000	180,487	255	450–CoC 360–ESG *230–RHS*. 1,040	1	8.00	1,454,256
Total Burden (for all HUD programs covered by VAWA).	.....	.....	.....	.....	.....	.....	.....	4,392,189.

* With the exception of the emergency transfer plan, the information collection items listed in this table already apply to public housing, Section 8, and multifamily housing programs. Accordingly, no new burden is established for these programs, except for the requirement to establish an emergency transfer plan, and, as such, they are not counted in the reporting and recordkeeping burden established by VAWA 2013.

** These hours pertain to distribution by the housing provider and review by the tenants in these programs.

*** These are the forms required to be developed by HUD. For the Notice of Occupancy Rights and Certification, the housing provider need only customize to reflect the covered program and identify the housing provider. The Emergency Transfer Plan is a model plan and therefore the housing provider may seek to make more substantive changes.

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting from members of the public and affected agencies comments on the following concerning this collection of information:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this rule. Under the provisions of 5 CFR part 1320, OMB is required to make a decision concerning this collection of information between 30 and 60 days after the publication date. Therefore, a comment on the information collection requirements is best assured of having its full effect if OMB receives the comment within 30 days of the publication. This time frame does not affect the deadline for comments to the agency on the proposed rule, however. Comments must refer to the proposal by name and docket number (5720–P–02) and must be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Fax number: 202–395–6947 and Ms. Colette Pollard, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street SW., Room 2204, Washington, DC 20410.

Interested persons may submit comments regarding the information collection requirements electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately 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.

IV. Findings and Certifications

Executive Order 12866, Regulatory Planning and Review

OMB reviewed this rule under Executive Order 12866 (entitled, ''Regulatory Planning and Review''). This rule was determined to be a ''significant regulatory action,'' as defined in section 3(f) of the order but not economically significant, as provided in section 3(f)(1) of the order. In accordance with the Executive order, HUD has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting primarily from the statute's documentation requirements.

Need for Regulatory Action

This regulatory action is required to conform the provisions of HUD's VAWA regulations to those of title VI of VAWA 2013, codified at 42 U.S.C. 14043e *et seq.* The 2013 statutory changes both expand the HUD programs to which VAWA applies and expand the scope of the VAWA protections, so that HUD's existing regulations reflect and implement the full protection and coverage of VAWA.

As stated at the outset of this preamble to this proposed rule, the importance of having HUD's VAWA regulations updated cannot be overstated. The expansion of VAWA 2013 to other HUD rental assistance programs emphasizes the importance of protecting victims of domestic violence, dating violence, sexual assault, and stalking, in all HUD housing offering rental assistance. By having all covered housing providers be aware of the protections of VAWA and the actions that they must take to provide such protections if needed, HUD signals to all tenants in the covered housing programs that HUD is an active part of the national response to prevent domestic violence, dating violence, sexual assault, and stalking.

In addition to expanding the applicability of VAWA to HUD programs beyond HUD's Section 8 and public housing programs, VAWA 2013 expands the protections provided to victims of domestic violence, dating violence, sexual assault, and stalking, which must be incorporated in HUD's codified regulations. For example, under VAWA 2013, victims of sexual assault are specifically protected under VAWA for the first time in HUD-covered programs (compare, *e.g.,* current 24 CFR 5.2005(b) and (c)(1) with § 5.2005(b)(1) and (c) of this proposed rule). Another example is the statutory replacement of the term ''immediate family member'' with the term ''affiliated individual.'' Where HUD's current VAWA regulations provided that a nonperpetrator tenant would be protected from being evicted or denied housing because of acts of domestic violence, dating violence, or stalking committed against a family member (see current 24 CFR 5.2005(c)(2)), under VAWA 2013, the same protections apply to a non-perpetrator tenant because of acts of domestic violence, dating violence, or stalking committed against an ''affiliated individual.'' The replacement of ''immediate family member'' with ''affiliated individual'' reflects differing domestic arrangements and must be incorporated in HUD's regulations.

VAWA 2013 also increases protection for victims of domestic violence, dating violence, sexual assault, and stalking by requiring HUD to develop a model emergency transfer plan to guide covered housing providers in the development and adoption of their own emergency transfer plans. VAWA also changes the procedures for the notification to tenants and applicants of their occupancy rights under VAWA. Prior to VAWA 2013, public housing agencies administering HUD's public housing and Section 8 assistance were responsible for the development and issuance such notification to tenants. Under VAWA 2013, HUD must develop the notice. Thus, HUD's VAWA regulations must reflect that HUD will prescribe the notice of occupancy rights to be distributed by covered housing providers.

Range of Regulatory Approaches Considered

Regarding conformance to, and implementation of, the changes made by VAWA 2013, which is the primary purpose of this rulemaking, HUD has very little discretion to consider actions different from the actions and documents required by the statute. The core protections and the documentation required by VAWA are vital to providing the necessary protections for the victims of domestic violence, dating violence, sexual assault, and stalking.

VAWA 2013 does present some implementation challenges for the newly covered HUD programs. The VAWA 2013 provisions did not alter the VAWA 2005 to more suitably address the ''administration'' structure of the newly covered HUD programs. As noted earlier in this preamble, the VAWA 2013 language continues to match more effectively the type housing that is administered by a PHA; that is, the public housing and Section 8 programs covered by VAWA 2005. As further noted earlier in this preamble, in proposing how the VAWA protections are to be implemented in the newly covered programs, HUD took into account both the statutory and regulatory framework of each program, and HUD's experiences in both administering such program and in working with the different entities administering such programs. In each case, HUD strived to ensure that the proposed regulations for the newly

covered programs protect victims of domestic violence, dating violence, sexual assault, or stalking, as contemplated by VAWA. The proposed regulations for the newly covered programs do not offer alternative approaches for implementation of VAWA in these programs, but rather how HUD believes the protections of VAWA are to be implemented given the structure of these programs. However, the specific questions posed by HUD for comment in this preamble reflect alternative approaches that HUD is considering but HUD values input from the public on these approaches, including listing the Housing Trust Fund as a covered HUD program. HUD submits that, with this program's significant similarity to the HOME program, the Housing Trust Fund program should also offer the VAWA protections to tenants receiving rental assistance under the Housing Trust Fund.

As HUD also noted in the preamble, VAWA 2013 does not impose documentation requirements on a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, and seeks an emergency transfer from the tenant's current unit. As provided under specific solicitation of comment 4 in this preamble, HUD seeks comment on whether documentation requirement should be imposed on those seeking emergency transfers and, if they are imposed, whether they should be the same as those required of tenants seeking other protections of VAWA 2013.

With respect to emergency transfers, VAWA does not define what constitutes a safe and available dwelling unit, and HUD does not provide a definition for such unit in this rule but seeks comment on how such unit should be defined. Under specific solicitations of comment 5 and 9 in the preamble to this proposed rule, HUD specifically solicits comment on actions that covered housing providers may be able to undertake to assist tenants who are not perpetrators of domestic violence, dating violence, sexual assault, or stalking to remain in covered housing programs, consistent with existing program requirements, when a tenant household is divided as a result of lease bifurcation.

As the preamble reflects, HUD's proposed regulations adhere closely to the statutory requirements, and the alternative approaches HUD will consider in the context of information, feedback, and recommendations offered by advocates for protection of victims of domestic violence, participants in and administrators of HUD-covered programs, and the public generally.

Costs and Benefits

As noted in the Executive Summary of this preamble, there are several benefits, including expanding the protections of VAWA to applicants and tenants beyond those in HUD's public housing and Section 8 programs; strengthening the rights, including confidentiality rights, of victims of domestic violence, dating violence, sexual assault, and stalking in HUD-covered programs; and possibly minimizing the loss of housing by such victims through the bifurcation of lease provision, where such action may be a feasible option. The notice of occupancy rights to be distributed to all applicants and tenants signals the concern of HUD and the covered housing provider about the serious consequences of domestic violence, dating violence, sexual assault, and stalking on the individual tenant victim and, at times, the victim's family or individuals affiliated to the victim, and confirms the protections to be afforded to the tenant victim if such violence occurs. The notice of occupancy rights is presented with the goal of helping applicants and tenants understand their occupancy rights under VAWA. Awareness of such rights is an important benefit.

The costs of the regulations, as also noted earlier in this preamble, are primarily paperwork costs. These are the costs of providing notice to applicants and tenants of their occupancy rights under VAWA, the preparation of an emergency transfer plan, and documenting the incident or incidents of domestic violence, dating violence, sexual assault, and stalking. The costs, however, are minimized to some extent by the fact that VAWA 2013 requires HUD to prepare the notice of occupancy rights, the certification form, and the model emergency transfer plan.

In addition to the costs related to these documents, which HUD submits is not significant given HUD's role in creating the documents, there will be a cost with respect to a tenant claiming the protections of VAWA and a covered housing provider responding to such incident. This cost will vary, however, depending on the incidence of claims in a given year and the nature and complexity of the situation. The costs will also depend on the supply and demand for the available and safe units in the situation of an emergency transfer request. HUD's covered housing providers did not confront such ''movement'' costs under VAWA 2005, so it remains to be seen, through implementation of VAWA 2013, if the transfer to a safe unit, as VAWA 2013 allows, is feasible in most situations in which such a request is made and becomes a substantial cost to the covered housing provider. As provided under specific solicitation of comment 7, HUD is soliciting comment on the costs of such transfer, and the extent of paperwork that is necessary to provide the transfer.

The reporting and recordkeeping matrix that accompanies HUD's Paperwork Reduction Act statement, provided above, provides HUD's estimate of the workload associated with the reporting and recordkeeping requirements.

The docket file is available for public inspection between the hours of 8 a.m. and 5 p.m., weekdays, in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Persons with hearing or speech impairments may access the telephone number above via TTY by calling the Federal Relay Service, toll-free, at 800–877–8339.

Impact on Small Entities

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule proposes to fully implement the protections of VAWA 2013 in all HUD covered housing programs. These protections are statutory and statutorily directed to be implemented. The statute does not allow for covered housing providers who are, or may qualify as small entities to not provide such protections to its applicants or tenants or provide fewer protections than covered entities that are larger entities. However, with respect to processes that may be found to be burdensome to small covered housing providers—such as bifurcation of the lease and the emergency transfer plan—bifurcation of the lease is a statutory option not a mandate, and the emergency transfer plan is contingent upon units to which victims of domestic violence, dating violence, sexual assault, or stalking may seek transfer on an emergency basis being available and safe. Therefore, small entities are not required to carry

out these latter processes that may be more burdensome, and, indeed may not be feasible given the fewer number of units generally managed by smaller entities.

Notwithstanding HUD's determination that this rule will not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives, as described in this preamble.

Environmental Impact

This proposed rule involves a policy document that sets out nondiscrimination standards. Accordingly, under 24 CFR 50.19(c)(3) this interim rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either (i) imposes substantial direct compliance costs on State and local governments and is not required by statute, or (ii) preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order. The scope of this rule is limited to HUD covered housing programs, as such term is defined in the rule.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1531–1538) 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 does not impose any Federal mandates on any State, local, or tribal government, or the private sector within the meaning of UMRA.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers applicable to the programs that would be affected by this rule are: 14.103, 14.135, 14.157, 14.181, 14.195, 14.231, 14.267, 14.268, 14.239, 14.241, 14.850, 14.856, and 14.871.

List of Subjects

24 CFR Part 5

Administrative practice and procedure, Aged, Claims, Crime, Government contracts, Grant programs—housing and community development, Individuals with disabilities, Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Penalties, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 92

Administrative practice and procedure, Grant programs—housing and community development, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping.

24 CFR Part 574

Community facilities, Grant programs—housing and community development, Grant programs—social programs, HIV/AIDS, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 576

Community facilities, Grant programs—housing and community development, Grant programs—social programs, Homeless, Reporting and recordkeeping requirements.

24 CFR Part 578

Community facilities, Continuum of Care, Emergency solutions grants, Grant programs—housing and community development, Grant program—social programs, Homeless, Rural housing, Reporting and recordkeeping requirements, Supportive housing programs— housing and community development, Supportive services.

24 CFR Part 880

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 882

Grant programs—housing and community development, Homeless, Lead poisoning, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 883

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 884

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Rural areas.

24 CFR Part 886

Grant programs—housing and community development, Lead poisoning, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 891

Aged, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 960

Aged, Grant programs—housing and community development, Individuals with disabilities, Pets, Public housing.

24 CFR Part 966

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 982

Grant programs—housing and community development, Grant programs—Indians, Indians, Public housing, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 983

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the preamble, and in accordance with HUD's authority in 42 U.S.C. 3535(d), HUD proposes to amend 24 CFR parts 5, 92, 200, 574, 576, 578, 880, 882, 883, 884, 886, 891, 960, 966, 982, and 983, as follows.

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

■ 1. The authority citation for part 5 is revised to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437f, 1437n, 3535(d), Sec. 327, Pub. L. 109–115, 119 Stat. 2936, and 42 U.S.C. 14043e *et seq.,* Sec. 601, Pub. L. 113–4, 127 Stat. 101.

■ 2. Revise Subpart L to read as follows:

Subpart L—Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Sec.
5.2001 Applicability.
5.2003 Definitions.
5.2005 VAWA Protections.
5.2007 Documenting the occurrence of domestic violence, dating violence, sexual assault, or stalking.
5.2009 Remedies available to victims of domestic violence, dating violence, sexual assault, or stalking.
5.2001 Effect on other laws.

§ 5.2001 Applicability.

(a) This subpart addresses the protections for victims of domestic violence, dating violence, sexual assault, or stalking who are applying for, or the beneficiary of, assistance under a HUD program covered by the Violence Against Women Act (VAWA), as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e *et seq.*) (''covered housing program,'' as defined in § 5.2003). Notwithstanding the title of the statute, victims are not limited to women but cover all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, disability, or age.

(b)(1) The applicable assistance provided under a covered housing program generally consists of two types of assistance (one or both may be provided): Tenant-based rental assistance, which is rental assistance that is provided to the tenant; and project-based assistance, which is assistance that attaches to the unit in which the tenant resides. For project-based assistance, the assistance may consist of such assistance as operating assistance, development assistance, and mortgage interest rate subsidy.

(2) The regulations in this subpart are supplemented by the specific regulations for the HUD-covered housing programs listed in § 5.2003. The program-specific regulations address how certain VAWA requirements are to be implemented and whether they can be implemented (for example, reasonable time to establish eligibility for assistance as provided in § 5.2009(b)) for the applicable covered housing program, given the statutory and regulatory framework for the program. When there is conflict between the regulations of this subpart and the program-specific regulations, the program-specific regulations govern. Where assistance is provided under more than one covered housing program, the covered housing program that provides the greatest protection to victims of domestic violence, dating violence, sexual assault, or stalking governs.

§ 5.2003 Definitions.

The definitions of *PHA, HUD, household,* and *other person under the tenant's control* are defined in subpart A of this part. As used in this subpart L:

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

(1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent to a child (for example, the affiliated individual is a child in the care, custody, or control of that individual); or

(2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Covered housing program consists of the following HUD programs:

(1) Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.

(2) Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.

(3) Housing Opportunities for Persons With AIDS (HOPWA) program (42 U.S.C. 12901 *et seq.*), with implementing regulations at 24 CFR part 574.

(4) HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 *et seq.*), with implementing regulations at 24 CFR part 92.

(5) Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 *et seq.*), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).

(6) Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.

(7) Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z–1), with implementing regulations at 24 CFR part 236.

(8) HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).

(9) The Housing Trust Fund (12 U.S.C. 4568) (with regulations forthcoming).

Covered housing provider refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

Dating violence means violence committed by a person:

(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term ''intimate partner'' is defined in 18 U.S.C. 2266 and the term ''crime of violence'' is defined in 18 U.S.C. 16.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for his or her safety or the safety of others; or

(2) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e *et seq.*).

§ 5.2005 VAWA protections.

(a) *Notice of occupancy rights under VAWA, and certification form.* (1) The following notice and certification form must be provided by a covered housing provider to each of its applicants and to each of its tenants:

(i) A ''Notice of Occupancy Rights under VAWA,'' as prescribed and in accordance with directions provided by HUD, that explains the VAWA protections under this subpart, including the right to confidentiality, and any limitations on those protections; and

(ii) A certification form, in a form approved by HUD, to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault or stalking, and that:

(A) States that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

(B) States that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under this subpart meets the applicable definition for such incident under § 5.2003; and

(C) Includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide.

(2) The notice required by paragraph (a)(1)(i) of this section and certification form required by paragraph (a)(1)(ii) of this section must be provided to an applicant or tenant no later than at each of the following times:

(i) At the time the applicant is denied assistance or admission under a covered housing program;

(ii) At the time the individual is provided assistance or admission under the covered housing program; and

(iii) With any notification of eviction or notification of termination of assistance.

(3) The notice required by paragraph (a)(1)(i) of this section and the certification form required by paragraph (a)(1)(ii) of this section must be made available in multiple languages, consistent with guidance issued by HUD in accordance with Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency, signed August 11, 2000, and published in the **Federal Register** on August 16, 2000 (at 65 FR 50121).

(b) *Prohibited basis for denial or termination of assistance or eviction*—(1) *General.* An applicant for assistance or tenant assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

(2) *Termination on the basis of criminal activity.* A tenant in a covered housing program may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:

(i) The criminal activity is engaged in by a member of the household of a tenant or any guest or other person under the control of the tenant, and

(ii) The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

(c) *Construction of lease terms and terms of assistance.* An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as:

(1) A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or

(2) Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.

(d) *Limitations of VAWA protections.* (1) Nothing in this section limits the authority of a covered housing provider, when notified of a court order, to comply with a court order with respect to:

(i) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

(ii) The distribution or possession of property among members of a household in a case.

(2) Nothing in this section limits any available authority of a covered housing provider to evict or terminate assistance to a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. However, the covered housing provider must not subject the tenant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other tenants in determining whether to evict or terminate assistance.

(3) Nothing in this section limits the authority of a covered housing provider to terminate assistance to or evict a tenant under a covered housing program if the covered housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to property of the covered housing provider would be present if that tenant or lawful occupant is not evicted or terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an ''actual and imminent threat'' if they meet the standards provided in the definition of ''actual and imminent threat'' in § 5.2003.

(4) Any eviction or termination of assistance, as provided in paragraph (d)(3) of this section should be utilized by a covered housing provider only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents.

(e) *Emergency transfer plan.* Each covered housing provider, as identified in the program specific regulations for the covered housing program, shall adopt an emergency transfer plan, based on HUD's model emergency transfer plan, and that incorporates the following components:

(1) The emergency transfer plan must allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another unit under the covered housing program in which the tenant has been residing or to a unit in another covered housing program if such transfer is permissible under applicable program regulations, provided that a unit is available and safe, and provided, further, that:

(A) The tenant expressly requests the transfer; and

(B)(i) The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or

(ii) In the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer; and

(2) The emergency transfer plan must incorporate strict confidentiality measures to ensure that the covered housing provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

(3) Nothing in this subsection (e) may be construed to supersede any eligibility or other occupancy requirements that may apply under a covered housing program.

§ 5.2007 Documenting the occurrence of domestic violence, dating violence, sexual assault, or stalking.

(a) *Request for documentation.* (1) Under a covered housing program, if an applicant or tenant represents to the covered housing provider that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking entitled to the protections under § 5.2005, or remedies under § 5.2009, the covered housing provider may request, in writing, that the applicant or tenant submit to the covered housing provider the documentation specified in paragraph (b)(1) of this section. The documentation requirements in this paragraph (a) are not applicable to a request made by the tenant for a request for an emergency transfer under § 5.2005(e), unless otherwise specified by HUD by notice.

(2)(i) If an applicant or tenant does not provide the documentation requested under paragraph (a)(1) of this section within 14 business days after the date that the tenant receives a request in writing for such documentation from the covered housing provider, nothing in § 5.2005 or § 5.2009, which addresses the protections of VAWA, may be construed to limit the authority of the covered housing provider to:

(A) Deny admission by the applicant or tenant to the covered housing program;

(B) Deny assistance under the covered housing program to the applicant or tenant;

(C) Terminate the participation of the tenant in the covered housing program; or

(D) Evict the tenant, or a lawful occupant that commits a violation of a lease.

(ii) A covered housing provider may, at its discretion, extend the 14-business-day deadline under paragraph (a)(2)(i) of this section.

(b) *Permissible documentation and submission requirements.* (1) In response to a written request to the applicant or tenant from the covered housing provider, as provided in paragraph (a) of this section, the applicant or tenant may submit, as documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking:

(i) The certification form described in § 5.2005(a)(1)(ii); or

(ii) A document:

(A) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, ''professional'') from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;

(B) Signed by the applicant or tenant; and

(C) Specifies that, under penalty of perjury, the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart meets the applicable definition under § 5.2003; or

(iii) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(iv) At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

(2) If a covered housing provider receives documentation under paragraph (b)(1) of this section that contains conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the covered housing provider may require an applicant or tenant to submit third-party documentation, as described in paragraphs (b)(1)(ii), (b)(1)(iii), or (b)(1)(iv) of this section.

(3) Nothing in this paragraph (b) shall be construed to require a covered housing provider to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

(c) *Confidentiality.* Any information submitted to a covered housing provider under this section, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking (confidential information), shall be maintained in confidence by the covered housing provider.

(1) The covered housing provider shall not allow any individual administering assistance on behalf of the covered housing provider or any persons within their employ (*e.g.,* contractors) or in the employ of the covered housing provider to have access to confidential information unless explicitly authorized by the covered housing provider for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

(2) The covered housing provider shall not enter confidential information described in paragraph (c) of this section into any shared database or disclose such information to any other

entity or individual, except to the extent that the disclosure is:

(i) Requested or consented to in writing by the individual;

(ii) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or

(iii) Otherwise required by applicable law.

(d) A covered housing provider's compliance with the protections of §§ 5.2005 and 5.2009, based on documentation received under this section shall not be sufficient to constitute evidence of an unreasonable act or omission by the covered housing provider. However, nothing in this paragraph (d) of this section shall be construed to limit the liability of a covered housing provider for failure to comply with §§ 5.2005 and 5.2009.

§ 5.2009 Remedies available to victims of domestic violence, dating violence, sexual assault, or stalking.

(a) *Lease bifurcation.* (1) A covered housing provider may in accordance with paragraph (a)(2) of this section, bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual:

(i) Without regard to whether the household member is a signatory to the lease; and

(ii) Without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

(2) A lease bifurcation, as provided in paragraph (a)(1) of this section, shall be carried out in accordance with any requirements or procedures as may be prescribed by Federal, State, or local law for termination of assistance or leases and in accordance with any requirements under the relevant covered housing program.

(b) *Reasonable time to establish eligibility for assistance or find alternative housing following bifurcation of a lease.* The reasonable time to establish eligibility under a covered housing program or find alternative housing is specified in paragraph (b) of this section, or alternatively in the program-specific regulations governing the applicable covered housing program. Some covered housing programs may provide different time frames than are specified in this paragraph (b), and in such cases, the program-specific regulations govern.

(1) *Reasonable time to establish eligibility assistance.* (i) If a covered housing provider exercises the option to bifurcate a lease as provided in paragraph (a) of this section, and the individual who was evicted or for whom assistance was terminated was the eligible tenant under the covered housing program, the covered housing provider shall provide to any remaining tenant or tenants a period of 60 calendar days from the date of bifurcation of the lease to:

(A) Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease; or

(B) Establish eligibility under another covered housing program.

(ii) The 60-calendar-day period provided by paragraph (b)(1) of this section can only be provided to a remaining tenant if the governing statute of the covered program authorizes an ineligible tenant to remain in the unit without assistance. The 60-calendar-day period does not supersede any period to establish eligibility for the covered housing program that may already be provided by the covered housing program. The 60-calendar-day period is the total period provided to a remaining tenant to establish eligibility under the two options provided in paragraphs (b)(1)(i)(A) and (B)of this section.

(iii) The covered housing provider, subject to authorization under the regulations of the applicable covered housing program, may extend the 60-calendar-day period up to an additional 30 calendar days.

(2) *Reasonable time to find alternative housing provider.* (i) If a tenant is unable to establish eligibility for the covered housing program, as provided in paragraph (b)(1) of this section, the covered housing provider must give the tenant an additional 30 calendar days to find alternative housing. The additional 30 days shall commence following the 61st day after date of bifurcation of the lease.

(ii) The covered housing provider may, subject to authorization under the regulations of the applicable covered housing program, extend the 30-calendar-day period up to an additional 30 calendar days.

(c) *Efforts to promote housing stability for victims of domestic violence, dating violence, sexual assault, or stalking.* Covered housing providers are encouraged to undertake whatever actions permissible and feasible under their respective programs to assist individuals residing in their units who are victims of domestic violence, dating violence, sexual assault, or stalking to remain in their units or other units under the covered housing program or other covered housing providers, and for the covered housing provider to bear the costs of any transfer, where permissible.

§ 5.2011 Effect on other laws.

Nothing in this subpart shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

PART 92—HOME INVESTMENT PARTNERSHIPS PROGRAM

■ 3. The authority citation for part 92 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12701–12839.

■ 4. In § 92.253, paragraph (a) is revised and paragraph (d) is amended by removing the ''and'' following paragraph (5), adding ''and'' at the end of paragraph (6), and adding a new paragraph (d)(7) to read as follows:

§ 92.253 Tenant protections and selection.

(a) *Lease.* There must be a written lease between the tenant and the owner of rental housing assisted with HOME funds that is for a period of not less than 1 year, unless by mutual agreement between the tenant and the owner a shorter period is specified. The lease must incorporate the VAWA lease term/addendum required under § 92.359(e), except as otherwise provided by § 92.359(b).

* * * * *

(d) *Tenant selection.* * * *

(7) Comply with the VAWA requirements prescribed in § 92.359.

■ 5. Section 92.359 is added to read as follows:

§ 92.359 VAWA requirements.

(a) *General.* (1) The Violence Against Women Act (VAWA) requirements set forth in 24 CFR 5, subpart L, apply to all HOME tenant-based rental assistance and rental housing assisted with HOME funds, except as otherwise provided in this section.

(2) For the HOME program, ''covered housing provider,'' as such term is used in HUD's regulations in 24 CFR part 5, subpart L, and that is designated to carry out the duties and responsibilities specified in 24 CFR part 5, subpart L, refers to:

(i) The housing owner for the purposes of § 5.2005(d)(1), (d)(3), and (d)(4) and § 5.2009(a);

(ii) The participating jurisdiction or its designee for purposes of § 5.2005(e); and

(iv) The housing owner and entity administering tenant-based rental assistance for the purposes of § 5.2005(d)(2) and § 5.2007.

(b) *Effective date.* Compliance with the VAWA requirements under this section and 24 CFR part 5, subpart L, is not required for any tenant-based rental assistance or rental housing project for which the date of the HOME funding commitment is earlier than *[insert effective date of the final rule].*

(c) *Notification requirements.* The participating jurisdiction is responsible for providing a notice and certification form that meet the requirements of § 5.2005(a) to each owner of HOME-assisted rental housing and each entity that administers HOME tenant-based rental assistance.

(1) *For HOME-assisted units.* Each owner of HOME-assisted rental housing must provide the notice and certification form described in 24 CFR 5.2005(a) to each applicant for a HOME-assisted unit at the time the applicant is admitted or denied admission to a HOME-assisted unit. Each owner of HOME-assisted rental housing must also provide the notice and certification form described in 24 CFR 5.2005 with any notification of eviction from a HOME-assisted unit.

(2) *For HOME tenant-based rental assistance.* Each entity that administers HOME tenant-based rental assistance must provide the notice and certification form described in 24 CFR 5.2005(a) to each applicant for HOME tenant-based rental assistance when the applicant's HOME tenant-based rental assistance is approved or denied. Each entity that administers HOME tenant-based rental assistance must also provide the notice and certification form described in 24 CFR 5.2005(a) to a tenant receiving HOME tenant-based rental assistance when the entity provides the tenant with notification of termination of the HOME tenant-based rental assistance and when the entity learns that the tenant's housing owner intends to provide the tenant with notification of eviction.

(d) *Bifurcation of lease requirements.* The requirements of 24 CFR 5.2009(b) do not apply to HOME-assisted rental units or housing for which HOME tenant-based rental assistance is the only assistance provided (*i.e.,* the housing is not assisted housing under a covered housing program, as defined in 24 CFR 5.2003). With respect to this housing, the following requirements apply when a lease is bifurcated in accordance with 24 CFR 5.2009(a):

(1) The participating jurisdiction or its designee must establish a bifurcation policy, which at a minimum specifies:

(i) What constitutes a reasonable opportunity for the remaining tenant to establish eligibility for the HOME-assisted unit, if the qualifying tenant is removed through bifurcation;

(ii) What constitutes a reasonable opportunity for the remaining tenant to establish eligibility for HOME tenant-based rental assistance, if the qualifying tenant is removed through bifurcation; and

(iii) Which provisions, if any, the VAWA lease term/addendum for HOME tenant-based rental assistance must include to protect the remaining tenant, if the qualifying tenant is removed through bifurcation.

(2) If the qualifying tenant for a HOME-assisted unit is removed through bifurcation, the owner must provide any remaining tenant a reasonable opportunity, as determined by the participating jurisdiction, to establish eligibility for the HOME-assisted unit. If the remaining tenant cannot establish eligibility, the owner must give the tenant at least 60 days to find other housing, beginning on the date the tenant is determined ineligible.

(3) If HOME tenant-based rental assistance is the only assistance provided, the following requirements apply:

(i) If the qualifying tenant for the HOME tenant-based rental assistance is removed through the bifurcation, the housing owner and the entity administering the HOME tenant-based rental assistance must provide any remaining tenant(s) a reasonable opportunity, as determined by the participating jurisdiction, to establish eligibility for the HOME tenant-based rental assistance.

(ii) When a family separates under 24 CFR 5.2009(a) and both resulting families remain eligible for HOME tenant-based rental assistance, the participating jurisdiction or its designee must determine on a case-by-case basis which of the resulting families will keep the current HOME tenant-based rental assistance and whether the other resulting family will receive new HOME tenant-based rental assistance.

(e) *VAWA lease term/addendum.* The participating jurisdiction is responsible for developing a VAWA lease term/addendum to incorporate the VAWA requirements that apply to the owner under this section, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c). This VAWA lease term/addendum must also provide that the tenant may terminate the lease without penalty if the participating jurisdiction or its designee determines that the tenant has met the conditions for an emergency transfer under 24 CFR 5.2005(e). When HOME tenant-based rental assistance is provided, the lease term/addendum must require the owner to notify the entity administering HOME tenant-based rental assistance before the owner initiates a bifurcation of the lease or provides notification of eviction to the tenant. If HOME tenant-based rental assistance is the only assistance provided (*i.e.,* the unit is not assisted housing under a covered housing program, as defined in 24 CFR 5.2003), the VAWA lease term/addendum may be written to expire at the end of the rental assistance period.

(f) *Period of applicability.* For HOME-assisted rental housing, the requirements of this section shall apply to the owner or manager of the housing for the duration of the affordability period. For HOME tenant-based rental assistance, the requirements of this section shall apply to the owner or manager of the tenant's housing for the period for which the rental assistance is provided.

■ 6. Section 92.504(c)(3)(v) is amended by adding paragraph (c)(3)(v)(F) to read as follows:

§ 92.504 Participating jurisdiction responsibilities; written agreements; on-site inspection.

* * * * *

(c) Provisions in written agreements:

* * *

(3) * * *

(i) * * *

(v) * * *

(F) The VAWA requirements prescribed in § 92.359.

* * * * *

PART 200—INTRODUCTION TO FHA PROGRAMS

■ 7. The authority citation for Part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21 and 42 U.S.C. 3535(d).

■ 8. Add § 200.38 to read as follows:

§ 200.38 Protections for victims of domestic violence.

(a) The requirements for protection for victims of domestic violence, dating violence, sexual assault, or stalking in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply to programs administered under section 236 and under sections 221(d)(3) and (d)(5) of the National Housing Act, as follows:

(1) Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221. The Section 221(d)(3) BMIR program insured and subsidized mortgage loans to facilitate new construction or substantial rehabilitation of multifamily rental cooperative housing for low- and moderate-income families. The program is no longer active, but section 221(d)(3) BMIR properties that remain in existence are covered by VAWA. Coverage of section 221(d)(3) and (d)(5) BMIR housing does not include section 221(d)(3) and (d)(5) BMIR projects that refinance under section 223(a)(7) or 223(f) of the National Housing Act where the interest rate is no longer determined under section 221(d)(5).

(2) Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z–1), with implementing regulations at 24 CFR part 236. Coverage of the section 236 program includes not only those projects with FHA-insured project mortgages under section 236(j), but also non-FHA-insured projects that receive interest reduction payments (''IRP'') under section 236(b) and formerly insured section 236 projects that continue to receive interest reduction payments through a ''decoupled'' IRP contract under section 236(e)(2). Coverage also includes projects that receive rental assistance payments authorized under section 236(f)(2).

(b) For the programs administered under paragraph (a) of this section, ''covered housing provider'' as such term is used in 24 CFR part 5, subpart L, refers to the mortgagor, or owner, as applicable, and as provided in guidance issued by HUD.

PART 574—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

■ 9. The authority citation for part 574 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12901–12912.

■ 10. Add § 574.460 to read as follows:

§ 574.460 Remaining participants following bifurcation of a lease or eviction as a result of domestic violence.

With respect to participants living in a unit assisted under the HOPWA program with a person with AIDS, and the person with AIDS was found to have engaged in domestic violence, dating violence, sexual assault or stalking, the grantee or project sponsor shall provide a reasonable grace period for continued participation by the remaining participants, which period shall be no less than 90 days, and not more than 1 year, from the date of eviction of the person with AIDS. The grantee or project sponsor shall notify the remaining participants of the duration of their grace period and may assist them with information on other available housing programs and with moving expenses.

■ 11. Add § 574.604 to read as follows:

§ 574.604 Protections for victims of domestic violence, dating violence, sexual assault, and stalking.

(a) *General*—(1) *Applicability of VAWA.* The VAWA requirements set forth in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), apply to all housing assisted with HOPWA grant funds for acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing; new construction; and operating costs provided in § 574.300. The requirements set forth in 24 CFR part 5, subpart L, also apply to project- or tenant-based rental assistance as provided in §§ 574.300 and 574.320, and community residences, as provided in § 574.340.

(2) *Inapplicability of VAWA.* The requirements set forth in 24 CFR 5, subpart L do not apply to short-term supported housing, as provided in § 574.330.

(b) *Covered housing provider.* For the programs administered under paragraph (a) of this section, ''covered housing provider'' as such term is used in 24 CFR part 5, subpart L, is the HOPWA grantee, project sponsor, or housing or facility owner, as described in this section.

(1)(i) For HOPWA-assisted units, the HOPWA grantee is responsible for ensuring that the project sponsor:

(A) Sets policy for determining ''reasonable opportunity'' for establishing eligibility for remaining tenants in HOPWA facility-based assistance—minimum 90 days, maximum 1 year;

(B) Provides notice of occupancy rights and the certification form at admission, denial of assistance, termination, or eviction;

(C) Adopts and administers emergency transfer plan, and facilitating emergency transfers; and

(D) Maintains the confidentiality of documentation submitted by tenants requesting emergency transfers and of each tenant's housing location.

(ii)(A) If a tenant seeks VAWA protections, the tenant must submit such request through the project sponsor (or grantee if the grantee is directly administering housing assistance). The project sponsor will work with the facility owner to facilitate protections on the tenant's behalf. Project sponsors must follow the documentation specifications in 24 CFR 5.2007 and maintain confidentiality as provided in 24 CFR 5.2007.

(B) The facility owner is responsible for using a HOPWA lease addendum with VAWA protections and, if such option is exercised, bifurcating the lease to evict the tenant that perpetrated the domestic violence, dating violence, sexual assault, or stalking.

(2)(i) For tenant-based rental assistance, the HOPWA grantee is responsible for ensuring that the project:

(A) Sets policy for determining ''reasonable opportunity'' for establishing eligibility for remaining tenants in HOPWA facility-based assistance—minimum 90 days, maximum 1 year;

(B) Provides notice of occupancy rights and the certification form at admission, denial of assistance, termination, or eviction;

(C) Adopts and administers emergency transfer plan, and facilitates emergency transfers; and

(D) Maintains the confidentiality of documentation submitted by tenants requesting emergency transfers and of each tenant's housing location.

(ii)(A) If a tenant seeks VAWA protections, the tenant must submit such request through the project sponsor (or the grantee if the grantee is directly administering housing assistance). The project sponsor will work with the facility owner to facilitate protections on the tenant's behalf. Project sponsors must follow the documentation specifications in 24 CFR 5.2007 and maintain confidentiality as provided in 24 CFR 5.2007. The project sponsor is also responsible for determining on a case-by-case basis whether to provide new tenant-based rental assistance to a remaining tenant if an emergency transfer results in division of the household.

(B) The facility owner is responsible for using a HOPWA lease addendum with VAWA protections and, if such option is exercised, bifurcating the lease to evict the tenant that perpetrated the domestic violence, dating violence, sexual assault, or stalking.

(c) *Effective date.* For formula grants, compliance with the VAWA requirements under this section and 24 CFR part 5, subpart L, is not required for any project covered under § 574.604(a) for which the date of the HOPWA funding commitment is earlier than

[insert effective date of the final rule]. For competitive grants, VAWA requirements under this section and 24 CFR part 5, subpart L, are incorporated in the annual notice of funding availability (NOFA) and made applicable through the grant agreement or Renewal Memorandum, executed for the first full fiscal year that commences on *[insert effective date of the final rule].*

(d) *Notification requirements.* (1) As provided in paragraph (b) of this section, the grantee is responsible for ensuring that each eligible person applying to or assisted under the eligible activities described in § 574.604(a) receives the notice and certification form described in 24 CFR 5.2005 at the following times:

(i) At the time the eligible person is denied tenant-based rental assistance or admission to a HOPWA-assisted unit;

(ii) At the time the eligible person is admitted to a HOPWA-assisted unit or begins receiving tenant-based rental assistance; and

(iii) With any notification of eviction from the HOPWA-assisted unit or termination of HOPWA tenant-based rental assistance.

(2) The grantee is responsible for ensuring that, for each tenant receiving HOPWA tenant-based rental assistance, the owner or manager of the tenant's housing unit commits to provide the notice and certification form described in 24 CFR 5.2005 with any notification of eviction that the owner or manager provides to the tenant during the period for which the tenant is receiving HOPWA tenant-based rental assistance. This commitment, as well as the confidentiality requirements under 24 CFR 5.2007(c), must be set forth in the VAWA lease term/addendum required under paragraph (e) of this section.

(e) *Definition of reasonable time.* For the purpose of 24 CFR 5.2009(b), the reasonable time is the reasonable grace period described in 24 CFR 547.460.

(f) *VAWA lease term/addendum.* As provided in paragraph (b) of this section, the facility owner or housing owner, as applicable, is responsible for developing a VAWA lease term/addendum to incorporate all obligations and prohibitions that apply to the housing owner under 24 CFR part 5, subpart L, including the prohibited bases for eviction under 24 CFR 5.2005(b). The VAWA lease term/addendum must also provide that the tenant may terminate the lease without penalty if a determination is made that the tenant has met the conditions for an emergency transfer under 24 CFR 5.2005(e). For tenant-based rental assistance, the VAWA lease term/addendum may be written to expire at the end of the rental assistance period, except where the tenant's housing is assisted under a ''covered housing program,'' as defined in 24 CFR 5.2003. The facility owner or housing owner, as applicable, is responsible for ensuring the VAWA lease term/addendum is added to the leases for all HOPWA-assisted units and the leases for all eligible persons receiving HOPWA tenant-based rental assistance.

PART 576—EMERGENCY SOLUTIONS GRANTS PROGRAM

■ 12. The authority citation for part 576 continues to read as follows:

Authority: 42 U.S.C. 11371 *et seq.,* 42 U.S.C. 3535(d).

■ 13. In § 576.105, add paragraph (a)(7) to read as follows:

§ 576.105 Housing relocation and stabilization services.

(a) * * *

(7) If a program participant receiving short- or medium-term rental assistance under § 576.106 meets the conditions for an emergency transfer under 24 CFR 5.2005(e), ESG funds may be used to pay damages caused by early termination of the program participant's lease. These costs are not subject to the 24-month limit on rental assistance under § 576.106.

* * * * *

■ 14. In § 576.106, paragraphs (e) and (g) are revised to read as follows:

§ 576.106 Short-term and medium-term rental assistance.

* * * * *

(e) *Rental assistance agreement.* The recipient or subrecipient may make rental assistance payments only to an owner with whom the recipient or subrecipient has entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply under this section. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the recipient or subrecipient a copy of any notice to the program participant to vacate the housing unit or any complaint used under State or local law to commence an eviction action against the program participant. Each rental assistance agreement that is executed or renewed on or after *[insert the effective date of the final rule]* must include all tenant protections under 24 CFR part 5, subpart L, except 24 CFR 5.2005(e). If the housing is not assisted under another ''covered housing program'', as defined in 24 CFR 5.2003, the agreement may provide that the owner's obligations under 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), expire at the end of the rental assistance period.

* * * * *

(g) *Lease.* Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. For program participants living in housing with project-based rental assistance under paragraph (i) of this section, the lease must have an initial term of 1 year. Each lease executed on or after *[insert the effective date of the final rule]* must include a lease provision or incorporate a lease addendum that includes all protections that apply to tenants under 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), except 24 CFR 5.2005(e). If the housing is not assisted under another ''covered housing program'', as defined in 24 CFR 5.2003, the lease provision or lease addendum may be written to expire at the end of the rental assistance period.

* * * * *

■ 15. In § 576.407, add paragraph (g) to read as follows:

§ 576.407 Other Federal requirements.

* * * * *

(g) *Protection for victims of domestic violence, dating violence, sexual assault, or stalking.* (1) The requirements of 24 CFR part 5, subpart L apply to all eligibility and termination decisions that are made with respect to ESG rental assistance on or after *[insert the effective date of the final rule*]. The recipient must ensure that the requirements under 24 CFR part 5, subpart L, are included or incorporated into rental assistance agreements and leases as provided in § 576.106(e) and (g).

(2) For the ESG program, ''covered housing provider,'' as such term is used in HUD's regulations in 24 CFR part 5, subpart L, and that is designated to carry out the duties and responsibilities

specified in 24 CFR part 5, subpart L, refers to:

(i) The recipient or subrecipient that administers the rental assistance for the purposes of § 5.2005(e);

(ii) The housing owner for the purposes of § 5.2005(d)(1), (d)(3), and (d)(4) and § 5.2009(a);

(iii) The housing owner and the recipient or subrecipient that administers the rental assistance for the purposes of § 5.2005(d)(2) and § 5.2009(b); and

(iv) The housing owner and the recipient or subrecipient that administers the rental assistance for the purposes of § 5.2007, unless otherwise provided in a written policy authorized by this section.

(3) As provided under 24 CFR 5.2005(a)(1) and (3), each recipient or subrecipient that determines eligibility for or administers ESG rental assistance is responsible for ensuring that the notice and certification form described under 24 CFR 5.2005(a)(1) is provided to each applicant for ESG rental assistance and each program participant receiving ESG rental assistance at each of the following times:

(i) When an individual or family is denied ESG rental assistance;

(ii) When a program participant begins receiving ESG rental assistance;

(iii) When a program participant is notified of termination of ESG rental assistance; and

(iv) When a program participant receives notification of eviction.

(3)(i) The recipient must develop an emergency transfer plan to meet the requirements of 24 CFR 5.2005(e) or require its subrecipients that administer ESG rental assistance to develop emergency transfer plans to meet the requirements of 24 CFR 5.2005(e). If the recipient requires its subrecipients to develop the plans, the recipient must specify whether:

(A) One plan is to be developed for the recipient's jurisdiction as a whole;

(B) One plan is to be developed for each Continuum of Care in which the subrecipients are located; or

(C) One plan is to be developed for each subrecipient that administers ESG rental assistance.

(ii) Once the applicable plan is developed, each recipient and subrecipient that administers ESG rental assistance must adopt and implement the plan in accordance with 24 CFR 5.2005(e).

(4) The recipient or subrecipient that administers ESG rental assistance may establish a written policy that allows or requires program participants to seek the recipient or subrecipient's assistance in preventing an owner from taking actions prohibited by VAWA. The policy must be appended to the notice of occupancy rights under VAWA and in the VAWA protection provisions in leases and rental assistance agreements as provided under § 576.106. At a minimum, the policy must provide that if a program participant seeks the recipient or subrecipient's assistance in preventing an owner's action:

(i) The recipient or subrecipient may request documentation under § 5.2007, but the program participant will not be required to provide documentation to the owner, except under court order;

(ii) The recipient or subrecipient must determine whether the program participant is entitled to protection under VAWA, and immediately advise the program participant of the determination; and

(iii) If the program participant is entitled to protection, the recipient or subrecipient must notify the owner in writing that the program participant is entitled to protection under VAWA and of the actions that are prohibited under VAWA, and the recipient or subrecipient must work with the owner on the program participant's behalf to resolve the matter. Any further sharing or disclosure of the program participant's information will be subject to the requirements in § 5.2007.

PART 578—CONTINUUM OF CARE PROGRAM

■ 16. The authority citation for part 578 continues to read as follows:

Authority: 42 U.S.C. 11371 *et seq.,* 42 U.S.C. 3535(d).

■ 17. In § 578.7, paragraph (d) is added to read as follows:

§ 578.7 Responsibilities of the Continuum of Care.

* * * * *

(d) *VAWA emergency transfer plan.* The Continuum of Care must develop the emergency transfer plan required under 24 CFR 5.2005(e) to coordinate emergency transfers within the geographic area, which plan:

(i) Requires all recipients and subrecipients in the geographic area to use the plan; and

(ii) Permits recipients and subrecipients of grants for tenant-based rental assistance to use grant funds to pay damages resulting from the early termination of a lease if the recipient or subrecipient determines that the conditions of 24 CFR 5.2005(e) are met and the program participant uses the emergency transfer plan to transfer to a ''safe and available unit.'' The revision will clarify what grant funds may be used to pay and will reflect the addition of 24 CFR 5.2005(e)(3).

■ 18. In § 578.51, add paragraph (m) to read as follows:

§ 578.51 Rental assistance.

* * * * *

(m) *VAWA emergency transfer plan costs.* Recipients and subrecipients of grants for tenant-based rental assistance may use grant funds to pay damages resulting from early termination of a lease if the conditions of § 578.7(d) are met.

■ 19. In § 578.75, paragraph (i) is revised to read as follows:

§ 578.75 General operations.

* * * * *

(i) *Retention of assistance after death, incarceration, institutionalization, or eviction of qualifying member.* (1) For permanent supportive housing projects, surviving members of any household who were living in a unit assisted under this part at the time of the qualifying member's death, long-term incarceration, or long-term institutionalization have the right to rental assistance under this section until the expiration of the lease in effect at the time of the qualifying member's death, long-term incarceration, or long-term institutionalization.

(2) *Remaining program participants following bifurcation of a lease or eviction as a result of domestic violence.* For permanent supportive housing projects, members of any household who were living in a unit assisted under this part at the time of a qualifying member's eviction from the unit because the qualifying member was found to have engaged in domestic violence, dating violence, sexual assault, or stalking, have the right to rental assistance under this section until the expiration of the lease in effect at the time of the qualifying member's eviction.

■ 20. In § 578.91, revise paragraph (a) to read as follows:

§ 578.91 Termination of assistance to program participants.

(a) *Termination of assistance.* The recipient or subrecipient may terminate assistance to a program participant who violates program requirements or conditions of occupancy, subject to the requirements of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking). Termination under this section does not bar the recipient or subrecipient from providing further assistance at a later date to the same individual or family.

* * * * *

■ 21. In § 578.99, add paragraph (j) to read as follows:

§ 578.99 Applicability of other Federal requirements.

* * * * *

(j) *Protections for victims of domestic violence, dating violence, sexual assault, or stalking*—(1) *General.* The requirements set forth in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), implementing the requirements of the VAWA apply to all permanent housing and transitional housing, except safe havens, for which Continuum of Care program funds are used for acquisition, rehabilitation, new construction, leasing, rental assistance, or operating costs. The requirements also apply where funds are used for homelessness prevention, but only where the funds are used to provide short- and/or medium-term rental assistance. For the Continuum of Care program, ''covered housing provider,'' as such term is used in HUD's regulations in 24 CFR part 5, subpart L refers to the entity that carries out the duties and responsibilities of a covered housing provider, as provided in §§ 578.7, 578.75, 578.91 and 578.99.

(2) *Definition of covered housing provider.* For the Continuum of Care program, ''covered housing provider,'' as such term is used HUD's regulations in 24 CFR part 5, subpart L, and that is designated to carry out the duties and responsibilities specified in 24 CFR part 5, subpart L, refers to:

(i) The entity that carries out the duties and responsibilities of a covered housing provider, as provided in §§ 578.7, 578.75, 578.91, and 578.99;

(ii) The owner or landlord, which may be the recipient or subrecipient, for purposes of 24 CFR 5.2005(d)(1) and 5.2009(a);

(iii) The recipient, subrecipient, and owner or landlord for purposes of 24 CFR 5.2005(d)(2)–(d)(4) ; and

(iv) The recipient or subrecipient for purposes of 24 CFR 5.2007 if the recipient or subrecipient establishes a policy under § 578.99(j)(5) requiring the program participant to seek the recipient's or subrecipient's assistance; otherwise the recipient, subrecipient, and owner or landlord for purposes 24 CFR 5.2007.

(3) *Effective date.* Compliance with the requirements of 24 CFR part 5, subpart L, and this paragraph (j) is required for grants awarded pursuant to NOFAs published on or after [*insert effective date of the final rule*]. Compliance is encouraged for grants awarded pursuant to NOFAs published earlier than [*insert effective date of the final rule*].

(4) *Notification requirements.* (i) The recipient or subrecipient must provide each individual or family applying for permanent housing and transitional housing and each program participant the notice and the certification form described in 24 CFR 5.2005 at each of the following times:

(A) When an individual or family is denied permanent housing or transitional housing;

(B) When a program participant is admitted to permanent housing or transitional housing;

(C) When a program participant receives notification of eviction; and

(D) When a program participant is notified of termination of assistance.

(ii) When grant funds are used for rental assistance, the recipient or subrecipient must ensure that the owner or manager of the housing provides the notice and certification form described in 24 CFR 5.2005(a) to the program participant with any notification of eviction. This commitment and the confidentiality requirements under 24 CFR 5.2007(c) must be set forth in a contract with the owner or landlord.

(5) *Optional policy.* A recipient or subrecipient may establish a written policy that allows or requires program participants to seek the recipient's or subrecipient's assistance in preventing an owner or landlord from taking an action that is prohibited under 24 CFR part 5, subpart L. The policy must be appended to the notice of occupancy rights under VAWA, and included in a contract between the recipient or subrecipient and the owner or landlord, and in any lease or sublease between the owner or landlord and a program participant. The policy must include the following:

(i) If a program participant seeks the recipient's or subrecipient's assistance in preventing the owner's or landlord's action, the program participant, upon request of the recipient or subrecipient for documentation under 24 CFR 5.2007, will provide the requested documentation to the recipient or subrecipient and will not be required to provide the documentation to the owner or landlord, except under court order. Any further sharing or disclosure of the program participant's information will be subject to the requirements in 24 CFR 5.2007.

(ii) The recipient or subrecipient must determine whether the program participant is entitled to protection under 24 CFR part 5, subpart L, and immediately advise the program participant of the determination.

(iii) If the program participant is entitled to protection, the recipient or subrecipient must notify the owner or landlord in writing that the program participant is entitled to protection under 24 CFR part 5, subpart L and of the actions that are prohibited under 24 CFR part 5, subpart L, and must work with the owner or landlord on the program participant's behalf to resolve the matter.

(6) *Contract, lease, and occupancy agreement provisions.* (i) Recipients and subrecipients must include in any contracts and leases between the recipient or subrecipient, and an owner or landlord of the housing:

(A) The requirement to comply with 24 CFR part 5, subpart L; and

(B) Where the owner or landlord of the housing will have a lease with a program participant, the requirement to include a lease provision that includes all protections that apply to tenants under 24 CFR part 5, subpart L.

(ii) The recipient or subrecipient must include in any lease, sublease, and occupancy agreement with the program participant a provision that includes all protections that apply to tenants under 24 CFR part 5, subpart L. The lease, sublease, and occupancy agreement may specify that the protections under 24 CFR part 5, subpart L, apply only during the period of assistance under the Continuum of Care Program. The period of assistance for housing where grant funds were used for acquisition, construction, or rehabilitation is 15 years from the date of initial occupancy or date of initial service provision.

(iii) Except for tenant-based rental assistance, recipients and subrecipients must require that any lease, sublease, or occupancy agreement with a program participant permits the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the recipient or subrecipient determines that the conditions of 24 CFR 5.2005(e) are met.

(iv) For tenant-based rental assistance, the recipient or subrecipient must enter into a contract with the owner or landlord of the housing that:

(A) Requires the owner or landlord of the housing to comply with the provisions of 24 CFR part 5, subpart L; and

(B) Requires the owner or landlord of the housing to include a lease provision that includes all protections that apply to tenants under 24 CFR part 5, subpart L. The lease may specify that the protections under 24 CFR part 5, subpart L, only apply while the program participant receives tenant-based rental assistance under the Continuum of Care Program.

(7) *Transition.* (i) The recipient or subrecipient must ensure that the requirements set forth in § 578.99(j)(5) apply to any contracts, leases, subleases, or occupancy agreements entered into, or renewed, following the expiration of an existing term, on or after the effective date in § 578.99(j)(2). This obligation includes any contracts, leases, subleases, and occupancy agreements that will automatically renew on or after the effective date in § 578.99(j)(3).

(ii) For leases for tenant-based rental assistance existing prior to the effective date in § 578.99(j)(2), recipients and subrecipients must enter into a contract under § 578.99(j)(6)(iv) before the next renewal of the lease.

(8) *Definition of reasonable time.* The requirements of 24 CFR 5.2009(b) do not apply to this part. See § 578.75(i)(2) for the reasonable time provided to remaining program participants under this part.

(9) *Develop the VAWA emergency transfer plan.* See § 578.7(d).

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM FOR NEW CONSTRUCTION

■ 22. The authority citation for part 880 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

■ 23. In § 880.201, a definition of ''*covered housing provider*'' is added in alphabetical order to read as follows:

§ 880.201 Definitions.

* * * * *

Covered housing provider. For the Section 8 Housing Assistance Payment Program for New Construction, ''covered housing provider,'' as such term is used in HUD's regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), refers to the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). Additionally, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b).

* * * * *

■ 24. Revise § 880.504(f) to read as follows:

§ 880.504 Leasing to eligible families.

* * * * *

(f) *Protections for victims of domestic violence, dating violence, sexual assault, or stalking.* The regulations of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), apply to selection of tenants and occupancy requirements in cases involving or allegedly involving incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking.

■ 25. In § 880.607 revise paragraph (c)(5) to read as follows:

§ 880.607 Termination of tenancy and modification of lease.

* * * * *

(c) * * *

(5) In actions or potential actions to terminate tenancy, the owner shall follow 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), in all cases where domestic violence, dating violence, sexual assault, stalking, or criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking is involved or claimed to be involved.

* * * * *

PART 882—SECTION 8 MODERATE REHABILITATION PROGRAMS

■ 26. The authority citation for part 882 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535d.

■ 27. In § 882.102(b), a definition of ''*covered housing provider*'' is added in alphabetical order to read as follows:

§ 882.102 Definitions

* * * * *

Covered housing provider. For the Section 8 Moderate Rehabilitation Programs, as provided in subparts A, D, and E of this part, ''covered housing provider,'' as such term is used in HUD's regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), refers to the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). In addition, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b).

* * * * *

■ 28. Revise § 882.407 to read as follows:

§ 882.407 Other Federal requirements.

The moderate rehabilitation program is subject to applicable Federal requirements in 24 CFR 5.105 and to the requirements for protection for victims of domestic violence, dating violence, sexual assault, or stalking in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

■ 29. Revise § 882.511(g) to read as follows:

§ 882.511 Lease and termination of tenancy.

* * * * *

(g) In actions or potential actions to terminate tenancy, the owner shall follow 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), in all cases where domestic violence, dating violence, sexual assault, or stalking, or criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking is involved or claimed to be involved.

■ 30. In § 882.514(c), revise the fourth sentence, to read as follows:

§ 882.514 Family participation.

* * * * *

(c) *Owner selection of families.* * * * However, the owner must not deny program assistance or admission to an applicant based on the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for assistance or admission. * * *

* * * * *

■ 31. In § 882.802, a definition of ''*covered housing provider*'' is added, in the alphabetical order, to read as follows:

§ 882.802 Definitions.

* * * * *

Covered housing provider. For the Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals, ''covered housing provider,'' as such term is used in HUD's regulations in 24 CFR part 5, subpart L (Protection for Victims of

Domestic Violence, Dating Violence, Sexual Assault, or Stalking), refers to the owner as defined in this section.

* * * * *

■ 32. In § 882.804, paragraph (a) is revised to read as follows:

§ 882.804 Other Federal requirements.

(a) Participation in this program requires compliance with the Federal requirements set forth in 24 CFR 5.105, with the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and with the regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

* * * * *

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS—STATE HOUSING AGENCIES

■ 33. The authority citation for part 883 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

■ 34. In § 883.302, a definition of ''*covered housing provider''* is added, in the alphabetical order, to read as follows:

§ 883.302 Definitions

* * * * *

Covered housing provider. For the Section 8 Housing Assistance Payments Programs—State Housing Agencies, ''covered housing provider,'' as such term is used in HUD's regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), refers to the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). In addition, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b).

* * * * *

■ 35. Revise § 883.605 to read as follows:

§ 883.605 Leasing to eligible families.

The provisions of 24 CFR 880.504 apply, including reference at 24 CFR 880.504(f) to the requirements of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), pertaining to the selection of tenants and occupancy requirements in cases involving or allegedly involving incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking, subject to the requirements of § 883.105.

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING

■ 36. The authority citation for part 884 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

■ 37. In § 884.102, a definition of ''*covered housing provider''* is added, in the alphabetical order, to read as follows:

§ 884.102 Definitions

* * * * *

Covered housing provider. For the Section 8 Housing Assistance Payments Programs, New Construction Set-Aside for Section 515 Rural Rental Housing, ''covered housing provider,'' as such term is used in HUD's regulations at 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), refers to the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). Additionally, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b).

* * * * *

■ 38. Revise § 884.216(c) to read as follows:

§ 884.216 Termination of tenancy.

* * * * *

(c) In actions or potential actions to terminate tenancy, the owner shall follow 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) in all cases where domestic violence, dating violence, sexual assault, or stalking, or criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking is involved or claimed to be involved.

■ 39. Revise § 884.223(f) to read as follows:

§ 884.223 Leasing to eligible families.

* * * * *

(f) The regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply to selection of tenants and occupancy requirements in cases involving or allegedly involving incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

■ 40. The authority citation for part 886 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

■ 41. In § 886.102, a definition of ''*covered housing provider''* is added, in the alphabetical order, to read as follows:

§ 886.102 Definitions.

* * * * *

Covered housing provider. For the Section 8 Housing Assistance Payments Programs—Special Allocations, subpart A of this part, ''covered housing provider,'' as such term is used in HUD's regulations at 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) refers to the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). In addition, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b).

* * * * *

■ 42. Revise § 886.128 to read as follows:

§ 886.128 Termination of tenancy.

Part 247 of this title (24 CFR part 247) applies to the termination of tenancy

and eviction of a family assisted under this subpart. For cases involving termination of tenancy because of a failure to establish citizenship or eligible immigration status, the procedures of 24 CFR parts 247 and 5 shall apply. For cases involving, or allegedly involving, domestic violence, dating violence, sexual assault, or stalking, or criminal activity directly relating to such violence, the provisions of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), apply. The provisions of 24 CFR part 5, subpart E, of this title concerning certain assistance for mixed families (families whose members include those with eligible immigration status, and those without eligible immigration status) in lieu of termination of assistance, and concerning deferral of termination of assistance, also shall apply.

■ 43. Revise § 886.132 to read as follows:

§ 886.132 Tenant selection.

Subpart F of 24 CFR part 5 governs selection of tenants and occupancy requirements applicable under this subpart A of part 886. Subpart L of 24 CFR part 5 (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) applies to selection of tenants and occupancy requirements in cases involving or allegedly involving incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking.

■ 44. In § 886.302, a definition of ''*covered housing provider''* is added, in the alphabetical order to read as follows:

§ 886.302 Definitions.

* * * * *

Covered housing provider. For the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects, under subpart C of this part, ''covered housing provider,'' as such term is used in HUD's regulations at 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), refers to the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). In addition, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b).

* * * * *

■ 45. Revise § 886.328 to read as follows:

§ 886.328 Termination of tenancy.

Part 247 of this title (24 CFR part 247) applies to the termination of tenancy and eviction of a family assisted under this subpart. For cases involving termination of tenancy because of a failure to establish citizenship or eligible immigration status, the procedures of 24 CFR part 247 and 24 CFR part 5 shall apply. For cases involving, or allegedly involving, domestic violence, dating violence, sexual assault, or stalking, or criminal activity directly relating to such violence, the provisions of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply. The provisions of 24 CFR part 5, subpart E, concerning certain assistance for mixed families (families whose members include those with eligible immigration status, and those without eligible immigration status) in lieu of termination of assistance, and concerning deferral of termination of assistance, also shall apply.

■ 46. Revise § 886.329(f) to read as follows:

§ 886.329 Leasing to eligible families.

* * * * *

(f) The regulations of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply to selection of tenants and occupancy requirements in cases involving, or allegedly involving, incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking.

PART 891—SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

■ 47. The authority citation for part 891 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 1437f, 3535(d), and 8013.

■ 48. In § 891.105 a definition of ''*covered housing provider''* is added, in the alphabetical order, to read as follows:

§ 891.105 Definitions.

* * * * *

Covered housing provider. For the Supportive Housing for the Elderly and Persons with Disabilities Program, ''covered housing provider,'' as such term is used in HUD's regulations at 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), refers to the PHA or owner (as defined in § 891.205 and § 891.305), as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). In addition, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b).

* * * * *

■ 49. Revise § 891.575(f) to read as follows:

§ 891.575 Leasing to eligible families.

* * * * *

(f) The regulations of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply to selection of tenants and occupancy requirements in cases involving, or allegedly involving, incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking.

■ 50. Revise § 891.610(c) to read as follows:

§ 891.610 Selection and admission of tenants.

* * * * *

(c) *Determination of eligibility and selection of tenants.* The borrower is responsible for determining whether applicants are eligible for admission and for selection of families. To be eligible for admission, an applicant must be an elderly or handicapped family as defined in § 891.505; meet any project occupancy requirements approved by HUD; meet the disclosure and verification requirement for Social Security numbers and sign and submit consent forms for obtaining wage and claim information from State Wage Information Collection Agencies, as provided by 24 CFR part 5, subpart B; and, if applying for an assisted unit, be eligible for admission under subpart F of 24 CFR part 5, which governs selection of tenants and occupancy requirements. For cases involving, or allegedly involving, domestic violence,

dating violence, sexual assault, stalking, or criminal activity directly relating to such violence, the provisions of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply.

* * * * *

■ 51. Revise § 891.630(c) to read as follows:

§ 891.630 Denial of admission, termination of tenancy, and modification of lease.

* * * * *

(c) In actions or potential actions to terminate tenancy, the owner shall follow 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), in all cases where domestic violence, dating violence, sexual assault, stalking, or criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking is involved or claimed to be involved.

PART 960—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING

■ 52. The authority citation for part 960 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437n, 1437z–3, and 3535(d).

■ 53. In § 960.102 a definition of ''*covered housing provider*'' is added in alphabetical order to read as follows:

§ 960.102 Definitions.

* * * * *

Covered housing provider. For HUD's public housing program, ''covered housing provider,'' as such term is in used HUD's regulations at 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), is the PHA.

* * * * *

■ 54. In § 960.103, revise the section heading and paragraph (d) to read as follows:

§ 960.103 Equal opportunity requirements and protection for victims of domestic violence, dating violence, sexual assault, or stalking.

* * * * *

(d) *Protection for victims of domestic violence, dating violence, sexual assault, or stalking.* The PHA must apply 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) in all applicable cases involving, or allegedly involving, incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking.

■ 55. In § 960.200, revise paragraph (b)(8) to read as follows:

§ 960.200 Purpose.

* * * * *

(b) * * *

(8) Protection for victims of domestic violence, dating violence, sexual assault, or stalking, 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

■ 56. In § 960.203, revise paragraph (c)(4) to read as follows:

§ 960.203 Standards for PHA tenant selection criteria.

* * * * *

(c) * * *

(4) PHA tenant selection criteria are subject to 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) protections for victims of domestic violence, dating violence, sexual assault, or stalking.

* * * * *

PART 966—DWELLING LEASES, PROCEDURES, AND REQUIREMENTS

■ 57. The authority citation for part 966 continues to read as follows:

Authority: 42 U.S.C. 1437d and 3535(d).

■ 58. In § 966.4, revise paragraph (a)(1)(vi) and paragraph (e)(9) to read as follows:

§ 966.4 Lease requirements.

* * * * *

(a) * * *

(1) * * *

(vi) HUD's regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply, if a current or future tenant or an affiliated individual of a tenant is or becomes a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L.

* * * * *

(e) * * *

(9) To consider lease bifurcation, as provided in 24 CFR 5.2009, in circumstances involving domestic violence, dating violence, sexual assault, or stalking addressed in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

* * * * *

PART 982—SECTION 8 TENANT–BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

■ 59. The authority citation for part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535d.

■ 60. In § 982.53, revise the section heading and paragraph (e) to read as follows:

§ 982.53 Equal opportunity requirements and protection for victims of domestic violence, dating violence, sexual assault, or stalking.

* * * * *

(e) *Protection for victims of domestic violence, dating violence, sexual assault, or stalking.* The PHA must apply 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) in all applicable cases involving incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking. The protections provided in 24 CFR part 5 apply to homeownership assistance provided under the homeownership option in §§ 982.625 through 982.643. For purposes of compliance with HUD's regulations in 24 CFR part 5, subpart L, the covered housing provider is the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''Notice of occupancy rights under VAWA, and certification form'' described at § 5.2005(a). In addition, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at § 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''Reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at § 5.2009(b).

■ 61. In § 982.201, revise paragraph (a) to read as follows:

§ 982.201 Eligibility and targeting.

(a) *When applicant is eligible: general.* The PHA may admit only eligible families to the program. To be eligible, an applicant must be a ''family;'' must be income-eligible in accordance with paragraph (b) of this section and 24 CFR part 5, subpart F; and must be a citizen or a noncitizen who has eligible immigration status as determined in accordance with 24 CFR part 5, subpart E. If the applicant is a victim of domestic violence, dating violence, sexual assault, or stalking, 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) applies.

* * * * *

■ 62. In § 982.202, revise paragraph (d) to read as follows:

§ 982.202 How applicants are selected: General requirements.

* * * * *

(d) *Admission policy.* The PHA must admit applicants for participation in accordance with HUD regulations and other requirements, including, but not limited to, 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and with PHA policies stated in the PHA administrative plan and the PHA plan. The PHA admission policy must state the system of admission preferences that the PHA uses to select applicants from the waiting list, including any residency preference or other local preference.

■ 63. In § 982.307, revise paragraph (b)(4) to read as follows:

§ 982.307 Tenant screening.

* * * * *

(b) * * *

(4) In cases involving a victim of domestic violence, dating violence, sexual assault, or stalking, 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) applies.

■ 64. In § 982.310, revise paragraph (h)(4) to read as follows:

§ 982.310 Owner termination of tenancy.

* * * * *

(h) * * *

(4) *Nondiscrimination limitation and protection for victims of domestic violence, dating violence, sexual assault, or stalking.* The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions of 24 CFR 5.105, and with the provisions for protection of victims of domestic violence, dating violence, sexual assault, or stalking in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

■ 65. In § 982.314, revise paragraphs (b)(4) and (c)(2)(iii) to read as follows:

§ 982.314 Move with continued tenant-based assistance.

* * * * *

(b) * * *

(4) The family or a member of the family, is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family member, or any family member who has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's request to move. A PHA may not terminate assistance if the family, with or without prior notification to the PHA, moves out of a unit in violation of the lease, if such move occurs to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit. However, any family member that has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's move or request to move, is not required to believe that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit.

(c) * * *

(2) * * *

(iii) The above policies do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, or any family member has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's request to move.

* * * * *

■ 66. In § 982.315, revise paragraphs (a)(2) and (b) to read as follows:

§ 982.315 Family break-up.

(a) * * *

(2) If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), the PHA must ensure that the victim retains assistance.

(b) The factors to be considered in making this decision under the PHA policy may include:

(1) Whether the assistance should remain with family members remaining in the original assisted unit.

(2) The interest of minor children or of ill, elderly, or disabled family members.

(3) Whether family members are forced to leave the unit as a result of actual or threatened domestic violence, dating violence, sexual assault, or stalking.

(4) Whether any of the family members are receiving protection as victims of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and whether the abuser is still in the household.

(5) Other factors specified by the PHA.

* * * * *

■ 67. In § 982.353, revise paragraph (b) and add paragraph (c)(4) to read as follows:

§ 982.353 Where family can lease a unit with tenant-based assistance.

* * * * *

(b) *Portability: Assistance outside the initial PHA jurisdiction.* Subject to paragraph (c) of this section, and to § 982.552 and § 982.553, a voucher-holder or participant family has the right to receive tenant-based voucher assistance, in accordance with requirements of this part, to lease a unit outside the initial PHA jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program under this part. The initial PHA must not provide such portable assistance for a participant if the family has moved out of the assisted unit in violation of the lease except as provided for in this subsection. If the family moves out in violation of the lease in order to protect the health or safety of a person who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believes him- or herself to be threatened with imminent harm from further violence by remaining in the dwelling unit (or any family member has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's move or request to move), and has otherwise complied with all other obligations under the Section 8 program, the family may receive a voucher from the initial PHA and move to another jurisdiction under the Housing Choice Voucher Program.

(c) * * *

(4) Paragraph (c) of this section does not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family member, or any family member who has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's request to move.

* * * * *

■ 68. In § 982.452, revise the second sentence of paragraph (b)(1) to read as follows:

§ 982.452 Owner responsibilities.

* * * * *

(b) * * *

(1) * * * The fact that an applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking is not an appropriate basis for denial of tenancy if the applicant otherwise qualifies for tenancy.

* * * * *

■ 69. In § 982.551, revise paragraphs (e) and (l) to read as follows:

§ 982.551 Obligations of participant.

* * * * *

(e) *Violation of lease.* The family may not commit any serious or repeated violation of the lease. Under 24 CFR 5.2005(c), an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated lease violation by the victim, or threatened victim, of the domestic violence, dating violence, sexual assault, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.

* * * * *

(l) *Crime by household members.* The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see § 982.553). Under 24 CFR 5.2005(b)(2), criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household, or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the victim, if the tenant or an affiliated individual of the tenant, as defined in 24 CFR 5.2003, is the victim.

* * * * *

■ 70. In § 982.552, revise paragraph (c)(2)(v) to read as follows:

§ 982.552 PHA denial or termination of assistance for the family.

* * * * *

(c) * * *

(2) * * *

(v) *Nondiscrimination limitation and protection for victims of domestic violence, dating violence, sexual assault, or stalking.* The PHA's admission and termination actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105, and with the requirements of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

* * * * *

■ 71. In § 982.553, revise paragraph (e), to read as follows:

§ 982.553 Denial of admission and termination of assistance for criminals and alcohol abusers.

* * * * *

(e) In cases of criminal activity related to domestic violence, dating violence, sexual assault, or stalking, the victim protections of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply.

■ 72. In § 982.637, revise paragraphs (a)(2) and (a)(3) to read as follows:

§ 982.637 Homeownership option: Move with continued tenant-based assistance.

(a) * * *

(2) The PHA may not commence continued tenant-based assistance for occupancy of the new unit so long as any family member owns any title or other interest in the prior home. However, when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family member (or any family member has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's request to move), such family or family member may be assisted with continued tenant-based assistance even if such family or family member owns any title or other interest in the prior home.

(3) The PHA may establish policies that prohibit more than one move by the family during any 1 year period. However, these policies do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, or any family member has been the victim of a sexual assault that occurred on the premises during the 90-day period preceding the family's request to move.

* * * * *

PART 983—PROJECT-BASED VOUCHER (PBV) PROGRAM

■ 73. The authority citation for part 983 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

■ 74. In § 983.3(b), add the definition of ''*covered housing provider,''* in the alphabetical order, as follows:

§ 983.3 PBV definitions.

* * * * *

(b) * * *

Covered housing provider. For Project-Based Voucher (PBV) program, ''covered housing provider,'' as such term is used in HUD's regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) refers to the PHA or owner (as defined in § 891.205 and § 891.305), as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA (not the owner) is the covered housing provider responsible for providing the ''notice of occupancy rights under VAWA, and certification form'' described at 24 CFR 5.2005(a). In addition, the owner (not the PHA) is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), but the PHA (not the owner) is the covered housing provider responsible for providing the ''reasonable time to establish eligibility for assistance following bifurcation of a lease'' described at 24 CFR 5.2009(b).

* * * * *

■ 75. In § 983.4, revise ''*Protections for victims of domestic violence, dating violence or stalking''* to read as follows:

§ 983.4 Cross-reference to other Federal requirements.

* * * * *

Protection for victims of domestic violence, dating violence, sexual assault, or stalking. See 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking). For purposes of compliance with HUD's regulations in 24 CFR part 5, subpart L, the covered housing provider is the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L.

* * * * *

■ 76. In § 983.251, revise paragraph (a)(3) to read as follows:

§ 983.251 How participants are selected.

(a) * * *

(3) The protections for victims of domestic violence, dating violence, sexual assault, or stalking in 24 CFR

part 5, subpart L, apply to admission to the project-based program.

* * * * *

■ 77. In § 983.255, revise paragraph (d) to read as follows:

§ 983.255 Tenant screening.

* * * * *

(d) The protections for victims of domestic violence, dating violence, sexual assault, or stalking in 24 CFR part 5, subpart L, apply to tenant screening.

■ 78. In § 983.257, revise the last sentence of paragraph (a) to read as follows:

§ 983.257 Owner termination of tenancy and eviction.

(a) * * * 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) applies to this part.

* * * * *

Dated: March 3, 2015.

Julián Castro,

Secretary.

Appendix A

[Insert Name of Housing Provider or Responsible Entity [16]]

Notice of Occupancy Rights Under the Violence Against Women Act [17]

To All Tenants and Prospective Tenants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking, regardless of sex, gender identity, sexual orientation, or age. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that [*insert name of program or rental assistance*] is in compliance with VAWA. This notice explains your rights under VAWA. Attached to this notice is a copy of HUD's VAWA regulations. Also attached is a HUD-approved certification form for documenting an incident of domestic violence, dating violence, sexual assault, or stalking for a tenant who seeks the protections of VAWA as provided in this notice of occupancy rights and in HUD's regulations.

Protections for Prospective Tenants

If you are eligible for rental assistance under [*insert name of program or rental assistance*], you may not be denied admission or denied assistance on the basis that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, if you otherwise qualify for admission, assistance, participation, or occupancy.

Protections for Victims as Tenants

If you are receiving rental assistance under [*insert name of program or rental assistance*], you may not be denied rental assistance, terminated from participation, or be evicted from your rental housing on the basis that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, if you otherwise qualify for admission, participation, or occupancy.

Also, if a tenant or an affiliated individual of the tenant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of the tenant's household or any guest, rental assistance under [*insert name of program or rental assistance*] may not be restricted solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking engaged in by the member of the tenant's household or any guest.

Affiliated individual means a spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent (for example, the affiliated individual is in the care, custody, or control of that individual); or any individual, tenant, or lawful occupant living in the household of that individual.

Removing the Abuser From the Household

HP may divide your lease in order to evict the individual or terminate the rental assistance of the individual who has engaged in criminal activity (the abuser) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HP chooses to remove the abuser, HP may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the tenant evicted was the sole tenant to have established eligibility for rental assistance under the program, HP must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or find alternative housing.

In removing the abuser from the household, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP may ask you to provide proof of incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, HP may permit you to move to another unit, subject to the availability of other units, and still keep your rental assistance. In order to approve a request, HP may ask you to provide proof that you are requesting to move because of incidences of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the request must be in made in accordance with HP's emergency transfer plan.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

HP can ask you to provide documentation to ''certify'' that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HP must be in writing, and HP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) to provide the documentation. HP may extend the deadline for the submission of proof upon your request.

You can provide *one* of the following to HP as documentation:

- A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, and a description of the incident. The certification form provides for including the name of the abuser if the name of the abuser is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the abuse.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, ''professional'') from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HP has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HP does not have to provide you with the protections contained in this notice.

If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser), HP has the right to request that you provide third-party documentation in order to resolve the conflict.

If you fail or refuse to provide third-party documentation, HP does not have to provide you with the protections contained in this notice.

Confidentiality

HP must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HP must not allow any individual administering rental assistance or other services on behalf of HP (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HP must not enter your information into any shared database or disclose your information to any other entity or individual.

[16] The notice uses HP for housing provider but the housing provider or other responsible entity should insert name where HP is used. HUD's program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

[17] Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, disability, or age.

HP, however, may disclose the information provided if:

- You give written permission to HP to release the information.
- HP needs to use the information in an eviction or termination proceeding, such as to evict your abuser or terminate your abuser from rental assistance under this program.
- A law requires HP or your landlord to release the information.

VAWA does not limit HP's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights Under VAWA May Be Evicted or Rental Assistance May Be Terminated

You can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HP cannot hold you, as a tenant eligible for occupancy rights under VAWA (one who is or has been a victim), to a more demanding set of rules than it applies to tenants who are not eligible for tenancy rights under VAWA.

Other Domestic Violence Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

For Additional Information

For questions regarding VAWA, please contact [*insert contact information*]. For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1–800–799–7233 or, for persons with hearing impairments, 1–800–787–3224 (TTY).

Attachment 1: HUD VAWA Regulations
Attachment 2: Certification form HUD–XXXXX [form approved for this program to be included]

Appendix B

[Insert name of housing provider or responsible entity]

Model Emergency Transfer Plan for Victims of Domestic Violence

Emergency Transfers

[Insert name of housing provider or responsible entity *(acronym HP for purposes of this model plan)*] is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),[18] HP allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability of HP to honor such request for tenants currently receiving rental assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.[19]

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that [*insert name of program or rental assistance here*] is in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L (a copy of which is attached), is eligible for an emergency transfer, if:

- The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit;
- The tenant is a victim of a sexual assault, and the sexual assault occurred on the premises within the 90-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to [*HP to insert location*]. The tenant's written request for an emergency transfer should include either:

1. A statement expressing why the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HP's program.

2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-day period preceding the tenant's request for an emergency transfer.

HP may request additional documentation from a tenant in accordance with the documentation policies of HUD's regulations at 24 CFR part 5, subpart L.

Confidentiality

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP written permission to release the information, or disclosure of the information is required by law or in the course of an eviction or termination proceeding. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.

Emergency Transfer Timing and Availability

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. The tenant is encouraged to contact the National Domestic Violence Hotline at 1–800–799–7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1–800–787–3224 (TTY).

Attachment 1: Copy of HUD's VAWA regulations.
Attachment 2: Local organizations offering assistance to victims of domestic violence.

[18] Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, disability, or age.

[19] See specific solicitation of comment 4 in the preamble to the rule regarding whether documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking should be imposed.

Appendix C

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION

U.S. Department of Housing and Urban Development

OMB Approval No. XXXX-XXX
Exp. XX/XX/2XXXX

Purpose of Form: The Violence Against Women Act (''VAWA'') provides protections for applicants and tenants (or program participants, which is the term used under some covered housing programs) who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (collectively ''domestic violence''). VAWA protects applicants and tenants (or program participants) from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence against them. Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, disability, or age.

If you are an applicant or tenant (or program participant) and a victim of domestic violence, the information requested below is one type of documentation that you may be asked to complete by the ''responsible entity,'' as indicated on the Notice of Occupancy Rights distributed to you.

Use of This Optional Form: If you are or have been a victim of domestic violence, you or someone on your behalf may complete and submit this information to a responsible entity for use in determining eligibility for protections under VAWA.

Alternate Documentation: Instead of this form (or in addition to this form), only upon request by the responsible entity, the applicant or tenant may be asked to submit the following:

(1) A document signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, ''professional'') from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;

(2) A document signed by the applicant or tenant who states under penalty of perjury that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under VAWA;

(3) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(4) At the discretion of the responsible entity, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that the responsible entity submits a written request to the applicant or tenant (or program participant) to provide documentation of the occurrence of domestic violence. The responsible entity may extend the time period to submit the documentation, if the applicant or tenant (or program participant) requests an extension of the time period. If the requested information, whether on this form, or an alternative form, is not received by the 14th business day or any extension of the date provided by responsible entity, none of the VAWA protections have to be provided to the tenant or applicant. Distribution or issuance of this form does not serve as a written request for certification.

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the responsible entity to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim:

---

2. Name of victim:

---

3. Your name (if different from victim's):

---

4. Name(s) of other family member(s) listed on the lease:

---

5. Residence of victim:

---

6. Name of the accused perpetrator (if known and can be safely disclosed):

---

7. Relationship of the accused perpetrator to the victim:

---

8. Date(s) of incident(s):

---

9. Time of incident(s):

---

10. Location of incident(s):

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

Confidentiality: All information provided to the responsible entity concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of the responsible entity are not to have access to these details unless to provide or deny VAWA protections to the applicant or tenant, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by the victim in writing; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

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Part III

Department of Energy

10 CFR Parts 429 and 431
Energy Conservation Program: Test Procedure for Pumps; Proposed Rules

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[Docket No. EERE–2013–BT–TP–0055]

RIN 1905–AD50

Energy Conservation Program: Test Procedure for Pumps

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

ACTION: Notice of proposed rulemaking and public meeting.

SUMMARY: The U.S. Department of Energy (DOE) proposes to establish a new test procedure for pumps. Specifically, DOE is proposing a test method for measuring the hydraulic power, shaft power, and electric input power of pumps, inclusive of electric motors and any continuous or non-continuous controls. The proposal, if adopted, would incorporate by reference the test procedure from the Hydraulic Institute (HI)—Standard 40.6–2014, ''Methods for Rotodynamic Pump Efficiency Testing.'' The proposed test procedure would be used to determine the constant load pump energy index (PEI_{CL}) for pumps sold without continuous or non-continuous controls or the variable load pump energy index (PEI_{VL}) for pumps sold with continuous or non-continuous controls. The PEI_{CL} and PEI_{VL} describe the power consumption of the rated pump, inclusive of an electric motor and, if applicable, any integrated continuous or non-continuous controls, normalized with respect to the performance of a minimally compliant pump for each pump basic model. The proposal reflects certain recommendations made by a stakeholder Working Group for pumps established under the Appliance Standards Rulemaking Federal Advisory Committee (ASRAC). DOE is also announcing a public meeting to discuss and receive comments on issues presented in this notice of proposed rulemaking (NOPR).

DATES: DOE will hold a public meeting on Wednesday, April 29, 2015, from 9:00 a.m. to 1:00 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section IV.M, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

DOE will accept comments, data, and information regarding this NOPR before and after the public meeting, but no later than June 15, 2015. See section IV.M, ''Public Participation,'' for details.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945.

Persons can attend the public meeting via webinar. For more information, refer to the Public Participation section near the end of this proposed rule.

Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: Pumps2013TP0055@ee.doe.gov.* Include the docket number and/or RIN in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a CD. It is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD. It is not necessary to include printed copies.

For detailed instructions on submitting comments and additional information on the rulemaking process, see section IV.M of this document (''Public Participation'').

Docket: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/14.* This Web page will contain a link to the docket for this notice on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including public comments, in the docket. See section IV.M for information on how to submit comments through regulations.gov.

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–6590. Email: *ashley.armstrong@ee.doe.gov.*

Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–8145. Email: *Michael.kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Incorporation by Reference Under 1 CFR part 51

DOE proposes to incorporate by reference the following industry standards into 10 CFR part 431:

(1) ANSI/HI Standard 1.1–1.2, (''ANSI/HI 1.1–1.2–2014''), ''Rotodynamic (Centrifugal) Pumps For Nomenclature And Definitions;'' approved 2014, sections 1.1, ''Types and nomenclature,'' and 1.2.9, ''Rotodynamic pump icons.''

(2) ANSI/HI Standard 2.1–2.2, (''ANSI/HI 2.1–2.2–2008 ''), ''Rotodynamic (Vertical) Pumps For Nomenclature And Definitions,'' approved 2008, section 2.1, ''Types and nomenclature.''

(3) HI 40.6–2014, (''HI 40.6–2014''), ''Methods for Rotodynamic Pump Efficiency Testing,'' except for section 40.6.5.3, ''Test report;'' section A.7, ''Testing at temperatures exceeding 30 °C (86 °F);'' and appendix B, ''Reporting of test results,'' approved 2014.

Copies of ANSI/HI 1.1–1.2–2014, ANSI/HI 2.1–2.2–2008 and HI 40.6–2014 can be obtained from: The Hydraulic Institute at 6 Campus Drive, First Floor North, Parsippany, NJ 07054–4406, or by going to *www.pumps.org.*

(4) FM Class Number 1319, ''Approval Standard for Centrifugal Fire Pumps (Horizontal, End Suction Type),'' approved October 2008.

Copies of FM Class Number 1319 can be obtained from: Factory Mutual. 270 Central Avenue Johnston, RI 02919, 401–275–3000. *www.fmglobal.com/.*

(5) NFPA Standard 20–2013, ''Standard for the Installation of Stationary Pumps for Fire Protection,'' approved 2013.

Copies of NFPA Standard 20–2013 can be obtained from: The National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169, 617–770–3000. *www.nfpa.org.*

(6) UL Standard 448–2007, ''Centrifugal Stationary Pumps for Fire-Protection Service,'' approved 2007.

Copies of UL Standard 448–2007 can be obtained from: The Underwriters Laboratory, 333 Pfingsten Road, Northbrook, IL 60062. *http://ul.com/.*

Also, this material is available for inspection at U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586–2945, or go to *http://www1.eere.energy.gov/buildings/appliance_standards/.* These standards are discussed in more detail in section IV.M. of this document.

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I. Authority and Background

Pumps are included in the list of ''covered equipment'' for which DOE is authorized to establish and amend energy conservation standards and test procedures. DOE does not currently regulate the energy efficiency of this equipment or have test procedures to measure the efficiency of such equipment. The following sections discuss DOE's authority to establish test procedures for pumps and relevant background information regarding DOE's consideration of test procedures for this equipment.

A. Authority

The Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163, as amended by Public Law 95–619, Title IV, Sec. 441(a), established the Energy Conservation Program for Certain Industrial Equipment under Title III, Part C. (42 U.S.C. 6311–6317, as codified).[1] Included among the various types of industrial equipment addressed by EPCA are pumps, the subject of today's notice. (42 U.S.C. 6311(1)(A)) All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for (1) certifying to DOE that their equipment complies with the applicable energy conservation standards adopted under EPCA, (42 U.S.C. 6295(s) and 6316(a)(1)), and (2) making representations about the energy consumption of that equipment. (42 U.S.C. 6314(d))

General Test Procedure Rulemaking Process

EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA provides, in relevant part, that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results that measure energy efficiency, energy use, or estimated annual operating cost of covered equipment during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

In addition, before prescribing any final test procedures, DOE must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6314(b)(1)–(2))

DOE is authorized to prescribe energy conservation standards and corresponding test procedures for statutorily-covered equipment such as pumps. While DOE is currently evaluating whether to establish energy conservation standards for pumps, (Docket No. EERE–2011–BT–STD–0031), DOE must first establish a test procedure that measures the energy use, energy efficiency, or estimated operating costs of a given type of covered equipment before establishing any new energy conservation standards for that equipment. *See generally* 42 U.S.C. 6295(r) and 6316(a).

To fulfill these requirements, DOE is proposing to establish a test procedure for pumps concurrent with its ongoing energy conservation standards rulemaking for this equipment. *See* Docket No. EERE–2011–BT–STD–0031. The test procedure, if adopted, would include the methods necessary to: (1) Measure the performance of the covered equipment; and (2) use the measured results to calculate a pump energy index (PEI_{CL} for pumps sold without continuous or non-continuous controls or PEI_{VL} for pumps sold with continuous or non-continuous controls) to represent the power consumption of the pump, inclusive of a motor[2] and

[1] For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A–1.

[2] DOE is proposing to include pumps sold with all electric motors except single-phase induction motors in the scope of this rulemaking. The terms

Continued

any continuous or non-continuous controls, normalized with respect to the performance of a minimally compliant pump. DOE is also proposing to set the scope of those pumps to which the proposed test method would apply. DOE's proposals reflect certain recommendations made by a stakeholder Working Group for pumps established under the Appliance Standards Rulemaking Federal Advisory Committee (ASRAC), which is discussed further in section I.B. This group consisted of a wide variety of interested parties with a diverse set of interests with respect to pump efficiency.

If adopted, manufacturers would be required to use the proposed test procedure and metric when making representations regarding the energy use of covered equipment 180 days after the publication date of any applicable energy conservation standards final rule for those pumps that are addressed by the test procedure. *See* Docket No. EERE–2011–BT–STD–0031). *See also* 42 U.S.C. 6314(d).

B. Background

DOE does not currently regulate pumps. In 2011, DOE issued a Request for Information (RFI) to gather data and information related to pumps in anticipation of initiating rulemakings to formally consider test procedures and energy conservation standards for this equipment. 76 FR 34192 (June 13, 2011). In February 2013, DOE published a Notice of Public Meeting and Availability of the Framework Document to initiate the energy conservation standard rulemaking for pumps. 78 FR 7304 (Feb. 1, 2013). DOE posted the February 2013 Framework Document (''Framework Document'') to its Web site.[3] In the Framework Document, DOE requested feedback from interested parties on how to test pump efficiency. DOE held a public meeting to discuss the Framework Document on February 20, 2013 (the ''Pumps Framework Public Meeting''). While the comment period had been scheduled to close on March 18, 2013, DOE extended the comment period to May 2, 2013, to allow commenters sufficient time to formulate responses to the large number and broad scope of questions and issues raised by DOE in the Framework Document. *See* 78 FR 11996 (Feb. 21, 2013). DOE received 12 comments in response to the Framework Document.

Concurrent with these efforts, DOE also began a process through the ASRAC to discuss conducting a negotiated rulemaking to develop standards and test procedures for pumps as an alternative to the route DOE had already begun. (Docket No. EERE–2013–BT–NOC–0039)[4] On July 23, 2013, DOE published a notice of intent to establish a negotiated rulemaking working group for commercial and industrial pumps (''CIP Working Group'' or, in context, ''Working Group'') to negotiate, if possible, Federal standards for the energy efficiency of commercial and industrial pumps. 78 FR 44036. On November 12, 2013, DOE published a notice to announce the first meeting of the CIP Working Group and listed the 14 nominees that were selected to serve as members of the Working Group, in addition to one member from ASRAC and one DOE representative. 78 FR 67319. The members of the Working Group were selected to ensure a broad and balanced array of stakeholder interests and expertise, including representatives from efficiency advocacy organizations, manufacturers, and a utility (representing a user of pumps). Table I.1 lists the members and their affiliations.

TABLE I.1—ASRAC PUMP WORKING GROUP MEMBERS AND AFFILIATIONS

Member	Affiliation
Lucas Adin	U.S. Department of Energy.
Tom Eckman	Northwest Power and Conservation Council (ASRAC Member)
Robert Barbour	TACO, Inc.
Charles Cappelino	ITT Industrial Process.
Greg Case	Pump Design, Development and Diagnostics.
Gary Fernstrom	Pacific Gas & Electric Company, San Diego Gas & Electric Company, Southern California Edison, and Southern California Gas Company.
Mark Handzel	Xylem Corporation.
Albert Huber	Patterson Pump Company.
Joanna Mauer	Appliance Standards Awareness Project.
Doug Potts	American Water.
Charles Powers	Flowserve Corporation, Industrial Pumps.
Howard Richardson	Regal Beloit.
Steve Rosenstock	Edison Electric Institute.
Louis Starr	Northwest Energy Efficiency Alliance.
Greg Towsley	Grundfos USA.
Meg Waltner	Natural Resources Defense Council.

''motor'' and ''electric motor'' are used synonymously and interchangeably in this document to refer to those motors to which the proposed test procedure would apply (*i.e.,* all electric motors except single-phase induction motors). See section III.A.6.

[3] *www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/14.*

[4] Information on the ASRAC, about the commercial and industrial pumps working group, and about meeting dates is available at *http://energy.gov/eere/buildings/appliance-standards-and-rulemaking-federal-advisory-committee.*

The Working Group commenced negotiations at an open meeting on December 18 and 19, 2013, and held six additional meetings and two webinars to discuss scope, metrics, test procedures, and standard levels for pumps.[5] The CIP Working Group concluded its negotiations on June 19, 2014, with a consensus vote to approve a term sheet containing recommendations to DOE on appropriate standard levels for pumps as well as recommendations addressing issues related to the metric and test procedure for pumps (''Working Group Recommendations'').[6] The term sheet containing the Working Group Recommendations is available in the CIP Working Group's docket. (Docket No. EERE–2013–BT–NOC–0039, No. 92) ASRAC subsequently voted unanimously to approve the Working Group Recommendations during a July 7, 2014 webinar.

Those recommendations regarding issues pertinent to the test procedure and standard metric are addressed in this NOPR and reflected in DOE's proposed pump test procedure. In this NOPR, DOE also refers to discussions from the CIP Working Group meetings regarding potential actions that may not have been formally approved as an addition to the Working Group Recommendations. All references to approved recommendations will be specified with a citation to the Working Group Recommendations and noting the recommendation number (for example: Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #X at p. Y); references to discussion or suggestions of the CIP Working Group not found in the Working Group Recommendations will have a citation to meeting transcripts (for example: Docket No. EERE–2013–BT–NOC–0039, No. X at p. Y).

DOE notes that many of those who submitted comments on the Framework Document later became members of the CIP Working Group. As such, the concerns of these commenters were fully discussed as part of the meetings, and their positions may have changed as a result of the compromises inherent in a negotiation. The proposals in this NOPR incorporate and respond to several issues and recommendations that were raised in response to the Framework Document. However, where a framework commenter became a member of the CIP Working Group, DOE does not reference or respond to comments made by that stakeholder regarding issues that were later discussed or negotiated in the CIP Working Group. Table I.2 lists the framework commenters as well as whether they participated in the CIP Working Group.

TABLE I.2—LIST OF FRAMEWORK COMMENTERS

Commenter	Member of the CIP Working Group
Engineered Software, Inc.	No.
Richard Shaw	No.
Grundfos Pumps Corporation	Yes.
Hydraulic Institute (HI)	Yes.
Pacific Gas and Electric Company, San Diego Gas and Electric, Southern California Gas Company, and Southern California Edison (collectively, ''the CA IOUs'').	Yes.
National Fire Protection Association (NFPA)	No.
Air-Conditioning, Heating, and Refrigeration Institute (AHRI)	No.
Colombia Engineering	No.
Earthjustice	No.
Edison Electric Institute (EEI)	Yes.
The Appliance Standards Awareness Project (ASAP), Alliance to Save Energy (ASE), American Council for an Energy Efficient Economy (ACEEE), Earthjustice, and Natural Resources Defense Council (NRDC) (collectively, ''the Advocates'').	ASAP and NRDC.
Northwest Energy Efficiency Alliance and the Northwest Power and Conservation Council (collectively, ''NEEA/NPCC'').	Yes.

II. Synopsis of the Notice of Proposed Rulemaking

DOE is proposing to establish a new subpart Y to part 431 of Title 10 of the *Code of Federal Regulations* that would contain definitions and a test procedure applicable to pumps. Today's NOPR also contains related proposals for sampling plans for the purposes of demonstrating compliance with any energy conservation standards for pumps that DOE adopts. As part of the test procedure, DOE proposes to prescribe test methods for measuring the energy consumption of pumps, inclusive of motors and controls (continuous or non-continuous), if they are included with the pump when distributed in commerce. To do this, DOE's proposed test procedure includes measurements and calculations of the produced hydraulic power, pump shaft input power, electric input power to the motor, and electrical input power to the continuous or non-continuous controls, as applicable.

Consistent with the Working Group Recommendations, DOE proposes that these test methods be in accordance with HI Standard 40.6–2014, ''Methods for Rotodynamic Pumps Efficiency Testing,'' (''HI 40.6–2014''), with slight modifications as noted in section III.C.2. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #10 at p. 4) Members of the pumps industry developed HI 40.6–2014, which contains methods for determining the energy performance of rotodynamic pumps without accounting for the impact of continuous or non-continuous controls. HI 40.6–2014 was developed following DOE's announcement in the Framework Document that DOE planned to develop a test procedure for pumps. In this NOPR, DOE also proposes to include testing and calculation methods to account for the energy performance of pumps sold with motors and continuous or non-continuous controls. DOE has reviewed HI 40.6–2014 and finds, for the reasons stated below and in detail in section III,

[5] Details of the negotiation sessions can be found in the public meeting transcripts that are posted to the docket for the Working Group (*http://www.regulations.gov/#!docketDetail;D=EERE-2013-BT-NOC-0039*).

[6] The ground rules of the CIP Working Group define consensus as no more than two (2) negative votes. (Docket No. EERE–2013–BT–NOC–0039, No. 18 at p. 2) Concurrence was assumed if absent, and overt dissent evidenced by a negative vote. Abstention was not construed as a negative vote. In this NOPR, only negative votes are discussed.

that the procedure would be likely to produce test results that would reflect the energy efficiency, energy use, and estimated operating costs of a pump during a representative average use cycle. (42 U.S.C. 6314(a)(2)) DOE also has reviewed the burdens associated with conducting the proposed test procedure, including HI 40.6–2014 and, based on the results of such analysis, finds the proposed test procedure would not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) DOE's analysis of the burden associated with the proposed test procedure is presented in detail in section IV.B.

DOE's approach, which is consistent with the Working Group's recommendations, proposes to use a new metric, the pump energy index (PEI), to rate the energy performance of pumps covered by this proposed test procedure. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #11 at p. 5) The proposed test procedure contains methods for determining the constant load PEI (PEI_{CL}) for pumps sold without continuous or non-continuous controls and the variable load PEI (PEI_{VL}) for pumps sold with either continuous or non-continuous controls. The PEI_{CL} or PEI_{VL}, as applicable, describes the weighted average performance of the rated pump, inclusive of any motor and, if included, continuous or non-continuous controls, at specific load points, normalized with respect to the performance of a minimally compliant pump without controls. These indices, if adopted, would provide a representative measurement of the energy consumption of the rated pump under expected conditions of use since they are inclusive of a motor and any continuous or non-continuous controls at full and partial loading. The indices would also describe the performance of the rated pump in comparison to a minimally compliant pump of the same equipment class with no controls (see section III.A.2 for a discussion of pump equipment classes) and provide a description of a covered pump's energy performance that can be readily interpreted and used by customers and the market.

The proposed test procedure contains methods to determine the appropriate index for all equipment for which this test procedure would apply using either calculation-based methods and/or testing-based methods. While both methods include some amount of testing and some amount of calculation, the terms ''calculation-based'' and ''testing-based'' are used to distinguish between methods in which the input power to the pump is determined either by (a) measuring the pump shaft input power [7] and combining it with the efficiency, or losses, of the motor and any continuous control [8] at specific load points using an algorithm (*i.e.,* calculation-based method) or (b) measuring the input power to the driver,[9] or motor, and any continuous or non-continuous controls [10] for a given pump directly at each of the load points (*i.e.,* testing-based method). In both cases, the results for the given pump are divided by the calculated input power to the motor for a hypothetical pump (sold without a motor or controls) that serves an identical hydraulic load and minimally complies with any energy conservation standards that DOE may set as a result of the ongoing standards rulemaking. (Docket No. EERE–2011–BT–STD–0031) This normalized metric would effectively result in a value that is indexed to the standard (*i.e.,* a value of 1.0 for a pump that is minimally compliant, and a value less than 1.0 for a pump that is less consumptive than the maximum the standard allows).

DOE notes that the calculation-based method discussed in section III.E.1 would only apply to certain pumps: (1) Pumps sold without either a motor or controls (*i.e.,* ''bare pump,'' discussed later in section III.A.1.a), (2) pumps sold with motors that are subject to DOE's energy conservation standards for electric motors (with or without continuous controls), and (3) pumps sold with submersible motors (with or without continuous controls). This is because for other pumps, the necessary efficiency information is not available in a standardized, referenceable format and the assumptions inherent in the calculation-based approach do not apply. Specifically, for pumps sold with motors that are not subject to DOE's energy conservation standards for electric motors, except submersible motors, DOE has not established standards or default values for the nominal full load efficiency that can be used in the calculations. For pumps sold with any motors (*i.e.,* covered, uncovered, or submersible motors) and non-continuous controls, the reference system curve is not applicable (see section III.E.1.c for more information). Under DOE's proposal, such pumps would be required to be tested using the testing-based methods discussed in section III.E.2. Conversely, only the proposed calculation-based method could be used to test a pump sold without a motor or controls because a PEI rating (which includes the efficiency of the motor) could not be determined based on a test of the pump without a motor. The specific test methods applicable to each class and configuration of pump model are described in more detail in section III.E.3.

DOE also proposes to establish requirements regarding the sampling plan and representations for covered pumps at subpart B of part 429 of Title 10 of the Code of Federal Regulations. The proposed sampling plan requirements are similar to those for several other types of commercial equipment and are appropriate for pumps based on the expected range of measurement uncertainty and manufacturing tolerances for this equipment. Regarding representations, for those pumps addressed by this proposal, DOE is also specifying the energy consumption or energy efficiency representations that may be made, in addition to the regulated metric (PEI_{CL} or PEI_{VL}).

DOE notes that equipment meeting the proposed pump definition is already covered equipment. However, DOE's proposal is more narrowly applied to a specific scope of pumps. Specifically, this proposal would apply to the limited scope of rotodynamic pumps [11] for which standards are being considered in DOE's energy conservation standards rulemaking and as proposed in section III.A of this NOPR. (Docket No. EERE–2011–BT–STD–0031) Manufacturers of those pumps that would be regulated as a result of DOE's parallel test procedure and standards rulemakings would be required to use the test procedure DOE adopts when certifying compliance with any applicable standard and when

[7] The term ''pump shaft input power'' is referred to as ''pump power input'' in HI 40.6–2014. The term ''pump shaft input power'' is used synonymously with that term in this document.

[8] DOE notes that for non-continuous controls, as defined in section III.E.1.c, PEI_{VL} can only be determined using a ''testing-based'' method. If a calculation-based method is desired, the pump would instead be rated as a pump sold with a motor and without speed controls using the PEI_{CL} metric. See section III.E.1.c for further discussion.

[9] The input power to the driver is referred to as ''driver power input'' in HI 40.6–2014. The term ''input power to the driver'' is used synonymously with that term in this document.

[10] In the case that a pump is sold with a motor equipped with either continuous or non-continuous controls and is rated using the testing-based method, the input power to the pump would be determined as the input power to the continuous or non-continuous control. See section III.E.2.c.

[11] A rotodynamic (or centrifugal) pump is a kinetic machine that continuously imparts energy to the pumped fluid by means of a rotating impeller, propeller, or rotor. This is in contrast to positive-displacement pumps, which have an expanding cavity on the suction side and a decreasing cavity of the discharge side that move a constant volume of fluid for each cycle of operation. DOE is proposing limiting the scope of the test procedure to only specific kinds of rotodynamic pumps.

making representations about the efficiency or energy use of their equipment. (42 U.S.C. 6314(d))

Starting on the compliance date for any energy conservation standards that DOE may set, and assuming that the provisions of this NOPR are adopted, all pumps within the scope of those energy conservation standards would be required to be tested in accordance with the proposed subpart Y of part 431 and must have their testing performed in a manner consistent with the applicable sampling requirements. Similarly, all representations regarding the energy efficiency or energy use of pumps within the scope of pumps proposed for coverage by this test procedure would be required to be made based on the adopted pump test procedure 180 days after the publication date of any final rule establishing energy conservation for those pumps that are addressed by the test procedure. *See* 42 U.S.C. 6314(d).

III. Discussion

DOE's proposal would place a new pump test procedure and related definitions in a new subpart Y of part 431, and add new sampling plans and reporting requirements for this equipment in a new section 429.59 of 10 CFR part 429. This proposed subpart Y would contain definitions, materials incorporated by reference, and the test procedure for certain classes and configurations of pumps established as a result of this rulemaking, as well as any energy conservation standards for pumps resulting from the ongoing energy conservation standard rulemaking, as shown in Table III.1. (Docket No. EERE–2011–BT–STD–0031)

TABLE III.1—SUMMARY OF PROPOSALS IN THIS NOPR, THEIR LOCATION WITHIN THE CODE OF FEDERAL REGULATIONS, AND THE APPLICABLE PREAMBLE DISCUSSION

Location	Proposal	Summary of additions	Applicable preamble discussion
10 CFR 429.59*	Sampling Plan	Number of pumps to be tested to rate a pump basic model and calculation of rating.	Section III.G.
10 CFR 431.461	Purpose and Scope	Scope of pump regulations, as well as the proposed test procedure and associated energy conservation standard.	Section III.A.
10 CFR 431.462	Definitions	Definitions pertinent to establishing equipment classes and testing applicable classes of pumps.	Section III.A.
10 CFR 431.463	Incorporation by Reference.	Description of industry standards incorporated by reference in the DOE test procedure or related definitions.	Section III.A and III.C.
10 CFR 431.464 and Appendix A to Subpart Y of Part 431.	Test Procedure	Instructions for determining the PEI_{CL} or PEI_{VL} for applicable classes of pumps.	Section III.B, III.C, III.D, and III.E.
10 CFR 431.466	Energy Conservation Standards.	Energy conservation standard for applicable classes of pumps, in terms of PEI and associated C-Value.	Section Error! Reference source not found. and Docket EERE–2011–BT–STD–0031.

*Note: DOE also proposes minor modifications to 10 CFR 429.2; 429.11(a) and (b); 429.70; 429.72; and 429.102 to apply the general sampling requirements established in these sections to the equipment-specific sampling requirements proposed for pumps at 10 CFR 429.59.

The following sections discuss DOE's proposals regarding establishing new testing and sampling requirements for pumps, including: Scope; rating metric; determination of pump performance; determination of motor efficiency; test methods for different combinations of pumps and drivers and controls; representations; and sampling plans.

A. Scope

Although a ''pump'' is listed as a type of covered equipment under EPCA, that term is undefined. *See* 42 U.S.C. 6311(1)(A). As part of its collective efforts to help DOE craft an appropriate regulatory approach for pumps, the CIP Working Group made a series of recommendations regarding a variety of potential definitions that would have an impact on the overall scope and structure of the proposed test procedure and related energy conservation standards. In particular, the Working Group offered a definition for ''pump'' along with other related terms ''bare pump,'' ''mechanical equipment,'' ''driver,'' and ''controls.'' Each of these terms relate to particular pump components that are germane to DOE's efforts to set standards and establish a test procedure for this equipment. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendations #1 and 2 at pp. 1–2) Accordingly, DOE proposes to adopt these recommended definitions for these terms.

DOE notes that while the proposed definition of ''pump'' is broad, the scope of prospective energy conservation standards, as recommended by the Working Group, would be limited to a more narrow range of equipment. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendations #4 and 6–8 at pp. 2–4) DOE also notes that the scope of this proposed test procedure is intended to be consistent with the scope of the parallel standards rulemaking effort currently under evaluation. In other words, DOE proposes that only pumps subject to an energy conservation standard would have to be tested in accordance with the adopted test procedure. Finally, DOE notes that the broad definition of ''pump'' being considered in this proposal would provide DOE with flexibility to make any necessary adjustments to its regulations to address potential scoping changes in the future that DOE may consider.

After considering the Working Group Recommendations, DOE is proposing to define which pumps would need to be tested with the proposed test procedure by applying three criteria: (1) The equipment class; (2) the application; and (3) applicable performance specifications—*i.e.,* horsepower (hp), flow rate, head, design temperature, and speed restrictions. For these three areas, DOE's proposed criteria for establishing which pumps would be subject to the proposed test procedure are discussed in sections III.A.2, III.A.3, and III.A.4, respectively.

DOE requests comment on its proposal to match the scopes of the pump test procedure and energy conservation standard rulemakings, as recommended by the Working Group.

1. Definitions Related to the Scope of Covered Pumps

To help set the scope for this proposal and the manner in which both the procedure and related standards would

be applied to different pump configurations and classes of pumps, the aforementioned definitions for pump, certain pump components, and others, are discussed in the following subsections.

a. Pumps and Related Components

DOE proposes to include definitions in a new 10 CFR 431.462 that would describe the components comprising a pump for scoping purposes. Consistent with the intent of the Working Group Recommendations, DOE proposes to define the following terms:

(1) Pump means equipment that is designed to move liquids (which may include entrained gases, free solids, and totally dissolved solids) by physical or mechanical action and includes at least a bare pump and, if included by the manufacturer at the time of sale, mechanical equipment, driver and controls.

(2) Bare pump means a pump excluding mechanical equipment, driver, and controls.

Mechanical equipment means any component of a pump that transfers energy from a driver to the bare pump.

Driver means the machine providing mechanical input to drive a bare pump directly or through the use of mechanical equipment. Examples include, but are not limited to, an electric motor, internal combustion engine, or gas/steam turbine.

Control means any device that can be used to operate the driver. Examples include, but are not limited to, continuous or non-continuous speed controls, schedule-based controls, on/off switches, and float switches.

(Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendations #1–2 at pp. 1–2)

DOE notes that, while there was consensus among the members of the Working Group in favor of these definitions as part of the entirety of the Working Group Recommendations, there was one Working Group member who specifically objected to the ''pump'' definition that the Working Group developed,[12] see Recommendation #1.

DOE requests comment on the proposed definitions for ''pump,'' ''bare pump,'' ''mechanical equipment,'' ''driver,'' and ''control.''

b. Definition of Categories of Controls

The definition of ''control'' proposed by DOE and recommended by the CIP Working Group is broad. DOE acknowledges the proposed definition may be include many different kinds of electronic or mechanical devices that can ''control the driver'' of a pump (*e.g.,* continuous or non-continuous speed controls, timers, and on/off switches). These various controls may use a variety of mechanisms to control the pump for operational reasons, which may or may not result in reduced energy consumption.

For this proposed test procedure, DOE is focusing on those controls that reduce energy consumption—*i.e.,* controls that reduce pump power input at a given flow rate. As discussed by the CIP Working Group, DOE understands that speed controls achieve this goal and are the most common kind of control currently applied to pumps. After carefully examining the pump market, DOE has not found any mechanisms for controlling pump drivers that would reduce pump power input at a given flow other than those mechanisms used to control the driver's rotating speed. Consistent with this finding, DOE's proposal to establish test methods for those configurations in which a bare pump is configured with motors that have been paired with controls would address only such configurations using speed controls. Similarly, DOE also proposes that the PEI_{VL} metric would only apply to pumps sold with motors and speed controls. Conversely, pumps sold with motors and controls other than speed controls would be subject to the appropriate bare pump and motor test procedures and rated using PEI_{CL}.

To explicitly establish the kinds of controls that can apply the PEI_{VL} metric, DOE would define the terms ''continuous'' and ''non-continuous'' control (see section III.B.2 and III.E.3 for further discussion of the PEI_{VL} rating metric and its applicability to pumps with controls, respectively):

(1) *Continuous control* means a control that adjusts the speed of the pump driver continuously over the driver operating speed range in response to incremental changes in the required pump flow, head, or power output.[13] As an example, variable speed drives, including variable frequency drives and electronically commutated motors (ECMs) would meet the definition for continuous controls.

(2) *Non-continuous control* means a control that adjusts the speed of a driver to one of a discrete number of non-continuous preset operating speeds, and does not respond to incremental reductions in the required pump flow, head, or power output. As an example, multi-speed motors such as 2-speed motors would meet the definition for non-continuous controls.

While the proposed PEI_{VL} test procedure would only apply to pumps sold with continuous and non-continuous controls, DOE recognizes that including a broader definition of ''control'' provides the flexibility to address additional kinds of controls in future test procedure revisions, as was discussed in the CIP Working Group. (EERE–2013–BT–NOC–0039, No. 46 at pp. 179–85) To retain this flexibility, DOE proposes to maintain the broad definition of control presented above, which would include any device that operates a pump driver, regardless of its impact on energy consumption or rotational speed of the driver. However, pumps with a motor and controls that do not meet the proposed definitions of continuous or non-continuous controls would be required to be tested as a pump sold with a motor under the proposed test procedure.

DOE also notes that the definitions of continuous and non-continuous controls do not require the control to include the necessary sensors and feedback logic to automatically respond to changes in the required flow, head, or pump power output. DOE recognizes that such continuous or non-continuous controls (*e.g.,* variable speed drives (VSDs) or multi-speed motors, respectively) will not reduce energy consumption unless some feedback is provided regarding the process requirements at any given time. However, DOE understands that many applications use such controls as part of a larger process or facility-wide energy management system. Similarly, such feedback sensors and control logic may also be custom-designed based on an application's specific design requirements. Consequently, while sensors and logic to enable automatic feedback and response of any speed control are available from pump manufacturers, they are not always required by, or included in, a given pump at the time of sale.

In summary, by not requiring continuous or non-continuous controls to be automatically actuating when distributed in commerce, DOE seeks to limit the costs and burdens of adding continuous or non-continuous controls to a given pump. Furthermore, DOE believes that the incremental cost of any continuous or non-continuous control is sufficiently high, making it extremely unlikely that a customer would buy a pump with such controls and not employ appropriate and application-specific sensors and feedback logic to achieve energy savings. As such, DOE is

[12] The voting procedures and consensus requirements agreed upon by the CIP Working Group did not require identification of the individual opposing or their reason for opposition and so is not noted in the transcript for that public meeting. (See ground rules: Docket No. EERE–2013–BT–NOC–0039, No. 18; and the public meeting transcript: Docket No. EERE–2013–BT–NOC–0039, No. 46 at p. 165)

[13] HI–40.6, as incorporated by reference, defines pump power output as ''the mechanical power transferred to the liquid as it passes through the pump, also known as pump hydraulic power.''

proposing to define continuous and non-continuous controls as devices that ''adjust the speed'' of the driver without requiring that adjustment to happen automatically.

DOE requests comment on the proposed definitions for ''continuous control'' and ''non-continuous control.''

DOE also requests comment on the likelihood of a pump with continuous or non-continuous controls being distributed in commerce, but never being paired with any sensor or feedback mechanisms that would enable energy savings.

c. Definition of Basic Model

In the course of regulating consumer products and commercial and industrial equipment, DOE has developed the concept of a ''basic model'' to determine the specific product or equipment configuration(s) to which the regulations would apply. For the purposes of applying the proposed pumps regulations, DOE is also proposing to define what constitutes a ''basic model'' of pump. Applying this basic model concept would allow manufacturers to group similar models within a basic model to minimize testing burden. In other words, manufacturers would need to test only a representative number of units of a basic model in lieu of testing every model they manufacture. By grouping models together, a manufacturer would be able to test a smaller number of units. However, manufacturers would need to make this decision with the understanding that there is increased risk associated with these groupings due to the potential for a wider impact from a noncompliance finding. Basic model groupings increase this risk because, if DOE determines a basic model is noncompliant, all models within the basic model are determined to be noncompliant.

In keeping with this practice, DOE also proposes to define a ''basic model'' for pumps so manufacturers can determine the pump models on which they must conduct testing to demonstrate compliance with a prospective energy conservation standard for pumps. The proposal would define a ''basic model'' in a manner similar to that for other commercial and industrial equipment, with the exception of two pump-specific issues. For most commercial and industrial equipment, DOE defines basic model to include all units of a given product or equipment type (or class thereof) manufactured by one manufacturer, having the same primary energy source, and having essentially identical electrical, physical, and functional (or hydraulic) characteristics that affect energy consumption, energy efficiency, water consumption, or water efficiency.

For the purposes of establishing a basic model definition for pumps, DOE proposes modifying the general definition by addressing two particular characteristics that impact the energy consumption of pumps. First, radially split, multi-stage vertical in-line casing diffuser (RSV) and vertical turbine submersible (VTS) pumps for which the bare pump varies only in the number of stages would be required to be treated as the same basic model. Second, pumps for which the bare pump varies only in impeller diameter, or impeller trim, may be considered to be the same basic model or may optionally be rated as unique basic models. These exceptions are discussed in the following sections.

Variation in Number of Stages for Multi-Stage Pumps

The first modification to the basic model definition applies to variation in the number of stages for multi-stage pumps. DOE proposes that variation in the number of stages, while it may affect efficiency and will affect power, should not constitute a characteristic that would differentiate pump basic models. Specifically, any improvements in the hydraulic design of a single stage (or bowl) would be reflected in the measured performance of the pump with any number of stages. In addition, requiring testing for each stage version of a multi-stage pump would add significant testing burden. For these reasons, the CIP Working Group recommended each multi-stage pump be tested with a specified number of stages, as discussed in section III.C.2.c. DOE notes that any representations made with respect to PEI and pump energy rating (PER) for individual models with alternate number of stages within a single basic model: (1) Must be on the same as the basic model with the specified number of stages required for testing under the test procedure and (2) must be rated using method A.1, ''bare pump with default motor efficiency and default motor part load loss curve'' (explained further in section III.E).

Basic Model Grouping for Pumps With Different Impeller Trims

The second modification DOE proposes to the typical basic model definition is that a trimmed impeller, though it may impact efficiency, would not be a basis for requiring units to be rated as unique basic models. This proposal is consistent with the Working Group recommendation that the rating of a given pump basic model should be based on testing at full impeller diameter only and that DOE not require testing at reduced impeller diameters. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #7 at p. 3) DOE understands that a given pump may be distributed to customers with a variety of impeller trims to meet a certain hydraulic load for a certain application, and impeller trim has a direct impact on a pump's performance characteristics. However, DOE, in general, agrees with the Working Group's proposal. Rather than requiring a manufacturer to certify to DOE a pump with any given impeller trim that may be requested by a customer, DOE is proposing to limit the number of specific pump models to certify, which would reduce the overall manufacturer burden from testing while helping ensure that a reasonably accurate measurement of a given pump's efficiency is obtained. Rating at full impeller would typically reflect the most consumptive rating for that pump, due to the higher hydraulic power provided by the full impeller, as compared to a trimmed impeller in the same bare pump bowl. Therefore, any pump model with a bare pump that is otherwise identical (*i.e.,* same casing, same bearings and seals, etc.) but with a trimmed impeller will, except in very limited cases, almost always consume less energy than the same pump with full impeller. Consistent with the CIP Working Group Recommendations, DOE proposes to base the certified rating for a given pump basic model on that model's full impeller diameter—all PEI and PER representations for the members of this basic model would be based upon the full impeller model.

Relevant to this requirement, DOE proposes to define the term ''full impeller'' as it pertains to the rating of pump models in accordance with the proposed test procedure. The European Union (EU) defines ''full impeller'' as ''the impeller with the maximum diameter for which performance characteristics are given for a pump size in the catalogues of a water pump manufacturer.'' [14] DOE proposes to largely harmonize with this definition, but is proposing additional language to establish requirements for pumps for which performance data are not published in manufacturer catalogs, such as custom pumps. Specifically,

[14] Council of the European Union. 2012. Commission Regulation (EU) No 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps. *Official Journal of the European Union*. L 165, 26 June 2012, pp. 28–36.

DOE proposes to define full impeller as the maximum diameter impeller with which the pump is distributed in commerce in the United States or the maximum impeller diameter represented in the manufacturer's literature, whichever is larger. DOE understands that in most cases, these would be the same. However, for pumps that may only be sold with a trimmed impeller due to a custom application, DOE is proposing to define the full impeller as the maximum diameter impeller with which the pump is distributed in commerce. DOE notes that the certified rating should represent the configuration based on the maximum diameter impeller offered by the manufacturer, regardless of the actual impeller size used with a given pump.

Under DOE's proposed definition for ''full impeller,'' manufacturers would also be able to represent a model with a trimmed impeller as less consumptive than at full impeller. To do so, they must treat that trimmed impeller model as a different basic model and test a representative number of models at the maximum diameter distributed in commerce of that trimmed basic model listing. In such a case, the impeller trim with which the pump is rated becomes the ''full impeller diameter,'' which is the ''maximum diameter impeller used with a given pump basic model distributed in commerce or the maximum diameter impeller referenced in the manufacturer's literature for that pump basic model, whichever is larger.'' In these cases, manufacturers may elect to: (1) Group individual pump units with bare pumps that vary only impeller diameter into a single basic model or (2) establish separate basic models (with unique ratings) for any number of unique impeller trims, provided that the PEI rating associated with any individual model is based on the maximum diameter impeller for that basic model and that basic model is compliant with any energy conservation standards established as part of the parallel pumps ECS rulemaking. (Docket No. EERE–2011–BT–STD–0031)

DOE notes that, while manufacturers may group pump models with various impeller trims under one basic model with the same certified PEI rating based on the full impeller diameter, all representations of PEI and PER for any individual model must be: (1) Based on testing of the model with the full diameter impeller in the basic model and (2) rated using method A.1, ''bare pump with default motor efficiency and default motor part load loss curve'' (explained further in section III.E).

d. Basic Models for Pumps Sold With Motors or Motors and Speed Controls

DOE notes that, for pumps sold with motors and pumps sold with motors and continuous or non-continuous controls, pump manufacturers may pair a given pump with several different motors with different performance characteristics. Under the proposed definition, each unique pump and motor pairing would represent a unique basic model. However, consistent with DOE's practice with other products and equipment, pump manufacturers may elect to group similar individual pump models within the same equipment class into the same basic model to reduce testing burden, provided all representations regarding the energy use of pumps within that basic model are identical and based on the most consumptive unit. *See* 76 FR 12422, 12423 (March 7, 2011)).[15]

For example, pumps that share the same bare pump but have different motors could be grouped into the same basic model based on the least efficient pump and motor combination as long as the manufacturer did not want to make representations of the more-efficient pump and motor combination. However, for pumps sold with trimmed impellers, DOE recognizes that a given pump with a trimmed impeller may be sold with a different motor than the same pump with a full impeller. As variation in impeller trim of the bare pump does not constitute a characteristic that would differentiate basic models, variation in motor sizing as a result of different impeller trims would also not serve as a basis for differentiating basic models.

Since the proposed pump basic model definition and certified rating are both based on the pump as tested with a full impeller and a specific number of stages, to the extent that the paired motor varies between a given pump unit and the same bare pump at full impeller diameter with the specified number of stages for testing, this difference would not constitute a characteristic that would define separate basic models.

DOE requests comment on the proposed definition for ''basic model'' as applied to pumps. Specifically, DOE is interested in comments on DOE's proposal to allow manufacturers the option of rating pumps with trimmed impellers as a single basic model or separate basic models, provided the rating for each pump model is based on the maximum impeller diameter available within that basic model.

DOE requests comment on the proposed definition for ''full impeller.''

DOE requests comment on the proposal to require that all pump models be rated in a full impeller configuration only.

DOE requests comment on any other characteristics of pumps that are unique from other commercial and industrial equipment and may require modifications to the definition of ''basic model,'' as proposed.

2. Equipment Classes

Table III.2 presents a list of the specific pump categories that DOE considered in the context of its Framework Document. The treatment of these rotodynamic pumps was extensively discussed and debated among members of the CIP Working Group. Those pump categories that the Working Group recommended for inclusion as part of DOE's standards-setting efforts are marked accordingly. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #4 at p. 2)

TABLE III.2—ROTODYNAMIC CLEAN WATER PUMP EQUIPMENT OVERVIEW AND RECOMMENDED SCOPE OF PUMPS TEST PROCEDURE AND ENERGY CONSERVATION STANDARDS

Pump category	Sub-category	Stages	DOE terminology	ANSI/HI Term	In CIP working group scope
End Suction	Close-coupled	Single	End Suction Close-coupled (ESCC)	OH7	Yes.

[15] These provisions allow manufacturers to group individual models with essentially identical, but not exactly the same, energy performance characteristics into a basic model to reduce testing burden. Under DOE's certification requirements, all the individual models within a basic model identified in a certification report as being the same basic model must have the same certified efficiency rating and use the same test data underlying the certified rating. The CCE final rule also establishes that the efficiency rating of a basic model must be based on the least efficient or most energy consuming individual model *(i.e.,* put another way, all individual models within a basic model must be at least as energy efficient as the certified rating). 76 FR at 12428–29 (March 7, 2011).

TABLE III.2—ROTODYNAMIC CLEAN WATER PUMP EQUIPMENT OVERVIEW AND RECOMMENDED SCOPE OF PUMPS TEST PROCEDURE AND ENERGY CONSERVATION STANDARDS—Continued

Pump category	Sub-category	Stages	DOE terminology	ANSI/HI Term	In CIP working group scope
	Own Bearings/ Frame Mounted.	Single	End Suction Frame Mounted (ESFM)	OH0, OH1	Yes.
Vertical In-Line		Single	In-Line (IL)	OH3, OH4, OH5	Yes.
Axial Split	Single	Double Suction (DS).	BB1, OH4 (double suction)	No.	
		Multi	Axially Split Multi-Stage (AS)	BB1 (2-stage), BB3	No.
Radial Split	Multi	Radially Split Multi-Stage Vertical In-Line Casing Diffuser (RSV).	VS8	Yes.*	
		Multi	Radially Split Multi-Stage Horizontal (RSH).	BB2 (2-stage), BB4	No.
Vertical Turbine	Non-Submersible	Any	Vertical Turbine (VT)	VS1, VS2	No.
	Submersible	Any	Vertical Turbine Submersible (VTS)	VS0	Yes.
Axial/Propeller and Mixed Flow		Any	Axial/Propeller and Mixed (AM)	OH00, VS3	No.

* Multistage radial split vertical immersible pumps are excluded from the proposed scope.

Discussions regarding the inclusion and exclusion of certain categories of pumps can be found in the transcripts from the first several meetings of the CIP Working Group. (Docket No. EERE–2013–BT–NOC–0039, Nos. 8, 9, 14, 15, 46, 47, and 62) As recommended by the Working Group, DOE is applying a scope (for both the test procedure and in evaluating potential standards) that would include the following pump equipment classes: end suction close-coupled (ESCC), end suction frame mounted (ESFM), in-line (IL), radially split multi-stage vertical IL casing diffuser (RSV), and vertical turbine submersible (VTS) pumps. DOE notes that, while intended to be consistent with this test procedure proposal, the scope of any energy conservation standards proposed for pumps will be discussed as part of a separate rulemaking.

DOE requests comment on the proposed applicability of the test procedure to the five pump equipment classes noted above, namely ESCC, ESFM, IL, RSV, and VTS pumps.

a. Definitions of Pump Equipment Classes

To help manufacturers determine whether a given pump falls into one of the equipment classes that would be addressed by the scope of this proposal and the parallel energy conservation standards under consideration, DOE is proposing to define each pump equipment class that DOE would regulate. In developing these definitions, DOE considered the comments received in response to the Framework Document along with subsequent input provided during the CIP Working Group meetings. For example, HI preferred that DOE use the American National Standards Institute (ANSI) HI definitions for equivalent pump categories and nomenclature instead of the definitions tentatively proposed by DOE. (HI, No. 25 at p. 28) [16] Grundfos preferred that DOE use EU and HI definitions and resolve any conflicts through the existing Joint International Pump Industry Standardization Committee. Grundfos regarded the DOE definitions as ambiguous. (Grundfos, No. 24 at p. 10)

A joint comment submitted by the Appliance Standards Awareness Project (ASAP), Alliance to Save Energy (ASE), American Council for an Energy-Efficient Economy (ACEEE), Earthjustice, and the National Resources Defense Council (NRDC) (collectively referred to as ''the Advocates'') [17] criticized the HI definitions as narrow, increasing the risk that a manufacturer could make small changes to avoid DOE's regulations. To avoid this problem, the Advocates preferred DOE's broad definitions and offered some recommended modifications to those definitions. (Advocates, No. 32 at p. 4) Earthjustice also suggested adopting the Advocates' suggestions for modifying the definitions and added that DOE could provide illustrative references to the relevant HI nomenclature for further clarification. (Earthjustice, No. 30 at p. 1) Northwest Energy Efficiency Alliance (NEEA) and Northwest Power and Conservation Council (NPCC) made a similar suggestion, suggesting that the definitions be coupled with an appendix that would map to the appropriate ANSI/HI nomenclature and definitions. (NEAA/NPCC, No. 31 at p. 3)

While the CIP Working Group recommended establishing a test procedure and standards for specific classes of pumps, in the interest of time, the specific definitions of these pump equipment classes were not negotiated by the CIP Working Group. After considering the stakeholder comments on the Framework Document, DOE is proposing specific definitions for particular categories of pumps and specific pump equipment classes. DOE is proposing general definitions for some specific characteristics of pumps for which DOE is proposing that the test procedure be applicable; namely rotodynamic pump, single-axis flow pump, and end suction pump.

DOE proposes that rotodynamic pump refer to a pump in which energy is continuously imparted to the pumped fluid by means of a rotating impeller, propeller, or rotor. DOE proposes such a definition to help define the specific pump equipment classes to which the proposed test procedure is applicable and differentiate those from positive displacement pumps (*i.e.,* non-

[16] A notation in this form provides a reference for information that is in the docket of DOE's rulemaking to develop energy conservation standards for commercial and industrial pumps (Docket No. EERE–2011–BT–STD–0031, which is maintained at *www.regulations.gov*). This particular notation refers to a comment: (1) Submitted by HI; (2) appearing in document number 25 of the docket; and (3) appearing on page 28 of that document.

[17] As noted in Table I.2, ASAP and NRDC were members of the CIP Working Group, while ASE, ACEE, and Earthjustice were not.

rotodynamic pumps) with otherwise similar attributes.

DOE also proposes to define single axis flow pump as a pump in which the liquid inlet of the bare pump is on the same axis as the liquid discharge of the bare pump to clarify when specific pump equipment classes, discussed below, are proposed to exclude similar pumps in which the pumped liquid enters and exits the pump on different axes.

DOE proposes to define end suction pump as a specific variety of rotodynamic pump that is single-stage and in which the liquid enters the bare pump in a direction parallel to the impeller shaft and on the end opposite the bare pump's driver-end. Such a pump is not single axis flow because the liquid is discharged through a volute in a plane perpendicular to the shaft.

Based on these three definitions describing general pump characteristics, DOE proposes to define the following five pump equipment classes to which the proposed test procedure would be applicable:

(1) *End suction frame mounted (ESFM) pump* means an end suction pump wherein:

(a) The bare pump has its own impeller shaft and bearings and so does not rely on the motor shaft to serve as the impeller shaft;

(b) the pump requires attachment to a rigid foundation to function as designed and cannot function as designed when supported only by the supply and discharge piping to which it is connected; and

(c) the pump does not include a basket strainer.

Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature OH0 and OH1, as described in the 2008 version of ANSI/HI Standard 1.1–1.2, ''Rotodynamic (Centrifugal) Pumps For Nomenclature And Definitions'' (ANSI/HI 1.1–1.2–2014).

(2) *End suction close-coupled (ESCC) pump* means an end suction pump in which:

(a) The motor shaft also serves as the impeller shaft for the bare pump;

(b) the pump requires attachment to a rigid foundation to function as designed and cannot function as designed when supported only by the supply and discharge piping to which it is connected; and

(c) the pump does not include a basket strainer.

Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature OH7, as described in ANSI/HI 1.1–1.2–2014.

(3) *In-line (IL) pump* means a single-stage, single axis flow, rotodynamic pump in which:

(a) Liquid is discharged through a volute in a plane perpendicular to the impeller shaft; and

(b) the pump requires attachment to a rigid foundation to function as designed and cannot function as designed when supported only by the supply and discharge piping to which it is connected.

Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature OH3, OH4, or OH5, as described in ANSI/HI 1.1–1.2–2014.

(4) *Radially split, multi-stage, vertical, in-line, diffuser casing (RSV) pump* means a vertically suspended, multi-stage, single axis flow, rotodynamic pump in which:

(a) liquid is discharged in a plane perpendicular to the impeller shaft;

(b) each stage (or bowl) consists of an impeller and diffuser; and.

(c) no external part of such a pump is designed to be submerged in the pumped liquid.

Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature VS8, as described in the 2008 version of ANSI/HI Standard 2.1–2.2, ''Rotodynamic (Vertical) Pumps For Nomenclature And Definitions'' (ANSI/HI 2.1–2.2–2008).

(5) *Vertical turbine submersible (VTS) pump* means a single-stage or multi-stage rotodynamic pump that is designed to be operated with the motor and stage(s) (or bowl(s)) fully submerged in the pumped liquid, and in which:

(a) each stage of this pump consists of an impeller and diffuser and

(b) liquid enters and exits each stage of the bare pump in a direction parallel to the impeller shaft.

Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature VS0, as described in ANSI/HI 2.1–2.2–2008.

DOE notes that any references to HI nomenclature in ANSI/HI 1.1–1.2–2014 or ANSI/HI 2.1–2.2–2008 are incorporated into the definitions of the aforementioned pump equipment classes as examples only. As several interested parties expressed their desire to reference the HI nomenclature to help provide clarity to the industry, DOE is proposing to list the relevant HI pump nomenclature in the definition of each pump equipment class. However, in some cases, the HI nomenclature can be vague or inconsistent.[18] In cases where there is a conflict between the description provided in ANSI/HI 1.1–1.2–2014 or ANSI/HI 2.1–2.2–2008, as applicable, and the proposed regulatory text, the language in the regulatory text would prevail. Accordingly, a manufacturer would need to carefully review the applicable regulatory text in determining how its equipment would be affected because DOE would be using these provisions when applying the test procedure and setting the scope for any standards that DOE may develop.

DOE requests comment on the proposed definitions for end suction pump, end suction frame mounted pump, end suction close-coupled pump, in-line pump, radially split multi-stage vertical in-line casing diffuser pump, rotodynamic pump, single axis flow pump, and vertical turbine submersible pump.

DOE requests comment on whether the references to ANSI/HI nomenclature are necessary as part of the equipment definitions in the regulatory text, are likely to cause confusion due to inconsistencies, and whether discussing the ANSI/HI nomenclature in this preamble would provide sufficient reference material for manufacturers when determining the appropriate equipment class for their pump models.

With regard to the proposed definition for RSV pumps, DOE understands that, in such a pump, flow typically proceeds from the bare pump inlet through the stages in series, with each stage increasing the total head, and exits at the pump discharge. DOE requests comment on whether it needs to clarify the flow direction to distinguish RSV pumps from other similar pumps when determining test procedure and standards applicability.

One issue related to the above that DOE is currently considering is whether its proposed RSV pump definition requires further clarification to ensure that immersible pumps do not fall within the definition. As proposed, this definition would exclude immersible pumps that would otherwise meet the remaining characteristics detailed in the definition (*i.e.,* ''No external part of such a pump is designed to be submerged in the pumped liquid).'' While DOE believes that this language should be sufficient to exclude any immersible pumps from being treated as an RSV pump for purposes of DOE's regulations,

[18] For example, ANSI/HI 1.1–1.2–2014 does not identify specific definitions for the considered pumps. Rather, it provides classification trees (as in Figure 1.1.3a of that document) as well as construction drawings (*e.g.* Figures 1.1.5a-bb). The words describing a given pump classification are not always exactly consistent between the tree and the drawing captions. For example, OH0 is variously described as ''overhung—flexibly coupled—horizontal—frame mounted'' and ''overhung impeller—flexibly coupled—single stage—frame mounted.''

DOE requests comment on whether any additional language is necessary to make this exclusion clearer.

b. Circulators and Pool Pumps

Circulators, which are a specific kind of rotodynamic pump, are small, low-head pumps similar to the in-line or end suction close-coupled configuration pumps that are generally used to circulate water in hydronic space conditioning or potable water systems in buildings.

The CIP Working Group recommended that circulator pumps be addressed as part of a separate rulemaking process that would involve informal negotiation between stakeholders followed by an ASRAC-approved negotiation. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #5A at p. 2) DOE has not yet received any proposals or requests for negotiation from the stakeholders.

To explicitly exclude circulators from this rulemaking and the parallel energy conservation standards rulemaking, DOE proposes to define the term ''circulator'' as referring to either:

- An end suction pump with a pump housing that requires only the support of the supply and discharge piping to which it is connected to function as designed, or
- A single-stage, single axis flow, rotodynamic pump, with a pump housing that requires only the support of the supply and discharge piping to which it is connected to function as designed.

Under this definition, such a pump would not be able to function as designed without attachment to a rigid foundation. Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature CP1, CP2, or CP3, as described in ANSI/HI 1.1–1.2–2014.

Adopting this definition would help ensure that circulators can be clearly and unambiguously differentiated from other pumps that DOE may consider regulating and to which this proposed test procedure would apply. The proposed definition would rely on the unique and distinguishable design characteristics of circulators—namely, that circulators require only pipe-mounted support and do not need to be attached to a rigid foundation to function as designed. Conversely, ESCC, ESFM, and IL pumps, by definition, require attachment to a rigid foundation to function as designed. DOE believes that such a definition for a circulator would encompass all pumps commonly referred to as circulators by the industry, which the CIP Working Group recommended that DOE not regulate in this rulemaking. DOE proposes to also reference the ANSI/HI 1.1–1.2—2014 nomenclature for circulators, as included in the CIP Working Group Recommendations. (Docket No. EERE–2013–BT–NOC–0039, No. 92 at p. 2)

By defining circulators, ESCC, ESFM, and IL pumps as mutually exclusive from each other on the basis of design characteristics, it is unnecessary to include a size-based threshold in the proposed circulator definition, as had been suggested by stakeholders. (HI, No. 25 at p. 20; Docket No. EERE–2013–BT–NOC–0039, No. 14 at p. 338) DOE notes that it is uncommon for pumps larger than 3 hp to be supported only by their supply and discharge pipes. This is due to limitations on the structural weight loads that a piping system can support. The constraint imposed by the piping system, in effect, acts as an inherent upper size threshold for circulators.

The CIP Working Group also formally recommended that DOE initiate a separate rulemaking for dedicated-purpose pool pumps by December 2014. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #5A at p. 2) The CIP Working Group further sought to identify the unique characteristics of pool pumps that differentiate them from the other pump classes within the scope of this rulemaking to make clear that dedicated-purpose pool pumps are not required to be tested in accordance with the proposed procedure. During the March 26, 2014 CIP Working Group meeting, Xylem Inc. (Xylem) indicated that all dedicated-purpose pool pumps include an integrated basket strainer, unlike other end suction close-coupled pumps. (Docket No. EERE–2013–BT–NOC–0039, No. 62 at p. 195) To distinguish a ''dedicated-purpose pool pump'' from other pumps that DOE is currently considering regulating in this NOPR, DOE proposes to define this device as an end suction pump designed specifically to circulate water in a pool and that includes an integrated basket strainer.

DOE notes that this definition will be discussed in more detail in a separate rulemaking to consider potential energy conservation standards and test procedures for pool pumps.

DOE requests comment on its proposal to exclude circulators and pool pumps from the scope of this test procedure rulemaking. DOE also requests comment on the proposed definitions for circulators and dedicated-purpose pool pumps. Finally, DOE requests comment on the extent to which ESCC, ESFM, IL, and RSV pumps require attachment to a rigid foundation to function as designed. Specifically, DOE is interested to know if any pumps commonly referred to as ESCC, ESFM, IL, or RSV do not require attachment to a rigid foundation.

c. Axial/Mixed Flow and Positive Displacement Pumps

''Axial/mixed flow pump'' is a term used by the pump industry to describe a rotodynamic pump that is used to move large volumes of liquid at high flow rates and low heads. These pumps are typically custom-designed and used in applications such as dewatering, flood control, and storm water management.

Positive displacement (PD) pumps are a style of pump that operates by first opening an increasing volume to suction; this volume is then filled, closed, moved to discharge, and displaced. PD pumps operate at near-constant flow over their range of operational pressures and can often produce higher pressure than a centrifugal pump, at a given flow rate. PD pumps also excel at maintaining flow and efficiency for liquids more viscous than water. When used in clean water applications, PD pumps are typically chosen for high pressure, constant flow applications such as high pressure power washing, oil field water injection, and low-flow metering processes.

The CIP Working Group recommended excluding both of these types of pumps from being subject to the prospective energy conservation standards DOE is considering. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #6 at p. 2) The primary reason for excluding these pumps at this time is their low market share in the considered horsepower range and low potential for energy savings. (Docket No. EERE–2013–BT–NOC–0039, No. 14 at pp. 114 and 372–373) In addition, the CIP Working Group acknowledged that PD pumps are more commonly used in non-clean water applications and provide a different utility than the categories of pumps addressed in this rulemaking. (Docket No. EERE–2013–BT–NOC–0039, No. 14 at p. 114) Therefore, DOE is considering excluding these pumps from the scope of this rulemaking and the parallel energy conservation standards rulemaking.

DOE believes that the pump equipment classes and scope parameters defined in sections III.A.2 and III.A.4, respectively, implicitly exclude positive displacement and axial flow pumps.

As mentioned previously, axial/mixed flow pumps are designed to accommodate high flow-to-head-ratio applications and are therefore implicitly

excluded from the scope of pumps being considered in this NOPR based on the head, flow, and pump brake horsepower parameters proposed in section III.A.4. Additionally, the proposed definitions of ESCC, ESFM, and IL pumps would exclude axial/mixed flow pumps through the reference of a discharge volute, which is typically not present on equipment referred to as axial/mixed flow pumps. The proposed definition of RSV pumps would also exclude equipment referred to as axial/mixed flow pumps through implication by specifying that the liquid inlet is in a plane perpendicular to the impeller shaft, as compared to axial/mixed flow pumps where liquid intake is parallel to the impeller shaft. Finally, the proposed definition of VTS pumps would exclude equipment referred to as axial/mixed flow pumps because axial/mixed flow pumps are not designed to be completely submerged in the pumped liquid. Consequently, given the required characteristics of each of the proposed equipment class definitions, DOE believes additional clarification is unnecessary to effectively exclude axial/mixed flow pumps. If, however, additional facts suggest that further clarification is needed, DOE may consider the merits of adding clarifying language to the appropriate regulatory text.

As discussed previously, PD pumps are typically used to handle high viscosity liquids or handle extremely high head applications. PD pumps are not rotodynamic pumps and so do not meet the definition of any of the pump equipment classes discussed in section III.A.2.a that DOE is considering addressing in this rulemaking.

DOE requests comment on its initial determination that axial/mixed flow and PD pumps are implicitly excluded from this rulemaking based on the proposed definitions and scope parameters. In cases where commenters suggest a more explicit exclusion be used, DOE requests comment on the appropriate changes to the proposed definitions or criteria that would be needed to appropriately differentiate axial/mixed flow and/or PD pumps from the specific rotodynamic pump equipment classes proposed for coverage in this NOPR.

3. Scope Exclusions Based on Application

DOE initially considered limiting its rulemaking scope to address only rotodynamic pumps intended for use in pumping clean water, with the potential of further limiting the scope to exclude specific categories of pumps based on their design or application. (Docket No. EERE–2011–BT–STD–0031, No. 13 at pp. 2–6) DOE also discussed the possibility of defining ''clean water pump'' using physical characteristics rather than just defining ''clean water'' as in the EU Commission Regulation No 547/2012 EU 547.[19] After extensive discussions on this subject, the CIP Working Group recommended limiting the scope of the rulemaking to pumps designed for use in pumping clean water and excluding certain pumps, some of which are designed for use in pumping clean water and some of which are not, from being regulated for the purposes of this proposal and the standards currently under consideration. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #8 at pp. 3–4) However, in the interest of time, the CIP Working Group did not recommend specific definitions to help implement any of these recommendations.

In an effort to meet the intent and recommendations of the CIP Working Group, DOE is proposing to define ''clean water pump.'' DOE is also proposing to define several kinds of clean water pumps that are designed for specific applications and that the Working Group had indicated should be excluded from the scope of this proposal and DOE's standards rulemaking efforts that are under development. These definitions would be laid out in a new 10 CFR 431.462.

a. Definition of Clean Water Pump

First, DOE proposes to define ''clean water pump'' as a pump that is designed for use in pumping water with a maximum non-absorbent free solid content of 0.25 kilograms per cubic meter, and with a maximum dissolved solid content of 50 kilograms per cubic meter, provided that the total gas content of the water does not exceed the saturation volume, and disregarding any additives necessary to prevent the water from freezing at a minimum of -10 °C.

DOE notes that, when determining whether a given pump would satisfy the definition of clean water pump, DOE would consider marketing materials, labels and certifications, equipment design, and actual application of such equipment.

To clarify the scope of ''clean water pumps,'' DOE notes that several common pumps would not meet the definition of clean water pumps, as they are not designed for pumping clean water. The CIP Working Group specifically identified the following non-clean water pumps:

(1) Wastewater, sump, slurry, or solids handling pump (*i.e.,* a pump designed to move liquid with maximum dissolved solid content that exceeds the limits in the definition of clean water).

(2) Pump designed for pumping hydrocarbon product fluids that meets the requirements of API's Standard 610–2010, ''Centrifugal Pumps for Petroleum, Petrochemical and Natural Gas Industries'' or ISO 13709:2009.[20]

(3) Chemical process pump that meets the requirements of ANSI/ASME Standard B73.1–2012, ''Specification for Horizontal End Suction Centrifugal Pumps for Chemical Process;'' ANSI/ASME B73.2–2002, ''Specifications for Vertical In-Line Centrifugal Pumps for Chemical Process;'' or International Organization for Standardization (ISO) 2858:1975, ''End-suction centrifugal pumps (rating 16 bar)—Designation, nominal duty point and dimensions,'' and ISO 5199:2002, ''Technical specifications for centrifugal pumps—Class II.''

(4) Sanitary pump that meets the requirements of 3–A Sanitary Standards, Inc. Standard 3A 02–11, ''Centrifugal and Positive Rotary Pumps for Milk and Milk Products.''

DOE also proposes to establish a specific definition for ''clear water'' for testing purposes that would describe the fluid to be used when testing pumps in accordance with the DOE test procedure. Specifically, DOE proposes to incorporate by reference the definition for ''clear water'' established in HI 40.6–2014. This definition would apply solely for the purposes of the test procedure and is distinct from the definition of ''clean water,'' as defined in this section. The definition of ''clear water'' as it applies to the test fluid to be used in the testing of pumps under the proposed DOE test procedure is narrower than the proposed definition of ''clean water,'' which would be used to establish the scope of the DOE test procedure and related energy conservation standards.

DOE also requests comment on the proposed definition for ''clean water pump.''

DOE requests comment on its proposal to incorporate by reference the definition for ''clear water'' in HI 40.6–2014 to describe the testing fluid to be used when testing pumps in accordance with the DOE test procedure.

b. Exclusion of Specific Kinds of Clean Water Pumps

Also in accordance with the Working Group recommendations, DOE proposes

[19] Council of the European Union. 2012. Commission Regulation (EU) No 547/2012 of 25 June 2012.

[20] ISO 13709:2009 is an identical standard to API 610 and is included under the same cover.

to define several kinds of pumps that are clean water pumps, as defined, but would not be subject to the proposed test procedure. Specifically, DOE proposes that the test procedure would not apply to:

(1) Fire pumps;

(2) self-priming pumps;

(3) prime-assist pumps;

(4) sealless pumps;

(5) pumps designed to be used in a nuclear facility subject to 10 CFR part 50—Domestic Licensing of Production and Utilization Facilities; and

(6) a pump meeting the design and construction requirements set forth in Military Specification MIL–P–17639F, ''Pumps, Centrifugal, Miscellaneous Service, Naval Shipboard Use'' (as amended).

Accordingly, DOE proposes the following definitions for fire pump, self-priming pump, prime-assist pump, and sealless pump:

(1) *Fire pump* means a pump that is compliant with National Fire Protection Association (NFPA) Standard 20–2013, ''Standard for the Installation of Stationary Pumps for Fire Protection,'' and either (1) Underwriters Laboratory (UL) listed under UL Standard 448–2007, ''Centrifugal Stationary Pumps for Fire-Protection Service,'' or (2) Factory Mutual (FM) approved under the October 2008 edition of FM Class Number 1319, ''Approval Standard for Centrifugal Fire Pumps (Horizontal, End Suction Type).''

(2) *Self-priming pump* means a pump designed to lift liquid that originates below the center line of the pump impeller. Such a pump requires initial manual priming from a dry start condition, but requires no subsequent manual re-priming.

(3) *Prime-assist pump* means a pump designed to lift liquid that originates below the center line of the pump impeller. Such a pump requires no manual intervention to prime or re-prime from a dry-start condition. Such a pump includes a vacuum pump or air compressor to remove air from the suction line to automatically perform the prime or re-prime function.

(4) *Sealless pump* means either:

(a) A pump that transmits torque from the motor to the bare pump using a magnetic coupling, or

(b) A pump in which the motor shaft also serves as the impeller shaft for the bare pump, and the motor rotor is immersed in the pumped fluid.

DOE notes that the proposal to exclude fire pumps is consistent with comments submitted in response to the Framework Document, including from from stakeholders that were not members of the CIP Working Group.[21] (NFPA, No. 27 at pp. 1–2; Colombia Engineering, No. 29 at p. 1) However, while Earthjustice suggested that DOE could require that fire pumps be marked ''For use as a fire pump only,'' (Earthjustice, No.30 at p.2) DOE declines to propose a mandatory label for fire pumps because it seems superfluous in that there is an increased cost of such pumps that is likely to inherently limit their sale to that specific application.

DOE reviewed the requirements for fire pumps, pumps designed to be used in a nuclear facility under 10 CFR 50, and pumps designed per military specification MIL–P–17639F (Pumps, Centrifugal, Miscellaneous Service, Naval Shipboard Use). DOE believes that in all cases, the increased burden in design and test requirements provides a legitimate reason to exclude these from the scope of the proposed test procedure and standards.

According to Patterson Pumps, fire pumps are manufactured according to NFPA Standard 20, and certified according to either UL or FM standards. (Docket No. EERE–2013–BT–NOC–0039, No. 15 at pp. 191–192) The CIP Working Group agreed to exclude pumps compliant with NFPA 20 as long as they are certified as ''fire pumps'' to the relevant UL or FM standard, noting that UL and FM are the only two certification bodies for fire pumps. (Docket No. EERE–2013–BT–NOC–0039, No. 15 at p. 193–194). The CIP Working Group also represented that it was unlikely manufacturers would attempt to sell pumps intended for other applications as fire pumps in an effort to circumvent a proposed DOE standard for pumps because of the high expense in testing to complete the certification process for UL or FM. Likewise, consumers would find the expense of buying a fire pump for a non-fire pump application would be higher than that of buying a pump that complies with an eventual DOE standard. (Docket No. EERE–2013–BT–NOC–0039, No. 14 at p. 125)

Nuclear facility pumps must have certified design specifications and must conform to many specific design and testing criteria. These include, but are not limited to, classification as ASME Code Class 1 of the ASME Boiler and Pressure Vessel Code, Section III, ''Rule for Construction of Nuclear Facility Components,'' for reactor coolant pumps. DOE understands that the design and construction of pumps in accordance with ASME Code Class 1 represent significant additional expense and significantly increases the cost of such pumps compared to the clean water pumps considered in this test procedure. Similar to fire pumps, DOE believes there is sufficient justification to exclude such nuclear facility pumps from the scope of this rulemaking without a risk of clean water pumps being marketed or sold as nuclear facility pumps for actual use in other applications.

Pumps designed to military specifications (commonly referred to as ''MIL–SPEC''), such as MIL–P–17639F, must meet very specific physical and or operational characteristics and have complex and rigid reporting requirements.[22] Specifically, MIL–P–17639F requires significant amounts of design and test data be submitted to various military design review agencies to ensure that the pump can be operated and maintained in harsh naval environments. When considering if a pump is designed and constructed to the requirements set forth in MIL–P–17639F, DOE may request that a manufacturer provide DOE with copies of the original design and test data that were submitted to appropriate design review agencies, as required by MIL–P–17639F. Similar to fire and nuclear facility pumps, DOE believes there is sufficient justification to exclude MIL–SPEC pumps from the scope of this rulemaking without a risk of clean water pumps being marketed or sold as MIL–SPEC for actual use in other applications.

DOE requests comment on the proposed definition for ''fire pump,'' ''self-priming pump,'' ''prime-assisted pump,'' and ''sealless pump.''

Regarding the proposed definition of a self-priming pump, DOE notes that such pumps typically include a liquid reservoir above or in front of the impeller to allow recirculating water within the pump during the priming cycle. DOE requests comment on any other specific design features that enable the pump to operate without manual re-priming, and whether such specificity is needed in the definition for clarity.

DOE requests comment on the proposed specifications and criteria to determine if a pump is designed to meet a specific Military Specification and if

[21] DOE did not receive comments on the Framework Document regarding other types of pumps for exclusion from stakeholders not represented on the CIP Working Group.

[22] United States General Accounting Office, Report to Congressional Committees, Acquisition Reform: DOD Begins Program To Reform Specifications and Standards, GAO/NSIAD–95–14. October 11, 1994. Washington, DC. pp. 2–3. *http://www.gao.gov/archive/1995/ns95014.pdf*

any Military Specifications other than MIL–P–17639F should be referenced.

DOE requests comment on excluding the following pumps from the test procedure: Fire pumps, self-priming pumps, prime-assist pumps, sealless pumps, pumps designed to be used in a nuclear facility subject to 10 CFR part 50—Domestic Licensing of Production and Utilization Facilities, and pumps meeting the design and construction requirements set forth in Military Specification MIL–P–17639F, ''Pumps, Centrifugal, Miscellaneous Service, Naval Shipboard Use'' (as amended).

4. Parameters for Establishing the Scope of Pumps in This Rulemaking

In addition to limiting the types of pumps that DOE would regulate at this time through pump definitions and their applications, DOE proposes to further limit its scope consistent with the Working Group's recommendation by applying the following performance and design characteristics:

(1) 1–200 hp (shaft power at the best efficiency point, BEP, at full impeller diameter for the number of stages required for testing to the standard); [23]

(2) 25 gpm and greater (at BEP at full impeller diameter);

(3) 459 feet of head maximum (at BEP at full impeller diameter);

(4) design temperature range from −10 to 120 °C;

(5) pumps designed for nominal 3,600 or 1,800 revolutions per minute (rpm) driver speeds; and

(6) 6-inch or smaller bowl diameter for VTS pumps (HI VS0).

(Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #7 at p. 3)

Similarly, DOE proposes to apply the pump test procedure scope to the scope of pumps discussed in sections III.A.1 and III.A.3 possessing the characteristics presented by the CIP Working Group.

DOE notes that with respect to the limiting criterion proposed for VTS pumps (*i.e.,* bowl diameter) DOE is also proposing to define this term to remove ambiguity and to ensure that all entities are calculating bowl diameter the same way. HI 40.6–2014 defines bowl diameter as follows: ''Bowl diameter means the measure of a straight line passing through the center of a circular shape that intersects the circular shape at both of its ends.'' While DOE largely agrees with the HI definition, additional specificity is required with respect to that definition's use of the phrase ''circular shape.'' As such, DOE proposes to define ''bowl diameter'' as it applies to VTS pumps as follows:

Bowl diameter means the maximum dimension of an imaginary straight line passing through and in the plane of the circular shape of the intermediate bowl or chamber of the bare pump that is perpendicular to the pump shaft and that intersects the circular shape of the intermediate bowl or chamber of the bare pump at both of its ends, where the intermediate bowl or chamber is as defined in ANSI/HI 2.1–2.2–2008.

If adopted, only those VTS pumps with bowl diameters of 6 inches or less would be required to be tested under the proposed procedure.

DOE requests comment on the listed design characteristics (*i.e.,* power, flow, head, design temperature, design speed, and bowl diameter) as limitations on the scope of pumps to which the proposed test procedure would apply.

DOE requests comment on the proposed definition for ''bowl diameter'' as it would apply to VTS pumps.

5. Non-Electric Drivers

DOE recognizes that some pumps, particularly in the agricultural sector, may be sold and operated with non-electric drivers, such as engines, steam turbines, or generators. During the CIP Working Group's negotiations, testing and coverage of non-electric drivers were discussed. To ensure simplicity and comparability when testing and certifying pumps with non-electric drivers, the CIP Working Group recommended that pumps sold with non-electric drivers be rated as a bare pump, excluding the energy performance of the non-electric driver. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #3 at p. 2) By requiring testing and certification in this manner, any hydraulic improvements made to the bare pump to comply with any applicable energy conservation standards that may apply to the bare pump would also result in energy savings if the pump is used with a non-electric driver. DOE notes that the proposed test procedure is applicable only to drivers that are electric motors. Therefore, when rating a pump with any driver other than an electric motor, or other bare pump, DOE would provide default rating calculations in the test procedure to represent the performance of the given bare pump with a default motor that is minimally compliant with DOE's energy conservation standards for electric motors. See 10 CFR 431.25. This procedure is described in more detail in section III.E.1.a. (In context, as noted earlier, the terms ''electric motor'' and ''motor'' are used interchangeably.)

The Working Group's approach, as described above, is likely to reduce the test burden and complexity of the regulation. DOE notes that, in order to accurately capture the energy performance of non-electric drivers in the DOE pump test procedure, separate test procedures would be necessary for each type of driver (*e.g.,* turbines, generators), which are not currently available in HI 40.6–2014 or other relevant pump test standards and, thus, would add significant complexity and burden to the pump test procedure. DOE believes that there is insufficient technical merit or potential for additional energy savings to justify the additional burden associated with rating and certifying pumps sold with non-electric drivers inclusive of those drivers.

DOE requests comment on its proposal to test pumps sold with non-electric drivers as bare pumps.

6. Pumps Sold With Single-Phase Induction Motors

DOE recognizes that some pumps within the proposed scope of this rulemaking may be distributed in commerce with single-phase motors. However, DOE understands that the majority of pumps in the proposed scope of this test procedure rulemaking are sold with polyphase induction motors. One reason for the prevalence of polyphase motors is that the pumps for which the proposed test procedure would apply are typically sold into commercial and industrial applications where polyphase (three-phase) power is known to be commonplace. Additionally, single-phase induction motors are not widely available in motors with horsepower (hp) ratings greater than approximately 5 hp, while the proposed test procedure would apply to pumps from 1–200 hp, as discussed in section III.A.4. This circumstance further restricts the prevalence of single-phase motors in pumps for which the proposed test procedure would apply. According to the CIP Working Group, almost all pumps except for smaller pumps use three-phase motors, with the transition from single-phase to three-phase motors occurring at around ½ to ¾ hp. (Docket No. EERE–2013–BT–NOC–0039, No. 105 at p. 224–225)

In addition, DOE understands that most pumps within the scope of this proposed rulemaking that are distributed in commerce with single-phase induction motors are also distributed in commerce with polyphase induction motors of similar size to

[23] The CIP Working Group also recommended that testing be required with 3 stages for RSV pumps and 9 stages for VTS pumps, unless a model is not available with that specific number of stages, in which case the pump would be tested with the next closest number of stages. This recommendation is discussed in more detail in section III.C.2.a.

accommodate variation in power requirements among customers.

DOE understands that single-phase induction motors are, in general, less efficient than polyphase induction motors and, thus, would result in different energy consumption characteristics when paired with the same bare pump. Therefore, to establish the desired calculation-based methods for pumps paired with single-phase and polyphase motors, DOE would need to develop specific default motor efficiency assumptions and motor loss curves for both single-phase and polyphase motors. However, DOE believes that developing a separate rating methodology (including separate default motor efficiency assumptions) for pumps sold with single-phase induction motors is not justified at this time due to the small percentage of pumps sold with only single-phase induction motors. The CIP Working Group agreed that, based on the scope established for pumps being from 1–200 hp, it is more meaningful to focus the rating methodology on three-phase motors. (Docket No. EERE–2013–BT–NOC–0039, No. 105 at p. 226)

For these reasons, DOE has developed the proposed test methods to be based on polyphase induction motors in that the default nominal full load motor efficiency discussed in section III.D.1 would specify a minimum efficiency value for a National Electrical Manufacturers Association (NEMA) Design A, NEMA Design B, or IEC Design N electric motor, which are a specific kind of polyphase induction motor. However, DOE believes that such default nominal full load motor efficiency values are not applicable to single-phase induction motors. Therefore, in order not to penalize pumps sold with single-phase induction motors, DOE proposes that such pumps be tested and rated in the bare pump configuration, using the calculation-based method.

DOE notes that, if a pump distributed in commerce with a single-phase induction motor is also distributed in commerce in a bare pump configuration, this proposal would not increase the testing or rating burden on manufacturers. DOE also wishes to clarify that, to the extent that such a pump is also sold with an electric motor other than a single-phase induction motor, the pump must also be rated based on the PEI_{CL} or PEI_{VL} as determined for the pump when paired with that other motor.

DOE requests comment on its proposal that any pump distributed in commerce with a single-phase induction motor be tested and rated in the bare pump configuration, using the calculation method.

DOE requests comment from interested parties on any other categories of electric motors, except submersible motors, that: (1) Are used with pumps considered in this rulemaking and (2) typically have efficiencies lower than the default nominal full load efficiency for NEMA Design A, NEMA Design B, or IEC Design N motors.

B. Rating Metric

One of the first and most important issues DOE must consider in designing a test procedure is selection of the regulatory metric. The most common metric used in the pump industry today to describe the performance of bare pumps (*i.e.,* pumps sold alone, not inclusive of motors and controls) is pump efficiency, which is the ratio of hydraulic power (the product of flow, density, gravity, and head) to pump shaft input power, as shown in equation (1):

$$\eta_{pump} = \frac{P_{Hydro}}{P_i} \quad (1)$$

Where:

η_{pump} = bare pump efficiency,
P_{Hydro} = pump hydraulic output power, and
P_i = shaft input power to the bare pump at rating point (i).

When a pump is tested for performance inclusive of a motor and/or controls, pump efficiency is not as useful a metric, as it does not capture the performance of the other components that are integral to the performance and utility of the pump when installed in the field. In the Framework Document, DOE discussed bare pump efficiency as well as overall pump efficiency (*i.e.,* the efficiency of a pump coupled with a driver, as defined in HI 40.6–2014) and ''wire-to-water,'' [24] power-based metrics. DOE also discussed the possible application of different metrics to pumps depending on how they are sold: (1) Alone as bare pumps, (2) with motors, or (3) with motors and continuous or non-continuous controls.

1. Working Group and Other Stakeholder Comments

The different rating approaches suggested in the Framework Document were also discussed in the negotiations of the CIP Working Group. The Working Group recommended that DOE use a wire-to-water, power-based metric for all pumps, regardless of how they are sold. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #11 at p. 5) The CIP Working Group recommended a similar metric for all pump configurations (*i.e.,* bare pumps, pumps sold with a motor, and pumps sold with a motor and continuous or non-continuous controls) to allow for better comparability and more consistent application of the rating metric for all pumps within the recommended scope. This way, the benefit of speed control, as compared to a similar pump without speed control, can be reflected in the measurement of energy use or energy efficiency.

In developing the metric proposed in this NOPR, DOE reviewed the CIP Working Group recommendations as well as the relevant comments made in response to the Framework Document. The Air-Conditioning, Heating, and Refrigeration Institute (AHRI), which was not a member of the Working Group, suggested that if DOE defines pumps to be inclusive of motors and/or controls, that DOE develop a combined pump/motor/control efficiency metric using a weighted average of measurements at specified rating points (as preferable to minimum levels at multiple points because it allows more design flexibility). (AHRI, No. 28 at p. 2) AHRI noted that a regulatory regime that includes controls must include appropriate part load levels and operating points, reflective of part load conditions typically in use. It cited AHRI 1210–2011, ''2011 Standard for Performance Rating of Variable Frequency Drives,'' as an example of a relevant test procedure that requires that a variable frequency drive [25] (VFD) and

[24] The term ''wire-to-water'' refers to the physically-tested, combined performance of the bare pump, motor, and any continuous or non-continuous controls. This is consistent with the testing-based methods discussed in section III.E.2.

[25] Variable Frequency Drive (or VFD) is defined in AHRI 1210–2011 as ''A power electronic device that regulates the speed of an alternating current (AC) motor by adjusting the frequency and the

Continued

motor be tested at four different speeds: 40, 50, 75, and 100 percent of full speed. AHRI estimated that VFDs in pump/motor/VFD packages range from 50 to 100 percent of maximum speed, and average operation is approximately 75 percent of full speed. AHRI also noted that the methodology used to develop the Integrated Part Load Value (IPLV) metric in appendix D of AHRI standard 550/590 may be a useful reference. (AHRI, No. 28 at p. 2)

DOE notes that in general, AHRI's comments are in line with the CIP Working Group recommendation. Specifically, the metric recommended by the CIP Working Group is a weighted average of measurements at specified load points. The CIP Working Group recommended metric incorporates load points of 75, 100, and 110 percent of BEP flow for pumps without continuous or non-continuous controls, and 25, 50, 75, and 100 percent of BEP flow for a pump sold with continuous or non-continuous controls. The latter load points are similar to those specified in AHRI 1210. The reasoning behind these differing loading profiles is further discussed in section III.B.2.a.

2. Selected Metric: Constant Load and Variable Load Pump Energy Index

After carefully considering the Framework stage comments and the recommendations of the CIP Working Group, DOE is proposing to adopt the metric recommended by the CIP Working Group. That metric consists of a ratio of the representative performance of the pump being rated over the representative performance of a pump that would minimally comply with any prospective DOE energy conservation standard for that pump type. The representative performance is referred to as the ''pump energy rating'' (PER) and is calculated as the equally-weighted average of the electric input power to the pump at three or four load points. As recommended by the CIP Working Group, DOE is also proposing similar metrics for all pumps, regardless of whether they are sold with continuous or non-continuous controls.

For pumps sold without continuous or non-continuous controls, DOE proposes to use three load points near the BEP of the pump to determine the constant load pump energy rating (PER_{CL}). For pumps sold with continuous or non-continuous controls, DOE proposes to use four load points to determine the variable load pump energy rating (PER_{VL}).

To scale the rated pump performance (PER_{CL} or PER_{VL}) with respect to the weighted average electrical input power of a bare pump that would minimally comply with any prospective DOE energy conservation standard for that pump type, DOE proposes to define a ''standard pump energy rating'' (PER_{STD}) that represents the performance of a bare pump of the same equipment class that is minimally compliant with DOE's energy conservation standards serving the same hydraulic load. In other words, when determining the PER_{STD} for a bare pump, a pump with a motor, or a pump with a motor using either continuous or non-continuous controls, the PER_{CL} of a minimally compliant bare pump within the same class would be used. A more detailed discussion of the PER_{STD} value is provided in section III.B.2.b.

Specifically, for pumps sold without continuous or non-continuous controls, DOE proposes using the PEI_{CL} metric, which would be evaluated as shown in equation (2):

$$PEI_{CL} = \frac{PER_{CL}}{PER_{STD}} \quad (2)$$

Where:

PER_{CL} = the weighted average input power to the motor at load points of 75, 100, and 110 percent of BEP flow (hp) and

PER_{STD} = the PER_{CL} for a pump of the same equipment class that is minimally compliant with DOE's energy conservation standards serving the same hydraulic load (hp).

Evaluating this metric for a given pump would entail the following steps:

(1) Determining the PER_{CL} for that pump in accordance with the specific methods discussed in section III.D,

(2) determining the PER_{STD} for a pump of the same equipment class (*i.e.,* pumps of the same configuration and performance characteristics to which a single standard would apply) that would be minimally compliant with the applicable energy conservation standards DOE may set, and

(3) taking a ratio of the two values.

As shown in equation (3), the PER_{CL} would be evaluated as the weighted average input power to the motor at load points of 75, 100, and 110 percent of BEP flow:

$$PER_{CL} = \sum_{i=75\%,100\%,110\%} \omega_i P_i^{in}$$

$$= \omega_{75\%}\left(P_{75\%}^{in}\right) + \omega_{100\%}\left(P_{100\%}^{in}\right) + \omega_{110\%}\left(P_{110\%}^{in}\right)$$

$$= {}^1/_3 \times \left(P_{75\%}^{in}\right) + {}^1/_3 \times \left(P_{100\%}^{in}\right) + {}^1/_3 \times \left(P_{110\%}^{in}\right) \quad (3)$$

Where:

ω_i = weighting at each rating point (equal weighting),

P_i^{in} = measured or calculated input power to the motor at rating point i (hp), and

i = 75, 100, and 110 percent of BEP flow as determined in accordance with the DOE test procedure.

voltage of the electrical power supplied to the motor.'' This definition applies to asynchronous induction motors. The term ''dynamic continuous control,'' as defined in section III.E.1.c, is synonymous with the term ''variable speed drive (VSD)'' and refers to a power electronic device that controls the output of a motor via continuous modulation rotating speed. This includes variable frequency drives, which control speed through changes in input frequency to the motor and are applicable only to AC motors, as well as direct-current machines such as electronically commutated motors. (HI, Europump, and DOE; ''Variable Speed Pumping Systems: A Guide to Successful Applications,'' pg. 9) For the purposes of this rulemaking, ''VSD'' will be used when discussing speed control of pumps in general, as applicable to either AC- or DC-driven motors. VFD will only be used when specifically discussing continuous control of AC induction motors.

Similarly, for pumps sold with a motor and continuous or non-continuous controls, DOE is proposing using PEI_{VL}, which would be evaluated as shown in equation (4):

$$PEI_{VL} = \frac{PER_{VL}}{PER_{STD}} \quad (4)$$

Where:

PER_{VL} = the weighted average input power to the motor and continuous or non-continuous controls at load points of 25, 50, 75, and 100 percent of BEP flow (hp) and

PER_{STD} = the PER_{CL} for a pump of the same equipment class that is minimally compliant with DOE's energy conservation standards serving the same hydraulic load (hp). The procedure for determining PER_{STD} is described in detail in section III.B.2.b.

PEI_{VL} would be similarly evaluated for a given pump equipped with motors and continuous or non-continuous controls, by:

(1) Determining the PER_{VL} for that pump in accordance with the methods specified in section III.E.1.c,

(2) determining the same PER_{STD} as for the same class of pump without continuous or non-continuous controls, and

(3) taking a ratio of the two values.

PER_{VL} would then be calculated as a weighted average of input power to the motor and continuous or non-continuous controls at load points of 25, 50, 75, and 100 percent of BEP flow, as shown in equation (5):

$$PER_{VL} = \sum_{i=25\%,50\%,75\%,100\%} \omega_i P_i^{in}$$

$$= \omega_{25\%}\left(P_{25\%}^{in}\right) + \omega_{50\%}\left(P_{50\%}^{in}\right) + \omega_{75\%}\left(P_{75\%}^{in}\right) + \omega_{100\%}\left(P_{100\%}^{in}\right)$$

$$= {}^{1}/_{4} \times \left(P_{25\%}^{in}\right) + {}^{1}/_{4} \times \left(P_{50\%}^{in}\right) + {}^{1}/_{4} \times \left(P_{75\%}^{in}\right) + {}^{1}/_{4} \times \left(P_{100\%}^{in}\right) \quad (5)$$

Where:

ω_i = weighting at each rating point (equal weighting),

P_i^{in} = measured or calculated input power to the motor at rating point i (hp), and

i = 25, 50, 75, and 100 percent of BEP flow as determined in accordance with the DOE test procedure.

Under DOE's proposed approach, the performance of bare pumps or pumps paired with motors (but without continuous or non-continuous controls) would be determined for the appropriate load points along the single-speed pump curve by increasing head (*i.e.,* throttling) as flow is decreased from the maximum flow rate of the pump. As the flow is decreased, the power will typically decrease slightly. Pumps sold with continuous or non-continuous controls, by contrast, can follow a system curve and achieve the desired flow points by reducing the pump's speed of rotation rather than controlling flow by throttling. By reducing speed, power would be reduced in proportion to the cube of speed, resulting in lower power requirements for any part load flow points. As such, the PEI_{VL} for a pump sold with continuous or non-continuous controls will be lower than the PEI_{CL} for the same pump sold without continuous or non-continuous controls. In essence, adopting both PEI_{CL} and PEI_{VL} would illustrate the inherent performance differences that can occur when coupling a given pump with continuous or non-continuous controls.

a. Load Profile

In order to determine the part load performance of pumps, DOE must define a load profile and establish specific part load rating points at which to test a given pump. DOE researched the variety of applications and usage profiles for the pumps considered for the scope of this rulemaking and determined that the data regarding typical duty profiles of covered pumps are extremely variable and not widely available. Thus, it is extremely difficult to generalize duty profiles for a given pump based on type, size, or other factors.

The CIP Working Group indicated that pumps sold as bare pumps and pumps sold with motors are more often installed in constant load applications that are intended to operate in applications with the design load closer to the BEP of the pump. Conversely, the Working Group added that pumps sold with continuous or non-continuous controls are typically applied in more variable applications with design conditions between 25 percent and 100 percent of the BEP flow and head conditions. (Docket No. EERE–2013–BT–NOC–0039, No. 73 at pp. 80–82) Based on the assessment and recommendation provided by the Working Group, DOE is therefore proposing to adopt two distinct load profiles to represent constant speed and variable speed pump operation. See Table III.3.

TABLE III.3—LOAD PROFILES BASED ON PUMP CONFIGURATION

Pump configuration	Load profile	Load points
Pumps Sold without Continuous or Non-Continuous Controls (*i.e.,* bare pumps and pumps sold with motors).	Constant Load Profile	75%, 100%, and 110% of BEP flow.

TABLE III.3—LOAD PROFILES BASED ON PUMP CONFIGURATION—Continued

Pump configuration	Load profile	Load points
Pumps Sold with Continuous or Non-Continuous Controls.	Variable Load Profile	25%, 50%, 75%, and 100% of BEP flow.

Lack of field data on load profiles and the wide variation in system operation also make it difficult to select appropriate weights for the load profiles. For these reasons, the CIP Working Group members concluded that equal weighting would at least create a level playing field across manufacturers. (See, *e.g.,* Docket No. EERE–2013–BT–NOC–0039, No. 63 at p. 125) DOE also proposes to equally weight the measured input power to the driver or driver and continuous or non-continuous controls at each of the specified flow points in both the constant load and the variable load case, as recommended by the CIP Working Group. Due to the wide range of operating conditions a given pump may experience in the field, DOE believes the proposed load points and weights adequately represent the operating range of pumps sold with and without continuous or non-continuous controls.

DOE requests comment on the proposed load points and weighting for PEI_{CL} for bare pumps and pumps sold with motors and PEI_{VL} for pumps inclusive of motors and continuous or non-continuous controls.

b. PER_{STD}: Minimally Compliant Pump

Within the PEI_{CL} and PEI_{VL} equations, the average input power to the motor or motor with continuous or non-continuous control in the numerator of these equations would be scaled based on a normalizing factor to provide a rating for each pump model that is indexed to a standardized value. DOE recognizes the benefit of scaling the PEI_{CL} and PEI_{VL} metrics based on a normalizing factor because it could help compare values across and among various pump types and sizes.

In recognition of these potential advantages, DOE proposes normalizing the weighted average input power to the pump being rated against the weighted average input power to a pump that would minimally comply with the applicable standard for the same class of pump. This approach is consistent with the CIP Working Group's recommendations. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #11 at pg. 5) This approach is also similar to the approach suggested by Europump, a trade association of European pump manufacturers. Europump's approach would normalize the tested input power to the tested pump with a motor and continuous or non-continuous controls, as measured at the input to the continuous or non-continuous control, relative to the reference shaft power for a minimally compliant pump with a minimally compliant motor at the given BEP.[26] Europump's approach relies on the EU's existing regulations for certain categories of rotodynamic pumps designed for pumping clean water which were first published in 2012.[27]

DOE is proposing implementing an approach that would approximate a baseline pump, inclusive of a minimally compliant default motor, to use as a reference pump for each combination of flow and specific speed. The minimally compliant pump would be defined as a function of variables descriptive of the bare pump's physical properties, such as flow and specific speed, as in the EU approach to regulating clean water pumps.[28] DOE proposes to use the same equation used by the EU to develop its standard, translated to 60 Hz electrical input power and English units [29] as shown in equation (6), to determine the efficiency of a minimally compliant pump:

$$\eta_{pump,STD} = -0.85 * \ln(Q_{100\%})^2 - 0.38 * \ln(Ns) * \ln(Q_{100\%}) - 11.48 * \ln(Ns)^2 + 13.46 * \ln(Q_{100\%}) + 179.80 * \ln(Ns) - (C - 555.6) \quad \textbf{(6)}$$

Where:

$Q_{100\%}$ = BEP flow rate (gpm),
Ns = specific speed at 60 Hz, and
C = an intercept that is set for the two-dimensional surface described by equation (6), which is set based on the speed of rotation and equipment type of the pump model. The values of this intercept, or ''C-values,'' used for determining pump efficiency for the minimally compliant pump would be established in the pump energy conservation standard rulemaking.

In the above equation (6), the specific speed (N_s) is a quasi-non-dimensional number used to classify pumps based on their relative geometry and hydraulic characteristics. It is calculated as a function of the rotational speed, flow rate, and head of the pump as shown in equation (7) below:

$$N_s = \frac{N \times \sqrt{Q_{100\%}}}{H_{100\%}^{0.75}} \quad \textbf{(7)}$$

[26] Europump. *Extended Product Approach for Pumps: A Europump Guide.* April 8, 2013.

[27] Council of the European Union. 2012. Commission Regulation (EU) No 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps. Official Journal of the European Union. L 165, 26 June 2012.

[28] Council of the European Union. 2012. Commission Regulation (EU) No 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps. *Official Journal of the European Union.* L 165, 26 June 2012, pp. 28–36.

[29] The equation to define the minimally compliant pump in the EU is of the same form, but employs different coefficients to reflect the fact that the flow will be reported in m^3/hr at 50 Hz and the specific speed will also be reported in metric units. Specific speed is a dimensionless quantity, but has a different magnitude when calculated using metric versus English units. DOE notes that an exact translation from metric to English units is not possible due to the logarithmic relationship of the terms.

Where:

N_s = specific speed,
N = speed of rotation (rpm),
$Q_{100\%}$ = BEP flow rate (gpm), and
$H_{100\%}$ = total head at BEP flow (ft).

Under this proposal, the calculated efficiency of the minimally compliant pump reflects the pump efficiency at BEP. As pump efficiency typically varies as a function of flow rate, DOE must also determine a method to specify the default efficiency of a minimally compliant pump at the load points corresponding to 75 and 100 percent of BEP flow. To do so, DOE also proposes to follow the approach used in the EU regulations; that is, DOE proposes to scale the efficiency determined at 100 percent of BEP flow in equation (6) using nominal and standardized values that represent how pump efficiency typically changes at part load (75 percent of BEP flow) and over load (110 percent of BEP flow) load conditions. Namely, the efficiency at 75 percent of BEP flow is assumed to be 94.7 percent of that at 100 percent of BEP flow, and the pump efficiency at 110 percent of BEP flow is assumed to be 98.5 percent of that at 100 percent of BEP flow, as shown in equation (8):

$$PER_{STD} = \omega_{75\%}\left(\frac{P_{Hydro,75\%}}{0.947\times\left[\eta_{pump,STD}/_{100}\right]} + L_{75\%}\right) + \omega_{100\%}\left(\frac{P_{Hydro,100\%}}{\left[\eta_{pump,STD}/_{100}\right]} + L_{100\%}\right) + \omega_{110\%}\left(\frac{P_{Hydro,110\%}}{0.985\times\left[\eta_{pump,STD}/_{100}\right]} + L_{110\%}\right) \quad \textbf{(8)}$$

Where:

ω_i = weighting at each rating point (equal weighting or ⅓ in this case),
$P_{Hydro,i}$ = the measured hydraulic output power at rating point i of the tested pump (hp),
$\eta_{pump,STD}$ = the minimally compliant pump efficiency, as determined in accordance with equation (6),
L_i = the motor losses at each load point i, as determined in accordance with the procedure specified for bare pumps in sections III.E.1.a. and III.D.2, and
i = 75, 100, and 110 percent of BEP flow, as determined in accordance with the DOE test procedure.

Equation (8) also demonstrates how the ratio between the minimally compliant pump efficiency and the hydraulic output power for the rated pump is used to determine the input power to a minimally compliant pump at each load point. Note that the pump hydraulic output power for the minimally compliant pump would be the same as that for the particular pump being evaluated. Under DOE's proposed approach, calculating the hydraulic power in equation (8) at 75, 100, and 110 percent of BEP flow, would require the following equation (9):

$$P_{Hydro,i} = \frac{Q_i \times H_i \times SG}{3956} \quad \textbf{(9)}$$

Where:

$P_{Hydro,i}$ = the measured hydraulic output power at rating point i of the tested pump (hp),
Q_i = the measured flow rate at each rating point i of the tested pump (gpm),
H_i = pump total head at each rating point i of the tested pump (ft), and
SG = the specific gravity of water at specified test conditions.

The calculated shaft input power for the minimally compliant pump at each load point is then combined with a minimally compliant motor for that default motor type and appropriate size, described in section III.D.1, and the default part load loss curve, described in section III.D.2, to determine the input power to the motor at each load point. The applicable minimum nominal full load motor efficiency is determined as a function of type (*i.e.,* open or enclosed), pole configuration, and horsepower rating, as specified by DOE's electric motor standards. PER_{STD} would then be determined as the weighted average input power to the motor at each load point, as shown in equation (8).

The use of a reference denominator based on PER_{CL} for a minimally compliant bare pump (including assigned default motor losses), as described in the preceding paragraphs, was recommended by the CIP Working Group. The benefit of this approach is that it would consistently show the difference between a given pump's performance and the baseline performance of a pump with the same flow and specific speed. A value higher than 1.0 would indicate that the pump would exceed the applicable pump energy consumption standard and would not comply, while a lower value would indicate that the pump is less consumptive than the maximum allowed by the standard and would therefore comply.

To implement the Working Group's recommended approach, DOE's proposal would describe how to calculate PEI_{CL} and PEI_{VL} as a ratio of the weighted average input power of the tested pump model over the weighted average input power of a minimally compliant bare pump paired with a minimally compliant motor with no controls, as shown in equations (10) and (11):

$$PEI_{CL} = \frac{\omega_{75\%}(P_{75\%}{}^{in}) + \omega_{100\%}(P_{100\%}{}^{in}) + \omega_{110\%}(P_{110\%}{}^{in})}{\omega_{75\%}\left(\frac{P_{Hydro,75\%}}{0.947\times\left[\eta_{pump,STD}/_{100}\right]} + L_{75\%}\right) + \omega_{100\%}\left(\frac{P_{Hydro,100\%}}{\left[\eta_{pump,STD}/_{100}\right]\eta_{pump,STD}} + L_{100\%}\right) + \omega_{110\%}\left(\frac{P_{Hydro,110\%}}{0.985\times\left[\eta_{pump,STD}/_{100}\right]} + L_{110\%}\right)} \quad \textbf{(10)}$$

Where:

PEI_{CL} = the pump energy index for a constant load (applicable to bare pumps and pumps sold with a motor) (hp),

ω_i = weighting at each rating point (equal weighting or ⅓ in this case),

P_i^{in} = measured or calculated input power to the motor at rating point i for the tested pump (hp),

$P_{Hydro,i}$ = the measured hydraulic output power at rating point i of the tested pump (hp),

$\eta_{pump,STD}$ = the minimally compliant pump efficiency, as determined in accordance with equation (6),

L_i = the motor losses at each load point i, as determined in accordance with the procedure specified for bare pumps in sections III.E.1.a. and III.D.2 (hp), and

i = 75, 100, and 110 of BEP flow, as determined in accordance with the DOE test procedure.

Equation (10) would apply to both bare pumps and pumps sold with a motor (but without any accompanying continuous or non-continuous controls). For pumps sold with motors inclusive of continuous or non-continuous controls, the PEI_{VL} would be calculated as defined in equation (11) below:

$$\frac{\omega_{25\%}(P_{25\%}^{in}) + \omega_{50\%}(P_{50\%}^{in}) + \omega_{75\%}(P_{75\%}^{in}) + \omega_{100\%}(P_{100\%}^{in})}{\omega_{75\%}\left(\frac{P_{Hydro,75\%}}{0.947\times\left[\eta_{pump,STD}/_{100}\right]} + L_{75\%}\right) + \omega_{100\%}\left(\frac{P_{Hydro,100\%}}{\left[\eta_{pump,STD}/_{100}\right]} + L_{100\%}\right) + \omega_{110\%}\left(\frac{P_{Hydro,110\%}}{0.985\times\left[\eta_{pump,STD}/_{100}\right]} + L_{110\%}\right)} \quad \textbf{(11)}$$

Where:

PEI_{VL} = pump energy index for a variable load (applicable to pumps sold with a motor and continuous or non-continuous controls),

ω_i = weighting at each rating point (equal weighting ⅓ or ¼ as applicable),

P_i^{in} = measured or calculated input power to the continuous or non-continuous controls at rating point i for the tested pump,

$P_{Hydro,i}$ = the measured hydraulic output power at rating point i of the tested pump (hp),

$\eta_{pump,STD}$ = the minimally compliant pump efficiency, as determined in accordance with equation (6),

L_i = the motor losses at each load point i, as determined in accordance with the procedure specified for bare pumps in sections III.E.1.a. and III.D.2, and

i = 25, 50, 75, 100, and 110 percent of BEP flow, as determined in accordance with the DOE test procedure, where the load points are as noted in equation (11).

DOE requests comments on the proposed PEI_{CL} and PEI_{VL} metric architecture.

Default Motor Efficiency for the Minimally Compliant Pump

DOE notes that the default motor efficiency discussed above varies as a function of motor horsepower. As such, DOE must prescribe a consistent method to determine the rated horsepower, and thus default efficiency, of the hypothetical minimally compliant motor used to determine PER_{STD}. DOE proposes that for bare pumps, which must be assigned a hypothetical default motor in order to calculate the proposed PEI_{CL} metric, the motor horsepower for the minimally compliant pump (PER_{STD}) would be determined using the bare pump (PER_{CL}), described in section III.D.1.a. This procedure would select the default motor's horsepower as equivalent to, or the next highest horsepower-rated level greater than, the calculated pump shaft input power of the pump when evaluated at 120 percent of BEP flow. This approach would yield the same motor horsepower being selected for bare pumps and for their associated minimally compliant pump.

For pumps sold with motors and pumps sold with motors and continuous or non-continuous controls, manufacturers could choose to sell their pump with a motor whose horsepower varies from that assumed based on the default motor selection criteria. See section III.D.1.a., infra. In such a case, the horsepower of the default motor selected to calculate PER_{STD} may vary from that of the one sold with the evaluated pump. DOE believes that applying the same motor horsepower to both the pump being evaluated and the minimally compliant pump (PER_{STD}) would provide the most equitable and straight-forward comparison of pump performance. As a result, DOE is proposing to require that if a pump is sold with: (1) A motor or (2) a motor and continuous or non-continuous controls, the motor horsepower for the minimally compliant pump used in the calculation would be based on the horsepower rating of the motor with which that pump is sold. To determine the minimally compliant pump's associated motor part load losses at each load point, the nominal full load efficiency associated with that motor's horsepower would be determined based on a motor that minimally complies with the applicable DOE electric motor energy conservation standards (or in the case of submersible motors, as described in section III.D.1.b) and using the procedure for calculating part load losses described in section III.D.2.

DOE requests comment on its proposal to base the default motor horsepower for the minimally compliant pump on that of the pump being evaluated. That is, the motor horsepower for the minimally compliant pump would be based on the calculated pump shaft input power of the pump when evaluated at 120 percent of BEP flow for bare pumps and the horsepower of the motor with which that pump is sold for pumps sold with motors (with or without continuous or non-continuous controls).

C. Determination of Pump Performance

To determine PEI_{CL} or PEI_{VL} for applicable pumps, the proposed test procedure would require physically measuring the performance of either: (1) The bare pump, under the calculation-

based methods (see section III.E.1), or (2) the entire pump, inclusive of any motor, continuous control, or non-continuous control, under the testing-based methods (III.E.2). Specifically, the input power to the pump at 75, 100, and 110 percent of BEP flow for $PEI_{CL,}$ or at 25, 50, 75, and 100 percent of BEP flow for $PEI_{VL,}$ is required for input into the PEI_{CL} or PEI_{VL} equations, respectively. Depending on whether the calculation-based method or testing-based method is applied, a slightly different test method would apply for measuring pump performance. In the case of the calculation-based method, only the bare pump performance is physically measured—the performance of the motor and any continuous or non-continuous controls would be addressed through a series of calculations. In the case of the testing-based method, the full wire-to-water performance of the pump is physically measured and the measured input power to the pump at the motor or at the continuous or non-continuous control, if any, is used to calculate PEI_{CL} or PEI_{VL}. In either case, DOE's test procedure, as proposed, would require instructions for how to physically measure the performance of bare pumps, pumps with motors, and pumps with motors and continuous or non-continuous controls in a standardized and consistent manner.

1. Referenced Industry Standards

In developing this proposal, DOE reviewed domestic and international industry test procedures. Table III.4 shows a number of industry test methods that relate to the pumps for which DOE is considering adopting a test method and standards.

TABLE III.4—OVERVIEW OF CURRENTLY AVAILABLE PUMP TEST PROCEDURES

Test procedure	Origin	Notes
ANSI/HI 14.6–2011, ''Rotodynamic Pumps for Hydraulic Performance Acceptance Tests''.	United States	Harmonized with ANSI/HI 11.6 and ISO 9906–2012.
HI 40.6–2014, ''Methods for Rotodynamic Pump Efficiency Testing''.	United States	Developed, in coordination with DOE and the CIP Working Group, to support DOE's pump test procedure.
ANSI/HI 11.6–2012, ''Submersible Pump Tests''	United States	Harmonized with ANSI/HI 14.6.
ASME PTC 8.2–1990, ''Centrifugal Pump''	United States	References dated measurement techniques.
ISO 9906–2012 Rotodynamic pumps—Hydraulic performance acceptance tests—Grades 1, 2 and 3.	International	Harmonized with ANSI/HI 14.6 and referenced in EU regulations.*
ISO 5198–1999 Centrifugal, mixed flow, and axial pumps. Code for hydraulic performance tests. Precision class.	International	Provides guidance for measurement of very high accuracy. Includes specification of an optional thermodynamic method for direct measurement of pump efficiencies.
AS 2417–2001 Rotodynamic pumps—Hydraulic performance acceptance tests—Grades 1 and 2.	Australia	Based on ISO 9906–2012.
GB/T 3216–2005	China	Based on ISO 9906–2012.
NOM–010–ENER–2004 Submersible deep well clean water motor pumps.	Mexico	Based on ISO 9906–2012.
NOM–001–ENER–2000 Vertical turbine pumps with external vertical electric motor for pumping clean water for irrigation, municipal supply, or industrial supply.	Mexico	Based on ISO 3555 (predecessor to 9906–2012).

* Council of the European Union. Commission Regulation (EU) No 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps. *Official Journal of the European Union.* L 165, 26 June 2012, pp. 28–36.

As presented in the Framework Document, DOE determined that ANSI/HI 14.6–2011: (1) Is the most widely used test standard in the pump industry for evaluating pump performance; (2) defines uniform methods for conducting laboratory tests to determine flow rate, head, power, and efficiency at a given speed of rotation; and (3) applies to all pumps that DOE is considering regulating. See section III.A., supra. In the Framework Document, DOE requested comments from interested parties on the use of several test procedures, including ANSI/HI 14.6–2011, as a basis for developing DOE's test procedure. HI, Grundfos, and AHRI all recommended the use of ANSI/HI 14.6–2011 for stand-alone pump testing (*i.e.,* testing of a bare pump without a motor and without continuous or non-continuous controls). (HI, No. 25 at p. 34, Grundfos, No. 24 at p. 17, and AHRI, No. 28 at p. 2)

After publication of the Framework Document, HI convened a group of subject matter experts to, in coordination with DOE and the CIP Working Group, revise ANSI/HI 14.6–2011 to make the test protocol more relevant for incorporation by DOE as part of the DOE test procedure. The new, revised standard was issued by HI in July 2014 as HI 40.6–2014 and incorporates several improvements over the previous testing standard, including greater precision and accuracy in describing evaluation techniques and mandatory language. The CIP Working Group recommended that whatever procedure the DOE adopts, it should be consistent with HI 40.6–2014 for determining bare pump performance. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #10 at pg. 4)

DOE has reviewed HI 40.6–2014 and determined that it contains the relevant test methods needed to accurately characterize the performance of the pumps that would be addressed by this rulemaking. These test methods include a means to determine pump shaft input power (for the calculation-based methods) and input power to the motor or motor and continuous or non-continuous controls (for the testing-based methods) at the specified load points. Specifically, HI 40.6–2014 defines and explains how to calculate pump power input,[30] driver power input,[31] pump power output,[32] pump efficiency,[33] bowl efficiency,[34] overall

[30] The term ''pump power input'' in HI 40.6–2014 is defined as ''the power transmitted to the pump by its driver'' and is synonymous with the term ''pump shaft input power,'' as used in this document.

[31] The term ''driver power input'' in HI 40.6–2014 is defined as ''the power absorbed by the pump driver'' and is synonymous with the term ''pump input power to the driver,'' as used in this document.

[32] The term ''pump power output'' in HI–40.6 is defined as ''the mechanical power transferred to the liquid as it passes through the pump, also known as pump hydraulic power.'' It is used synonymously with ''pump hydraulic power'' in this document.

[33] The term ''pump efficiency is defined in HI 40.6–2014 as a ratio of pump power output to pump power input.

[34] The term ''bowl efficiency'' is defined in HI 40.6–2014 as a ratio of pump power output to bowl

Continued

efficiency,[35] and other relevant quantities. HI 40.6–2014 also contains appropriate specifications regarding the scope of pumps covered by the test methods, test methodology, standard rating conditions, equipment specifications, uncertainty calculations, and tolerances. Additionally, HI 40.6–2014, when coupled with the minor modifications specified in section III.C.2.a, would provide clarity regarding certain mandatory requirements when performing the test procedure, such as the test conditions and instrumentation requirements necessary to ensure testing accuracy and repeatability.

To limit the overall burden presented by this proposal, DOE has chosen an approach that is as closely aligned as possible with existing and widely used industry test procedures. Although HI 40.6–2014 is a new test standard, its methods are substantially the same as those specified in ANSI/HI 14.6–2011 and currently used to evaluate pumps in the industry. Accordingly, in DOE's view, HI 40.6–2014, as a procedure based on an already widely used and recognized industry-developed procedure, is an appropriate method for evaluating bare pump/pump and motor performance. For this reason, DOE is proposing to incorporate this testing standard as part of DOE's test procedure for measuring the energy consumption of pumps, with the minor modifications and exceptions listed in the following sections III.C.2.a through III.C.2.f.

DOE requests comment on using HI 40.6–2014 as the basis of the DOE test procedure for pumps.

2. Minor Modifications and Additions to HI 40.6–2014

In general, DOE finds the test methods contained within HI 40.6–2014 are sufficiently specific and reasonably designed to produce test results which measure energy efficiency and energy use. However, in DOE's view, a few minor modifications are necessary to ensure repeatable and reproducible test results and to provide measurement methods and equipment specifications for the entire scope of pumps that DOE is addressing as part of this proposal.

a. Sections Excluded From DOE's Incorporation by Reference

While DOE proposes to reference HI 40.640.6–2014 as the basis for its proposed test procedure, DOE notes that some sections of the standard are not applicable to DOE's regulatory framework. Specifically, section 40.6.5.3 provides requirements regarding the generation of a test report and appendix ''B'' provides guidance on test report formatting, both of which are not required for testing and rating pumps in accordance with DOE's proposed procedure. As such, DOE proposes to not incorporate by reference section 40.6.5.3 and appendix B of HI 40.6–2014.

HI 40.6–2014 also contains relevant requirements for the characteristics of the testing fluid to be used when testing pumps in section 40.6.5.5, ''Test conditions.'' Specifically, section 40.6.5.5 requires that ''tests shall be made with clear water at a maximum temperature of 10–30 °C (50–86 °F)'' and clarifies that ''clear water means water to be used for pump testing, with a maximum kinematic viscosity of 1.5×10^{-6} m^2/s (1.6×10^{-5} ft^2/s) and a maximum density of 1000 kg/m^3 (62.4 lb/ft^3).'' DOE agrees with these requirements and proposes to include them in the incorporation by reference of HI 40.6–2014. However, in section A.7 of appendix A, ''Testing at temperatures exceeding 30 °C (86 °F),'' HI 40.6–2014 addresses testing at temperatures above 30 °C (86 °F). DOE does not intend to allow testing with liquids other than those meeting the definition of clear water presented above, including water at elevated temperatures.[36] As such, DOE also proposes to exclude section A.7 from the incorporation by reference of HI 40.6–2014.

DOE requests comment on its proposal to not incorporate by reference section 40.6.5.3, section A.7, and appendix B of HI 40.6–2014 as part of the DOE test procedure.

b. Data Collection and Determination of Stabilization

In order to ensure the repeatability of test data and results, the DOE pump test procedure must provide instructions regarding how to sample and collect data at each load point such that the collected data is taken at stabilized conditions that accurately and precisely represent the performance of the pump at that load point. HI 40.6–2014 provides that all measurements shall be made under steady state conditions, which are described as follows: (1) No vortexing, (2) margins as specified in ANSI/HI 9.6.1 Rotodynamic Pumps Guideline for NPSH Margin, and (3) when the mean value of all measured quantities required for the test data point remain constant within the permissible amplitudes of fluctuations defined in Table 40.6.3.2.2 over a minimum time of 10 seconds before data are collected. However, HI 40.6–2014 does not specify the frequency of data collection. As such, determining stabilization, as specified, could occur based on a minimum of two data points (as a minimum of two data points are necessary to calculate a mean) or many data points based on a 1 second or sub-second data sampling frequency. DOE believes that, at a minimum, two data points should be used to determine stabilization and, as such, data must be collected at least every 5 seconds. DOE believes that two data points are necessary because at least two data points are necessary to determine an average. DOE proposes to specify that data shall be collected at least every 5 seconds for all measured quantities.

As noted above, section 40.6.3.2.2 of HI 40.6–2014, ''Permissible fluctuations,'' provides permissible amplitude of fluctuations for various measured quantities throughout the test. As specified in that section, all measurements must be less than these thresholds for the duration of the measurement period for a valid measurement. The section also describes permissible dampening devices that may be used to minimize noise and large fluctuations in the data. DOE proposes to incorporate by reference section 40.6.3.2.2 except that dampening devices would only be permitted to integrate up to the data collection interval, or 5 seconds, to ensure that each data point is reflective of a unique measurement.

DOE requests comment on its proposal to require that data be collected at least every 5 seconds for all measured quantities.

DOE requests comment on its proposal to allow dampening devices, as described in section 40.6.3.2.2, but with the proviso noted above (*i.e.,* permitted to integrate up to the data collection interval, or 5 seconds).

c. Modifications Regarding Test Consistency and Repeatability

Sections 40.6.5.6 and 40.6.5.7 of HI 40.6–2014 specify test arrangements and test conditions. However, DOE finds that the standardized test conditions described in these sections are not sufficient to produce accurate and repeatable test results. Specifically, the nominal pump speed, the input power

assembly power input and is applicable only to VTS and RSV pumps.

[35] The term ''overall efficiency'' is defined in HI 40.6–2014 as a ratio of pump power output to driver power input and describes the combined efficiency of a pump and driver.

[36] Testing at higher temperatures may be conducted by manufacturers when their pumps are designed for a specific, higher-temperature application. However, for DOE's purposes in developing a test procedure to determine the energy use of pumps, testing outside the nominal, standardized rating conditions is unnecessary.

characteristics, and the number of stages to test for multi-stage pumps are not addressed, all of which could impact the measured test result for a given pump unit. To address these potential sources of variability or ambiguity, DOE proposes to adopt several additional requirements to further specify the procedures for adjusting the test data to standardized rating conditions.

HI 40.6–2014 specifies that testing shall be done with clear water and defines clear water for the purposes of pump testing. HI 40.6–2014 also provides a standardized description of the method for configuring pumps for testing. However, additional specifications not present in HI 40.6–2014 are also required regarding the speed of rotation, the characteristics of the power supply, and the configuration of specific pump types for the purposes of testing pumps and for use in any subsequent calculations to determine the PEI_{CL} or PEI_{VL}.

Pump Speed

The rated speed of a pump affects the efficiency and PEI_{CL} or PEI_{VL} of that pump. To limit variability and increase repeatability within the test procedure, DOE is proposing to include nominal rating speeds of 3,600 and 1,800 rpm at 60 Hz. For pumps sold without motors, the nominal rating speed would be selected based on the speed of rotation for which the pump is designed. Specifically, pumps designed to operate at any speed of rotation between 2,880 and 4,320 rpm would be rated at 3,600 rpm and pumps designed to operate at any speed of rotation between 1,440 and 2,160 rpm would be rated at 1,800 rpm, as noted in Table III.5.

TABLE III.5—NOMINAL SPEED OF ROTATION FOR DIFFERENT CONFIGURATIONS OF PUMPS

Pump configuration	Pump design speed of rotation	Style of motor	Nominal speed of rotation for rating
Bare Pump	2,880 and 4,320 rpm	N/A	3,600 rpm.
	1,440 and 2,160 rpm		1,800 rpm.
Pump + Motor OR	N/A	2-pole Induction Motor	3,600 rpm.
Pump + Motor + Control	N/A	4-pole Induction Motor	1,800 rpm.
	N/A	Non-Induction Motor Designed to Operate between 2,880 and 4,320 rpm.	3,600 rpm.
	N/A	Non-Induction Motor Designed to Operate between 1,440 and 2,160 rpm.	1,800 rpm.

DOE proposes that pumps designed to operate at speeds that include both ranges would be rated at both nominal speeds of rotations. DOE notes that each nominal speed rating would represent a different basic model of pump. DOE selected these operating speed ranges consistent with the tolerance about the nominal rating speed allowed for in the test procedure. Specifically, section 40.6.5.5.2 of HI 40.6–2014 requires that the tested speed be maintained within 20 percent of the rated speed, or the specified nominal speed of rotation in this case. Therefore, any pump ''designed for operation'' at any speed of rotation between, for example, 2,880 and 4,320 rpm would be able to be tested under the proposed test procedure at the design speed of rotation and the results corrected to the rated nominal speed of rotation of 3,600 rpm.

DOE notes that these speed ranges are not exclusive. That is, if a pump were to be designed to operate from 2,600 to 4,000 rpm, such a pump would have a nominal speed of rotation of 3,600 rpm for the purposes of testing and rating the pump.

For pumps sold with motors, DOE proposes that the nominal speed of rotation be selected based on the speed(s) for which the motor is designed to operate. Specifically, as shown in Table III.5, pumps sold with 2-pole induction motors would be evaluated at 3,600 rpm, and pumps sold with 4-pole induction motors would be evaluated at 1,800 rpm. Pumps sold with non-induction motors (*e.g.,* DC motors and ECMs) would be evaluated at the nominal rating speed that falls within the operating range of the motor with which the pump is being sold. If the pump is sold with a non-induction motor that is designed to operate at any speed of rotation between 2,880 and 4,320 rpm, that pump would be rated at a nominal speed of rotation of 3,600 rpm. If the pump is sold with a non-induction motor that is designed to operate at any speed of rotation between 1,440 and 2,160 rpm, that pump would be rated at 1,800 rpm. If the operating range of the non-induction motor with which the pump is distributed in commerce includes speeds of rotation that are both between 2,880 and 4,320 rpm and between 1,440 and 2,160 rpm, the pump would be rated at both 3,600 and 1,800 rpm and each nominal speed of rotation would represent a separate basic model.

However, DOE acknowledges that it may not be feasible to operate pumps during the test at exactly 3,600 or 1,800 rpm. Therefore, DOE proposes that all data collected as a result of the test procedure at the speed measured during the test be adjusted to the nominal speed prior to use in subsequent calculations and that the PEI_{CL} or PEI_{VL} of a given pump be based on the nominal speed. For pumps sold with motors and continuous or non-continuous controls and that are tested using the testing-based method described in section III.E.2.c, this adjustment to the nominal rating speed would apply only at the 100 percent of BEP flow rating point—subsequent part load points would be measured at reduced speed and would not be adjusted. DOE proposes to use the methods in HI 40.6–2014 section 40.6.6.1.1, ''Translation of the test results into data based on the specified speed of rotation (for frequency) and density'' to adjust any data from the measured speed to the nominal speed.

In all cases, as required by HI 40.6–2014, the tested speed maintained during the test at each rating point must be maintained within 20 percent of the nominal speed and the speed of rotation recorded at each test point may not vary more than ±1 percent to ensure accurate and reliable results.

DOE requests comment on its proposal to require data collected at the pump speed measured during testing to be normalized to the nominal speeds of 1,800 and 3,600.

DOE requests comment on its proposal to adopt the requirements in HI 40.6–2014 regarding the deviation of tested speed from nominal speed and the variation of speed during the test. Specifically, DOE is interested if maintaining tested speed within ±1 percent of the nominal speed is feasible and whether this approach would produce more accurate and repeatable test results.

Power Supply Characteristics

Because pump power consumption is a component of the proposed metric, inclusive of any motor and continuous or non-continuous controls, measuring power consumption is an important element of the test. The characteristics of the power supplied to the pump affect the accuracy and repeatability of the measured power consumption of the pump. As such, to ensure accurate and repeatable measurement of power consumption, DOE is also proposing to specify nominal characteristics of the power supply. Namely, DOE is proposing nominal values for voltage, frequency, voltage unbalance, total harmonic distortion, and impedance levels, as well as tolerances about each of these quantities, that must be maintained at the input terminals to the motor, continuous control, or non-continuous control, as applicable.

To determine the appropriate power supply characteristics testing pumps with motors (but without continuous or non-continuous controls) and pumps with both motors and continuous or non-continuous controls, DOE examined applicable test methods for electric motors and VSD systems. DOE determined that IEEE Standard 112–2004 (''IEEE Standard Test Procedure for Polyphase Induction Motors and Generators''), which is the test method incorporated by reference at 10 CFR 431.16 for electric motors, is the most applicable test method for electric motors when considering testing and rated values for motors that are integrated with a pump. DOE identified both AHRI 1210–2011, ''2011 Standard for Performance Rating of Variable Frequency Drives,'' (AHRI 1210–2011) and the 2013 version of the Canadian Standards Association (CSA) Standard C838, ''Energy efficient test methods for three-phase variable frequency drive systems,'' (CSA C838–2013) as applicable methods for measuring the performance of VSD control systems.

IEEE 112–2004, AHRI 1210–2011, and CSA C838–2013 all specify that voltage and frequency must be maintained at the rated voltage and frequency of the motor ±0.5 percent. In addition, all three standards specify that the power source ''voltage unbalance'' shall not exceed 0.5 percent during the test. Voltage unbalance is calculated as the maximum voltage deviation from the average measured voltage divided by the average measured voltage.

DOE recognizes that any harmonics in the power system can affect the measured performance of the pump when tested with a motor or motor and continuous or non-continuous control. IEEE 112–2004 and CSA C838–2013 also include requirements to maintain total harmonic distortion below 5 percent. When measuring the input power to the continuous or non-continuous controls that are paired with an electric motor-driven pump, AHRI 1210–2011 and CSA C838–2013 also specify impedance levels of the incoming power supplied to the VSD. AHRI 1210–2011 requires that source impedance not exceed 1 percent, while CSA C838–2013 requires that source impedance shall be greater than 1 percent but not exceed 3 percent for VFDs under 500 hp.

DOE is also proposing to establish these requirements for voltage, frequency, voltage unbalance, total harmonic distortion, and impedance in the DOE pump test procedure when testing pumps that either have motors (but without controls) or pumps with motors with continuous or non-continuous controls.

While some pump manufacturers may be capable and equipped to accurately measure pumps sold with motors and continuous or non-continuous controls in accordance with the proposed power supply characteristics, DOE recognizes that there may be some variability among manufacturers in this regard. Consequently, these requirements may represent a significant incremental burden for some testing facilities. To lessen this burden, DOE proposes to require that power supply requirements would apply only to pumps being evaluated using a physical testing-based method or pumps being tested using a calibrated motor. Pumps evaluated based on the calculation method where the input power to the motor is determined using equipment other than a calibrated motor would not have to meet these requirements, as variations in voltage, frequency, and voltage unbalance are not expected to affect the tested pump's energy performance.

DOE requests comment on the proposed voltage, frequency, voltage unbalance, total harmonic distortion, and impedance requirements that must be met when performing a wire-to-water pump test or when testing a bare pump with a calibrated motor. Specifically, DOE requests comments on whether these tolerances can be achieved in typical pump test labs, or whether specialized power supplies or power conditioning equipment would be required.

Number of Stages for Multi-Stage Pumps

RSV and VTS pumps are typically multi-stage pumps that may be offered in a variety of stages (also known as bowls), each with its own energy consumption characteristics, which scale approximately linearly with each additional bowl. With these pump designs, any improvements in the hydraulic design of the bowl would be reflected in the measured performance of the pump with any number of stages. Thus, to simplify certification requirements and limit testing burden, DOE proposes to require that certification of RSV and VTS pumps be based on testing with the following number of stages:

- RSV: 3 stages; and
- VTS: 9 stages.

If a model is not available with that specific number of stages, the model would be tested with the next closest number of stages distributed in commerce by the manufacturer. This proposal was part of the Working Group Recommendations. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #14 at p. 6)

DOE requests comment on its proposal to test RSV and VTS pumps in their 3- and 9-stage versions, respectively, or the next closest number of stages if the pump model is not distributed in commerce with that particular number of stages.

d. Determination of Pump Shaft Input Power at Specified Flow Rates

HI 40.6–2014 provides a specific procedure for determining BEP for a given pump based on seven data points at 40, 60, 75, 90, 100, 110 and 120 percent of the expected BEP flow of the pump. The test protocol in HI 40.6–2014 requires that the hydraulic power and the pump shaft input power, or input power to the motor for pumps tested using the testing-based methods, be measured at each of the seven data points. HI 40.6–2014 further specifies that the pump efficiency be determined as a ratio of hydraulic power divided by shaft input power, as described in equation (1), or the measured input power to the motor multiplied by the known efficiency of a calibrated motor, depending on how the pump is tested.

The pump efficiency at each of these points is then used to determine the tested BEP for a given pump. Then, based on the determined BEP flow, the pump shaft input power or input power to the motor is determined at each of the specified load points, as discussed in section III.B.2.a. However, the specific data points measured in the test protocol may not be exactly at 75, 100, or 110 percent of the BEP flow load points specified in the proposal. Thus, the relevant test values—specifically, pump shaft input power, input power to the pump at the driver, or input power

to the continuous or non-continuous controls—must be adjusted to reflect the power input at the load points specified in the test procedure.

Consistent with the CIP Working Group's recommendations, (Docket No. EERE–2013–BT–NOC–0039, No. 107 at pp. 35) DOE proposes to address this issue by requiring that the pump shaft input power at the defined load points be obtained by performing the pump test across a complete range of flow rates (*i.e.,* sweeping the pump curve) and determining the pump shaft input power at a number of load points between shutoff (no flow) and overload (max flow), as specified in HI 40.6–2014. In this method, the established pump curve could then be used to find BEP (as described in section III.C.2.d). The pump shaft input power at the specific load points of 75, 100, and 110 percent of BEP flow could be determined by regressing the pump shaft input power with respect to flow between 75 and 110 percent of BEP flow. Specifically, the regressed test points would include the test points beginning with the next standard flow point below 75 percent of BEP flow (*e.g.,* the load point corresponding to 60 percent of expected BEP flow) and continuing to the highest flow rate measured during the test.

This method would provide a low testing burden, as test data would only have to be collected at each of the specified seven load points with no measurements required at subsequent load points (*e.g.,* 75 or 110 percent of BEP flow if the previously collected load points collected based on the expected BEP of the pump were not sufficiently close to the necessary load points based on the actual BEP of the pump). By design, the method relies on the relationship between pump shaft input power and flow being fairly linear across the flow rates of interest. To verify the assumption of linearity, DOE researched the relationship of pump shaft input power to flow using publicly available pump performance data. Based on this research, DOE observed that the relationship of pump shaft input power to flow rate was very nearly linear, but sometimes decreased slightly in slope at higher flow rates. These data indicate that, as a general matter, applying a linear regression approach across the flow range between 75 and 110 percent of BEP flow to determine the pump shaft input power at the proposed specified flow points would provide a reasonably accurate measurement of pump shaft input power.

DOE recognizes that this method may overestimate pump shaft input power in cases where the pump shaft input power increases less significantly above BEP flow, which would result in a slightly higher PER_{CL} for the given pump. However, DOE's contractors analyzed the impact of the linear regression approach on the pumps in their pump database [37] and found that the linear regression method was, on average, within approximately 1 percent of the measured pump shaft input power values. DOE also notes this method would be applied equivalently to all pumps, result in a worst-case rating, and offer the least burdensome approach.

DOE discussed this proposed method with the CIP Working Group, which informally agreed with DOE's proposed approach to linearly regress the measured pump shaft input power at the relevant flow points to determine the pump shaft input power at the specific flow points of 75, 100, and 110 percent of BEP flow. (Docket No. EERE–2013–BT–NOC–0039, No. 107 at p. 35)

DOE requests comment on its proposal to use a linear regression of the pump shaft input power with respect to flow rate at all the tested flow points greater than or equal to 60 percent of expected BEP flow to determine the pump shaft input power at the specific load points of 75, 100, and 110 percent of BEP flow. DOE is especially interested in any pump models for which such an approach would yield inaccurate measurements.

Determination of Pump Shaft Input Power for Pumps With BEP at Run Out

HI 40.6–2014 contains a method for determining the BEP of tested pumps based on the flow rate at which the maximum pump efficiency occurs. DOE recognizes that there may be some unique pump models that do not exhibit the typical parabolic relationship of pump efficiency to flow rate. Instead, for some pumps, pump efficiency will continue to increase as a function of flow until pump run-out—the maximum flow that can be developed without damaging the pump. For such pumps, it may not be possible to use the procedure described in HI 40.6–2014 to determine BEP, since the pump cannot safely operate at flows of 110 and 120 percent of the expected BEP of the pump (assuming the pump was designed intentionally to have the BEP occur at run-out or the maximum flow rate). In such cases, DOE proposes that the seven flow points for determination of BEP be 40, 50, 60, 70, 80, 90, and 100 percent of expected BEP flow instead of the seven data points described in section 40.6.5.5.1 of HI 40.6–2014.

In addition, since 100 percent of BEP flow corresponds to the maximum flow rate of the pump, there are no data corresponding to 110 percent of BEP flow, or any flow rates above BEP flow. Therefore, in cases where the BEP flow is at run-out, DOE proposes that the specified constant load flow points be 100, 90, and 65 percent of the BEP (or maximum) flow rate. DOE notes that, for pumps sold with motors and continuous or non-continuous controls, no modification would be necessary since there are no load points above 100 percent of BEP flow in the variable load profile.

DOE requests comment on its proposal that, for pumps with BEP at run-out, the BEP would be determined at 40, 50, 60, 70, 80, 90, and 100 percent of expected BEP flow instead of the seven data points described in section 40.6.5.5.1 of HI 40.6–2014 and that the constant load points for pumps with BEP at run-out shall be 100, 90, and 65 percent of BEP flow, instead of 110, 100, and 75 percent of BEP flow.

e. Measurement Equipment for VFD Wire-to-Water Test

HI 40.6–2014 does not contain all the necessary methods and calculations to determine pump power consumption for the range of equipment that would be addressed by this proposal (*i.e.,* pumps inclusive of motors and continuous or non-continuous controls). For the purposes of determining pump shaft input power, motor input power, input power to the continuous or non-continuous controls, and pump hydraulic power, certain equipment is necessary to measure head, speed, flow rate, torque, electrical power, and temperature. To specify the appropriate equipment to accurately and precisely measure relevant parameters, DOE proposes to incorporate by reference HI 40.6–2014, appendix C, which specifies the required instrumentation to measure head, speed, flow rate, torque, temperature, and electrical input power to the motor. However, for the purposes of measuring input power to the pump for pumps sold with a motor and continuous or non-continuous controls, the equipment specified in section C.4.3.1, ''electric power input to the motor,'' of HI 40.6–2014 may not be sufficient.

[37] DOE's contractors have created a database of available pump models being proposed for coverage under this test procedure and the associated energy conservation standards. The database represents a significant portion of the pump market and is based on data supplied to DOE's contractors directly from pump manufacturers and aggregated data supplied by HI. DOE's contractors developed this database over the course of the CIP Working Group negotiations, and the database is described in more detail in the docket for those meetings. (Docket No. EERE–2013–BT–NOC–0039)

In response to the Framework Document, several commenters discussed the instrumentation needed to test a pump inclusive of motor and continuous or non-continuous controls. The CA IOUs mentioned that most VFDs introduce non-linear, or non-sinusoidal, wave forms into the utility system, which will affect the total harmonic distortion experienced in the power system.[38] As such, it would be important to measure their power and energy use with true root mean square (RMS) power-measuring equipment to capture the impact of such harmonic distortion on the measured input power to any pump sold with a motor and continuous or non-continuous control. (CA IOUs, Framework Public Meeting Transcript No. 19 at p. 236) In addition, HI stated that testing pumps inclusive of motors and continuous or non-continuous controls would require an upgrade to the test instrumentation to measure the input power into a VFD to compensate for the disruption of the input power by the VFD. (HI, No. 25 at p. 35) However, HI added that this additional instrumentation is manageable and within the capabilities of what most of the HI members are doing today. (HI, Public Meeting Transcript, No. 19 at p. 235)

To determine the appropriate electrical measurement equipment for pumps tested with a motor and continuous or non-continuous controls, DOE consulted CSA C838–2013 and AHRI 1210–2011, since these test standards are the most relevant references for measuring input power to such controls. Both CSA C838–2013 and AHRI 1210–2011 require that electrical measurements for determining variable speed drive efficiency be taken using equipment capable of measuring current, voltage, and real power up to at least the 40th harmonic of fundamental supply source frequency [39] and have an accuracy level of ±0.2 percent of full scale when measured at the fundamental supply source frequency. In addition, AHRI 1210–2011 prescribes that such electrical measurement equipment must be designed as per International Electrotechnical Commission (IEC) Standard 61000–4–7–2002, ''Electromagnetic compatibility (EMC)—Part 4–7: Testing and measurement techniques—General guide on harmonics and interharmonics measurements and instrumentation, for power supply systems and equipment connected thereto.''

Because some variable speed control methods have the potential to introduce harmonics to the power system, which can reduce power factor [40] and affect the performance of certain electrical equipment, such as motors, DOE proposes that the electrical measurement equipment specified in AHRI 1210–2011 and CSA C838–2013 be required for the purposes of measuring input power to a pump sold with a motor and continuous or non-continuous controls. DOE agrees with interested parties that specific electrical measurement equipment capable of capturing the disruption or distortion of input power should be used to ensure measurement accuracy. Also, DOE does not anticipate that this proposed requirement would be likely to introduce an undue burden on pump manufacturers since many of them are already using this type of specialized equipment to test pumps equipped with motors having continuous or non-continuous controls. The burden associated with this test procedure, and in particular the required test equipment, is discussed further in section IV.B.

DOE requests comment on the type and accuracy of required measurement equipment, especially the equipment required for electrical power measurements for pumps sold with motors having continuous or non-continuous controls.

f. Calculations and Rounding

DOE notes HI 40.6–2014 does not specify how to round values for calculation and reporting purposes. DOE recognizes that the manner in which values are rounded can affect the resulting PER or PEI, and all PER or PEI values should be reported with the same number of significant digits. DOE proposes to require that all calculations be performed with the raw measured data, to ensure accuracy, and that the PER_{CL} and PEI_{CL} or PER_{VL} and PEI_{VL} be reported to the nearest 0.01. Therefore, the values obtained from any corrections to nominal speed or calculations performed prior to obtaining the final PER or PEI values would not be rounded.

DOE requests comment on its proposal to conduct all calculations and corrections to nominal speed using raw measured values and that the PER_{CL} and PEI_{CL} or PER_{VL} PEI_{VL}, as applicable, be reported to the nearest 0.01.

D. Determination of Motor Efficiency

The PEI_{CL} and PEI_{VL} metrics both describe the performance of a pump and its accompanying motor and continuous or non-continuous controls, if applicable. As such, the performance of the applicable motor must be determined to calculate the PEI_{CL} or PEI_{VL} of a given pump model. For determining pump performance for bare pumps and determining the default motor efficiency of a minimally compliant pump (PER_{STD}), DOE is proposing to specify a standardized default motor nominal efficiency.

For determining pump performance for pumps sold with motors or with motors and continuous or non-continuous controls, DOE is proposing to use either (1) the physically tested performance of the motor paired with that pump when using testing-based methods, or (2) the nominal full load motor efficiency of the motor (other than submersible) paired with that pump model when using the calculation-based test method to determine the PER_{CL} or PER_{VL} for that pump. See section III.E.1.b, infra, describing the proposed calculation-based method for pumps sold with motors and the use of the nominal motor efficiency when calculating overall pump power consumption.

The default nominal or rated nominal full load motor efficiency, as represented by the motor manufacturer, would then be used to determine the full load losses, in horsepower, associated with that motor. The full load losses would then be adjusted using an algorithm to reflect the motor performance at partial loads, corresponding to the load points specified in the DOE test. The specific procedures for determining the default nominal and rated nominal motor part load losses are described below.

1. Default Motor Efficiency

To calculate PER_{CL} for a pump sold in the bare pump configuration and determining its PER_{STD}, default motor losses would be added to the pump shaft input power at each rating point, and the sum would be multiplied by a weighting factor. In order to calculate the default motor losses at each rating point, DOE proposes to adopt default motor efficiency values based on the

[38] Total harmonic distortion results from the introduction of non-linear loads into the power system, which introduces wave forms that are out of phase with the voltage and can affect power quality and the efficiency of power distribution.

[39] CSA C838–2013 requires measurement up to the 50th harmonic. However, DOE believes that measurement up to the 40th harmonic is sufficient, and the difference between the two types of frequency measurement equipment will not be appreciable.

[40] Power factor is defined as the ratio of the real power supplied to the load over the apparent power in the circuit and is a dimensionless number between −1 and 1. Higher values of power factor (closer to 1) indicate that more real power is being supplied to the load relative to the current and voltage flowing in the circuit. When non-linear loads are applied that distort the wave form, less real power is available relative to the current and voltage in the circuit.

nominal full load motor efficiency values for general purpose, polyphase, NEMA Design A, NEMA Design B, and IEC Design N motors defined in 10 CFR 431, subpart B for medium and large electric motors. Based on the Working Group discussions, DOE believes that most motors sold with pumps under the scope of this rulemaking are sold with motors covered by DOE's updated electric motors standards and test procedures. (Docket No. EERE–2013–BT–NOC–0039, No. 09 at pp. 57–58) See section III.D.1.c, infra., for a discussion regarding submersible motors.

Subpart B of 10 CFR 431 contains DOE's energy conservation standards for electric motors, which DOE recently updated. See 79 FR 30934 (May 29, 2014). That rule established energy conservation standards for a number of different categories of electric motors DOE had not previously regulated, such as partial motors. In addition, although it did not change the required minimum efficiency of electric motors currently covered as general purpose electric motors (subtype I), it did increase the required efficiency for electric motors currently defined by DOE under the category of general purpose electric motors (subtype II), which includes close-coupled pump motors. Motors that are regulated must be manufactured in compliance with these updated standards beginning on June 1, 2016. 79 FR at 30944.

DOE proposes to use the applicable minimum nominal full load motor efficiency values at 10 CFR 431.25 for the category and horsepower of electric motors with which pumps are typically paired (*i.e.,* NEMA Design A, NEMA Design B, and IEC Design N motors). Specifically, DOE believes that the minimum efficiency of a NEMA Design A, NEMA Design B, or IEC Design N motor is an applicable default minimum motor efficiency to apply to all pumps to which the proposed test procedure would apply, except submersible motors. At the time of writing, the values in Table 5 of 10 CFR 431.25(h) define the nominal minimum efficiency for motors paired with bare pumps sold alone and for determining the PER_{STD} (see section III.B.2.b). Table 5 defines the minimum nominal efficiency for NEMA Design A, NEMA Design B, and IEC Design N electric motors from 1 to 500 hp meeting the following criteria:

(1) Are single-speed, induction motors;

(2) are rated for continuous duty (MG 1) operation or for duty type S1 (IEC);

(3) contain a squirrel-cage (MG 1) or cage (IEC) rotor;

(4) operate on polyphase alternating current 60-hertz sinusoidal line power;

(5) are rated 600 volts or less;

(6) have a 2-, 4-, 6-, or 8-pole configuration;

(7) are built in a three-digit or four-digit NEMA frame size (or IEC metric equivalent), including those designs between two consecutive NEMA frame sizes (or IEC metric equivalent), or an enclosed 56 NEMA frame size (or IEC metric equivalent);

(8) produce at least 1 hp (0.746 kW) but not greater than 500 hp (373 kW); and

(9) meet all of the performance requirements of one of the following motor types: A NEMA Design A or B motor or an IEC Design N. 79 FR at 31012 (to be codified at 10 CFR 431.25(g)–(h)).

a. Default Motor Selection

For bare pumps, DOE proposes to specify the selection of the default motor used for calculating PER_{CL} and PER_{STD} based on the nominal speed and measured shaft input power of the rated pump. DOE proposes that the number of poles selected for the default motor be equivalent to the nominal speed of the rated pump (*i.e.,* 2 poles corresponds to 3600 rpm and 4 poles corresponds to 1800 rpm). DOE also proposes that the motor horsepower selected for a given pump would be required to be either equivalent to, or the next highest horsepower-rated level greater than, the measured pump shaft input power at 120 percent of BEP flow. DOE also proposes that the shaft input power at the 120 percent of BEP flow point be calculated based on a linear extrapolation of the 100 and 110 percent of BEP flow points, similar to the approach proposed for determining the input power to the pump at these specified flow points, discussed in section III.C.2.d.

DOE notes that the energy conservation standards for motors, found in Table 5 in 10 CFR 431.25(h), include minimum nominal full load motor efficiency values for both open and enclosed motor construction. In general, motors with an open construction have a lower minimum nominal full load efficiency value; however, for some pole and horsepower combinations, this relationship does not hold. Therefore, for bare pumps and the minimally compliant pump in PER_{STD}, DOE proposes to specify selection of the minimum efficiency value listed in Table 5 of 10 CFR 431.25(h) for the lower value of either the open or enclosed construction at the appropriate motor horsepower and number of poles.

As noted in section III.B.2.b, for pumps sold either with motors or with motors and continuous or non-continuous controls, the motor horsepower and number of poles selected for determining the minimally compliant full load nominal efficiency from Table 5 in 10 CFR 431.25(h)) (or the submersible motor table, in the case of submersible motors, see section III.D.1.b) and used in the equation for PER_{STD} should be equivalent to the horsepower and poles of the motor actually sold with the pump. In other words, the horsepower and number of poles of the minimally compliant motor in PER_{STD} would be the same as the motor with which the pump is being rated. In such a case, the minimum full load nominal efficiency corresponding to the minimally compliant motor in PER_{STD} shall still be the minimum of the open and enclosed values. That is, regardless of the motor construction (*i.e.,* open or enclosed) of the motor with which the pump is being rated, the minimum efficiency value listed in the table at 10 CFR 431.25(h) for the given motor horsepower and number of poles shall be used.

DOE requests comment on its proposal to determine the default motor horsepower for rating bare pumps based on the pump shaft input power at 120 percent of BEP flow. DOE is especially interested in any pumps for which the 120 percent of BEP flow load point would not be an appropriate basis to determine the default motor horsepower (*e.g.,* pumps for which the 120 percent of BEP flow load point is a significantly lower horsepower than the BEP flow load point).

DOE requests comment on its proposal to specify the default, minimally compliant nominal full load motor efficiency based on the applicable minimally allowed nominal full load motor efficiency specified in DOE's energy conservation standards for NEMA Design A, NEMA Design B, and IEC Design N motors at 10 CFR 431.25 for all pumps except pumps sold with submersible motors.

b. Rated Nominal Motor Efficiency for Pumps Sold With Motors

For pumps sold with motors and rated using the calculation-based approach, DOE proposes that the motor nominal full load efficiency used in determining the PER_{CL} or PER_{VL} would be the measured nominal full load efficiency determined in accordance with the DOE electric motor test procedure specified at 10 CFR 431.16 and appendix B to subpart B of part 431. For pumps sold with submersible motors and rated using the calculation-based approach, the motor full load efficiency values are discussed in section III.D.1.c. For pumps sold with motors not addressed

by DOE's electric motor test procedure (except submersible motors), the calculation-based methods described in section III.E.1 would not apply and no assumption regarding nominal efficiency of the motor paired with the pump would be required when determining PER_{CL} or PER_{VL}. However, an assumption regarding the default efficiency of the minimally compliant motor that could be paired with a given pump would still be required to calculate PER_{STD}. See section III.D.1.a., supra.

c. Submersible Motors

DOE notes that submersible motors are not currently subject to the DOE energy conservation standards for electric motors specified at 10 CFR 431.25. For the purposes of calculating PEI_{CL} for bare VTS pumps or PER_{STD} for any pumps sold with submersible motors, DOE requires a default assumption regarding full load efficiency for submersible motors. DOE surveyed the literature and equipment catalogs of pump and motor manufacturers producing submersible motors and collected full load efficiency data. The data collected are the representations made in manufacturer literature regarding the full load efficiency of the motor, but do not indicate whether these reported efficiency values comprise tested, nominal, or rated values, as submersible motors are not covered by DOE's energy conservation standards or test procedures.

Based on the available information, DOE constructed a table of motor full load efficiencies by motor horsepower, similar to the table of energy conservation standards for electric motors at 10 CFR 431.25(h). DOE notes that because submersible motors are only available in enclosed construction, full load efficiency values are only provided for enclosed constructions.

To construct the submersible motor full load efficiency table, DOE conducted research to determine the least efficient motor commercially available within each specified horsepower and pole configuration (where data were available). DOE selected the least efficient submersible motor available because DOE recognizes that, by selecting a value higher than the minimum available, DOE could unintentionally drive the submersible motor market without explicitly regulating it. Based on the available data, DOE identified the number of ''bands'' [41] below the minimum full load efficiency values for NEMA Design A, NEMA Design B, and IEC Design N motors, as presented in Table 5 of 10 CFR 431.25(h).

The ''minimum observed efficiency'' column in Table III.6 reflects the least efficient motors found by DOE. As it is not DOE's intent to impact the rated efficiency of submersible motors through this rulemaking, DOE deflated the minimum observed submersible motor efficiency by using the maximum number of ''bands'' across a horsepower range to ensure that the value represented a worst-case value. Where no data were available, DOE applied the same number of NEMA bands across the range of motor horsepower and numbers of poles. The observed and default number of ''bands'' below the minimum full load efficiency values for NEMA Design A, NEMA Design B, and IEC Design N motors from Table 5 of 10 CFR 431.25(h), are presented in Table III.6 below.

TABLE III.6—TWO-POLE MOTOR SUBMERSIBLE MOTOR FULL LOAD EFFICIENCY BY MOTOR HORSEPOWER RELATIVE TO THE FULL LOAD EFFICIENCY IN IN TABLE 5 OF 10 CFR 431.25(H)

Motor horsepower (hp)	Minimum observed full load efficiency (2-poles) (%)	Observed number of ''bands'' below the full load efficiency in in table 5 of 10 CFR 431.25(h)	Default number of ''bands'' below the full load efficiency in in table 5 of 10 CFR 431.25(h)
1	67	6	11
1.5	67	11	
2	73	9	
3	75	9	
5	76	10	
7.5	77	10	15
10	75	13	
15	72.2	15	
20	76.4	13	
25	79	12	
30	79.9	12	12
40	83	10	
50	83	11	
60	84	11	
75	83.8	12	
100	87	10	14
125	86	13	
150	86	13	
175	88	12	
200	87	14	
250	87	14	

The resulting proposed default minimum electric motor full load efficiencies for submersible motors, as presented in the ''default minimum efficiency'' column in Table III.7, can then be calculated by applying the number of ''bands'' below the minimum full load efficiency values for NEMA Design A, NEMA Design B, and IEC

[41] Because motor efficiency varies from unit to unit, even within a specific model, NEMA has established a list of standardized efficiency values that manufacturers use when labeling their motors. Each incremental step, or ''band,'' constitutes a 10 percent change in motor losses. NEMA MG 1–2011 Table 12–10 contains the list of NEMA nominal efficiencies. See Electric Motors Final Rule, 79 FR 30933 (May 29, 2014).

Design N motors in Table 5 of 10 CFR 431.25(h), as presented in Table III.6, to the actual efficiency values listed in the same Table 5 of 10 CFR 431.25(h).

TABLE III.7—DEFAULT SUBMERSIBLE MOTOR FULL LOAD EFFICIENCY BY MOTOR HORSEPOWER

Default submersible motor full load nominal efficiency		
Motor horsepower	Pole configurations	
	2	4
1	55	68
1.5	66	70
2	68	70
3	70	75.5
5	74	75.5
7.5	68	74
10	70	74
15	72	75.5
20	72	77
25	74	78.5
30	78.5	82.5
40	80	84
50	81.5	85.5
60	82.5	86.5
75	82.5	87.5
100	81.5	85.5
125	84	85.5
150	84	86.5
200	85.5	87.5
250	86.5	87.5

DOE requests comment on the proposed default minimum full load motor efficiency values for submersible motors.

DOE requests comment on defining the proposed default minimum motor full load efficiency values for submersible motors relative to the most current minimum efficiency standards levels for regulated electric motors, through the use of ''bands'' as presented in Table III.6.

DOE proposes to apply this table of default minimum efficiency values for submersible motor full load efficiency when calculating PER_{STD} for VTS pumps and to calculate the PEI_{CL} for pumps sold with submersible motors or PEI_{VL} for pumps sold with a submersible motor and continuous or non-continuous controls, using the calculation-based approach described in section III.E.1. This aspect of DOE's proposal would result in a conservative calculation of energy consumption for the rated pump model, since the submersible motor with which the rated pump model is paired may be more efficient than the default minimum full load efficiency assumed in Table III.7. Allowing the calculation-based method to be used for pumps sold with submersible motors may also reduce the testing burden for some manufacturers. If manufacturers wish to account for the use of submersible motors with a higher efficiency than the minimum default full load efficiency, they may choose to rate the pump model through using the testing-based, wire-to-water method described in section III.E.2.

In summary, DOE proposes allowing the use of the default minimum submersible motor full load efficiency values presented in Table III.7 to rate (1) VTS bare pumps, (2) pumps sold with submersible motors, and (3) pumps sold with submersible motors and continuous or non-continuous controls as an option instead of wire-to-water testing.

DOE requests comment on the proposal to allow the use of the default minimum submersible motor full load efficiency values presented in Table III.7 to rate: (1) VTS bare pumps, (2) pumps sold with submersible motors, and (3) pumps sold with submersible motors and continuous or non-continuous controls as an option instead of wire-to-water testing.

2. Determining Part Load Motor Losses

To determine the full load losses of the motor, the proposal would require that the full load motor efficiency described in section III.D.1 be used. Using this value, DOE would apply an algorithm to determine the part load losses of the motor at each of the rating points.

To obtain the losses of the motor used at a fraction of full load under the proposal in this NOPR, manufacturers would be required to calculate the part load motor losses at each specified load point in accordance with the following three steps:

(1) Determine the part load loss factor (y_i) for each rating point, where part load loss factor at a given point represents the part load losses at the given load divided by full load losses, as shown in equation (12):

$$y_i = \left(-0.4508 \times \left(\frac{P_i}{MotorHP}\right)^3 + 1.2399 \times \left(\frac{P_i}{MotorHP}\right)^2 - 0.4301 \times \left(\frac{P_i}{MotorSize}\right) + 0.6410\right) \quad (12)$$

Where:

y_i = the part load loss factor at load point i,

P_i = the shaft input power to the bare pump (hp),

MotorHP = the motor horsepower (hp), and

i = percentage of flow at the BEP of the pump.

(2) Calculate full load losses for the motor as shown in equation (13):

$$L_{full,default} = \frac{MotorHP}{\left[\eta_{motor,full}/_{100}\right]} - MotorHP \quad (13)$$

Where:

$L_{full,default}$ = default motor losses at full load (hp),

MotorHP = the motor horsepower (hp), and

$\eta_{motor,full}$ = the full load motor efficiency as determined in accordance with section III.D.1 (%).

(3) Multiply the full load losses by each part load loss factor to obtain part load losses at each rating point, as shown in equation (14):

$$L_i = L_{full,default} \times y_i \quad (14)$$

Where:

L_i = default motor losses at rating point i (hp),

$L_{full,default}$ = default motor losses at full load (hp),

y_i = part load loss factor at each rating point i, and

i = rating points corresponding to 75, 100, and 110 percent of BEP flow for uncontrolled pumps and 25, 50, 75, and 100 percent of BEP flow for pumps sold with a motor and continuous or non-continuous controls as determined in accordance with the DOE test procedure.

DOE determined the cubic polynomial used to describe the part load loss factor (y_i) based on part load efficiency data provided by the NEMA electric motors subcommittee.[42] The cubic polynomial represents the measured part load performance of motors from 1–200 horsepower from seven manufacturers that are members of the NEMA subgroup. These data were provided at part load values of 25, 50, 75, and 100 percent of the rated motor load. To determine how motor losses changed as a function of motor load over the range of those motors addressed in this rulemaking, the data were normalized based on the minimum full load efficiency of the motors.

DOE acknowledges that losses may vary as a function of the motor's rotating speed (2-pole vs. 4-pole), motor design (open vs. enclosed), or the motor's horsepower rating. However, based on the data provided by NEMA, as well as additional data DOE gathered using DOE's MotorMaster database [43] and DOE's Motor Challenge Program Fact Sheet,[44] DOE did not observe any significant or generalizable trends of motor efficiency or fractional motor losses with respect to a motor's number of poles, category, or horsepower. DOE conducted a sensitivity analysis based on each of these factors and, in every case, the maximum impact on the rated pump PEI_{CL} or PEI_{VL} was less than 1 percent. DOE's sensitivity analysis can be found in the docket for this rulemaking. As such, DOE does not believe the additional complexity associated with multiple curves describing small variations in a motor's part load performance is justified and proposes to use the single cubic polynomial presented in equation (12).

These calculated part load motor losses at each of the specified load points would then be combined with the measured pump shaft input power and weighted equally to calculate PER_{CL} or PER_{VL} and PER_{STD}, as described in section III.B.2.

DOE requests comment on the development and use of the motor part load loss factor curves to describe part load performance of covered motors and submersible motors, including the default motor specified in section III.D.1 for bare pumps and calculation of PER_{STD}

E. Test Methods for Different Pump Configurations

As previously discussed, the PEI_{CL} and PEI_{VL} for a given pump would be determined by first calculating the PER_{CL} or PER_{VL}, as applicable, for the given pump. The PER_{CL} or PER_{VL} would then be scaled based on a calculated PER_{STD} (*i.e.,* the PER_{CL} of a pump that would comply with the applicable standard). (Docket No. EERE–2011–BT–STD–0031) The process for determining the PER_{STD} is described in section III.B.2.b.

The PER_{CL} and PER_{VL} are a weighted average of input power to the pump over a range of full and part load operating flow rates, and can potentially be determined using a number of different test methods, based on the way the pump model is sold. For example, the test method for pumps sold alone (*i.e.,* bare pumps) will be different than that for pumps sold with motors or pumps sold with motors and continuous or non-continuous controls. However, the DOE test procedure for pumps will have a similar format for each configuration in that each will describe (1) the physical test method, testing conditions, and required data collection to ensure consistent and accurate test results and (2) the calculation method that defines how the collected data will be used to determine the final PER_{CL} or PER_{VL} for that model.

Some test methods that DOE considered rely more on the performance of physical tests to obtain rating data (*i.e.,* testing-based methods), which increases testing burden but may be more accurate than test procedures that rely more heavily on calculations. In a testing-based approach, each pump basic model must be individually tested, which is considerably more burdensome than calculating the rating. However, the wire-to-water performance of the product would be determined directly as a result of the test rather than by determining it through a calculation method, and the unique performance of each component at full and partial loading would be accurately captured.

In contrast, a calculation-based approach to determine PER_{CL} or PER_{VL} (*i.e.,* the numerator of the PEI_{CL} or PEI_{VL}, respectively) for a given pump model can reduce the number of tests by allowing for the independent measurement of each component. That is, the input power to the bare pump, motor efficiency, or performance of a motor with continuous controls would be determined separately and subsequently combined through an equation to obtain the overall PER_{CL} or PER_{VL} rating for the pump. The equations could be used to determine ratings for unique basic models made up of different combinations of bare pumps, motors, and continuous controls without the need to test each unique combination.

Calculation-based test methods are extremely repeatable and straightforward to conduct. However, calculation-based methods may not account for the efficiency or energy use impact of all theoretical designs of a given component. For example, to calculate the performance of a pump sold with a motor and continuous control, assumptions regarding how the continuous control affects the input power to the pump would be required at full and part load, and this assumed ''system curve'' may not reflect the actual measured performance of different types or brands of continuous controls available.

In the subsequent sections, DOE discusses calculation-based and testing-based test methods for different pump configurations.

1. Calculation-Based Test Methods

Calculation-based test methods have the benefit of being repeatable, straightforward, and minimally burdensome. DOE proposes that the following calculation-based test methods would be used to rate (1) pumps sold as bare pumps (Method A.1); (2) pumps sold either with (a) motors that are regulated by DOE's electric motor standards or (b) submersible motors (Method A.2); and (3) pumps sold with motors that are either (a) regulated by DOE's electric motor standards or (b) submersible motors, and that are equipped with continuous controls [45] [46] (Method A.3).

[42] During the CIP Working Group negotiations, the NEMA motor and drive working group provided DOE contractors with a table of representative nominal motor efficiency values, broken out by horsepower and motor load, to support development of the part load loss curves.

[43] Department of Energy. September 21, 2010. MotorMaster+. Version 4.01.01. *www.energy.gov/eere/amo/articles/motormaster.*

[44] Department of Energy. Determining Electrical Motor Load and Efficiency. pp. 13–14. *www1.eere.energy.gov/manufacturing/tech_assistance/pdfs/10097517.pdf.*

[45] The calculation-based test method was designed to capture the dynamic response of a control that can continuously respond to changes in load and reduce power consumption at all load points below BEP. Therefore, pumps sold with non-continuous controls would instead use the testing-based method described in section III.E.2.c, which captures some reduction in power consumption at some reduced flow rates. DOE discussed this approach with the CIP Working Group, which generally agreed with it, although such a recommendation was not specifically included in the CIP Working Group Recommendations. (Docket No. EERE–2013–BT–NOC–0039, No. 107 at pp. 49–50)

In general, the calculation-based test method for the applicable pump types would include physical testing of the bare pump, in accordance with HI 40.6–2014, and subsequent calculations to determine the PEI_{CL} or PEI_{VL}, as applicable. The general steps of the calculation-based procedure would be as follows:

(1) Determine performance of the bare pump in accordance with HI 40.6–2014.

(a) Measure the flow rate (gpm), head (ft), rotational speed (rpm), and torque (inches-pounds force) at 40, 60, 75, 90, 100, 110, and 120 percent of the flow rate at the expected BEP of the pump and determine the pump efficiency at each point.

(b) Determine the actual BEP by finding the maximum point of the pump efficiency curve, as measured, with respect to flow rate.

(c) Determine pump input power (torque multiplied by speed) and regress pump shaft input power with respect to flow to find a linear relationship for all flow points greater than or equal to 60 percent of expected BEP flow. Use this regression to determine pump shaft input power at 75, 100, and 110 of actual BEP flow.

(d) Adjust all values to nominal speed.

(2) Determine the part load losses of the motor and any continuous or non-continuous controls applicable to the rated pump model at each load point.

(a) For bare pumps sold alone, the part load losses at each load point shall be determined based on the default motor efficiency of an appropriately sized motor that minimally complies with DOE's energy conservation standards for electric motors and the default motor loss curve, as described in section III.D. Motor selection requirements are discussed in section III.D.1.a

(b) For pumps sold with motors that are regulated by DOE's energy conservation standards, the part load losses at each load point shall be determined based on the rated full load motor efficiency of the motor that is paired with that pump and the default motor loss curve described in section III.D.2. For pumps sold with submersible motors, the part load losses at each load point shall be determined based on the default minimum submersible motor efficiency from Table III.6 and the default motor loss curve described in section III.D.2.

(c) For pumps sold with applicable motors and continuous controls, the part load losses at each load point shall be determined based on the rated full load motor efficiency of the motor that is paired with that pump and the default motor and continuous control loss curve described in section III.E.1.c.

(3) Determine PER_{CL} or PER_{VL}, as applicable, for the given pump

(a) Sum the pump shaft input power at nominal speed and the calculated part load motor losses at each load point in the constant load or variable load profiles, as applicable, to determine the input power to the pump.

(b) Average the calculated values of input power to the pump at the applicable rating points.

(4) Determine PER_{STD} for the minimally compliant pump, as described in section III.B.2.

(5) Divide PER_{CL} or PER_{VL} from step 3 by the PER_{STD} for that pump model to determine PEI_{CL} or PEI_{VL}, respectively.

The specific test methods for bare pumps, pumps sold with motors, and pumps sold with motors and continuous controls are described in more detail in the following sections III.E.1.a, III.E.1.b, and III.E.1.c, respectively.

a. Calculation-Based Test Method A.1: Bare Pump

As described previously, the bare pump PER_{CL} would be measured based on the pump shaft input power at 75, 100, and 110 percent of BEP flow. Section III.C of this notice describes the proposed test method for determining pump shaft input power at the designated load points, which is based on HI 40.6–2014. The measured pump shaft input power at the three constant load flow points would then be combined with the part load motor losses at each flow point and equally weighted to determine PER_{CL} for that bare pump, as shown in equation (15):

$$PER_{CL} = \omega_{75\%}\left(P^{in}_{75\%}\right) + \omega_{100\%}\left(P^{in}_{100\%}\right) + \omega_{110\%}\left(P^{in}_{110\%}\right)$$

$$= \omega_{75\%}(P_{75\%} + L_{75\%}) + \omega_{100\%}(P_{100\%} + L_{100\%}) + \omega_{110\%}(P_{110\%} + L_{110\%}) \quad \textbf{(15)}$$

Where:

ω_i = weighting at each rating point (equal weighting or ⅓ in this case),

P_i^{in} = calculated input power to the motor at rating point i (hp),

P_i = the shaft input power to the bare pump (hp),

L_i = default motor losses at each load point i (hp), and

i = 75, 100, and 110 percent of BEP flow as determined in accordance with the DOE test procedure.

The part load motor losses would be determined for the bare pump based on an assumed default motor efficiency representative of a motor that is minimally compliant with DOE's electric motor energy conservation standards (or the default minimum motor efficiency for submersible motors), as described in section III.D.1, and the default motor loss curve, as described in section III.D.2.

The PEI_{CL} can then be calculated as the PER_{CL} for a given pump divided by the PER_{STD} for a pump that is minimally compliant with DOE's pump standards with no controls, as shown in equation (16):

$$PEI_{CL} = \left[\frac{PER_{CL}}{PER_{STD}}\right] \quad \textbf{(16)}$$

Where:

PER_{STD} = the PER_{CL} for a pump of the same equipment class that is minimally compliant with DOE's energy conservation standards serving the same hydraulic load (hp). The procedure for determining PER_{STD} is described in detail in section III.B.2.b.

[46] DOE notes that some pumps sold with continuous controls, such as pumps sold with ECMs, may not be eligible to apply the calculation-based method based on the fact that ECMs are not: (1) A type of motor covered by DOE's energy conservation standards for covered motors or (2) a submersible motor (see section III.E). These pumps would instead apply a testing-based method.

b. Calculation-Based Test Method B.1: Pump Sold With a Motor

In cases where a pump's efficiency can be independently measured and that pump is sold with an applicable motor, the primary test procedure would be similar to that for pumps sold alone (A.1) except that the motor efficiency, or losses, would be that of the motor with which the pump is sold when determining PER_{CL}, as opposed to the default motor efficiency assumed in the bare pump case. For motors covered by DOE's electric motor standards, DOE proposes to use the measured nominal full load efficiency determined in accordance with the DOE electric motor test procedure specified at 10 CFR 431.16 and appendix B to subpart B of part 431 (see section III.D.1.b). For pumps sold with submersible motors rated using the calculation-based method, the full load motor efficiency would be determined based on the default minimum submersible motor efficiency from Table III.6 (see section III.D.1.c). DOE notes that this calculation-based method would not apply to pumps sold with motors that are not subject to DOE's electric motor standards (except for submersible motors).

The PEI_{CL} for pumps sold with motors would then be calculated using a similar approach that would be applied to bare pumps shown in equation (15) and (16), above, except that the default part load losses of the motor at each load point i would be determined based on the nominal full load efficiency for the motor, as described in section III.D.2.

As previously discussed in section III.B.2.b, in determining PER_{STD}, DOE would base the nominal full load motor efficiency of the minimally compliant pump on the electric motor efficiency standards listed at 10 CFR 431.25(h) for pumps sold with motors other than submersible motors. Similarly, for pumps sold with submersible motors, DOE proposes that the default motor efficiency be that specified in Table III.7 in section III.D.1.c for both the rated pump model and PER_{STD}.

DOE currently requires motor manufacturers to rate only full load efficiency. See 10 CFR 431.16. The extrapolation of the certified full load efficiency data to the required rating points representative of 75, 100, and 110 percent of the BEP flow for the paired pump using default part load curves is the least burdensome approach for determining part load efficiency of regulated motors when sold with pumps. This method would also allow for consistency and repeatability of results for a given pump. However, if the motor manufacturer makes certain changes to the motor design that improve part load performance without impacting efficiency at full load, this difference would not be reflected in the calculated PEI_{CL} using this proposed approach.

DOE requests comment on its proposal to determine the part load losses of motors covered by DOE's electric motor energy conservation standards at 75, 100, and 110 percent of BEP flow based on the nominal full load efficiency of the motor, as determined in accordance with DOE's electric motor test procedure, and the same default motor part load loss curve applied to the default motor in test method A.1 for the bare pump.

DOE requests comment on its proposal to determine the PER_{CL} of pumps sold with submersible motors using the proposed default minimum efficiency values for submersible motors and applying the same default motor part load loss curve to the default motor in test method A.1 for the bare pump.

DOE also requests comment on its proposal that pumps sold with motors that are not addressed by DOE's electric motors test procedure (except submersible motors) would be rated based on a wire-to-water, testing-based approach.

c. Calculation-Based Test Method C.1: Pump Sold With a Motor and Continuous Controls

For pumps sold with motors and continuous controls, the PEI_{VL} metric would account for the power reduction resulting from reducing speed and, thus, head, to achieve a given flow rate as opposed to throttling. In this case, the PEI_{VL} is determined as the PER_{VL} of the given pump divided by the PER_{STD}. The PER_{STD} would be determined in accordance with the procedures in section III.B.2.b. The PER_{VL} would be determined as the weighted average input power to the pump at 25, 50, 75, and 100 percent of BEP flow, as shown in equation (17):

$$PER_{VL} = \omega_{25\%}\left(P_{25\%}^{in}\right) + \omega_{50\%}\left(P_{50\%}^{in}\right) + \omega_{75\%}\left(P_{75\%}^{in}\right) + \omega_{100\%}\left(P_{100\%}^{in}\right) \qquad (17)$$

Where:

ω_i = weighting at each rating point (equal weighting or ¼ in this case),

P_i^{in} = measured or calculated input power to the pump at the input to the continuous or non-continuous controls at rating point i, and

i = 25, 50, 75, and 100 percent of BEP flow, as determined in accordance with the DOE test procedure.

The input power to the pump when sold with motors and continuous controls would be determined by adding together the pump shaft input power and the combined losses from the motor and continuous controls at each of the load points i. However, in the case of determining PER_{VL} for pumps sold with motors and continuous controls, the proposal would require that only the input power at the 100 percent of BEP flow point be determined through testing and the remaining 25, 50, and 75 percent load points be calculated based on an assumed system curve.

DOE understands that the system curve a given pump will follow in the field is based on the specific dynamics of the system (*e.g.,* the amount of static head, or fixed pressure, in a system) and the characteristics of the continuous or non-continuous control (*e.g.* how the given control adjusts speed in response to changes in the required flow, head, or pump output power may vary among control types, as discussed in section III.E.1.c). However, DOE also believes that a single representative curve is sufficiently representative for the default calculation method as it equally applies to all pumps sold with motors and continuous or non-continuous controls, thereby reflecting the input of the CIP Working Group regarding an appropriate and representative reference curve. DOE also proposes that the combined performance of the motor and continuous controls be determined based on a loss curve that describes the decreased efficiency of the motor and continuous controls at full and part load points. DOE notes that the CIP Working Group informally agreed with this approach. (Docket No. EERE–2013–BT–NOC–0039, No. 107 at pg. 94–96)

With respect to VFDs, AHRI recommended that DOE take time to develop a sound method for testing pump/motor/VFD packages and consider typical VFD operation in those packages. (AHRI, No. 28 at p. 2) AHRI noted that AHRI Standard 1210–2011 will soon provide performance maps for VFDs tested with standard NEMA Design B four-pole motors that meet the criteria of NEMA Standard MG–1, ''Motors and Generators,'' Part 31.

(AHRI, No. 28 at p. 2) AHRI noted that it launched an AHRI VFD certification program and expected to publish performance data in 2014.[47] AHRI further noted that a systemic efficiency calculation for the majority of pump/motor/VFD packages may then be possible by combining VFD, motor, and pump performance maps, and that a random selection of calculated system efficiency metrics could be verified by test. (AHRI, No. 28 at p. 2) DOE considered these comments in making its proposal. The relevant definitions and specific calculation procedures are described in detail in the subsequent sections.

Reference System Curve

For pumps tested without continuous or non-continuous controls, no reference system is required as measurements are taken at various loading points along a pump curve at the nominal rating speed only. For pumps tested inclusive of motors and continuous or non-continuous controls (using a calculation-based or testing-based method), a reference system curve must be implemented to standardize the system curve shape on which multiple points will be calculated. Such a system curve describes the relationship between the head and the flow at each load point.

AHRI 1210–2011 specifies a quadratic (or nearly quadratic) system curve, which would maximize the benefits of the speed control provided by continuous or non-continuous controls. A quadratic system curve, theoretically, is more representative of system curves in the field.[48] This system curve will also likely more closely match the system curve in the test labs and, thus, linear extrapolation may be applied without significant loss of accuracy if a quadratic relationship is used. However, during the Working Group negotiations, interested parties suggested that DOE implement a static head offset instead of a completely quadratic relationship. Interested parties commented that this static head offset would be representative of a static head component of the system curve and would reasonably approximate the system curve pumps experience in the field. Specifically, HI suggested that DOE use a system curve with a static head component representative of 20 percent of head at BEP flow. (Docket No. EERE–2013–BT–NOC–0039, No. 63 at p. 226)

Consistent with these suggestions, DOE proposes to use a quadratic reference system curve which goes through the BEP and offsets the y-axis, as specified in equation (18):

$$a = \frac{H_{100\%} - H_{static}}{(Q_{100\%})^2} \quad \textbf{(18)}$$

Where:
a = static offset correction factor for the system curve which is a scalar quantity,
$H_{100\%}$ = total pump head at 100 percent of BEP flow (ft),
H_{static} = system head at zero flow rate (ft), and
$Q_{100\%}$ = flow rate at 100 percent of BEP flow (gpm).

For this test procedure, the system head at zero flow rate (H_{static}) is assumed to be 20 percent of BEP head, as recommended by the CIP Working Group. Therefore, as shown in equation (19) and depicted in Figure III.1:

$$H = \left[0.8 * \left(\frac{Q}{Q_{100\%}}\right)^2 + 0.2\right] * H_{100\%} \quad (19)$$

Where:
H = the total system head (ft),
Q = the flow rate (gpm),
$Q_{100\%}$ = flow rate at 100 percent of BEP flow (gpm), and
$H_{100\%}$ = total pump head at 100 percent of BEP flow (ft).

[47] To date, variable frequency drives are listed as one of the product types to which AHRI certification programs apply (see *http://www.ahrinet.org/App_Content/ahri/files/Certification/CERT_PROGS_ENG.pdf*); however, no certification data are available through AHRI's certification database (see *https://www.ahridirectory.org/ahridirectory/pages/home.aspx*).

[48] American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE). ''2012 HVAC Systems and Equipment, Chapter 44: Centrifugal Pumps.''

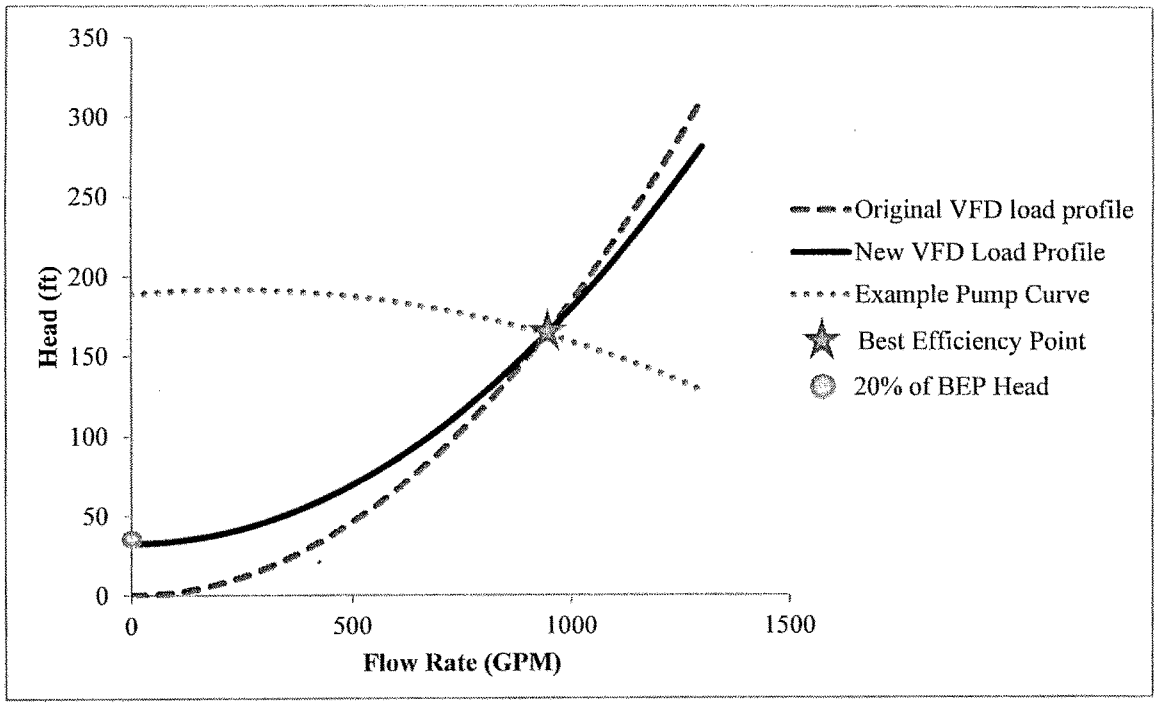

Figure III.1 System Control Curve for Head with Respect to Flow for Pumps Sold with Continuous Controls. Statically offset curve and pure quadratic curve plotted with identical BEP flows. Static offset set at 20 percent of BEP head.

DOE notes that this reference system curve would apply to pumps sold with a motor and continuous controls that are tested using this calculation-based method as well as to pumps sold with a motor and continuous or non-continuous controls that are tested using the wire-to-water testing-based methods discussed in section III.E.2.c. As mentioned in section III.A.1.b, the calculation-based approach is not applicable to non-continuous controls, as such controls will not follow the assumed system curve precisely, as continuous controls would. Accordingly, DOE believes that the power consumption calculated along this reference curve would not be representative of the energy consumption of such pumps. Instead, DOE is proposing that pumps with a multi-speed motor, for example, or other non-continuous controls, would be rated using a physical ''wire-to-water'' test, which would capture some reduction in power consumption as measured by the test procedure at some reduced flow rates. Such a pump would be rated using the testing-based method for pumps sold with motors and controls, described in section III.E.2.c. DOE discussed this proposal with the CIP Working Group and the CIP Working Group generally agreed with DOE's approach, although such a recommendation was not specifically included in the CIP Working Group Recommendations. (Docket No. EERE–2013–BT–NOC–0039, No. 107 at pp. 49–50).

DOE requests comment on the proposed system curve shape to use, as well as whether the curve should go through the origin instead of the statically loaded offset.

Determination of Bare Pump Shaft Input Power

Under the proposed calculation-based approach for pumps sold with motors and continuous controls, the rated efficiency of the motor and continuous control would be combined with the pump shaft input power at the specified load points to calculate the PER_{VL} of the pump. To determine the bare pump input power at the prescribed load points, only the pump shaft input power at 100 percent of BEP flow must be determined experimentally, in accordance with HI 40.6–2014, and at the nominal full load operating speed of the pump (*i.e.,* 1,800 rpm or 3,600 rpm), as discussed in section III.C. However, DOE notes that the full HI 40.6–2014 test would still need to be conducted, and the pump hydraulic output power at 75, 100, and 110 percent of BEP flow would still be necessary for determining the PER_{STD} of the given pump.

The pump shaft input power at 25, 50, and 75 percent of BEP flow would then be determined by applying the reference system curve discussed in section III.E.1.c and assuming continuous speed reduction is applied to achieve the reduced load points. Specifically, the reduction in pump shaft input power at part loadings is assumed to be equivalent to the relative reduction in pump hydraulic output power assumed by the system curve.[49] The relative reduction can be determined as the product of the relative reductions in flow and head, as shown in equation (20):

[49] Note, this assumes that bare pump efficiency is constant across the system curve.

$$\frac{P_i}{P_{100\%}} = \frac{P_{Hydro,i}}{P_{Hydro,100\%}} = \frac{H_i}{H_{100\%}} \times \frac{Q_i}{Q_{100\%}} = \left(\frac{0.8\frac{H_{100\%}}{Q_{100\%}^{\ 2}}Q_i^{\ 2} + 0.2H_{100\%}}{H_{100\%}} \right) \times \frac{Q_i}{Q_{100\%}}$$

$$= \left(0.8\frac{Q_i^{\ 3}}{Q_{100\%}^{\ 3}} + 0.2\frac{Q_i}{Q_{100\%}} \right) \quad (20)$$

Where:
P_i = shaft input power to the bare pump at rating point i (hp),
$P_{100\%}$ = pump shaft input power at 100 percent of BEP flow (hp),
$P_{Hydro,i}$ = pump hydraulic output power at rating point i (hp),
$P_{Hydro,100\%}$ = pump hydraulic output power at 100 percent of BEP flow (hp),
H_i = total pump head at rating point i (ft),
$H_{100\%}$ = total pump head at 100 percent of BEP flow (ft),
Q_i = flow rate at rating point i (gpm),
$Q_{100\%}$ = flow rate at 100 percent of BEP flow (gpm), and
i = 25, 50, and 75 percent of BEP flow as determined in accordance with the DOE test procedure.

Based on this relationship, the pump shaft input power can be determined at each of the load points by multiplying the calculated ratio by the measured pump shaft input power at BEP, as shown in equation (21):

$$P_i = \left(0.8\frac{Q_i^{\ 3}}{Q_{100\%}^{\ 3}} + 0.2\frac{Q_i}{Q_{100\%}} \right) \times P_{100\%} \quad (21)$$

Where:
P_i = pump shaft input power at rating point i (hp),
$P_{100\%}$ = pump shaft input power at 100 percent of BEP flow (hp),
Q_i = flow rate at rating point i (gpm),
$Q_{100\%}$ = flow rate at 100 percent of BEP flow (gpm), and
i = 25, 50, and 75 percent of BEP flow as determined in accordance with the DOE test procedure.

DOE requests comment on the proposed calculation approach for determining pump shaft input power for pumps sold with motors and continuous controls when rated using the calculation-based method.

Determination of Efficiency of the Motor and Continuous Controls

DOE recognizes that determining the PER_{VL} of a pump sold with a motor and continuous controls using the calculation-based method requires accounting for the efficiency of the motor and continuous control in combination with the measured pump shaft input power at the specified load points. Compared to an uncontrolled motor, the motor and continuous control together incur additional losses as a result of inefficiencies from the continuous control and increased inefficiencies in the speed-controlled motor due to harmonic distortion. Because of the interactions between the motor and control, treating the motor and control together would provide the most accurate measurement of the overall efficiency of a pump that has been paired with these two devices.

DOE notes that, although a new test method for determining combined efficiency of motors and VFDs is available (AHRI 1210–2011), DOE does not currently require VFD manufacturers to test and certify their drives in accordance with that procedure or any other available test procedure for VFDs or other applicable speed controls. Therefore, consistent and standardized information regarding the efficiency of speed controls (combined with or separate from motor efficiency) is not available at this time. As such, requiring controller efficiency to be measured in a specific manner and used to determine performance of a pump sold with a motor and continuous or non-continuous controls would represent a significant additional burden for pump manufacturers. In addition, such a requirement may also have the potential of requiring controller manufacturers to perform a specifically prescribed test.

The Working Group also indicated that applying a standardized set of loss curves for determining the inefficiencies associated with motor and speed control components together would greatly simplify the method for calculating the total power consumption of the tested pump and present the least burdensome approach for manufacturers to implement. (EERE–2013–BT–NOC–0039, No. 107 at p. 218) For these reasons, DOE proposes to use a method similar to that applied to single-speed motors for determining the efficiency at part load points, discussed in section III.D.2, for the motor and continuous control.

In order to develop the default part load loss equation to allow the calculation of the losses associated with motor and continuous control components, DOE used performance data generated from testing five motor and VFD combinations according to the AHRI 1210–2011 test method and examined additional data for 24 VFDs tested per AHRI 1210–2011, provided confidentially to DOE's contractors by one VFD manufacturer.

The DOE combined motor and VFD tests, conducted in accordance with AHRI 1210–2011, consisted of expanding upon the test points specified in the test procedure and taking up to 16 measurements of input power for each model tested based on permutations of 4 prescribed torque points tested at each of 4 speeds. Efficiency at each combination of torque and speed was determined by taking the ratio of the output power of the motor and input power to the VFD, where the output power was determined by the measured rotational speed and torque produced by the motor. The test data for the 24 VFD models provided by the VFD manufacturer included eight measurements at full load and part load.

Based on the VFD performance data collected, DOE proposes using four part load loss equations to represent the combined efficiency of the motor and continuous control as a function of the output power of the continuous control. When analyzing the continuous control and motor efficiency as a function of the horsepower rating of the continuous control, DOE observed a significant variation by horsepower range and is proposing to account for this situation by establishing four equations as a function of the VFD's horsepower (see Table III.8).

DOE proposes to describe the part load loss curves for the combined motor and continuous control as a function of the brake horsepower, or output power, of the motor (*i.e.,* the power that would be supplied to the pump). DOE recognizes that using a relationship as a

function of motor brake horsepower rather than a two-dimensional equation as a function of torque and speed represents a simplification and may sacrifice some accuracy in determining the efficiency of a given motor and continuous control. For example, DOE observed that the speed and torque of the VFDs impacted the magnitude of the VFD's losses. DOE considered developing part load loss relationships as a function of speed and torque based on the test results. However, DOE notes that it is not clear whether the trends it observed during testing are universally applicable to motor and continuous and non-continuous control systems available in the market, as each type of continuous or non-continuous control may impact motor efficiency differently based on the specific control approach. DOE believes that the available data are insufficient to create robust and representative relationships for all of the motors and continuous or non-continuous controls that might be paired with pumps within the scope of this test procedure rulemaking. DOE notes that, based on its analysis of the available data, the proposed simplification would likely impact the resultant PEI_{VL} for a given pump by a magnitude of less than 1 percent.

To derive the part load losses equations, DOE analyzed the results of all AHRI 1210–2011 test results to establish the maximum values of the ratio of VFD and motor losses to the motor full load losses (or part load loss factor). DOE determined this ratio at several motor load points using a regression as a function of the motor load percentage to derive the coefficients of the polynomial equation. The polynomial equation used to represent the part load loss factor is defined in equation (22):

$$z_i = \left(a * \left(\frac{P_i}{MotorHP}\right)^2 + b * \left(\frac{P_i}{MotorHP}\right) + c\right) \qquad (22)$$

Where:
z_i = the part load loss factor for the motor and continuous controls at load point i;
a,b,c = coefficients based on VFD horsepower, see Table III.8;
P_i = the shaft input power to the bare pump (hp);
MotorHP = the horsepower of the motor with which the pump is being rated (hp); and
i = 25, 50, 75, and 100 percent of BEP flow as determined in accordance with the DOE test procedure.

TABLE III.8—MOTOR AND CONTINUOUS CONTROL PART LOAD LOSS FACTOR EQUATION COEFFICIENTS FOR EQUATION 23

Motor horsepower (hp) between or equal to	Coefficients of Equation (23)		
	a	b	c
≤5	−0.4658	1.4965	0.5303
>5 and ≤20	−1.3198	2.9551	0.1052
>20 and ≤50	−1.5122	3.0777	0.1847
>50	−0.8914	2.8846	0.2625

To calculate the part load losses of the motor and continuous control, manufacturers would apply the part load loss curve polynomial, with the appropriate coefficient as established in Table III.8, to the nominal full load losses for the motor being sold with that pump in the same manner as that for determining the part load losses for single-speed motors (see equation (14) in section III.D.2).

DOE recognizes that the loading of the motor and continuous control when paired with a particular pump model may differ from those observed during DOE's testing and that this may affect the specific losses associated with a given pump. However, DOE believes that it is likely pump manufacturers would select a motor with a similar horsepower and control combinations to pair with a particular pump, as significantly oversized equipment will add unnecessary additional expense for the customer.

DOE requests comment on the proposal to adopt four part load loss factor equations expressed as a function of the load on the motor (*i.e.,* motor brake horsepower) to calculate the losses of a combined motor and continuous control, where the four curves would correspond to different horsepower ratings of the continuous control.

DOE also requests comment on the accuracy of the proposed equation compared to one that accounts for multiple performance variables (speed and torque).

DOE requests comment on the proposed 5 percent scaling factor that was applied to the measured VFD efficiency data to generate the proposed coefficients of the four part load loss curves. Specifically, DOE seeks comment on whether another scaling factor or no scaling factor would be more appropriate in this context.

DOE requests comment on the variability of control horsepower ratings that might be distributed in commerce with a given pump and motor horsepower.

DOE requests comment and data from interested parties regarding the extent to which the assumed default part load loss curve would represent minimally efficient motor and continuous control combinations.

d. Other Calculation Methods for Determination of Pump Performance Determination

DOE is proposing to require that each bare pump model be physically tested in accordance with the test procedure rather than to allow the use of calculation methods for determining performance of a bare pump with a similar design. DOE notes that the proposed calculation-based test procedure for certain applicable pumps already contains provisions for tested bare pump performance to be combined with default or tested performance data regarding the motor or motor with continuous or non-continuous controls to calculate the PER of multiple pump basic models. This proposal would apply to: (1) Bare pumps; (2) pumps sold with either (a) motors regulated by DOE's electric motor standards or (b) submersible motors; and (3) pumps sold with continuous-controlled motors that are either (a) motors regulated by DOE's electric motor standards or (b) submersible motors. DOE also notes that, beyond the calculations proposed in this NOPR, DOE is not considering

permitting use of other algorithms or alternative efficiency determination methods to determine the rated performance of covered pumps or pump components (*i.e.,* motors or controls).

DOE requests comment on its proposal to require testing of each individual bare pump as the basis for a certified PEI_{CL} or PEI_{VL} rating for one or more pump basic models.

DOE requests comment on its proposal to limit the use of calculations and algorithms in the determination of pump performance to the calculation-based methods proposed in this NOPR.

In summary, DOE proposes to establish the calculation-based methods discussed in this section III.E.1 for determining PEI_{CL} or PEI_{VL} as the required test procedure for bare pumps and as one of two test methods that could be used for (1) pumps sold either with (a) motors that are regulated by DOE's electric motor standards or (b) submersible motors, and (2) pumps sold with continuous-controlled motors that are either (a) regulated by DOE's electric motors standards or (b) submersible motors. For pumps whose energy consumption cannot be calculated using the proposed calculation-based method, DOE proposes that the PEI_{CL} or PEI_{VL} rating be determined based on testing only methods, as discussed in the next section, section III.E.2.

2. Testing-Based Methods

Testing-based methods directly measure the input power to the motor, continuous control, or non-continuous control at the load points of interest (*i.e.,* 75, 100, and 110 percent of BEP flow for uncontrolled pumps and 25, 50, 75, and 100 percent of BEP flow for pumps sold with a motor and speed controls). As such, these methods cannot be applied to bare pumps. In addition, these test methods are the only test methods applicable to pumps sold with motors that are not addressed by DOE's electric motor test procedure (except submersible motors) or that are sold with non-continuous controls.

DOE is also proposing providing these ''wire-to-water'' testing-based methods as an optional procedure for all pumps sold with motors or motors with continuous controls. The benefit of using a testing-based approach is that the test protocol is straightforward and accurate for a given pump sold with a motor or pump sold with a motor and continuous control combination. In these cases, it may be appropriate to use this testing-based approach for custom equipment that is already being tested for a specific customer. However, for standard pump models that may be paired with a variety of motors or continuous or non-continuous controls, testing each combination would significantly increase the burden of testing as compared to the calculation-based approach presented in section III.E.1.

The following sections describe how to determine BEP for pumps rated using the testing-based method, as well as the specific test methods for pumps sold with motors (Method B.2) and pumps sold with motors and continuous or non-continuous controls (Method B.3).

a. The Best Efficiency Point for Pumps Testing Using Testing-Based Methods

DOE notes that when testing some pumps using the testing-based methods, it is not possible to determine BEP as a ratio of pump input power over pump hydraulic power unless additional measurements are made of bare pump performance or pump shaft input power, in addition to input power to the motor. See section III.C.2.d, supra.

In the case of pumps sold with motors or motors with continuous or non-continuous controls for which input power to the shaft is not measured directly, DOE proposes to determine the BEP using what is typically known as overall efficiency. Overall efficiency is the input power to the driver or continuous control, if any, divided by the pump hydraulic output power with no speed control (*i.e.,* at the nominal rated speed). Overall efficiency is found by conducting a similar procedure involving sweeping the pump curve and fitting a curve to the rated points, as discussed in section III.C.2.d. This leads to a BEP value comparable with those determined based on direct application of the HI 40.6 method.

To maintain consistent nomenclature, DOE proposes to define BEP for pumps tested using testing-based methods as the maximum measured value of the ratio of driver input power over pump hydraulic output at a single, nominal speed. Under this proposal, DOE would require use of the procedure specified in section III.C.2.d, except that the BEP would be determined based on the combined pump and motor efficiency instead of the bare pump efficiency.

DOE requests comment on its proposal to determine BEP for pumps rated with a testing-based method by using the ratio of input power to the driver or continuous control, if any, over pump hydraulic output. DOE also seeks input on the degree to which this method may yield significantly different BEP points from the case where BEP is determined based on pump efficiency.

b. Testing-Based Test Method B.2: Pump Sold With a Motor

For pumps sold with motors, the PEI_{CL} can be determined by wire-to-water testing, as specified in HI 40.6–2014 section 40.6.4.4. In this case, the PER becomes an average of the measured power input to the motor at the three rating points, as shown in equation (23):

$$PER_{CL} = \sum_{i=75\%,100\%,110\%} \omega_i P_i^{in}$$

$$= \omega_{75\%}\left(P_{75\%}^{in}\right) + \omega_{100\%}\left(P_{100\%}^{in}\right) + \omega_{110\%}\left(P_{110\%}^{in}\right) \quad (23)$$

Where:

ω_i = weighting at each rating point (equal weighting or ⅓ in this case),

P_i^{in} = measured or calculated input power to the motor at rating point i, and

i = 75, 100, and 110 percent of BEP flow as determined in accordance with the DOE test procedure.

The PEI_{CL} determined using the tested wire-to-water method may vary slightly from that determined using the PEI_{CL} for pumps rated using calculation-based test methods B.1 or C.1 and will generally result in a better rating than the default calculation-based methods.

c. Testing-Based Test Method C.2: Pump Sold With a Motor and Speed Controls

For pumps sold with motors and continuous or non-continuous controls, DOE proposes that the PEI_{VL} may be determined by wire-to-water testing, based on the procedure specified in HI 40.6, section 40.6.4.4, except that:

(1) the input power is the ''driver input power,'' defined in table 40.6.2.1 of HI 40.6–2014 and referenced in table 40.6.3.2.3, section 40.6.4.4, and section 40.6.6.2 refers to the input power to the continuous or non-continuous control and the input power to the continuous or non-continuous control and

(2) is determined in accordance with the tolerances and requirements for measuring electrical power described in AHRI 1210–2011 and CSA C838–2013, as proposed in section III.C.2.e.

With this approach, pump manufacturers would determine the BEP of the pump, inclusive of motor and continuous or non-continuous controls, as described in section III.E.2.a, and then adjust the operating speed of the motor and the head until the specified head and flow conditions are reached (*i.e.,* 25, 50, and 75 percent of BEP flow and the associated head pressures determined by the reference system curve in section III.E.1.c).

DOE recognizes that each test lab may have a similar but unique system curve that is representative of the specific valves, elbows, and other system components present in the test loop. As such, DOE proposes to specify the specific load points that must be determined based on the reference system curve to ensure repeatability among labs. However, DOE also recognizes that it may not be possible to achieve the exact load points given measurement and experimental uncertainty. To address this issue, DOE also proposes to establish an acceptable tolerance around each load point. The use of tolerances in this context is not unique. For example, EU 641 regulation [50] for circulators adopts a 10 percent tolerance around the specified load points for circulators greater than 100 watts (0.13 hp). To provide some level of measurement tolerance, DOE is proposing a tolerance level of 10 percent about (*i.e.,* above and below) the target flow and head load points defined on the reference system curve for each pump.

DOE recognizes that it is still important for the input power values to represent the power at each specific load point. As such, DOE also proposes to require that load points determined via testing that are within the specified 10 percent tolerance band be extrapolated to the reference system curve to normalize the test data to the exact load points specified by the system curve. In this case, the pump shaft input power at the head at tested point i (*e.g.,* head at 25 percent BEP flow) on the tested system curve, $P_{T,i}$ in, can be linearly extrapolated to the pump shaft input power at the specified head and flow rate (*e.g.,* at 50 percent for BEP flow) based on the reference system curve, $P_{R,i}$, using the following equation (24):

$$P_{R,i} = \left(\frac{H_{R,i}}{H_{T,j}}\right)\left(\frac{Q_{R,i}}{Q_{T,j}}\right)P_{T,i} \qquad \textbf{(24)}$$

Where:
$P_{R,i}$ = the rated pump shaft input power at flow point i (hp),
$H_{R,i}$ = the total system head at flow point i based on the reference system curve (ft),
$H_{T,jj}$ = the tested total system head at flow point j (ft),
$Q_{R,i}$ = the total system head at flow point i based on the reference system curve (gpm),
$Q_{T,j}$ = the tested total system head at flow point i (gpm),
$P_{T,j}$ = the tested pump shaft input power at flow point j,
i = 25, 50, 75, and 100 percent of BEP flow as determined in accordance with the DOE test procedure, and
j= the tested flow point of the rated pump, determined in terms of percent of BEP flow.

[50] Council of the European Union. 2009. Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products. Official Journal of the European Union. L 191, 23 July 2009, pp. 35–41.

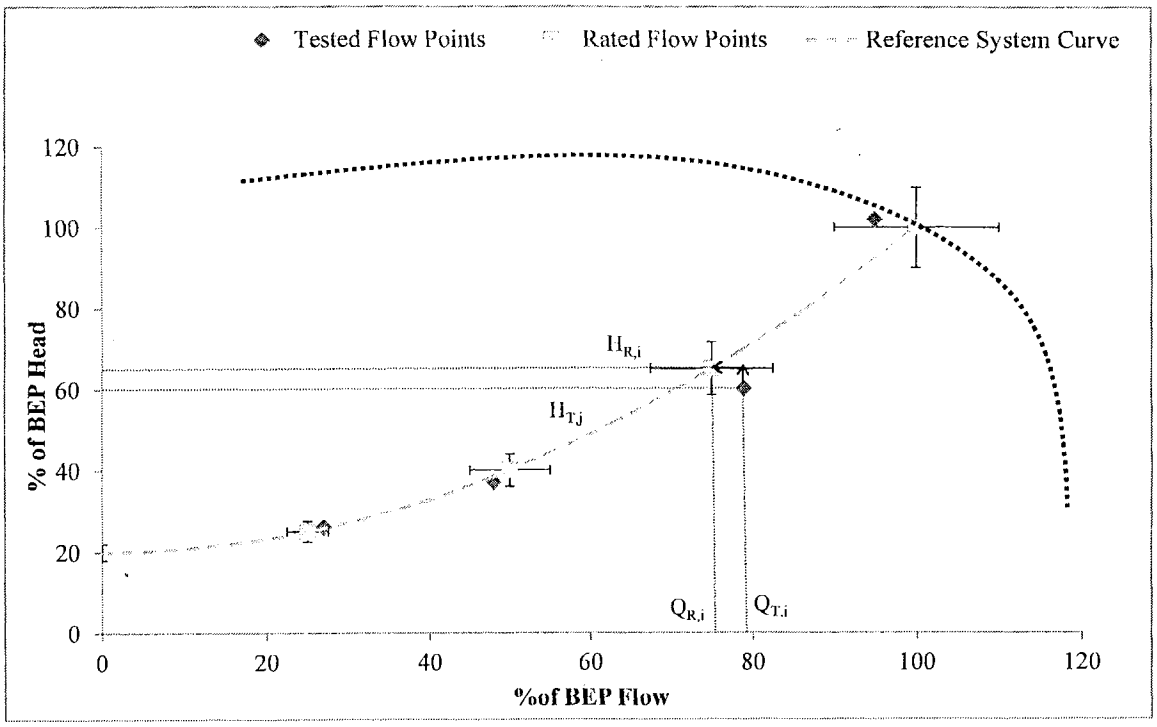

Figure III.2 Linear Extrapolation of Tested Pump Shaft Input Power Values at Tested Heat Points to Rated Pump Shaft Input Power Values at Rated Heat Points Based on the Reference System Curve.

In this case, the PER becomes an average of the measured power input to the continuous or non-continuous control at the four specified rating points based on the assumed system curve (as in Test Method C.1), as shown in equation (25):

$$PER_{VL} = \sum_{i=25\%,50\%,75\%,100\%,}(\omega_i P_i^{in}) = \omega_{25\%}\left(P_{25\%}^{in}\right) + \omega_{50\%}\left(P_{50\%}^{in}\right) + \omega_{75\%}\left(P_{75\%}^{in}\right) + \omega_{100\%}\left(P_{100\%}^{in}\right) \quad (25)$$

Where:
ω_i = weighting at each rating point (equal weighting or ¼ in this case),
P_i^{in} = measured or calculated input power to the continuous or non-continuous controls at rating point i, and
i = 25, 50, 75, and 100 percent of BEP flow, as determined in accordance with the DOE test procedure.

Pumps Sold With Motors and Non-Continuous Speed Controls

DOE notes that some pumps are sold with non-continuous controls, such as multi-speed motors with two or three discrete speed options. Pumps with these types of non-continuous controls are not able to use the calculation-based test method C.1 because they are not able to follow the reference system curve described in section III.E.1.c. For example, in the case of a pump sold with a two-speed motor, the pump will operate at full speed (*i.e.,* the rated speed) for some of the flow points and reduced speed at the other flow points, as shown in Figure III.3. Which points are operated at full speed and which points are operated at reduced speed will depend on the turn-down ratio of the non-continuous control.[51]

[51] The turn-down ratio of a non-continuous control, such as a multi-speed motor, is generally defined as the ratio of the maximum speed of rotation (or speed of rotation at full speed) to the speed of rotation at the discrete lower speeds available on the control. For example, a motor with a speed of rotation at full speed of 3600 rpm and ''low speed'' of rotation of 1800 rpm would have a turn-down ration of 2:1.

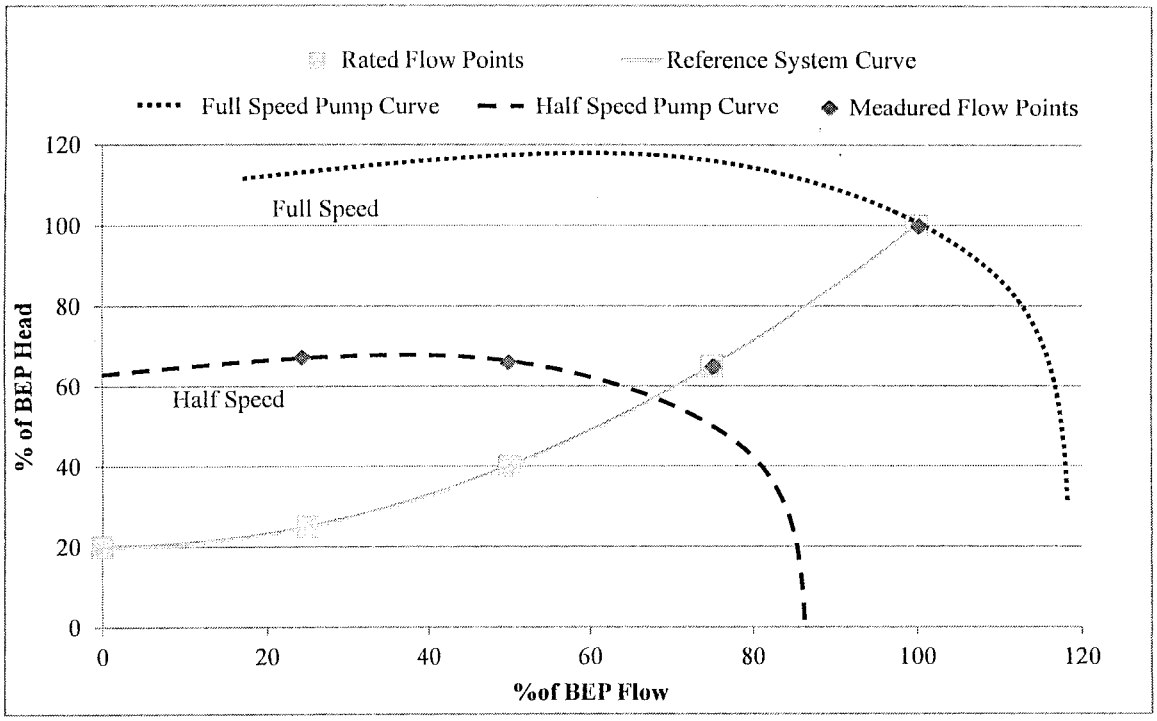

Figure III.3. Test Points Compared to Reference System Curve and Full Speed Pump Curve for a Theoretical Two-Speed Motor.

For these types of pumps sold with non-continuous controls, DOE proposes that the testing-based method found in HI 40.6–2014 be modified slightly to accommodate the operation of non-continuous controls and representatively account for their impact on pump energy performance. DOE proposes that for pumps sold with a motor and non-continuous controls, the input power to the pump at 25, 50, 75, and 100 percent of BEP flow be determined in the same manner as that for pumps sold with continuous controls described in section III.E.2.c, except that the head associated with each of the specified flow points does not have to be achieved within 10 percent of the specified head, as described by the reference system curve—only the flow rate would need to be achieved within 10 percent of the specified value. DOE proposes to require that the measured total head corresponding to the 25, 50, 75 and 100 percent of BEP flow points be no lower than 10 percent below that defined by referenced system curve. That is, the associated total head may be anywhere in the region between the reference system curve and the full speed pump curve. In this case, the measured head and flow rate should not be corrected to the reference system curve. Instead, the measured points should be used directly in further calculations of PEI_{VL}.

The presence of continuous or non-continuous controls will positively impact the PEI_{VL} rating (*i.e.,* it will go down) due to decreased power consumption at part load rating points, as discussed previously. The PEI_{VL} determined using this testing-based method will representatively capture the improved performance of pumps sold with motors and continuous or non-continuous controls. This proposed method can be applied to any pumps sold with continuous or non-continuous controls, but would be the only applicable method when calculation method C.1 is not applicable; namely: (1) Pumps sold with motors that are not covered by DOE's energy conservation standards for electric motors (except submersible motors) and continuous controls and (2) pumps sold with any motors and non-continuous controls.

In addition, the proposed testing-based method for pumps sold with motors and continuous controls will allow for more accurate differentiation of the variable performance of different continuous control technologies that cannot be adequately captured in the calculation-based method for pumps sold with regulated motors and continuous controls.

DOE requests comment on the proposed testing-based method for pumps sold with motors and continuous or non-continuous controls.

DOE requests comment on the proposed testing-based method for determining the input power to the pump for pumps sold with motors and non-continuous controls.

DOE requests comment on any other type of non-continuous control that may be sold with a pump and for which the proposed test procedure would not apply.

3. Applicability of Calculation and Testing-Based Test Methods to Different Pump Configurations

In summary, Table III.9 outlines which test methods would apply to which pump configurations under this proposal.

TABLE III.9—APPLICABILITY OF CALCULATION-BASED AND TESTING-BASED TEST PROCEDURE OPTIONS BASED ON PUMP CONFIGURATION

Pump configuration	Pump sub-configuration	Calculation-based test method	Testing-based test method
Bare Pump	Bare Pump	A.1: Tested Pump Efficiency of Bare Pump + Default Motor Efficiency + Default Motor Part Load Loss Curve.	Not Applicable.
Pump + Motor	Pump + Motor Covered by DOE's Electric Motor Energy Conservation Standards OR Pump + Submersible Motor.	B.1: Tested Pump Efficiency of Bare Pump + Motor Nameplate Efficiency for Actual Motor Paired with Pump + Default Motor Part Load Loss Curve.	B.2: Tested Wire-to-Water Performance.
	Pump + Motor Not Covered by DOE's Electric Motor Energy Conservation Standards (Except Submersible Motors).	Not Applicable	B.2: Tested Wire-to-Water Performance.
Pump + Motor + Speed Controls.	Pump + Motor Covered by DOE's Electric Motor Energy Conservation Standards + Continuous Control OR Pump + Submersible Motor + Continuous Control.	C.1: Tested Pump Efficiency of Bare Pump + Motor Nameplate Efficiency for Actual Motor Paired with Pump + Default Motor/Control Part Load Loss Curve + Assumed System Curve.	C.2: Tested Wire-to-Water Performance.
	Pump + Motor Covered by DOE's Electric Motor Energy Conservation Standards + Non-Continuous Control OR Pump + Submersible Motor + Non-Continuous Control.	Not Applicable	C.2: Tested Wire-to-Water Performance.
	Pump + Motor Not Covered by DOE's Electric Motor Energy Conservation Standards (Except Submersible Motors) + Continuous or Non-Continuous Controls.	Not Applicable	C.2: Tested Wire-to-Water Performance.

For bare pumps, DOE is proposing to establish the calculation approach as the default test procedure (method A.1, which is discussed in section III.E.1.a). Testing-based methods would not apply to bare pumps because a PEI rating (which includes the efficiency of the motor) could not be determined based on a test of the bare pump alone.

For pumps sold with motors that are either regulated by DOE's electric motor standards or are submersible motors, DOE is proposing to also allow the use of the applicable calculation-based method (B.1, discussed in section III.E.1.b) or the testing-based method (B.2, discussed in section III.E.2.b).

For pumps sold with motors that are not regulated by DOE's electric motor standards (except for submersible motors), DOE proposes to require use of the testing-based method B.2, discussed in section III.E.2.b, because the nominal full load efficiency of the motor, as determined using a specific standardized procedure, is not available for those motors.

For pumps sold with continuous control-equipped motors that are either (a) regulated by DOE's electric motor standards for electric motors or (b) submersible motors, DOE proposes to allow use of either the applicable calculation-based method (Method C.1, discussed in section III.E.1.c) or the testing-based method (Method C.2, discussed in section III.E.2.c).

For pumps sold with non-continuous control-equipped motors that are either (a) regulated by DOE's electric motor standards for electric motors or (b) submersible motors, as defined in section III.E.1.c, the calculation-based method C.1 would not be applicable because these controls are not able to follow the reference system curve described in section III.E.1.c. As such, pumps sold with non-continuous controls would also have to be tested using the testing-based method C.2 under this proposal.

For pumps sold with motors not regulated by DOE's electric motor standards (excluding submersible motors) that are equipped with either continuous or non-continuous controls, DOE notes that the proposed calculation-based methods would also not apply, just as they do not apply to pumps sold with non-continuous controls. Thus, DOE proposes that such pumps would need to be evaluated using the testing-based method C.2 discussed in section III.E.2.c.

DOE's proposed applicability of testing-based and calculation-based test methods, as shown in Table III.9, is intended to maximize the number of pumps that can be rated using the less burdensome calculation-based methods A.1, B.1, and C.1.

In the case of a pump sold with a continuous or non-continuous controlled motor that is either (a) regulated by DOE's electric motor standards or (b) a submersible motor, DOE proposes to allow use of either the calculation-based test method or the testing-based test method when determining the efficiency rating. In this case, if a manufacturer wishes to represent the improved performance of a given pump and believes that the assumptions made in the calculation method would not adequately represent the improved performance of that pump, the manufacturer may use the testing-based methods to rate the PEI_{CL} or PEI_{VL} of that pump model to capture the improved performance of the pump as tested. For example, such improved performance could be due to increased motor efficiency (decreased losses) at part load. DOE notes that this is particularly important for pumps sold with motors and continuous controls, since DOE is only assuming a single system performance curve to represent all applicable continuous controls, as described in section III.E.1.c, and the testing-based method may provide an opportunity for manufacturers to differentiate the performance of

different continuous or non-continuous control technologies.

DOE has designed the calculation-based approach to be conservative (through the assumed motor loss curve and assumed default motor efficiencies) to allow for comparability between the calculation-based and testing-based methods for pumps paired with continuous controls for motors that are (1) regulated by DOE's electric motor standards or (2) submersible motors. However, DOE notes that, since the actual measured efficiency of any single motor could be higher or lower than the nominal full load efficiency ratings assigned to that basic model of motor, it is possible for a given pump to be tested with a motor that is more or less efficient than its nameplate efficiency. Therefore, it is theoretically possible for the calculation-based method B.1 to generate ratings that are better or worse than the testing-based method B.2 based solely on the performance of the motor. To address this possibility, DOE proposes that, when performing enforcement testing, it would use the same test method (*i.e.,* calculation-based or testing-based) used by the manufacturer to generate and report the rating.

DOE requests comment on its proposal to establish calculation-based test methods as the required test method for bare pumps and testing-based methods as the required test method for pumps sold with motors that are not regulated by DOE's electric motor energy conservation standards, except for submersible motors, or for pumps sold with any motors and with non-continuous controls.

DOE also requests comment on the proposal to allow either testing-based methods or calculation-based methods to be used to rate pumps sold with continuous control-equipped motors that are either (1) regulated by DOE's electric motor standards or (2) submersible motors.

DOE requests comment on the level of burden in include with any certification requirements the reporting of the test method used by a manufacturer to certify a given pump basic model as compliant with any energy conservation standards DOE may set.

F. Representations of Energy Use and Energy Efficiency

As noted previously, manufacturers of any pumps within the scope of the pump test procedure would be required to use the test procedure established through this rulemaking when making representations about the energy efficiency or energy use of their equipment. Specifically, 42 U.S.C. 6314(d) provides that ''[n]o manufacturer . . . may make any representation . . . respecting the energy consumption of such equipment or cost of energy consumed by such equipment, unless such equipment has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.'' Manufacturers of equipment that would be addressed by this test procedure and any applicable standards that DOE may set would have 180 days after the promulgation of those standards to begin using the DOE procedure. Performing this test procedure for pumps requires a key component (C-value) that will be addressed through the standards rulemaking for pumps. (As noted earlier, DOE is working on a parallel rulemaking to set these standards.) Because of this dependency, in DOE's view, the 180-day provision prescribed by 42 U.S.C. 6314(d) would necessarily apply only when both the test procedure and standards rules have been finalized. Accordingly, under this approach, manufacturers would not be required (nor would they be able) to use the proposed procedure until standards have been set.

With respect to representations, generally, DOE understands manufacturers often make representations (graphically or in numerical form) of energy use metrics, including pump efficiency, overall (wire-to-water) efficiency, bowl efficiency, driver power input, pump power input (brake or shaft horsepower), and/or pump power output (hydraulic horsepower). Manufacturers often make these representations at multiple impeller trims, operating speeds, and number of stages for a given pump. DOE proposes to allow manufacturers to continue making these representations.

Any representations of PEI and PER must be made in accordance with the DOE test procedure, and there may only be one PEI or PER representation for each basic model. In other words, representations of PEI and PER that differ from the full impeller PEI and PER cannot be made at alternate speeds, stages, or impeller trims. Additionally, if the PEI and PER for a basic model is rated using any method other than method A.1, ''bare pump with default motor efficiency and default motor part load loss curve,'' such a basic model may not include individual models with alternate stages or impeller trims.

If a manufacturer wishes to make unique representations of PEI or PER based on a trimmed impeller, DOE proposes that the manufacturer must certify the trimmed impeller as a separate basic model. In such a case, the ''trimmed impeller'' being rated would become the full impeller for the new basic model, or the maximum diameter impeller distributed in commerce for that pump model (see section III.A.1.c).

G. Sampling Plans for Pumps

DOE provides in subpart B to 10 CFR part 429 sampling plans for all covered equipment. The purpose of these sampling plans is to provide uniform statistical methods for determining compliance with prescribed energy conservation standards and when making representations of energy consumption and energy efficiency for each covered equipment type on labels and in other locations such as marketing materials. DOE proposes to adopt for pumps the same statistical sampling plans used for other commercial and industrial equipment. These requirements would be added to 10 CFR Part 429.

Under this proposal, for purposes of certification testing, the determination that a basic model complies with the applicable energy conservation standard would be based on testing conducted using the proposed DOE test procedure and sampling plan. The general sampling requirement currently applicable to all covered products and equipment provides that a sample of sufficient size must be randomly selected and tested to ensure compliance and that, unless otherwise specified, a minimum of two units must be tested to certify a basic model as compliant. 10 CFR 429.11 This minimum is implicit in the requirement to calculate a mean—an average—which requires at least two values.

DOE proposes to apply this minimum requirement to pumps. Thus, under no circumstances would a sample size of one be authorized for the purposes of determining compliance with any prescribed energy conservation standards or for making representations of energy use of covered pumps. Manufacturers may need to test a sample of more than two units depending on the variability of their sample, as provided by the statistical sampling plan.

DOE is also proposing to create a new section 10 CFR 429.59 for commercial and industrial pump certification that would include sampling procedures and certification report requirements for pumps. DOE proposes to adopt in 10 CFR 429.59 the same statistical sampling procedures that are applicable to many other types of commercial and industrial equipment. DOE believes equipment variability and measurement

repeatability associated with the measurements proposed for rating pumps are similar to the variability and measurement repeatability associated with energy efficiency or consumption measurement required for other commercial equipment.

DOE is proposing to determine compliance in an enforcement matter based on the arithmetic mean of a sample not to exceed four units.

DOE requests comment on the proposed sampling plan for certification and enforcement of compliance for commercial and industrial pumps.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed today's proposed rule, which would establish new test procedures for pumps, under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE tentatively concludes that the proposed rule, if adopted, would result in a significant impact on a substantial number of small entities. The factual basis is set forth below.

1. Small Business Determination

For the industrial pump manufacturing industry, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purpose of the statute. DOE used the SBA's size standards to determine whether any small entities would be required to comply with the rule. The size standards are codified at 13 CFR part 121. The standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *http://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.* Industrial pump manufacturers are classified under NAICS 333911, ''Pump and Pumping Equipment Manufacturing.'' The SBA sets a threshold of 500 employees or less for an entity to be considered as a small business for this category.

DOE conducted a focused inquiry into small business manufacturers of equipment covered by this rulemaking. During its market survey, DOE used available public information to identify potential small manufacturers. DOE's research involved the review individual company Web sites and marketing research tools (*e.g.,* Dun and Bradstreet reports, Manta, Hoovers) to create a list of companies that manufacture pumps covered by this rulemaking. DOE also contacted the Hydraulic Institute to obtain information about pump manufacturing companies that participate in the national association. Using these sources, DOE identified 68 distinct manufacturers of pumps. DOE requests comment regarding the size of pump manufacturing entities and the number of manufacturing businesses represented by this market.

DOE then reviewed these data to determine whether the entities met the SBA's definition of a small business manufacturer of pumps and then screened out companies that do not offer equipment covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated. Based on this review, DOE has identified 38 companies that would be considered small manufacturers by the SBA definition, which represents approximately 33 percent of pump manufacturers with facilities in the United States, as identified by DOE. Fourteen of the 38 manufacturers that qualify as being a small business were found to be foreign owned or operated, leaving 25 small businesses in the analysis. These 25 companies represent 29 percent of pump manufacturers with facilities in the United States.

Table IV.1 groups the small businesses according to their number of employees. The majority of the small businesses affected by this rulemaking (60 percent) have fewer than 100 employees. According to DOE's analysis, annual sales associated with these small manufacturers were estimated at $1.09 billion ($43.97 million average annual sales per small manufacturer), which represents less than one percent of total industrial pump manufacturer annual sales. Although $1.09 billion in annual sales by the industry and over $43.97 million per small manufacturer are significant in many markets, many industrial and commercial pump manufacturers are large, multi-national companies, with annual sales ranging between a few million to over a trillion dollars.

TABLE IV.1—SMALL BUSINESS SIZE BY NUMBER OF EMPLOYEES WITH FINANCIAL DATA

Number of employees	Number of small businesses	Percentage of small businesses	Cumulative percentage	Average annual sales ($M)
1–25	4	16.0	16.0	$4.97
26–50	5	20.0	36.0	6.56
51–100	6	24.0	60.0	17.90
101–200	5	20.0	80.0	38.05
201–500	5	20.0	100.0	104.29
Total	25	100.0	100.0	34.74

2. Assessing the Number of Basic Models per Manufacturer

The proposed test procedure would impact manufacturers by requiring them to test the energy consumption of certain models of pumps they manufacture. As such, DOE conducted a focused inquiry into the number of basic models manufactured by large and small business in order to determine whether small business would be disproportionally impacted compared to large manufacturers. DOE used the definition of basic model and the scope of pumps proposed in section III.A as the basis for its inquiry into the number of pump models manufactured per company. Small manufacturers of pumps produce an average of 41 basic models per company covered under this scope.

DOE notes that this estimate is based on the number of different bare pump models manufactured by a specific company because often information was not available regarding the number and type of motor or control options with which a pump could be sold. As such, DOE acknowledges that this estimate of basic models may be an under estimate. However, DOE also notes that, based on its research, pumps are often distributed in commerce as a bare pump, with different motors, continuous controls, and non-continuous controls offered as add-on options. As such, based on the proposed test procedure, only physical testing of the fundamental bare pump would be required under DOE's proposed test. Subsequent ratings when the pump is sold either with a motor or with a motor and continuous or non-continuous controls could be developed based on calculations with no additional testing if the motor is covered by DOE's energy conservation standards for electric motors and the control is a continuous control.

DOE notes that the vast majority of pumps that are sold with motors are sold with motors that are covered by DOE's electric motor energy conservation standards. This understanding was confirmed by discussions of the CIP Working Group. (Docket No. EERE–2013–BT–NOC–0039, No. 09 at p. 57) Based on a review of industry literature, DOE also finds that almost all controls available to be paired with pumps are VSD controls and would meet DOE's proposed definition of continuous control and, thus, the calculation method would be applicable.

As discussed in more detail in the following, physical testing of each pump is by far the more burdensome and costly part of conducting the DOE test procedure, and any subsequent calculations should not significantly affect the burden associated with conducting DOE's proposed test procedure. Therefore, DOE acknowledges that, while different configurations of a bare pump, motor, and/or control may represent several basic models, estimating the burden associated with rating those models will be fundamentally based on the physical testing that must be performed on only the underlying bare pump, for most pumps. Therefore, DOE believes that calculating the burden of testing based on the number of bare pump models offered by a manufacturer is a reasonable and representative estimate of the burden associated with establishing a rating for the entire family, or group, or pump models that might be based on the individual bare pump. DOE notes that physical testing of the bare pump is commonly performed to describe pump performance information in manufacturer's literature. However, it is not clear that all pump manufacturers have facilities capable of performing in accordance with the DOE test procedure. As such, DOE has conservatively assumed that manufacturers would have to make a decision to incur the burden of constructing a test facility in order to perform the proposed DOE test procedure or conduct the testing a third party laboratory, as discussed further in section IV.B.3. DOE does not expect that every pump manufacturer will incur the cost as estimated in this IRFA given that many of the manufacturers are already testing and making representations of the bare pump efficiency.

DOE requests information on the percentage of pump models for which the rating of the bare pump, pump sold with a motor, and pump sold with a motor and controls cannot be based on the same fundamental physical test of the bare pump. For example, DOE is interested in the number of pump models sold with motors that are not covered by DOE's energy conservation standards for electric motors or the number of pump models sold with controls that would not meet DOE's definition of continuous control.

3. Burden of Conducting the Proposed DOE Pump Test Procedure

Pumps would be newly regulated equipment; accordingly, DOE has no test procedures or standards for this equipment. As such, this proposal would apply a uniform test procedure for those pumps that would be required to be tested and an accompanying burden on the manufacturers of those pumps. As discussed in the proposed sampling provisions in section III.F, this test procedure would require manufacturers to test at least two units of each pump basic model to develop a certified rating.

DOE notes that certification of covered pump models is not currently required because energy conservation standards do not exist for pumps. However, EPCA also requires that manufacturers use the DOE test procedure to make representations regarding energy efficiency or energy use based on the DOE test procedure for any covered pump models. For the purposes of this IRFA, DOE estimates that each manufacturer would rate each basic model of covered pump in order to make representations about a given basic model. Thus, the testing burden associated with this test procedure NOPR is similar regardless of whether standards apply. The potential difference between these cases, as discussed below, is any burden associated specifically with creating and maintaining certification reports to demonstrate compliance with any energy conservation standards for pumps.

DOE recognizes that making representations regarding the energy efficiency or energy use of covered pump models is voluntary and thus, technically, the proposed test procedure does not have any incremental burden associated with it, unless DOE establishes energy conservation standards. If necessary, a manufacturer could elect to not make representations about the energy use of covered pump models. Since certification is not currently required because there are no pump energy conservation standards, manufacturers would not be required to conduct testing in accordance with this proposed test procedure and, thus, would not incur any incremental burden associated with such testing. However, DOE realizes that manufacturers often provide information about the energy performance of the pumps they manufacture since this information is an important marketing tool to help distinguish their pumps from competitor offerings. In addition, DOE recognizes that pump energy conservation standards are currently being considered in an associated rulemaking (Docket No. EERE–2011–BT–STD–0031) and may be proposed or promulgated in the near future. Therefore, DOE is estimating the full burden of developing certified ratings for covered pump models for the purposes of making representations regarding the energy use of covered

equipment or certifying compliance to DOE under any future energy conservation standards.

DOE expects that in order to determine the pump performance of any covered pump models for the purposes of making representations or certifying compliance with under any future energy conservation standards for pumps, each manufacturer would have to either (a) have the units tested in-house or (b) have the units tested at a third party testing facility. If the manufacturer elects to test pumps in-house, each manufacturer would have to undertake the following burden-inducing activities:

(1) construct and maintain a test facility that is capable of testing pumps in compliance with the test procedure, including acquisition and calibration of any necessary measurement equipment, and

(2) conduct the DOE test procedure on two units of each covered pump model.

DOE recognizes that many pump manufacturers already have pump test facilities of various types and conduct pump testing as part of an existing manufacturing quality control process, to develop pump performance information for new and existing products, and to demonstrate the performance of specific pump units for customers. However, DOE recognizes that, as such testing is not currently required or standardized, testing facilities may vary widely from one pump manufacturer to another. As such, for the purposes of estimating testing burden associated with this test procedure NOPR, DOE has estimated the burden associated with a situation where a given pump manufacturer does not have existing test facilities at all and would be required to construct such facilities to test equipment in accordance with any test procedure final rule. This is the most burdensome assumption.

DOE requests comment on the testing currently conducted by pump manufacturers and the magnitude of incremental changes necessary to transform current test facilities to conduct the DOE test procedure as proposed in this NOPR.

The proposed test procedure would require manufacturers to conduct the calculation-based method or the testing-based method, depending on the type and configuration of pump being tested. As discussed in section III.E.1, DOE is proposing the less burdensome calculation-based test methods as the required test method for bare pumps and pumps sold with motors that are covered by DOE's electric motor energy conservation standards.

In contrast, DOE is proposing to require that manufacturers use a testing-based method where pumps are sold either with motors that are not covered by DOE's electric motor energy conservation standards or with non-continuous controls. For pumps sold with motors that are covered by DOE's electric motor energy conservation standards and continuous controls, DOE is proposing to allow either testing-based methods or calculation-based methods be used to rate such equipment.

Both the calculation-based method and the testing-based method would require physical testing of pumps at some level and, as such, would utilize a similar basic testing facility. To collect information on constructing a testing facility capable of performing the proposed DOE test procedure on the proposed scope of covered equipment, DOE utilized estimates from pump testing facilities and conversations with pump testing personnel.

4. Capital Expense Associated with Constructing a Pump Testing Facility

From these sources, DOE estimates that the testing facility would need to be configured with 100 to 280 feet of stainless steel pipe of 6 to 8 inches in diameter. DOE estimates that this configuration, including its respective fittings and valves, would cost between $17,000 and $100,000 to construct, based on cost data from RS Means.[52] DOE estimates that the testing configuration would also include a double wall steel water reservoir that holds up to 6,000 gallons for smaller pipe configurations and a 30,000 gallon reservoir for larger pipe configurations, which would cost between $21,000 and $70,000 based on RS Means cost data.

The test platform of the facility could use a variety of devices to operate the bare pump. For example, a dynamometer can be used to simultaneously drive and measure the torque and rotating speed of the pump, the bare pump could be driven by a calibrated motor, or the pump could be driven by a non-calibrated motor with independent measurement of speed and torque. For testing of a pump and motor or pump, motor, and control, a separate drive system would not be necessary.

In this analysis, DOE assumed that such a facility would use a VFD and a motor to enable each pump to be analyzed for energy consumption. DOE believes that this is likely to be the most common and cost-effective approach for determining the energy consumptions of bare pumps. DOE estimates that the VFD, rated up to 250 horsepower in accordance with the scope of this rulemaking, would cost approximately $18,000 based on estimates obtained from retailers.

DOE requests comment on its assumption that using a non-calibrated test motor and VFD would be the most common and least costly approach for testing bare pumps in accordance with the proposed DOE test procedure.

During testing, each pump is matched to an appropriately sized motor to drive the pump along at least seven points from 40 to 120 percent of the expected BEP flow of the pump on the pump performance curve. To test the full range of pumps covered in the scope of this standard, DOE estimates that a minimum of four motors would be necessary.

The motors would have to be sized based upon the range of pumps, which vary between 1 and 200 horsepower, to ensure that the pairing lowers the part load motor losses. These properly sized motors would be between 5 and 250 hp, and the combined cost of the motors ranges between $20,000 and $66,000.

To measure energy consumption, measurements of head, pump rotating speed, flow rate, and either electrical power or torque would be necessary. DOE estimates that the total cost of this measurement equipment would be between $15,000 and $33,000.

DOE estimates that building a testing facility capable of testing the range of pumps covered in the standard would cost approximately $91,000 to $277,000 per manufacturer.

DOE requests comment on the estimates of materials and costs to build a pump testing facility as presented.

DOE estimates that a majority of pumps are sold with motors that are covered under the current DOE motor standard or submersible motors and have been rated and, if equipped with controls, would use continuous controls. Under the proposed test procedure, DOE would not require these configurations of pumps and motors to be tested using the wire-to-water test, but would allow manufacturers the option to conduct the wire-to-water test.

All pumps sold with motors that are not covered by DOE's electric motor energy conservation standards would be required to conduct the wire-to-water test. The proposed wire-to-water test would utilize the basic test lab setup described above without the standard four test motors, but would require additional instrumentation to measure power into and out of the motor or VFD, as described in section III.C.2.e. DOE estimates the instrumentation required

[52] R.S. Means Company, Inc. *2013 RS Means Electrical Cost Data.* 2013. Kingston, MA.

to measure electrical input power in a wire-to-water test or when testing with a calibrated motor would add approximately $2,000 to the cost of the test lab set up.

DOE understands that the characteristics of the power supplied to the test facility may impact the results of testing the controls in the system. However, DOE is not incorporating the testing or correction of power quality in the burden estimate presented in this NOPR because DOE could not identify reliable or consistent estimates for the cost of maintaining the proposed power supply requirements discussed in section III.C.2.a above. These factors, taken together, would result in a testing facility capable of conducting the wire-to-water test that costs between $72,000 and $213,000.

DOE requests comment on the test facility description and measurement equipment assumed in DOE's estimate of burden.

DOE requests comment and information regarding the burden associated with achieving the power quality requirements proposed in the NOPR.

DOE amortized the cost of building the testing facility based on loan interest rates and product lifetimes gathered in manufacturer surveys. The average interest rate for business loans reported by manufacturers was 11.8 percent, based on feedback obtained during preliminary analysis interviews for the standards rulemaking. DOE used a loan period of 7 years based on the assumption that the machinery qualifies for a 7-year depreciation schedule under the Modified Accelerated Cost Recovery System (MACRS).[53] The total annual payment for financing a test facility with these assumptions will be between $19,000 and $59,000 for the basic testing facility capable of conducting the calculation-based method. The total annual payment for financing for a test facility capable of conducting the alternative testing-based method would be between $15,000 and $45,000.

5. Recurring Burden Associated With Ongoing Testing Activities

In addition to the capital expenses associated with acquiring the appropriate equipment and facilities to conduct testing, manufacturers would incur recurring burden associated with maintaining the test facility and conducting each pump test. Each testing facility would need to calibrate the instrumentation used in the test loop as specified in HI 40.6–2004 appendix D. The flowmeter, torque sensor, and power quality meter all should be calibrated once a year. The pressure transducer should be calibrated every 4 months and a laser tachometer should be calibrated every 3 years. These calibrations, together, cost a testing facility about $1,241.67 per year to calibrate.

Both methods of the proposed test procedure would require test personnel to set up, conduct, and remove each pump in accordance with that procedure. Based on conversations with test engineers, DOE estimates it would take between 1 and 2 hours of an engineer's time to complete the test procedure per model tested, which would result in a cost of $53.87 to $107.74 per model based on an engineer's labor rate of $53.87 per hour. DOE estimates that setting up and removing the pumps from the test stand would require 2 to 6 hours of the engineer's time depending on the size of the pump and any other fittings that need to be configured to enable testing, resulting in a cost between $107.74 to $323.22 per model based on the labor rate of $53.87 per hour for an engineer. The total cost of testing a pump, including setup, tests, and takedown ranges between $161.61 and $430.96 per model. DOE estimates that the time required to conduct the calculation-based method of test would be the same as the time required to conduct the wire-to-water test.

As described earlier, the proposed default calculation-based method, using the basic test facility set up, would require testing each bare pump model. The test results from that rated bare pump could then be used in subsequent calculations to determine certified ratings for that pump when sold as a bare pump, with a motor that is covered by DOE's energy conservation standards for electric motors, or with a covered motor and continuous controls. However, for pumps sold with motors not certified to the DOE motor standard or with non-continuous controls, manufacturers would be required to conduct the wire-to-water test on each pump model in a test facility with additional electrical instrumentation, as described previously. Manufacturers conducting the wire-to-water tests on their equipment would need to test each pump and motor combination, which may incur a higher burden than the default calculation-based method.

As previously discussed, DOE's estimate of burden for rating pump models covered by the proposed DOE test procedure is based on the assumption that the majority of covered pump models will be able to use the calculation-based method and same fundamental bare pump test to certify a given pump in the bare pump, pump sold with a motor, or pump sold with a motor and controls configurations. DOE notes that the wire-to-water test would be available as an option for these pump models, but would not be required. DOE acknowledges that some pump models, such as pumps sold with motors that are not covered by DOE's energy conservation standards for electric motors or submersible motors and pumps sold with motors and non-continuous controls, would be required to use the wire-to-water test procedure proposed in section III.E.2. However, based on DOE's research, very few pump models will be required to use these methods.

DOE requests comment on the number of pump models per manufacturer that would be required to use the wire-to-water test method to certify pump performance.

6. Cumulative Burden

These costs, taken together, would result in an additional burden for manufacturers conducting the DOE test procedure from the construction of a testing facility and the requirement to test all pumps under the scope of the proposed test procedure. Fifteen of 25 small manufacturers identified in DOE's initial survey of manufacturers produce pumps that fall within the scope of this rulemaking and would be required to perform testing; the other 10 produce pump types that are not within the scope of pumps for which the proposed test procedure is applicable (see section III.A).

The burden of building a testing facility and testing pumps varied across small manufacturers. The lowest burden estimate is approximately $61,000 in the first year and the highest burden experienced in the first year is estimated to be around $221,000 for small manufacturers affected by the rule. Table IV.2 presents the small manufacturers stratified by employee size and shows the average burden estimated for each employee bin size as a percentage of average annual sales.

[53] Department of the Treasury, Internal Revenue Service. *How to Depreciate Property.* IRS Pub. 926.

TABLE IV.2—SMALL BUSINESS SIZE WITH PUMPS IN SCOPE OF RULEMAKING BY NUMBER OF EMPLOYEES WITH ESTIMATED BURDEN

Number of employees	Number of small businesses	Average number of basic models	Average annual sales ($M)	Average estimated burden (% of sales)
1–50	8	20	6.3	2.55
51–100	2	48	16.7	0.60
101–500	5	78	90.9	0.36

The burden estimates were based on annual sales data gathered in the manufacturer surveys, company Web sites, and marketing research tools. Total revenue for businesses was not used because data for all relevant companies were not publicly available. Annual average value added was another financial indicator investigated for the burden analysis. This indicator was not utilized because the value added pooled companies that manufacture other commodities and was not found to be representative of the pump manufacturing industry.

DOE requests comment on the use of annual sales as the financial indicator for this analysis and whether another financial indicator would be more representative to assess the burden upon the pump manufacturing industry.

As the number of employees increases, the average estimated burden, as a percentage of average annual sales, decreases. The average number of basic models is highest for small manufacturers with 51–100 employees; however, the average annual sales were a much larger factor in determining the average burden than the number of basic models per manufacturer.

For the 15 small manufacturers that produce pumps within the scope of the rulemaking, the average burden is estimated to be 1.56 percent of their average annual sales. Based on the burden estimates described herein, 3 of the 15 manufacturers would incur a burden of over 2 percent of their annual sales if the maximum burden is applied. The other 12 companies have an average estimated burden of 0.63 percent of annual sales.

Based on the estimates presented, DOE believes that the proposed test procedure amendments may have a significant economic impact on a substantial number of small entities, and the preparation of a final regulatory flexibility analysis may be required. DOE will transmit the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

DOE requests comment on its conclusion that the proposed rule may have a significant impact on a substantial number of small entities. DOE is particularly interested in feedback on the assumptions and estimates made in the analysis of burden associated with implementing the proposed DOE test procedure.

C. Review Under the Paperwork Reduction Act of 1995

All collections of information from the public by a Federal agency must receive prior approval from OMB. DOE has established regulations for the certification and recordkeeping requirements for covered consumer products and industrial equipment. 10 CFR part 429, subpart B. DOE published a notice of public meeting and availability of the framework document considering energy conservation standards for pumps on February 1, 2013. 78 FR 7304. In an application to renew the OMB information collection approval for DOE's certification and recordkeeping requirements, DOE included an estimated burden for manufacturers of pumps in case DOE ultimately sets energy conservation standards for this equipment. OMB has approved the revised information collection for DOE's certification and recordkeeping requirements. 80 FR 5099 (January 30, 2015). DOE estimated that it will take each respondent approximately 30 hours total per company per year to comply with the certification and recordkeeping requirements based on 20 hours of technician/technical work and 10 hours clerical work to actually submit the Compliance and Certification Management System templates. This rulemaking would include recordkeeping requirements on manufacturers that are associated with executing and maintaining the test data for this equipment. DOE notes that the certification requirements would be established in a final rule establishing energy conservation standards for pumps. DOE recognizes that recordkeeping burden may vary substantially based on company preferences and practices.

DOE requests comment on the burden estimate to comply with the proposed recordkeeping requirements.

DOE also generally notes that notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

D. Review Under the National Environmental Policy Act of 1969

In this proposed rule, DOE is proposing a test procedure for pumps that will be used to support the upcoming pumps energy conservation standard rulemaking. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this proposed rule considers a test procedure for a pump that is largely based upon industry test procedures and methodologies resulting from a negotiated rulemaking, so it would not affect the amount, quality or distribution of energy usage, and, therefore, would not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the

necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the equipment that is the subject of today's proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined today's proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed today's proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

DOE has tentatively concluded that today's regulatory action, which would prescribe the test procedure for measuring the energy efficiency of pumps, is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects on the proposed rule.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

The proposed rule incorporates by reference the testing methods contained in HI 40.6–2014, ''Methods for Rotodynamic Pump Efficiency Testing,'' except section 40.6.5.3, ''Test report;'' section A.7, ''Testing at temperatures exceeding
30 °C (86 °F);'' and appendix B, ''Reporting of test results.'' In addition, the NOPR's proposed definitions incorporate by reference the following standards:

(1) Sections 1.1, ''types and nomenclature,'' and 1.2.9, ''rotodynamic pump icons,'' of the 2014 version of ANSI/HI Standard 1.1–1.2, ''Rotodynamic (Centrifugal) Pumps For Nomenclature And Definitions;''

(2) section 2.1, ''types and nomenclature,'' of the 2008 version of ANSI/HI Standard 2.1–2.2, ''Rotodynamic (Vertical) Pumps For Nomenclature And Definitions;''

While today's proposed test procedure is not exclusively based on these industry testing standards, some components of the DOE test procedure would adopt definitions, test parameters, measurement techniques, and additional calculations from them without amendment. The Department has evaluated these industry testing standards and is unable to conclude whether they would fully comply with the requirements of section 32(b) of the FEAA, (*i.e.,* that they were developed in a manner that fully provides for public participation, comment, and review). DOE will consult with the Attorney General and the Chairman of the FTC concerning the impact of this test procedure on competition, prior to prescribing a final rule.

M. Description of Materials Incorporated by Reference

In this NOPR, DOE proposes to incorporate by reference five industry standards related to pump nomenclature, definitions, and specifications, which DOE has referenced in its proposed definitions. These standards include ANSI/HI 1.1–1.2–2014, ''Rotodynamic (Centrifugal) Pumps For Nomenclature And Definitions;'' ANSI/HI 2.1–2.2–2008, ''Rotodynamic (Vertical) Pumps For Nomenclature And Definitions;'' FM Class Number 1319, ''Approval Standard for Centrifugal Fire Pumps (Horizontal, End Suction Type);'' UL Standard 448–2007, ''Centrifugal Stationary Pumps for Fire-Protection Service;'' and NFPA Standard 20–2013, ''Standard for the Installation of Stationary Pumps for Fire Protection.'' These are industry-accepted standards used by pump manufacturers when designing and marketing pumps in North America. The definitions proposed in this NOPR reference specific sections of the HI standards for definitional clarity and the entirety of the NFPA, UL, and FM standards as a basis for scope exclusions. These standards are available through the respective Web sites of each individual organization.

DOE also proposes to incorporate by reference the test standard published by HI titled ''Methods for Rotodynamic Pump Efficiency Testing,'' HI 40.6–2014, with the exception of section 40.6.5.3, ''Test report;'' section A.7, ''Testing at temperatures exceeding 30 °C (86 °F);'' and appendix B, ''Reporting of test results.'' HI 40.6–2014 was developed to support DOE's test procedure development and is heavily based on the industry-accepted test standard ANSI/HI 14.6. The test procedure proposed in this NOPR references nearly the entirety of ANSI/HI 14.6, in regards to test setup, instrumentation, and test conduct. HI 40.6–2014 is available from HI.

V. Public Participation

A. Attendance at Public Meeting

The time, date and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections at the beginning of this notice. If you plan to attend the public meeting, please notify Ms. Brenda Edwards at (202) 586–2945 or *Brenda.Edwards@ee.doe.gov.*

Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures, which require advance notice prior to attendance at the public meeting. Any foreign national wishing to participate in the meeting should advise DOE as soon as possible by contacting *foreignvisit@ee.doe.gov* to initiate the necessary procedures. Please also note that any person wishing to bring a laptop into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes. Persons may also attend the public meeting via webinar.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS), there have been recent changes regarding identification (ID) requirements for individuals wishing to enter Federal buildings from specific States and U.S. territories. As a result, driver's licenses from the following States or territory will not be accepted for building entry, and instead, one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, American Samoa, Arizona, Louisiana, Maine, Massachusetts, Minnesota, New York, Oklahoma, and Washington. Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; an Enhanced Driver's License or Enhanced ID-Card issued by the States of Minnesota, New York or Washington (Enhanced licenses issued by these States are clearly marked Enhanced or Enhanced Driver's License); a military ID or other Federal government-issued Photo-ID card.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/14.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statements For Distribution

Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the public meeting. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, to the appropriate address shown in the **ADDRESSES** section at the beginning of this notice. The request and advance copy of statements must be received at least 1 week before the

public meeting and may be emailed, hand-delivered, or sent by mail. DOE prefers to receive requests and advance copies via email. Please include a telephone number to enable DOE staff to make a follow-up contact, if needed.

C. Conduct of Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. After the public meeting and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will permit, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the public meeting.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the Docket section at the beginning of this notice. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this notice.

Submitting comments via regulations.gov. The regulations.gov Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to regulations.gov information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through regulations.gov cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through regulations.gov before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that regulations.gov provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked confidential including all the information commented to be confidential, and one copy of the document marked non-confidential with the information commented to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from

other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

(1) DOE requests comment on its proposal to match the scopes of the pump test procedure and energy conservation standard rulemakings, as recommended by the Working Group.

DOE requests comment on the proposed definitions for ''pump,'' ''bare pump,'' ''mechanical equipment,'' ''driver,'' and ''control.''

DOE requests comment on the proposed definitions for ''continuous control'' and ''non-continuous control.''

DOE also requests comment and information regarding how often pumps with continuous or non-continuous controls are packaged and distributed in commerce, by manufacturers, with integrated sensors and feedback logic that would allow such pumps to automatically actuate.

DOE also requests comment on the likelihood of pumps with continuous and non-continuous controls being distributed in commerce, but never paired with any sensor or feedback mechanisms that would enable energy savings.

DOE requests comment on the proposed definition for ''basic model'' as applied to pumps. Specifically, DOE is interested in comments on DOE's proposal to allow manufacturers the option of rating pumps with trimmed impellers as a single basic model or separate basic models, provided the rating for each pump model is based on the maximum impeller diameter for that model.

DOE requests comment on the proposed definition for ''full impeller.''

DOE requests comment on the proposal to require that all pump models be rated in a full impeller configuration only.

DOE requests comment on any other characteristics of pumps that are unique from other commercial and industrial equipment and may require modifications to the definition of ''basic model,'' as proposed.

DOE requests comment on the proposed applicability of the test procedure to the five pump equipment classes noted above, namely ESCC, ESFM, IL, RSV, and VTS pumps.

DOE requests comment on the proposed definitions for end suction pump, end suction frame mounted pump, end suction close-coupled pump, in-line pump, radially split multi-stage vertical in-line casing diffuser pump, rotodynamic pump, single axis flow pump, and vertical turbine submersible pump.

DOE requests comment on whether the references to ANSI/HI nomenclature are necessary as part of the equipment definitions in the regulatory text, are likely to cause confusion due to inconsistencies, and whether discussing the ANSI/HI nomenclature in this preamble would provide sufficient reference material for manufacturers when determining the appropriate equipment class for their pump models.

DOE requests comment on whether it needs to clarify the flow direction to distinguish RSV pumps from other similar pumps when determining test procedure and standards applicability.

DOE requests comment on whether any additional language is necessary in the proposed RSV definition to make the exclusion of immersible pumps clearer.

DOE requests comment on its proposal to exclude circulators and pool pumps from the scope of this test procedure rulemaking.

DOE requests comment on the proposed definitions for circulators and dedicated-purpose pool pumps.

DOE requests comment on the extent to which ESCC, ESFM, IL, and RSV pumps require attachment to a rigid foundation to function as designed. Specifically, DOE is interested to know if any pumps commonly referred to as ESCC, ESFM, IL, or RSV do not require attachment to a rigid foundation.

DOE requests comment on its initial determination that axial/mixed flow and PD pumps are implicitly excluded from this rulemaking based on the proposed definitions and scope parameters. In cases where commenters suggest a more explicit exclusion be used, DOE requests comment on the appropriate changes to the proposed definitions or criteria that would be needed to appropriately differentiate axial/mixed flow and/or PD pumps from the specific rotodynamic pumps equipment classes proposed for coverage in this NOPR.

DOE requests comment on the proposed definition for ''clean water pump.''

DOE requests comment on its proposal to incorporate by reference the definition for ''clear water'' in HI 40.6–2014 to describe the testing fluid to be used when testing pumps in accordance with the DOE test procedure.

DOE requests comment on the proposed definition for ''fire pump,'' ''self-priming pump,'' ''prime-assisted pump,'' and ''sealless pump.''

Regarding the proposed definition of a self-priming pump, DOE notes that such pumps typically include a liquid reservoir above or in front of the impeller to allow recirculating water within the pump during the priming cycle. DOE requests comment on any other specific design features that enable the pump to operate without manual re-priming, and whether such specificity is needed in the definition for clarity.

DOE requests comment on the proposed specifications and criteria to determine if a pump is designed to meet a specific Military Specification and if Military Specifications other than MIL–P–17639F should be referenced.

DOE requests comment on excluding the following pumps from the test procedure: Fire pumps, self-priming pumps, prime-assist pumps, sealless pumps, pumps designed to be used in a nuclear facility subject to 10 CFR part 50—Domestic Licensing of Production and Utilization Facilities, and pumps meeting the design and construction requirements set forth in Military Specification MIL–P–17639F, ''Pumps, Centrifugal, Miscellaneous Service, Naval Shipboard Use'' (as amended).

DOE requests comment on the listed design characteristics (power, flow, head, design temperature, design speed, and bowl diameter) as limitations on the scope of pumps to which the proposed test procedure would apply.

DOE requests comment on the proposed definition for ''bowl diameter'' as it would apply to VTS pumps.

DOE requests comment on its proposal to test pumps sold with non-electric drivers as bare pumps.

DOE requests comment on its proposal that any pump distributed in commerce with a single-phase induction motor be tested and rated in the bare pump configuration, using the calculation method.

DOE requests comment from interested party on any categories of electric motors, except submersible motors, that: (1) Are used with pumps

considered in this rulemaking and (2) typically have efficiencies lower than the default nominal full load motor efficiency for NEMA Design A, NEMA Design B, or IEC Design N motors.

DOE requests comment on the proposed load points and weighting for PEI_{CL} for bare pumps and pumps sold with motors and PEI_{VL} for pumps inclusive of motors and continuous or non-continuous controls.

DOE requests comments on the proposed PEI_{CL} and PEI_{VL} metric architecture.

DOE requests comment on its proposal to base the default motor horsepower for the minimally compliant pump on that of the pump being evaluated. That is, the motor horsepower for the minimally compliant pump would be based on the calculated pump shaft input power of the pump when evaluated at 120 percent of BEP flow for bare pumps and the horsepower of the motor with which that pump is sold for pumps sold with motors and controls (with or without continuous or non-continuous controls).

DOE requests comment on using HI 40.6–2014 as the basis of the DOE test procedure for pumps.

DOE requests comment on its proposal to not incorporate by reference section 40.6.5.3, section A.7, and appendix B of HI 40.6–2014 as part of the DOE test procedure.

DOE requests comment on its proposal to require that data be collected at least every 5 seconds for all measured quantities.

DOE requests comment on its proposal to allow dampening devices, as described in section 40.6.3.2.2, but with the proviso noted above (*i.e.,* permitted to integrate up to the data collection interval, or 5 seconds).

DOE requests comment on its proposal to require data collected at the pump speed measured during testing to be normalized to the nominal speeds of 1,800 and 3,600.

DOE requests comment on its proposal to adopt the requirements in HI 40.6–2014 regarding the deviation of tested speed from nominal speed and the variation of speed during the test. Specifically, DOE is interested if maintaining tested speed within ±1 percent of the nominal speed is feasible and whether this approach would produce more accurate and repeatable test results.

DOE requests comment on the proposed voltage, frequency, voltage unbalance, total harmonic distortion, and impedance requirements that are required when performing a wire-to-water pump test or when testing a bare pump with a calibrated motor. Specifically, DOE requests comments on whether these tolerances can be achieved in typical pump test labs, or whether specialized power supplies or power conditioning equipment would be required.

DOE requests comment on its proposal to test RSV and VTS pumps in their 3- and 9-stage versions, respectively, or the next closest number of stages if the pump model is not distributed in commerce with that particular number of stages.

DOE requests comment on its proposal to use a linear regression of the pump shaft input power with respect to flow rate at all the tested flow points greater than or equal to 60 percent of expected BEP flow to determine the pump shaft input power at the specific load points of 75, 100, and 110 percent of BEP flow. DOE is especially interested in any pump models for which such an approach would yield inaccurate measurements.

DOE requests comment on its proposal that for pumps with BEP at run-out, the BEP would be determined at 40, 50, 60, 70, 80, 90, and 100 percent of expected BEP flow instead of the seven data points described in section 40.6.5.5.1 of HI 40.6–2014 and that the constant load points for pumps with BEP at run-out shall be 100, 90, and 65 percent of BEP flow, instead of 110, 100, and 75 percent of BEP flow.

DOE requests comment on the type and accuracy of required measurement equipment, especially the equipment required for electrical power measurements for pumps sold with motors having continuous or non-continuous controls.

DOE requests comment on its proposal to conduct all calculations and corrections to nominal speed using raw measured values and that the PER_{CL} and PEI_{CL} or PER_{VL} and PEI_{VL}, as applicable, be reported to the nearest 0.01.

DOE requests comment on its proposal to determine the default motor horsepower for rating bare pumps based on the pump shaft input power at 120 percent of BEP flow. DOE is especially interested in any pumps for which the 120 percent of BEP flow load point would not be an appropriate basis to determine the default motor horsepower (*e.g.,* pumps for which the 120 percent of BEP flow load point is a significantly lower horsepower than the BEP flow load point).

DOE requests comment on its proposal that would specify the default, minimally compliant nominal full load motor efficiency based on the applicable minimally allowed nominal full load motor efficiency specified in DOE's energy conservation standards for NEMA Design A, NEMA Design B, and IEC Design N motors at 10 CFR 431.25 for all pumps except pumps sold with submersible motors.

DOE requests comment on the proposed default minimum full load motor efficiency values for submersible motors.

DOE requests comment on defining the proposed default minimum motor full load efficiency values for submersible motors relative to the most current minimum efficiency standards levels for regulated electric motors, through the use of ''bands'' as presented in Table III.6.

DOE requests comment on the proposal to allow the use of the default minimum submersible motor full load efficiency values presented in Table III.6 to rate: (1) VTS bare pumps, (2) pumps sold with submersible motors, and (3) pumps sold with submersible motors and continuous or non-continuous controls as an option instead of wire-to-water testing.

DOE requests comment on the development and use of the motor part load loss factor curves to describe part load performance of covered motors and submersible motors including the default motor specified in section III.D.1 for bare pumps and calculation of PER_{STD}.

DOE requests comment on its proposal to determine the part load losses of motors covered by DOE's electric motor energy conservation standards at 75, 100, and 110 percent of BEP flow based on the nominal full load efficiency of the motor, as determined in accordance with DOE's electric motor test procedure, and the same default motor part load loss curve applied to the default motor in test method A.1 for the bare pump.

DOE requests comment on its proposal to determine the PER_{CL} of pumps sold with submersible motors using the proposed default minimum efficiency values for submersible motors and applying the same default motor part load loss curve to the default motor in test method A.1 for the bare pump.

DOE also requests comment on its proposal that pumps sold with motors that are not addressed by DOE's electric motors test procedure (except submersible motors) would be rated based on a wire-to-water, testing-based approach.

DOE requests comment on the proposed system curve shape to use, as well as whether the curve should go through the origin instead of the statically loaded offset.

DOE requests comment on the proposed calculation approach for determining pump shaft input power for

pumps sold with motors and continuous controls when rated using the calculation-based method.

DOE requests comment on the proposal to adopt four part load loss factor equations expressed as a function of the load on the motor (*i.e.,* motor brake horsepower) to calculate the losses of a combined motor and continuous controls, where the four curves would correspond to different horsepower ratings of the continuous control.

DOE also requests comment on the accuracy of the proposed equation compared to one that accounts for multiple performance variables (speed and torque).

DOE requests comment on the proposed 5 percent scaling factor that was applied to the measured VSD efficiency data to generate the proposed coefficients of the four part load loss curves. Specifically, DOE seeks comment on whether another scaling factor or no scaling factor would be more appropriate in this context.

DOE requests comment on the variability of control horsepower ratings that might be distributed in commerce with a given pump and motor horsepower.

DOE requests comment and data from interested parties regarding the extent to which the assumed default part load loss curve would represent minimum efficiency motor and continuous control combinations.

DOE requests comment on its proposal to require testing of each individual bare pump as the basis for a certified PEI_{CL} or PEI_{VL} rating for one or more pump basic models.

DOE requests comment on its proposal to limit the use of calculations and algorithms in the determination of pump performance to the calculation-based methods proposed in this NOPR.

DOE requests comment on its proposal to determine BEP for pumps rated with a testing-based method by using the ratio of input power to the driver or continuous control, if any, over pump hydraulic output. DOE also seeks input on the degree to which this method may yield significantly different BEP points from the case where BEP is determined based on pump efficiency.

DOE requests comment on the proposed testing-based method for pumps sold with motors and continuous or non-continuous controls.

DOE requests comment on the proposed testing-based method for determining the input power to the pump for pumps sold with motors and non-continuous controls.

DOE requests comment on any other type of non-continuous control that may be sold with a pump and for which the proposed test procedure would not apply.

DOE requests comment on its proposal to establish calculation-based test methods as the required test method for bare pumps and testing-based methods as the required test method for pumps sold with motors that are not regulated by DOE's electric motor energy conservation standards, except for submersible motors, or for pumps sold with any motors and with non-continuous controls.

DOE also requests comment on the proposal to allow either testing-based methods or calculation-based methods to be used to rate pumps sold with continuous control-equipped motors that are either (1) regulated by DOE's electric motor standards or (2) submersible motors.

DOE requests comment on the level of burden to include with any certification requirements the reporting of the test method used by a manufacturer to certify a given pump basic model as compliant with any energy conservation standards DOE may set.

DOE requests comment on the proposed sampling plan for certification of commercial and industrial pump models.

DOE requests comment regarding the size of pump manufacturing entities and the number of manufacturing businesses represented by this market.

DOE requests comment on its assumption that, for most pump models, only physical testing of the underlying bare pump model is required, and subsequent ratings for that bare pump sold with a motor or motor and continuous control can be based on calculations only.

DOE requests information on the percentage of pump models for which the rating of the bare pump, pump sold with a motor, and pump sold with a motor and controls cannot be based on the same fundamental physical test of the bare pump. For example, DOE is interested in the number of pump models sold with motors that are not covered by DOE's energy conservation standards for electric motors or the number of pump models sold with controls that would not meet DOE's definition of continuous control.

DOE requests comment on the testing currently conducted by pump manufacturers and the magnitude of incremental changes necessary to transform current test facilities to conduct the DOE test procedure as described in this NOPR.

DOE requests comment on its assumption that using a non-calibrated test motor and VFD would be the most common and least costly approach for testing bare pumps in accordance with the proposed DOE test procedure.

DOE requests comment on the estimates of materials and costs to build a pump testing facility as presented.

DOE requests comment on the test facility description and measurement equipment assumed in DOE's estimate of burden.

DOE requests comment and information regarding the burden associated with achieving the power quality requirements proposed in the NOPR.

DOE requests comment on the number of pump models per manufacturer that would be required to use the wire-to-water test method to certify pump performance.

DOE requests comment on the estimation of the portion of pumps that would need to be newly certified or recertified annually.

DOE requests comment on the use of annual sales as the financial indicator for this analysis and whether another financial indicator would be more representative to assess the burden upon the pump manufacturing industry.

DOE requests comment on its conclusion that the proposed rule may have a significant impact on a substantial number of small entities. DOE is particularly interested in feedback on the assumptions and estimates made in the analysis of burden associated with implementing the proposed DOE test procedure.

DOE requests comment on the burden estimate to comply with the proposed recordkeeping requirements.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Imports, Intergovernmental relations, Small businesses.

10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on March 13, 2015.

Kathleen B. Hogan,

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

For the reasons stated in the preamble, DOE is proposing to amend parts 429 and 431 of Chapter II, subchapter D of Title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. In § 429.2 revise paragraph (a) to read as follows:

§ 429.2 Definitions.

(a) The definitions found in §§ 430.2, 431.2, 431.62, 431.72, 431.82, 431.92, 431.102, 431.132, 431.152, 431.172, 431.192, 431.202, 431.222, 431.242, 431.262, 431.282, 431.292, 431.302, 431.322, 431.442 and 431.462 apply for purposes of this part.

* * * * *

§ 429.11 [Amended]

■ 3. Section 429.11 is amended in paragraphs (a) and (b) by removing ''429.54'' and adding in its place ''429.62''.

■ 4. Add § 429.59 to read as follows:

§ 429.59 Pumps.

(a) *Determination of represented value.* Manufacturers must determine the represented value, which includes the certified rating, for each basic model by testing, in conjunction with the following sampling provisions.

(1) *Units to be tested.* The requirements of § 429.11 are applicable to pumps; and for each basic model, a sample of sufficient size shall be randomly selected and tested to ensure that—

(i) Any value of the constant or variable load pump energy index or other measure of energy consumption of a basic model for which consumers would favor lower values shall be greater than or equal to the higher of:

(A) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the maximum of the i^{th} sample; or

(B) The upper 95 percent confidence limit (UCL) of the true mean divided by 1.01, where:

$$UCL = \bar{x} + t_{0.95}\left(\frac{s}{\sqrt{n}}\right)$$

and $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95 percent one-tailed confidence interval with n-1 degrees of freedom (from appendix A of subpart B of part 429); and

(ii) Any measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the lower of:

(A) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the maximum of the i^{th} sample; or

(B) The lower 95 percent confidence limit (LCL) of the true mean divided by 0.99, where:

$$LCL = \bar{x} - t_{0.95}\left(\frac{s}{\sqrt{n}}\right)$$

and $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n-1 degrees of freedom (from appendix A of subpart B).

(b) [Reserved]

§ 429.70 [Amended]

■ 5. Amend § 429.70(a) by removing ''429.54'' and adding in its place ''429.62''.

■ 6. Amend § 429.71 by adding paragraph (d) to read as follows:

§ 429.71 Maintenance of records.

* * * * *

(d) When considering if a pump is subject to energy conservation standards under part 431, DOE may need to determine if a pump was designed and constructed to the requirements set forth in MIL–P–17639F. In this case, DOE may request that a manufacturer provide DOE with copies of the original design and test data that were submitted to appropriate design review agencies, as required by MIL–P–17639F.

§ 429.72 [Amended]

■ 7. Amend § 429.72(a) by removing ''429.54'' and adding in its place ''429.62''.

§ 429.102 [Amended]

■ 8. Amend § 429.102(a) by removing ''429.54'' and adding in its place ''429.62''.

§ 429.110 Enforcement testing.

■ 9. Section 429.110(e)(1), is amended by:

■ a. Redesignating paragraphs (e)(1)(iv) through (vi) as (e)(1)(v) through (vii), respectively;

■ b. Adding a new paragraph (e)(1)(iv);

■ c. Removing ''(e)(1)(iii)'' in newly redesignated paragraph (e)(1)(v), and adding ''(e)(1)(iv)'' in its place;

■ d. Removing ''(e)(1)(iv)'', in newly redesignated paragraph (e)(1)(vi), and adding ''(e)(1)(v)'' in its place; and

■ e. Removing ''(e)(1)(v)'', in newly redesignated paragraph (e)(1)(vii), and adding ''(e)(l)(vi)'' in its place.

The addition reads as follows:

§ 429.110 Enforcement testing.

* * * * *

(e) * * *

(1) * * *

(iv) For pumps, DOE will use an initial sample size of not more than four units and will determine compliance based on the arithmetic mean of the sample.

* * * * *

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 10. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 11. Add subpart Y to part 431 to read as follows:

Subpart Y—Pumps

Sec.

431.461 Purpose and scope.
431.462 Definitions.
431.463 Materials incorporated by reference.
431.464 Test procedure for measuring and determining energy consumption of pumps.
Appendix A to Subpart Y of Part 431—Uniform Test Method for the Measurement of Energy Consumption of Pumps

Subpart Y—Pumps

§ 431.461 Purpose and scope.

This subpart contains definitions, test procedures, and energy conservation requirements for pumps, pursuant to Part A–1 of Title III of the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6311–6317.

§ 431.462 Definitions.

The following definitions are applicable to this subpart, including

appendix A. In cases where there is a conflict, the language of the definitions adopted in this section 462 takes precedence over any descriptions or definitions found in the 2014 version of ANSI/HI Standard 1.1–1.2, ''Rotodynamic (Centrifugal) Pumps For Nomenclature And Definitions'' (ANSI/HI 1.1–1.2–2014) (incorporated by reference, see § 431.463), or the 2008 version of ANSI/HI Standard 2.1–2.2, ''Rotodynamic (Vertical) Pumps For Nomenclature And Definitions'' (ANSI/HI 2.1–2.2–2008) (incorporated by reference, see § 431.463). In cases where definitions reference design intent, DOE will consider marketing materials, labels and certifications, and equipment design to determine design intent.

Bare pump means a pump excluding mechanical equipment, driver, and controls.

Basic model means all units of a given type of covered equipment (or class thereof) manufactured by one manufacturer, having the same primary energy source, and having essentially identical electrical, physical, and functional (or hydraulic) characteristics that affect energy consumption, energy efficiency, water consumption, or water efficiency; except that:

(1) RSV and VTS pump models for which the bare pump differs in the number of stages must be considered a single basic model; and

(2) Pump models for which the bare pump differs in impeller diameter, or impeller trim, may be considered a single basic model.

Best efficiency point means the pump hydraulic power operating point (consisting of both flow and head conditions) that results in the maximum efficiency.

Bowl diameter means the maximum dimension of an imaginary straight line passing through and in the plane of the circular shape of the intermediate bowl or chamber of the bare pump that is perpendicular to the pump shaft and that intersects the circular shape of the intermediate bowl or chamber of the bare pump at both of its ends, where the intermediate bowl or chamber is as defined in ANSI/HI 2.1–2.2–2008 (incorporated by reference, see § 431.463).

Circulator means a pump that:

(1) Is either an end suction pump or a single-stage, single-axis flow, rotodynamic pump; and

(2) Has a pump housing that only requires the support of the supply and discharge piping to which it is connected (without attachment to a rigid foundation) to function as designed. Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature CP1, CP2, or CP3, as described in ANSI/HI 1.1–1.2–2014 (incorporated by reference, see § 431.463).

Clean water pump means a pump that is designed for use in pumping water with a maximum non-absorbent free solid content of 0.25 kilograms per cubic meter, and with a maximum dissolved solid content of 50 kilograms per cubic meter, provided that the total gas content of the water does not exceed the saturation volume, and disregarding any additives necessary to prevent the water from freezing at a minimum of −10 °C.

Continuous control means a control that adjusts the speed of the pump driver continuously over the driver operating speed range in response to incremental changes in the required pump flow, head, or power output.

Control means any device that can be used to operate the driver. Examples include, but are not limited to, continuous or non-continuous speed controls, schedule-based controls, on/off switches, and float switches.

Dedicated-purpose pool pump means an end suction pump designed specifically to circulate water in a pool and that includes an integrated basket strainer.

Driver means the machine providing mechanical input to drive a bare pump directly or through the use of mechanical equipment. Examples include, but are not limited to, an electric motor, internal combustion engine, or gas/steam turbine.

End suction close-coupled (ESCC) pump means an end suction pump in which:

(1) The motor shaft also serves as the impeller shaft for the bare pump;

(2) The pump requires attachment to a rigid foundation to function as designed and cannot function as designed when supported only by the supply and discharge piping to which it is connected; and

(3) The pump does not include a basket strainer. Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature OH7, as described in ANSI/HI 1.1–1.2–2014 (incorporated by reference, see § 431.463).

End suction frame mounted (ESFM) pump means an end suction pump wherein:

(1) The bare pump has its own impeller shaft and bearings and so does not rely on the motor shaft to serve as the impeller shaft;

(2) The pump requires attachment to a rigid foundation to function as designed and cannot function as designed when supported only by the supply and discharge piping to which it is connected; and

(3) The pump does not include a basket strainer. Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature OH0 and OH1, as described in ANSI/HI 1.1–1.2–2014 (incorporated by reference, see § 431.463).

End suction pump means a single-stage, rotodynamic pump in which the liquid enters the bare pump in a direction parallel to the impeller shaft and on the side opposite the bare pump's driver-end. The liquid is discharged through a volute in a plane perpendicular to the shaft.

Fire pump means a pump that is compliant with NFPA Standard 20–2013 (incorporated by reference, see § 431.463), ''Standard for the Installation of Stationary Pumps for Fire Protection,'' and is either:

(1) Underwriters Laboratory (UL) listed under UL Standard 448–2007 (incorporated by reference, see § 431.463), ''Centrifugal Stationary Pumps for Fire-Protection Service''; or

(2) Factory Mutual (FM) approved under the October 2008 edition of FM Class Number 1319, ''Approval Standard for Centrifugal Fire Pumps (Horizontal, End Suction Type),'' (incorporated by reference, see § 431.463).

Full impeller diameter means the maximum diameter impeller used with a given pump basic model distributed in commerce or the maximum diameter impeller referenced in the manufacturer's literature for that pump basic model, whichever is larger.

In-line (IL) pump means a single-stage, single axis flow, rotodynamic pump in which:

(1) Liquid is discharged through a volute in a plane perpendicular to the impeller shaft; and

(2) The pump requires attachment to a rigid foundation to function as designed and cannot function as designed when supported only by the supply and discharge piping to which it is connected. Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature OH3, OH4, or OH5, as described in ANSI/HI 1.1–1.2–2014 (incorporated by reference, see § 431.463).

Mechanical equipment means any component of a pump that transfers energy from the driver to the bare pump.

Non-continuous control means a control that adjusts the speed of a driver to one of a discrete number of non-continuous preset operating speeds, and does not respond to incremental reductions in the required pump flow, head, or power output.

Prime-assist pump means a pump designed to lift liquid that originates below the center line of the pump impeller. Such a pump requires no manual intervention to prime or re-prime from a dry-start condition. Such a pump includes a vacuum pump or air compressor to remove air from the suction line to automatically perform the prime or re-prime function.

Pump means equipment designed to move liquids (which may include entrained gases, free solids, and totally dissolved solids) by physical or mechanical action and includes a bare pump and, if included by the manufacturer at the time of sale, mechanical equipment, driver, and controls.

Radially split, multi-stage, vertical, in-line diffuser casing (RSV) pump means a vertically suspended, multi-stage, single axis flow, rotodynamic pump in which:

(1) Liquid is discharged in a place perpendicular to the impeller shaft;

(2) Each stage (or bowl) consists of an impeller and diffuser; and

(3) No external part of such a pump is designed to be submerged in the pumped liquid. Examples include, but are not limited to, pumps complying with ANSI/HI nomenclature VS8, as described in ANSI/HI 2.1–2.2–2008 (incorporated by reference, see § 431.463).

Rotodynamic pump means a pump in which energy is continuously imparted to the pumped fluid by means of a rotating impeller, propeller, or rotor.

Sealless pump means either:

(1) A pump that transmits torque from the motor to the bare pump using a magnetic coupling; or

(2) A pump in which the motor shaft also serves as the impeller shaft for the bare pump, and the motor rotor is immersed in the pumped fluid.

Self-priming pump means a pump designed to lift liquid that originates below the center line of the pump impeller. Such a pump requires initial manual priming from a dry start condition, but requires no subsequent manual re-priming.

Single axis flow pump means a pump in which the liquid inlet of the bare pump is on the same axis as the liquid discharge of the bare pump.

Vertical turbine submersible (VTS) pump means a single-stage or multi-stage rotodynamic pump that is designed to be operated with the motor and stage(s) (or bowl(s)) fully submerged in the pumped liquid, and in which:

(1) Each stage of this pump consists of an impeller and diffuser; and

(2) Liquid enters and exits each stage of the bare pump in a direction parallel to the impeller shaft. Examples include, but are not limited to, a pumps complying with ANSI/HI nomenclature VS0, as described in ANSI/HI 2.1–2.2–2008 (incorporated by reference, see § 431.463).

§ 431.463 Materials incorporated by reference.

(a) *General.* DOE incorporates by reference the following standards into subpart Y of part 431. The material listed has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Any subsequent amendment to a standard by the standard-setting organization will not affect the DOE test procedures unless and until amended by DOE. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the **Federal Register**. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to:*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* Also, this material is available for inspection at U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza SW., Washington, DC 20024, (202) 586–2945, or go to *http://www1.eere.energy.gov/buildings/appliance_standards/.* These standards can be obtained from the sources below.

(b) *FM.* Factory Mutual. 270 Central Avenue Johnston, RI 02919, 401–275–3000. *www.fmglobal.com/*

(1) FM Class Number 1319, ''Approval Standard for Centrifugal Fire Pumps (Horizontal, End Suction Type),'' approved October 2008, IBR approved for § 431.462.

(2) [Reserved]

(c) *HI.* Hydraulic Institute, 6 Campus Drive, First Floor North, Parsippany, NJ, 07054–4406, 973–267–9700. *www.pumps.org*

(1) ANSI/HI Standard 1.1–1.2, (''ANSI/HI 1.1–1.2–2014''), ''Rotodynamic (Centrifugal) Pumps For Nomenclature And Definitions;'' approved 2014, section 1.1, ''Types and nomenclature,'' and section 1.2.9, ''Rotodynamic pump icons,'' IBR approved for § 431.462.

(2) ANSI/HI Standard 2.1–2.2, (''ANSI/HI 2.1–2.2–2008''), ''Rotodynamic (Vertical) Pumps For Nomenclature And Definitions,'' approved 2008, section 2.1, ''Types and nomenclature,'' IBR approved for § 431.462.

(3) HI 40.6–2014, (''HI 40.6–2014''), ''Methods for Rotodynamic Pump Efficiency Testing,'' except section 40.6.5.3, ''Test report;'' section A.7, ''Testing at temperatures exceeding 30 °C (86 °F);'' and appendix B, ''Reporting of test results;'' approved 2014, IBR approved for § 431.464, and appendix A to subpart Y of part 431.

(h) *NFPA.* National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169, 617–770–3000. *www.nfpa.org.*

(1) NFPA Standard 20–2013, ''Standard for the Installation of Stationary Pumps for Fire Protection,'' approved 2013, IBR approved for § 431.462.

(2) [Reserved]

(i) *UL.* Underwriters Laboratory, 333 Pfingsten Road, Northbrook, IL 60062. *http://ul.com/*

(1) UL Standard 448–2007, ''Centrifugal Stationary Pumps for Fire-Protection Service,'' approved 2007, IBR approved for § 431.462.

(2) [Reserved]

§ 431.464 Test procedure for measuring and determining energy consumption of pumps.

(a) *Scope.* This section provides the test procedures for determining the constant and variable load pump energy index for:

(1) The following categories of clean water pumps:

(i) End suction close-coupled (ESCC);

(ii) End suction frame mounted (ESFM);

(iii) In-line (IL);

(iv) Radially split, multi-stage, vertical, in-line casing diffuser (RSV); and

(v) Vertical turbine submersible (VTS) pumps.

(2) With the following characteristics:

(i) Shaft power of at least 1 hp but no greater than 200 hp at the best efficiency point (BEP) at full impeller diameter for the number of stages required for testing (see section 1.2.2 of this appendix);

(ii) Flow rate of 25 gpm or greater at BEP and full impeller diameter;

(iii) Maximum head of 459 feet at BEP and full impeller diameter;

(iv) Design temperature range from -10 to 120 °C;

(v) Designed to operate with either:

(A) A 2- or 4-pole induction motor; or

(B) A non-induction motor with a speed of rotation operating range that includes speeds of rotation between 2,880 and 4,320 revolutions per minute and/or 1,440 and 2,160 revolutions per minute; and

(vi) For VTS pumps, a 6-inch or smaller bowl diameter.

(3) Except for the following pumps:
(i) Fire pumps.
(ii) Self-priming pumps.
(iii) Prime-assist pumps.
(iv) Sealless pumps.
(v) Pumps designed to be used in a nuclear facility subject to 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities.''
(vi) Pumps meeting the design and construction requirements set forth in Military Specification MIL–P–17639F, ''Pumps, Centrifugal, Miscellaneous Service, Naval Shipboard Use'' (as amended).

(b) *Testing and Calculations.* Determine the applicable constant load pump energy index (PEI_{CL}) or variable load pump energy index (PEI_{VL}) using the test procedure set forth in appendix A of this subpart Y.

Appendix A to Subpart Y of Part 431—Uniform Test Method for the Measurement of Energy Consumption of Pumps.

I. Test Procedure for Pumps.

A. *General.* To determine the constant load pump energy index (PEI_{CL}), for bare pumps and pumps sold with electric motors or the variable load pump energy index (PEI_{VL}) for pumps sold with electric motors and continuous or non-continuous controls, testing shall be performed in accordance with HI 40.6–2014, except section 40.6.5.3, ''Test report;'' section A.7, ''Testing at temperatures exceeding 30 °C (86 °F);'' and appendix B, ''Reporting of test results;'' (incorporated by reference, see § 431.463) with the modifications and additions as noted throughout the provisions below. Where HI 40.6–2014 refers to ''pump,'' the term should be interpreted to refer to the ''bare pump,'' as defined in § 431.462. Also, for the purposes of applying this appendix, the term ''volume per unit time,'' as defined in section 40.6.2, ''Terms and definitions,'' of HI 40.6–2014 shall be deemed to be synonymous with the term ''flow rate'' used throughout that standard and this appendix A.

A.1 *Scope.* Section II of this appendix is applicable to all pumps and describes how to calculate the Pump Energy Index (section II.A) based on the PER_{STD} (section II.B) and the PER_{CL} or PER_{VL} determined in accordance with one of sections III through VII, based on the testing method and configuration in which the pump is distributed in commerce. Sections III through VII describe different test methods that apply depending on the configuration of the pump being rated, as described in Table 1 of this appendix.

TABLE 1—APPLICABILITY OF CALCULATION-BASED AND TESTING-BASED TEST PROCEDURE OPTIONS BASED ON PUMP CONFIGURATION

Pump configuration	Pump sub-configuration	Applicable test methods
Bare Pump	Bare Pump	Section III: Test Procedure for Bare Pumps.
Pump + Motor	Pump + Motor Covered by DOE's Electric Motor Energy Conservation Standards.	Section IV: Testing-Based Approach for Pumps Sold with Motors
	OR	OR
	Pump + Submersible Motor	Section V: Calculation-Based Approach for Pumps Sold with Motors.
	Pump + Motor Not Covered by DOE's Electric Motor Energy Conservation Standards (Except Submersible Motors).	Section IV: Testing-Based Approach for Pumps Sold with Motors.
Pump + Motor + Controls	Pump + Motor Covered by DOE's Electric Motor Energy Conservation Standards + Continuous Control Pump + Submersible Motor + Continuous Control.	Section VI: Testing-Based Approach for Pumps Sold with Motors and Controls
	OR	OR
	Pump + Submersible Motor + Continuous Control	Section VII: Calculation-Based Approach for Pumps Sold with Motors Controls.
	Pump + Motor Covered by DOE's Electric Motor Energy Conservation Standards + Non-Continuous Control.	Section VI: Testing-Based Approach for Pumps Sold with Motors and Controls
	OR	
	Pump + Submersible Motor + Non-Continuous Control	
	Pump + Motor Not Covered by DOE's Electric Motor Energy Conservation Standards (Except Submersible Motors) + Continuous or Non-Continuous Controls.	Section VI: Testing-Based Approach for Pumps Sold with Motors and Controls.

Section III of this appendix addresses the test procedure applicable to bare pumps. This test procedure also applies to pumps sold with drivers other than motors and pumps sold with single-phase induction motors.

Section IV of this appendix addresses the testing-based approach for pumps sold with motors, which is applicable to all pumps sold with electric motors, other than single-phase induction motors.

Section V of this appendix addressed the calculation-based approach for pumps sold with motors, which applies to:

(1) Pumps sold with electric motors regulated by DOE's energy conservation standards for electric motors at § 431.25, other than single-phase induction motors; and

(2) Pumps sold with submersible motors.

Section VI of this appendix addresses the testing-based approach for pumps sold with motors and controls, which is applicable to all pumps sold with electric motors, other than single-phase induction motors, and continuous or non-continuous controls.

Section VII of this appendix discusses the calculation-based approach for pumps sold with motors and controls, which applies to:

(1) Pumps sold with electric motors regulated by DOE's energy conservation standards for electric motors at § 431.25, other than single-phase induction motors, and continuous controls; and

(2) Pumps sold with submersible motors and continuous controls.

B. *Measurement Equipment.* For the purposes of measuring pump power input, driver power input, and pump power output, the equipment specified in HI 40.6–2014 Appendix C (incorporated by reference, see § 431.463) necessary to measure head, speed of rotation, flow rate, temperature, torque, and electrical power shall be used and shall comply with the stated accuracy requirements in HI 40.6–2014 Table 40.6.3.2.3 except as noted in section VI.B of this appendix.

C. *Test Conditions.* Testing shall be conducted in accordance with the test conditions, stabilization requirements, and specifications of HI 40.6–2014 (incorporated by reference, see § 431.463) section 40.6.3, ''Pump efficiency testing;'' section 40.6.4, ''Considerations when determining the efficiency of a pump;'' section 40.6.5.4 (including appendix A), ''Test arrangements;'' and section 40.6.5.5, ''Test conditions;'' and at full impeller diameter.

C.1 The nominal speed of rotation shall be determined based on the range of speeds of rotation at which the pump is designed to

operate, in accordance with sections I.C.1.1, I.C.1.2, I.C.1.3, I.C.1.4, or I.C.1.5 of this appendix, as applicable. When determining the range of speeds at which the pump is designed to operate, DOE will refer to published data, marketing literature, and other publically-available information about the pump model and motor, as applicable.

C.1.1 For pumps sold without motors, the nominal rating speed will be selected based on the speed for which the pump is designed. For bare pumps designed for speeds of rotation including 2,880 to 4,320 revolutions per minute (rpm), the nominal speed of rotation shall be 3,600 rpm. For bare pumps designed for speeds of rotation including 1,440 to 2,160 rpm, the nominal speed of rotation shall be 1,800 rpm.

C.1.2 For pumps sold with 4-pole induction motors, the nominal speed of rotation shall be 1,800 rpm.

C.1.3 For pumps sold with 2-pole induction motors, the nominal speed of rotation shall be 3,600 rpm.

C.1.4 For pumps sold with non-induction motors where the operating range of the pump and motor includes speeds of rotation between 2,880 and 4,320 rpm, the nominal speed of rotation shall be 3,600 rpm.

C.1.5 For pumps sold with non-induction motors where the operating range of the pump and motor includes speeds of rotation between 1,440 and 2,160 rpm, the nominal speed of rotation shall be 1,800 rpm.

C.2 For RSV and VTS pumps, testing shall be performed on the pump with three stages for RSV pumps and nine stages for VTS pumps. If the basic model of pump being tested is only available with fewer than the required number of stages, the pump shall be tested with the maximum number of stages with which the basic model is distributed in commerce in the United States. If the basic model of pump being tested is only available with greater than the required number of stages, the pump shall be tested with the lowest number of stages with which the basic model is distributed in commerce in the United States. If the basic model of pump being tested is available with both fewer and greater than the required number of stages, but not the required number of stages, the pump shall be tested with the number of stages closest to the required number of stages. If both the next lower and next higher number of stages are equivalently close to the required number of stages, the pump shall be tested with the next higher number of stages.

D. *Data Collection and Analysis.*

D.1 Data Sampling Frequency. Data shall be collected every three seconds for all measured quantities.

D.2 Dampening Devices. Use of dampening devices, as described in section 40.6.3.2.2, shall only be permitted to integrate up to 5 seconds.

D.3 Stabilization. Data recording at any test point shall be taken under stabilized conditions, as defined in HI 40.6–2014 section 40.6.5.5.1 (incorporated by reference, see § 431.463).

D.4 Calculations and Rounding. All measured data shall be normalized to the nominal speed of rotation of 3,600 or 1,800 rpm based on the nominal speed of rotation selected for the pump in section I.C.1 of this appendix, in accordance with the procedures specified in section 40.6.6.1.1 of HI 40.6–2014 (incorporated by reference, see § 431.463). Except for the ''expected BEP flow rate,'' all terms and quantities refer to values determined in accordance with the procedures set forth in this appendix for the rated pump. All calculations shall be performed using their raw measured values with PER_{CL}, PER_{VL}, PEI_{CL}, and PEI_{VL} values, as applicable, rounded to the hundredths place (*i.e.,* 0.01).

D.5 Pumps with BEP at Run Out. Pumps for which the expected maximum efficiency corresponds to the maximum flow rate at which the pump is designed to operate continuously or safely (*i.e.,* pumps with BEP at run-out), the seven flow points for determination of BEP in sections III.C, IV.C, V.C, VI.D, and VII. C of this appendix shall be as follows: 40, 50, 60, 70, 80, 90, and 100 percent of the maximum flow rate of the pump instead of those specified. In addition, all references to 75, 100, and 110 percent of the BEP flow rate for determination of PER_{CL} and PER_{STD} shall instead be 65, 90, and 100 percent of the BEP flow rate determined with the modified flow points specified in this section I.D.5 of this appendix.

II. Calculation of the Pump Energy Index

A. Determine the PEI of each tested pump based on the configuration in which it sold as follows:

A.1. For bare pumps and pumps sold with motors, determine the PEI_{CL} using the following equation:

$$PEI_{CL} = \frac{PER_{CL}}{PER_{STD}}$$

Where:

PEI_{CL} = the pump energy index for a constant load (hp),

PER_{CL} = the pump energy rating for a constant load determined in accordance with either section III (for bare pumps, pumps sold with single-phase induction motors, and pumps sold with drivers other than electric motors), section IV (for pumps sold with motors rated using the testing-based approach), or section V (for pumps sold with motors rated using the calculation-based approach) of this appendix (hp), and PER_{STD} = the PER_{CL} for a pump of the same equipment class that is minimally compliant with DOE's energy conservation standards with the same flow and specific speed characteristics as the tested pump, as determined in accordance with section II.B of this appendix (hp).

A.2 For pumps sold with motors and continuous controls or non-continuous controls, determine the PEI_{VL} using the following equation:

$$PEI_{VL} = \frac{PER_{VL}}{PER_{STD}}$$

Where:

PEI_{VL}= the pump energy index for a variable load,

PER_{VL}= the pump energy rating for a variable load determined in accordance with section VI (for pumps sold with motors and continuous or non-continuous controls rated using the testing-based approach) or section VII of this appendix (for pumps sold with motors and continuous controls rated using the calculation-based approach) (hp), and

PER_{STD} = the PER_{CL} for a pump of the same equipment class that is minimally compliant with DOE's energy conservation standards with the same flow and specific speed characteristics as the tested pump, as determined in accordance with section II.B of this appendix (hp).

B. Determine the pump energy rating for the minimally compliant reference pump (PER_{STD}), according to the following equation:

$$PER_{STD} = \sum \omega_i \left(P_i^{in}\right)$$

Where:

PER_{STD} = the PER_{CL} for a pump that is minimally compliant with DOE's energy conservation standards with the same flow and specific speed characteristics as the tested pump (hp),

$\omega_i = 0.3333$,

P_i^{in} = calculated driver power input at rating point i for the minimally compliant pump calculated in accordance with section II.B.1of this appendix (hp), and

i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

B.1. Determine the driver power input at each rating point as the pump power input power plus the motor load losses at each rating point as follows:

$P_i^{in} = P_i + L_i$

Where:

P_i^{in} = driver power input at each rating point i (hp),

P_i = pump power input to the bare pump at each rating point i calculated in accordance with section II.B.1.1 of this appendix (hp),

L_i = the part load motor losses at each rating point i calculated in accordance with section II.B.1.2 of this appendix (hp), and

i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

B.1.1. Determine the pump power input to the minimally compliant pump at each rating point i based on a ratio of the pump power output for the tested pump and the calculated efficiency of a minimally compliant pump with the same flow rate and specific speed characteristics as the tested pump:

$$P_i = \frac{P_{Hydro,i}}{\alpha_i \times \left[\eta_{pump,STD}/100\right]}$$

Where:

P_i = pump power input to the bare pump at each rating point i (hp),

α_i = 0.947 for 75 percent of the BEP flow rate, 1.0 for 100 percent of the BEP flow rate, and 0.985 for 110 percent of the BEP flow rate;

$P_{Hydro,i}$ = the pump power output at rating point i of the tested pump determined in accordance with section II.B.1.1.2 of this appendix (hp);
$\eta_{pump,STD}$ = the minimally compliant pump efficiency calculated in accordance with section II.B.1.1.1 of this appendix (%); and
i = 75, 100, and 110 percent of the measured BEP flow rate of the tested pump.

B.1.1.1 Calculate the minimally compliant pump efficiency based on the following equation:

$\eta_{pump,STD} = -0.85 \times \ln(Q_{100\%})^2 - 0.38 \times \ln(Ns) \times \ln(Q_{100\%}) - 11.48 \times \ln(Ns)^2 + 13.46 \times \ln(Q_{100\%}) + 179.80 \times \ln(Ns) - (C - 555.6)$

Where:
$\eta_{pump,STD}$ = minimally compliant pump efficiency (%),
Q100% = the BEP flow rate of the tested pump (gpm),
Ns = specific speed of the tested pump determined in accordance with section II.B.1.1.1.1 of this appendix, and
C = the appropriate C-value for the type and rated speed of rotation of the tested pump, as listed at § 431.466.

B.1.1.1.1 Determine the specific speed of the rated pump using the following equation:

$$N_s = \frac{n \times \sqrt{Q_{100\%}}}{(H_{100\%})^{0.75}}$$

Where:
Ns = specific speed,
n = the nominal speed of rotation (rpm),
$Q_{100\%}$ = the measured BEP flow rate of the tested pump (gpm), and
$H_{100\%}$ = total head at 100 percent of the BEP flow rate of the tested pump (ft).

B.1.1.2 Determine the pump power output at each rating point, i, of the tested pump using the following equation:

$$P_{Hydro,i} = \frac{Q_i \times H_i \times SG}{3956}$$

Where:
$P_{Hydro,i}$ = the measured pump power output at rating point i of the tested pump (hp),
Q_i = the measured flow rate at each rating point i of the tested pump (gpm),
H_i = pump total head at each rating point i of the tested pump (ft), and
SG = the specific gravity of water at specified test conditions.

B.1.2 Determine the motor part load losses at each rating point i by multiplying the motor full load losses by the part load loss factor calculated at each rating point (y_i), as follows:

$L_i = L_{full,default} \times y_i$

Where:
L_i = default part load motor losses at rating point i (hp),
$L_{full,default}$ = default motor losses at full load determined in accordance with section II.B.1.2.1 of this appendix (hp),
y_i = part loss factor at rating point i determined in accordance with section II.B.1.2.2 of this appendix, and
i = load points corresponding to 75, 100, and 110 percent of the measured BEP flow rate of the tested pump.

B.1.2.1 Determine the full load motor losses using the appropriate motor efficiency value and horsepower as shown in the following equation:

$$L_{full,default} = \frac{MotorHP}{\left[\eta_{motor,full}/100\right]} - MotorHP$$

Where:
$L_{full,default}$ = default motor losses at full load (hp),
MotorHP = the motor horsepower as determined in accordance with section II.B.1.2.1.1 of this appendix (hp), and
$\eta_{motor,full}$ = the default nominal full load motor efficiency as determined in accordance with section II.B.1.2.1.2 of this appendix (%).

B.1.2.1.1 Determine the motor horsepower as follows:

- For bare pumps, the motor horsepower is determined as the horsepower rating listed in Table 2 of this appendix that is either equivalent to or the next highest horsepower greater than the pump power input to the bare pump at 120 percent of the BEP flow rate of the tested pump.
- For pumps sold with motors, pumps sold with motors and continuous controls, or pumps sold with motors and non-continuous controls, the motor horsepower is that of the motor with which the pump is being sold.

B.1.2.1.2 Determine the default nominal full load motor efficiency as follows:

- For pumps other than VTS pumps, the default nominal full load motor efficiency is the minimum of the nominal motor full load efficiency from the appropriate table for NEMA Design B motors at 10 CFR 431.25 for open or enclosed motors, with the number of poles relevant to the speed at which the pump is being rated and the motor horsepower determined in section II.B.1.2.1.1 of this appendix.
- For VTS pumps, the default nominal full load motor efficiency is the default nominal efficiency listed in Table 2 of this appendix with the number of poles relevant to the speed at which the pump is being tested and the motor horsepower determined in section II.B.1.2.1.1 of this appendix.

B.1.2.2 The part load loss factor at each rating point i (y_i) is determined as follows:

$$y_i = \left(-0.4508 \times \left(\frac{P_i}{MotorHP}\right)^3 + 1.2399 \times \left(\frac{P_i}{MotorHP}\right)^2 - 0.4301 \times \left(\frac{P_i}{MotorHP}\right) + 0.6410\right)$$

Where:

y_i = the part load loss factor at load point i,
P_i = pump power input to the bare pump at each rating point i (hp),
MotorHP = the motor horsepower as determined in accordance with section II.B.1.2.1.1 of this appendix (hp), and
i = load points corresponding to 75, 100, and 110 percent of the measured BEP flow rate of the tested pump.

III. Test Procedure for Bare Pumps

A. *Scope.* This section III applies only to:

(1) Bare pumps;

(2) Pumps sold with drivers other than electric motors; and

(3) Pumps sold with only single-phase induction motors.

B. *Test Conditions.* The requirements regarding test conditions presented in section I.C of this appendix apply to this

section III. When testing pumps using a calibrated motor:

(1) The voltage, frequency, and voltage unbalance of the power supply shall be maintained within ±0.5 percent of the rated values of the motor; and

(2) Total harmonic distortion shall be maintained below 5 percent throughout the test.

C. *Testing BEP for the Pump.* Determine the best efficiency point (BEP) of the pump as follows:

C.1. Adjust the flow by throttling the pump without changing the speed of rotation of the pump to a minimum of seven data points: 40, 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate of the pump at the nominal speed of rotation, as specified in HI 40.6–2014, except section 40.6.5.3, section A.7, and appendix B (incorporated by reference, see § 431.463).

C.2. Determine the BEP flow rate as the flow rate at the point of maximum pump efficiency on the pump efficiency curve, as determined in accordance with section 40.6.6.3 of HI 40.6–2014 (incorporated by reference, see § 431.463), where the pump efficiency is the ratio of the pump power output divided by the pump power input.

D. *Calculating the Constant Load Pump Energy Rating.* Determine the PER_{CL} of each tested pump using the following equation:

$$PER_{CL} = \sum w_i(p^{in}{}_i)$$

Where:

PER_{CL} = the pump energy rating for a constant load (hp),

ω_i = 0.3333,

p_i^{in} = calculated driver power input at rating point i as determined in accordance with section III.D.1 of this appendix (hp), and

i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

D.1 Determine the driver power input at each rating point as the pump power input power plus the motor load losses at each rating point as follows:

$= P_i + L_i$

Where:

P_i^{in} = driver power input at each rating point i (hp),

P_i = pump power input to the bare pump at each rating point i, as determined in section III.D.1.1 of this appendix (hp),

L_i = the part load motor losses at each rating point i as determined in accordance with section III.D.1.2 of this appendix (hp), and

i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

D.1.1 Determine the pump power input at 75, 100, 110, and 120 percent of the BEP flow rate by employing a least squares regression to determine a linear relationship between the pump power input at the nominal speed of rotation of the pump and the measured flow rate at the following load points: 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate. Use the linear relationship to define the pump power input at the nominal speed of rotation for the load points of 75, 100, 110, and 120 percent of the BEP flow rate.

D.1.2 Determine the motor part load losses at each rating point i by multiplying the motor full load losses by the part load loss factor calculated at each rating point (y_i), as follows:

$L_i = L_{full,default} \times y_i$

Where:

L_i = default motor losses at rating point i (hp),

$L_{full,default}$ = default motor losses at full load as determined in accordance with section III.D.1.2.1 of this appendix (hp),

y_i = loss factor at rating point i as determined in accordance with section III.D.1.2.2 of this appendix, and

i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

D.1.2.1 Determine the full load motor losses using the appropriate motor efficiency value and horsepower as shown in the following equation:

$$L_{full,default} = \frac{MotorHP}{\left[\eta_{motor,full}/100\right]} - MotorH$$

Where:

$L_{full,default}$ = default motor losses at full load (hp);

MotorHP = the motor horsepower, determined as the horsepower rating listed in Table 2 of this appendix that is either equivalent to or the next highest horsepower greater than the pump power input to the bare pump at 120 percent of the BEP flow rate of the tested pump (hp), and

$\eta_{motor,full}$ = the nominal full load motor efficiency as determined in accordance with section III.D.1.2.1.1 of this appendix (%).

D.1.2.1.1 Determine the nominal full load motor efficiency as follows:

- For pumps other than VTS pumps, the nominal full load motor efficiency is the minimum of the standard motor full load efficiency from the appropriate table for NEMA design B motors at 10 CFR 431.25 for open or enclosed motors, with the number of poles relevant to the nominal speed of rotation at which the pump is being rated and the appropriate motor horsepower as specified in section III.D.1.2.1 of this appendix.
- For VTS pumps, the nominal full load motor efficiency is the default nominal efficiency listed in Table 2 of this appendix with the number of poles relevant to the nominal speed of rotation at which the pump is being tested and the appropriate motor horsepower as specified in section III.D.1.2.1 of this appendix.

D.1.2.2 The loss factor at each rating point i (y_i) is determined as follows:

$$y_i = \left(-0.4508 \times \left(\frac{P_i}{MotorHP}\right)^3 + 1.2399 \times \left(\frac{P_i}{MotorHP}\right)^2 - 0.4301 \times \left(\frac{P_i}{MotorHP}\right) + 0.6410\right)$$

Where:

y_i = the part load loss factor at load point i,

P_i = pump power input to the bare pump at each rating point i as determined in accordance with section III.D.1.1 of this appendix (hp),

MotorHP = the motor horsepower, determined as that equivalent to, or the next highest horsepower-level greater than, the pump power input to the bare pump at 120 percent of the BEP flow rate of the tested pump (hp)determined in accordance with section III.D.1.2.1 of this appendix (hp), and
i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

IV. Testing-Based Approach for Pumps Sold with Motors

A. *Scope.* This section IV applies only to pumps sold with electric motors, other than single-phase induction motors.

B. *Test Conditions.* The requirements regarding test conditions presented in section I.C of this appendix apply to this section IV. The following conditions also apply:

(1) The voltage, frequency, and voltage unbalance of the power supply shall be maintained within ±0.5 percent of the rated values of the motor; and

(2) Total harmonic distortion shall be maintained below 5 percent throughout the test.

C. *Testing BEP for the Pump.* Determine the BEP of the pump as follows:

C.1 Adjust the flow by throttling the pump without changing the speed of rotation of the pump to a minimum of seven data points: 40, 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate of the pump at the nominal speed of rotation, as specified in HI 40.6–2014, except section 40.6.5.3, section A.7, and appendix B (incorporated by reference, see § 431.463).

C.2. Determine the BEP flow rate as the flow rate at the point of maximum overall efficiency on the pump efficiency curve, as determined in accordance with section 40.6.6.3 of HI 40.6–2014 (incorporated by reference, see § 431.463), where the overall efficiency is the ratio of the pump power output divided by the driver power input.

D. *Calculating the Constant Load Pump Energy Rating.* Determine the PER_{CL} of each tested pump using the following equation:

$$PER_{CL} = \sum \omega_i \left(P_i^{in}\right)$$

Where:
PER_{CL} = the pump energy rating for a constant load (hp),
ω_i = 0.3333,
p_i^{in} = measured driver power input to the motor at rating point i for the tested pump as determined in accordance with section IV.D.1 of this appendix (hp), and
i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

D.1 Determine the driver power input at 75, 100, and 110 percent of the BEP flow rate by employing a least squares regression to determine a linear relationship between the driver power input at the nominal speed of rotation of the pump and the measured flow rate at the following load points: 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate. Use the linear relationship to define the driver power input at the nominal speed of rotation for the load points of 75, 100, and 110 percent of the BEP flow rate.

V. Calculation-Based Approach for Pumps Sold With Motors

A. *Scope.* This section V can only be used in lieu of the test method in section IV of this appendix to calculate the index for:

(1) Pumps sold with motors subject to DOE's energy conservation standards for electric motors at § 431.25 (except for single-phase induction motors); and

(2) VTS pumps sold with submersible motors. Pumps sold with any other motors cannot use this section and must apply the test method in section IV of this appendix.

B. *Test Conditions.* The requirements regarding test conditions presented in section II.B of this appendix apply to this section V. When testing using a calibrated motor:

(1) The voltage, frequency, and voltage unbalance of the power supply shall be maintained within ±0.5 percent of the rated values of the motor; and

(2) Total harmonic distortion shall be maintained below 5 percent throughout the test.

C. *Testing BEP for the Bare Pump.* Determine the best efficiency point (BEP) of the pump as follows:

C.1 Adjust the flow by throttling the pump without changing the speed of rotation of the pump to a minimum of seven data points: 40, 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate of the pump at the nominal speed of rotation, as specified in HI 40.6–2014, except section 40.6.5.3, section A.7, and appendix B (incorporated by reference, see § 431.463).

C.2. Determine the BEP flow rate as the flow rate at the point of maximum pump efficiency on the pump efficiency curve, as determined in accordance with section 40.6.6.3 of HI 40.6–2014 (incorporated by reference, see § 431.463), where pump efficiency is the ratio of the pump power output divided by the pump power input.

D. *Calculating the Constant Load Pump Energy Rating.* Determine the PER_{CL} of each tested pump using the following equation:

$$PER_{CL} = \sum \omega_i \left(P_i^{in}\right)$$

Where:
PER_{CL} = the pump energy rating for a constant load (hp),
ω_i = 0.3333,
p_i^{in} = calculated driver power input to the motor at rating point i for the tested pump as determined in accordance with section V.D.1 of this appendix (hp), and
i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

D.1 Determine the driver power input at each rating point as the pump power input power plus the motor load losses at each rating point as follows:

$P_i^{in} = P_i + L_i$

Where:
P_i^{in} = driver power input at each rating point i (hp),
P_i = pump power input to the bare pump at each rating point i, as determined in section V.D.1.1 of this appendix (hp),
L_i = the part load motor losses at each rating point i as determined in accordance with section V.D.1.2 of this appendix (hp), and
i = load points corresponding to 75, 100, and 110 percent of the BEP flow rate.

D.1.1 Determine the pump power input at 75, 100, 110, and 120 percent of the BEP flow rate by employing a least squares regression to determine a linear relationship between the pump power input at the nominal speed of rotation of the pump and the measured flow rate at the following load points: 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate. Use the linear relationship to define the pump power input at the nominal speed of rotation for the load points of 75, 100, 110, and 120 percent of the BEP flow rate.

D.1.2 Determine the motor part load losses at each rating point i by multiplying the motor full load losses by the part load loss factor calculated at each rating point (y_i), as follows:

$L_i = L_{full,default} \times y_i$

Where:
L_i = motor losses at each load point i (hp),
$L_{full,default}$ = motor losses at full load as determine in accordance with section V.D.1.2.1 of this appendix (hp),

y_i = part load loss factor at rating point i as determined in accordance with section V.D.1.2.2 of this appendix, and

i = load points corresponding to 75, 100, and 110 percent of the measured BEP flow rate of the tested pump.

D.1.2.1 Determine the full load motor losses using the appropriate motor efficiency value and horsepower as shown in the following equation:

$$L_{full,default} = \frac{MotorHP}{\left[\eta_{motor,full}/100\right]} - MotorHPMotorH$$

Where:

$L_{full,default}$ = default motor losses at full load (hp),

MotorHP = the horsepower of the motor with which the pump model is being rated (hp), and

$\eta_{motor,full}$ = the nominal full load motor efficiency as determined in accordance with section V.D.1.2.1.1 of this appendix (%).

D.1.2.1.1 Determine the nominal full load motor efficiency as follows:

• For pumps other than VTS pumps, the nominal full load motor efficiency is that of the motor with which the given pump model is being rated, as determined in accordance with the DOE test procedure for electric motors at § 431.16.

• For VTS pumps, the nominal full load motor efficiency is the default nominal efficiency listed in Table 2 of this appendix with the number of poles relevant to the nominal speed of rotation at which the pump is being tested and the horsepower of the motor with which the pump is being rated.

D.1.2.2 The loss factor at each rating point i (y_i) is determined as follows:

$$y_i = \left(-0.4508 \times \left(\frac{P_i}{MotorHP}\right)^3 + 1.2399 \times \left(\frac{P_i}{MotorHP}\right)^2 - 0.4301 \times \left(\frac{P_i}{MotorHP}\right) + 0.6410\right)$$

Where:

y_i = the part load loss factor at load point i,

P_i = the pump power input to the bare pump as determined in accordance with section V.D.1.1 of this appendix (hp),

MotorHP = the horsepower of the motor with which the pump model is being rated (hp), and

i = load points corresponding to 75, 100, and 110 percent of the measured BEP flow rate of the tested pump.

VI. Testing-Based Approach for Pumps Sold With Motors and Controls

A. *Scope.* This section VI applies only to pumps sold with electric motors, other than single-phase induction motors, and continuous or non-continuous controls. For the purposes of this section VI, all references to ''driver input power'' in HI 40.6–2014 (incorporated by reference, see § 431.463) shall refer to the input power to the continuous or non-continuous controls.

B. *Measurement Equipment.* The requirements regarding measurement equipment presented in section I.B of this appendix apply to this section VI, and in addition electrical measurement equipment shall be:

(1) Capable of measuring current, voltage, and real power up to the 40th harmonic of fundamental supply source frequency; and

(2) Have an accuracy of ±0.2 percent at the full scale at the fundamental supply source frequency.

C. *Test Conditions.* The requirements regarding test conditions presented in section I.C of this appendix apply to this section VI and, in addition:

(1) The voltage, frequency, and voltage unbalance of the power supply shall be maintained within ±0.5 percent of the rated values of the motor; and

(2) Total harmonic distortion shall be maintained below 5 percent throughout the test.

D. *Testing BEP for the Pump.* Determine the BEP of the pump as follows:

D.1. Adjust the flow by throttling the pump without changing the speed of rotation of the pump to a minimum of seven data points: 40, 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate of the pump at the nominal speed of rotation, as specified in HI 40.6–2014, except section 40.6.5.3, section A.7, and appendix B (incorporated by reference, see § 431.463).

D.2. Determine the BEP flow rate as the flow rate at the point of maximum overall efficiency on the pump efficiency curve, as determined in accordance with section 40.6.6.3 of HI 40.6–2014 (incorporated by reference, see § 431.463), where overall efficiency is the ratio of the pump power output divided by the driver power input.

E. *Calculating the Variable Load Pump Energy Rating.* Determine the PER_{VL} of each tested pump using the following equation:

$$PER_{VL} = \sum \omega_i \left(P_i^{in}\right)$$

Where:

PER_{VL}= the pump energy rating for a variable load (hp);

ω_i = 0.25;

$P_i^{in}$the measured driver power input to the motor and controls at rating point i for the tested pump as determined in accordance with section VI.E.1 of this appendix; and

i = load points corresponding 25, 50, 75, and 100 percent of the measured BEP flow rate of the tested pump.

E.1. Determine the driver power input at 100 percent of the measured BEP flow rate of the tested pump by employing a least squares regression to determine a linear relationship between the measured driver power input at the nominal speed of rotation of the pump and the measured flow rate, using the following load points: 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate. Use the linear relationship to define the driver power input at the nominal speed of rotation for the load point of 100 percent of the measured BEP flow rate of the tested pump.

E.2 Determine the driver power input at 25, 50, and 75 percent of the BEP flow rate by measuring the driver power input at the load points defined by:

(1) Those flow rates; and

(2) The associated head points calculated according to the following reference system curve equation:

$$H_i = 0.8\frac{H_{100\%}}{(Q_{100\%})^2} \times Q_i{}^2 + 0.2 \times H_{100\%}$$

Where:
H_i = pump total head at rating point i (ft),
H_{BEP} = pump total head at 100 percent of the BEP flow rate and nominal speed of rotation (ft),
Q_i = flow rate at rating point i (gpm),
$Q_{100\%}$ = flow rate at 100 percent of the BEP flow rate (gpm), and
i = 25, 50, and 75 percent of the measured BEP flow rate of the tested pump.

E.2.1. For pumps sold with motors and continuous controls, the specific head and flow points must be achieved within 10 percent of the calculated values and the measured driver power input must be corrected to the exact intended head and flow conditions using the following equation:

$$P_{R,i} = \left(\frac{H_{R,i}}{H_{T,j}}\right)\left(\frac{Q_{R,i}}{Q_{T,j}}\right)P_{T,j}$$

Where:
$P_{R,i}$ = the tested pump shaft input power at flow point i (hp),
$H_{R,i}$ = the intended total system head at flow point i based on the reference system curve (ft),
$H_{T,j}$ = the tested total system head at flow point j (ft),
$Q_{R,i}$ = the intended total system head at flow point i based on the reference system curve (ft),
$Q_{T,i}$ = the tested total system head at flow point i (ft),
$P_{T,j}$ = the tested pump shaft input power at flow point j (hp),
j = the tested flow point of the pump being rated (stated in terms of percent of BEP flow), and
i = 25, 50, and 75 percent of the BEP flow rate.

E.2.2. For pumps sold with motors and non-continuous controls, the head associated with each of the specified flow points shall be no lower than 10 percent below that defined by the reference system curve equation in section VI.E.2 of this appendix. Only the measured flow points must be achieved within 10 percent of the calculated values. Correct for flow and head as described in section VI.E.2.1, except do not correct measured head values that are higher than the reference system curve at the same flow rate; only flow rate and head values lower than the reference system curve at the same flow rate should be corrected. Instead, use the measured head points directly to calculate PEI_{VL}.

VII. Calculation-Based Approach for Pumps Sold With Motors and Controls

A. *Scope.* This section VII can only be used in lieu of the test method in section VI of this appendix to calculate the index for:

(1) Pumps sold with motors regulated by DOE's energy conservation standards for electric motors at § 431.25 (except for single-phase induction motors) and continuous controls; and

(2) Pumps sold with submersible motors and continuous controls. This approach does not apply to:

(i) Pumps sold with motors that are not regulated by DOE's energy conservation standards for electric motors at 10 CFR 431.25, except for VTS pumps; or

(ii) Pumps that are sold with electric motors and non-continuous controls; these pumps must apply the test method in section VI of this appendix.

B. *Test Conditions.* The requirements regarding test conditions presented in section II.B of this appendix apply to this section VII. When testing using a calibrated motor:

(1) The voltage, frequency, and voltage unbalance of the power supply shall be maintained within ±0.5 percent of the rated values of the motor; and

(2) Total harmonic distortion shall be maintained below 5 percent throughout the test.

C. *Testing BEP for the Bare Pump.* Determine the BEP of the pump as follows:

C.1. Adjust the flow by throttling the pump without changing the speed of rotation of the pump to a minimum of seven data points: 40, 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate of the pump at the nominal speed of rotation, as specified in HI 40.6–2014, except section 40.6.5.3, section A.7, and appendix B (incorporated by reference, see § 431.463).

C.2. Determine the BEP flow rate as the flow rate at the point of maximum pump efficiency on the pump efficiency curve, as determined in accordance with section 40.6.6.3 of HI 40.6–2014 (incorporated by reference, see § 431.463), where pump efficiency is the ratio of the pump power output divided by the pump power input.

D. *Calculating the Variable Load Pump Energy Rating.* Determine the PER_{VL} of each tested pump using the following equation:

$$PER_{VL} = \sum \omega_i\left(P_i^{in}\right)$$

Where:
PER_{VL}= the pump energy rating for a variable load (hp);
ω_i = 0.25;
$P_i^{in}$the calculated driver power input to the motor and controls at rating point i for the tested pump as determined in accordance with section VII.D.1 of this appendix; and
i = load points corresponding 25, 50, 75, and 100 percent of the measured BEP flow rate of the tested pump.

D.1 Determine the driver power input at each rating point as the pump power input plus the motor load losses at each rating point as follows:

$P_i^{in} = P_i + L_i$

Where:

P_i^{in} = driver power input at each rating point i (hp),
P_i = pump input power to the bare pump at each rating point i as determined in accordance with section VII.D.1.1 of this appendix (hp),
L_i = the part load motor and control losses at each rating point i as determined in accordance with section VII.D.1.2 of this appendix (hp), and
i = load points corresponding to 25, 50, 75, and 100 percent of the measured BEP flow rate of the tested pump.

D.1.1 Determine the pump power input at 100 percent of the measured BEP flow rate of the tested pump by employing a least squares regression to determine a linear relationship between the measured pump input power at the nominal speed of rotation and the measured flow rate at the following load points: 60, 75, 90, 100, 110, and 120 percent of the expected BEP flow rate. Use the linear relationship to define the pump power input at the nominal speed of rotation for the load point of 100 percent of the BEP flow rate.

D.1.1.1 Determine the pump input power at 25, 50, and 75 percent of the BEP flow rate based on the measured pump input power at 100 percent of the BEP flow rate and using with the following equation:

$$P_i = \left(0.8\frac{{Q_i}^3}{{Q_{100\%}}^3} + 0.2\frac{Q_i}{Q_{100\%}}\right) \times P_{100\%}$$

Where:

P_i = pump input power at rating point i (hp);

$P_{100\%}$ = pump input power at 100 percent of the BEP flow rate (hp);

Q_i = flow rate at rating point i (gpm);

$Q_{100\%}$ = flow rate at 100 percent of the BEP flow rate (gpm); and

i = 25, 50, and 75 percent of the measured BEP flow rate of the tested pump.

D.1.2 Calculate the motor and control part load losses at each rating point i by multiplying the motor full load losses by the part load loss factor calculated at each rating point (z_i), as follows:

$L_i = {}_{full,default} \times z_i$

Where:

L_i = motor and control losses at rating point i (hp),

$L_{full,default}$ = motor losses at full load as determined in accordance with section VII.D.1.2.1 of this appendix (hp),

z_i = part load loss factor at rating point i as determined in accordance with section VII.D.1.2.2 of this appendix, and

i = load points corresponding to 25, 50, 75, and 100 percent of the measured BEP flow rate of the tested pump.

D.1.2.1 Determine the full load motor losses using the appropriate motor efficiency value and horsepower:

$$L_{full,default} = \frac{MotorHP}{\left[\eta_{motor,full}/100\right]} - MotorHP$$

Where:

$L_{full,default}$ = default motor losses at full load (hp),

MotorHP = the horsepower of the motor with which the pump model is being rated (hp), and

$\eta_{motor,full}$ = the nominal full load motor efficiency as determined in accordance with section VII.D.1.2.1.1 of this appendix (%).

D.1.2.1.1 Determine the nominal full load motor efficiency as follows:

- For all pumps, except VTS pumps, sold with motors and continuous controls, the nominal full load motor efficiency is that of the motor with which the given pump model is being rated, as determined in accordance with the DOE test procedure for electric motors at § 431.16.
- For VTS pumps sold with submersible motors and continuous controls, the nominal full load motor efficiency is the default nominal efficiency listed in Table 2 of this appendix with the number of poles relevant to the nominal speed of rotation at which the pump is being tested and the horsepower of the motor with which the pump is being rated.

D.1.2.2 The part load loss factor at each rating point i (z_i) is determined at each load point follows:

$$z_i = \left(a \times \left(\frac{P_i}{MotorHP}\right)^2 + b \times \left(\frac{P_i}{MotorHP}\right) + c\right)$$

Where:

z_i = the motor and control part load loss factor,

a,b,c = coefficients listed in Table 3 of this appendix based on the horsepower of the motor with which the pump is being rated,

P_i = the pump power input to the bare pump as determined in accordance with section VII.D.1.1 of this appendix (hp),

MotorHP = the horsepower of the motor with which the pump is being rated (hp), and

i = load points corresponding to 25, 50, 75, and 100 percent of the measured BEP flow rate of the tested pump.

TABLE 2—DEFAULT SUBMERSIBLE MOTOR FULL LOAD EFFICIENCY BY MOTOR HORSEPOWER

Default submersible motor full load nominal efficiency		
Motor horsepower	Pole configurations	
	2	4
1	55	68
1.5	66	70
2	68	70
3	70	75.5
5	74	75.5
7.5	68	74
10	70	74
15	72	75.5
20	72	77
25	74	78.5

TABLE 2—DEFAULT SUBMERSIBLE MOTOR FULL LOAD EFFICIENCY BY MOTOR HORSEPOWER—Continued

Default submersible motor full load nominal efficiency		
Motor horsepower	Pole configurations	
	2	4
30	78.5	82.5
40	80	84
50	81.5	85.5
60	82.5	86.5
75	82.5	87.5
100	81.5	85.5
125	84	85.5
150	84	86.5
200	85.5	87.5
250	86.5	87.5

TABLE 3—MOTOR AND CONTROL PART LOAD LOSS FACTOR EQUATION COEFFICIENTS FOR SECTION VII.D.1.2.2 OF THIS APPENDIX A

Motor horsepower (hp)	Coefficients for Motor and Control Part Load Loss Factor (z_i)		
	a	B	c
≤5	−0.4658	1.4965	0.5303
>5 and ≤20	−1.3198	2.9551	0.1052
>20 and ≤50	−1.5122	3.0777	0.1847
>50	−0.8914	2.8846	0.2625

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Part IV

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Federal Energy Regulatory Commission

18 CFR Part 35

Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities; Final Rule

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[RM14–11–000; Order No. 807]

Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: In this Final Rule, the Federal Energy Regulatory Commission is amending its regulations to waive the Open Access Transmission Tariff requirements, the Open Access Same-Time Information System requirements, and the Standards of Conduct requirements, under certain conditions, for the ownership, control, or operation of Interconnection Customer's Interconnection Facilities (ICIF). This Final Rule finds that those seeking interconnection and transmission service over ICIF that are subject to the blanket waiver adopted herein may follow procedures applicable to requests for interconnection and transmission service under sections 210, 211, and 212 of the FPA, which also allows the contractual flexibility for entities to reach mutually agreeable access solutions. This Final Rule establishes a modified rebuttable presumption for a five-year safe harbor period to reduce risks to ICIF owners eligible for the blanket waiver during the critical early years of their projects. Finally, this Final Rule modifies, as described in detail below, several elements of the Notice of Proposed Rulemaking, including the entities eligible for the OATT waiver, the date on which the safe harbor begins, the rebuttable presumption that the ICIF owner should not be required to expand its facilities during the safe harbor, and the facilities covered by the Final Rule.

DATES: This rule will become effective June 30, 2015.

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SUPPLEMENTARY INFORMATION:

ORDER NO. 807
FINAL RULE

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Appendix A: List of Short Names of Commenters on the Notice of Proposed Rulemaking

I. Introduction

1. In this Final Rule, the Federal Energy Regulatory Commission (FERC or Commission) is amending its regulations to waive the Open Access Transmission Tariff (OATT) requirements of 18 CFR 35.28, the Open Access Same-Time Information System (OASIS) requirements of 18 CFR 37, and the Standards of Conduct requirements 18 CFR 358, under certain conditions, for the ownership, control, or operation of Interconnection Customer's Interconnection Facilities (ICIF).[1] This Final Rule finds that those seeking interconnection and transmission service over ICIF that are subject to the blanket waiver adopted herein may follow procedures applicable to requests for interconnection and transmission service under sections 210, 211, and 212 of the Federal Power Act (FPA), which also allows the contractual flexibility for entities to reach mutually agreeable access solutions.[2] This Final Rule establishes a modified rebuttable presumption for a five-year safe harbor period to reduce risks to ICIF owners [3] eligible for the blanket waiver during the critical early years of their projects. Finally, this Final Rule modifies, as described in detail below, several elements of the Notice of Proposed Rulemaking (NOPR), including the entities eligible for the OATT waiver, the date on which the safe harbor begins, the rebuttable presumption that the ICIF owner should not be required to expand its facilities during the safe harbor, and the facilities covered by the Final Rule.[4]

2. We find that requiring the filing of an OATT is not necessary to prevent unjust or unreasonable rates or unduly discriminatory behavior with respect to ICIF, over which interconnection and transmission services can be ordered pursuant to sections 210, 211, and 212 of the FPA.[5] Further, we conclude that the Commission's policies requiring the ICIF owner to make excess capacity available to third parties unless it can justify its planned use of the line impose risks and burdens on ICIF owners and create regulatory inefficiencies that are not necessary given the goals that the Commission seeks to achieve through such policies. Based on comments received as part of our consideration of the treatment of ICIF, we understand that generation developers may develop new projects in phases and build interconnection facilities large enough to accommodate the development of all planned phases. The Commission's existing policy has led ICIF owners to file petitions for declaratory orders demonstrating plans and milestones for future generation development to reserve for themselves currently excess ICIF capacity that they built for such purposes. In the vast majority of cases, the Commission has granted the petition, based on confidential documentation filed by the ICIF owner, with a limited description of the plans and milestones the Commission deemed dispositive. Further, the Commission's existing policy of treating ICIF the same as other transmission facilities for OATT purposes, including the requirement to file an OATT following a third-party request, creates undue burden for ICIF owners without a corresponding enhancement of access given the ICIF owner's typical ability to establish priority rights.

3. Granting an OATT waiver to ICIF owners and providing that third-party access be governed by sections 210, 211, and 212 will enable ICIF owners and third parties, where possible, to reach mutually agreeable and voluntary arrangements that provide ICIF access to third parties, while protecting a third party's right to request that the Commission order interconnection and transmission service over ICIF. We find that providing this contractual flexibility may remove barriers to an ICIF owner's willingness to enter into such an agreement with a third party.

4. We recognize that ICIF owners often construct ICIF to accommodate multiple generation project phases and intend for their subsequent generation projects to use what is initially excess capacity on the ICIF. We believe that the safe harbor period established by this Final Rule will enable these ICIF owners to focus in the early stages of development on building generation.

5. We find that the reforms adopted herein re-balance the burden on ICIF owners and encourage efficient generation and interconnection facility development, while maintaining access to available capacity for third parties where appropriate.

II. Background

A. Development of ICIF Policies

6. Under section 201(b) of the FPA, the Commission has jurisdiction over all facilities used for the transmission of electric energy in interstate commerce.[6] Under section 201(e) of the FPA, any person who owns or operates facilities subject to the jurisdiction of the Commission is a public utility.[7] The Commission is charged with the responsibility under sections 205 and 206 of the FPA to ensure that a public utility's rates, charges, and classifications of service are just and reasonable and not unduly discriminatory or preferential.[8]

7. In Order No. 888, the Commission, relying upon its authority under sections 205 and 206 of the FPA, established non-discriminatory open access to electric transmission service as the foundation necessary to develop competitive bulk power markets in the United States.[9] Order No. 888, codified in section 35.28 of the Commission's regulations, requires that any public utility that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce must file an OATT and comply with other related requirements. The Commission in Order No. 888 did not specifically address transmission facilities associated with the

[1] The jurisdictional interconnection facilities for which this Final Rule grants a waiver have sometimes in the past been referred to informally as ''generator tie lines,'' but, in the Notice of Proposed Rulemaking, the Commission used the term ICIF as defined in the *pro forma* documents issued with Order No. 2003. As discussed below, *infra* section IV.A Eligible ICIF, we continue to use the term ''ICIF'' throughout this Final Rule but clarify there that we intend the term to encompass a broader scope. *Standardization of Generator Interconnection Agreements and Procedures,* Order No. 2003, 68 FR 49845 (Aug. 19, 2003), FERC Stats. & Regs. ¶31,146, at Appendix C, Appendix 6, Article 1 (2003), *order on reh'g,* Order No. 2003–A, 69 FR 15932 (Mar. 26, 2004), FERC Stats. & Regs. ¶ 31,160, *order on reh'g,* Order No. 2003–B, 70 FR 265 (Jan. 4, 2005), FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh'g,* Order No. 2003–C, 70 FR 37661 (Jun. 30, 2005), FERC Stats. & Regs. ¶ 31,190 (2005), *aff'd sub nom. Nat'l Ass'n of Regulatory Util. Comm'rs* v. *FERC,* 475 F.3d 1277 (D.C. Cir. 2007), cert denied, 552 U.S. 1230 (2008).

[2] 16 U.S.C. 824i, 824j, and 824k.

[3] In this Final Rule, the term ''ICIF owners'' includes those who operate or control ICIF.

[4] *Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities,* Notice of Proposed Rulemaking, 79 FR 31061 (May 30, 2014), FERC Stats. & Regs. ¶ 32,701 (2014), *corrected,* 79 FR 35501 (June 23, 2014).

[5] As discussed *infra,* the blanket waiver will apply only to entities that are either directly subject to section 210 or have voluntarily committed to comply with section 210.

[6] 16 U.S.C. 824(b).

[7] 16 U.S.C. 824(e). Section 201(f) of the FPA exempts certain governmental entities and electric cooperatives from being a public utility.

[8] 16 U.S.C. 824d and 824e.

[9] *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities,* Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g,* Order No. 888–A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048, *order on reh'g,* Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order on reh'g,* Order No. 888–C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group* v. *FERC,* 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC,* 535 U.S. 1 (2002).

interconnection of electric generating units to the transmission grid.

8. At the same time, the Commission issued Order No. 889,[10] which promulgated the Open Access Same-Time Information System (OASIS) and Standards of Conduct requirements in Part 37 of the Commission's regulations to ensure the contemporaneous disclosure of certain information and prevent transmission providers from engaging in non-discriminatory behavior in favor of their marketing affiliates.[11]

9. In Order No. 2003, the Commission found that interconnection service plays a crucial role in bringing generation into the market to meet the growing needs of electricity customers and competitive electricity markets.[12] The Commission reiterated that ''[i]nterconnection is a critical component of open access transmission service,'' and that ''the Commission may order generic interconnection terms and procedures pursuant to its authority to remedy undue discrimination and preferences under sections 205 and 206 of the Federal Power Act.'' [13] The Commission concluded that there was a pressing need for a uniformly applicable set of procedures and a *pro forma* agreement to form the basis of interconnection service for large generators, and thus promulgated the *pro forma* Large Generator Interconnection Procedures (LGIP) and the *pro forma* Large Generator Interconnection Agreement (LGIA) [14] to be included in every public utility's OATT.[15]

10. Article 11.1 of the LGIA provides that the ''Interconnection Customer shall design, procure, construct, install, own and/or control Interconnection Customer Interconnection Facilities . . . at its sole expense.'' The LGIA defines ICIF as ''all facilities and equipment, as identified in Appendix A of the Standard Large Generator Interconnection Agreement, that are located between the Generating Facility and the Point of Change of Ownership, including any modification, addition, or upgrades to such facilities and equipment necessary to physically and electrically interconnect the Generating Facility to the Transmission Provider's Transmission System. Interconnection Customer's Interconnection Facilities are sole use facilities.'' [16] The LGIA defines ''Interconnection Facilities'' [17] as the:

> Transmission Provider's Interconnection Facilities and the Interconnection Customer's Interconnection Facilities. Collectively, Interconnection Facilities include all facilities and equipment between the Generating Facility and the Point of Interconnection, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the Generating Facility to the Transmission Provider's Transmission System. Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades.[18]

Finally, the LGIA defines Transmission Provider's Interconnection Facilities as ''those Interconnection Facilities that are located between the Point of Interconnection [19] with the grid and the Point of Change of Ownership,[20] and which are owned, controlled, or operated by the transmission provider.'' [21]

11. In general, Interconnection Facilities are constructed to enable a generation facility or multiple generation facilities to transmit power to the integrated transmission grid. Interconnection Facilities are typically radial in nature, with a single point of interconnection with the network grid, and over which power flows in one direction toward the transmission grid.[22] Depending on the circumstances, Interconnection Facilities may range in length, but can span considerable distances and represent significant transmission capacity.[23]

12. In a series of cases since Order No. 2003 became effective, issues have been raised regarding the extent to which, if at all, third parties should be able to have access rights for transmission on the facilities located between the generating facility and the Point of Change of Ownership at which the Transmission Provider's Interconnection Facilities begin, *i.e.,* ICIF. Applications have come before the Commission as petitions for declaratory order and requests for service under sections 210 and 211. In each of these, the Commission has put the onus on the developer, if it would like to preempt a third party's use, to demonstrate that it has plans to use the currently excess capacity.

13. In *Milford Wind Corridor, LLC,* the Commission recognized that it has granted waivers of the OATT requirements on a case-by-case basis for ICIF owners who demonstrate that their ICIF are limited and discrete and there is no outstanding request by a third party to access the ICIF.[24]

14. At issue in these cases was whether the entity that owns and/or controls ICIF to serve its or its affiliates' generation project or projects has any priority right over third-party requesters to use the capacity on its ICIF. Where an ICIF owner has specific, pre-existing generator expansion plans with milestones for construction of generation facilities and can demonstrate that it has made material progress toward meeting those milestones, the Commission granted priority rights for excess capacity on the ICIF for those future generation

[10] *Open Access Same-Time Information System and Standards of Conduct,* Order No. 889, 61 FR 21737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035 (1996), *order on reh'g,* Order No. 889–A, FERC Stats. & Regs. ¶ 31,049 (1997), *reh'g denied,* Order No. 889–B, 81 FERC ¶ 61,253 (1997).

[11] Although originally promulgated by Order No. 889, the Commission has since relocated the Standards of Conduct to Part 358 and adopted a number of changes, most recently revised by Order No. 717. *Standards of Conduct for Transmission Providers,* Order No. 717, FERC Stats. & Regs. ¶ 31,280 (2008).

[12] Order No. 2003, FERC Stats. & Regs. ¶ 31,146 at P 11.

[13] *Id.* PP 12, 20.

[14] As discussed above, throughout this Final Rule, the terms LGIP and LGIA refer to the *pro forma* versions of those documents.

[15] Order No. 2003 established rules for a Large Generating Facility, defined as a generating facility with a capacity of more than 20 MW. Similarly, in Order No. 2006, the Commission established the *pro forma* Small Generator Interconnection Procedures and the *pro forma* Small Generator Interconnection Agreement for interconnecting small generators (no larger than 20 MW). *Standardization of Small Generator Interconnection Agreements and Procedures,* Order No. 2006, FERC Stats. & Regs. ¶ 31,180, *order on reh'g,* Order No. 2006–A, FERC Stats. & Regs. ¶ 31,196 (2005), *order granting clarification,* Order No. 2006–B, FERC Stats. & Regs. ¶ 31,221 (2006).

[16] LGIA Article 1. Section 1 of the LGIP includes identical definitions to those in Article 1 of the LGIA.

[17] Unless otherwise indicated, capitalized terms herein have the same definition as in the Commission's LGIA or in the OATT, as applicable.

[18] LGIA Article 1. *See supra* n.1.

[19] The Point of Interconnection is defined in Article 1 of the LGIA as the point where the Interconnection Facilities connect to the Transmission Provider's Transmission System.

[20] The Point of Change of Ownership is defined in Article 1 of the LGIA as the point, as set forth in Appendix A to the LGIA, where the Interconnection Customer's Interconnection Facilities connect to the Transmission Provider's Interconnection Facilities. LGIP section 11.2 states that the Transmission Provider and Interconnection Customer shall negotiate the provisions of the appendices to the LGIA.

[21] LGIA Article 1.

[22] In limited circumstances, power may flow from the grid to supply station power in the event no power is being produced at the generating facility.

[23] *See, e.g., Bayonne Energy Center, LLC,* 136 FERC ¶ 61,019 (2011) (involving a 6.75-mile, 345-kV interconnection facility); *Terra-Gen Dixie Valley, LLC,* 132 FERC ¶ 61,215 (2010) (*Terra-Gen I*), *reh'g denied,* 134 FERC ¶ 61,021 (2011), *order on request for priority rights,* 137 FERC ¶ 61,179 (2011), *order on reh'g,* 147 FERC ¶ 61,122 (2014) (involving a 214-mile, 230-kV interconnection facility). *See also, e.g., Southern Company Serv., Inc.,* Docket No. ER12–554–000 (Jan. 6, 2012) (delegated letter order) (involving an approximately 2000 foot interconnection facility).

[24] *Milford Wind Corridor, LLC,* 129 FERC ¶ 61,149, at P 24 (2009) (*Milford*).

projects.[25] For example in *Aero Energy, LLC,*[26] before ordering service over the Sagebrush line pursuant to FPA sections 210 and 211, the Commission provided the opportunity for the ICIF owner to demonstrate that it had pre-existing contractual obligations or other specific plans that would prevent it from providing the requested firm transmission service to the third party.[27] As a result, the Commission found that one of the Sagebrush partners had shown that it had pre-existing expansion plans that, at some future date, would require firm transmission capacity, and that two other Sagebrush partners had not shown that they had pre-existing expansion plans that would require additional transmission capacity.

15. The Commission has also considered, on a case-by-case basis, petitions for declaratory order requesting that an ICIF owner be granted priority over third parties to use capacity on its ICIF.[28] In *Milford,* the Commission granted such priority, finding that Milford had shown that it had specific plans for phased development of its generation. The Commission in *Milford* summarized the *Aero* precedent as providing that:

> A transmission owner that filed specific expansion plans with definite dates and milestones for construction, and had made material progress toward meeting its milestones, had priority over later transmission requests.[29]

This required demonstration necessary to claim priority rights has been referred to as the ''specific plans and milestones'' showing. This granting of priority rights preserves the ability of the generation developer to deliver its future output to the point of interconnection with the integrated transmission grid, so long as it can make the relevant showing to the Commission sufficient to justify priority.[30] The Commission has also found that an affiliate of the ICIF owner that is developing its own generator projects also may obtain priority rights to the capacity on the ICIF by meeting the ''specific plans and milestones'' standard with respect to future use.[31]

16. Notwithstanding the ability of an ICIF owner to request priority rights, where an ICIF owner has received a third-party request for service, the Commission has required that the ICIF owner file an OATT.[32]

17. In summary, the Commission's existing policy since 2009 is that, because ICIF are facilities used for the transmission of electric energy in interstate commerce, those who own, control, or operate ICIF must either have an OATT on file or receive a waiver of the OATT requirement.[33] Section 35.28(d) provides that any public utility subject to OATT, OASIS, and Standards of Conduct requirements may file a request for a waiver for good cause shown.[34] The Commission grants such requests for waiver where the public utility owns only limited and discrete facilities or is a small utility.[35] Even if a waiver of the OATT is granted for ICIF, the ICIF owner is subject to the requirement that, if a request for transmission service over the facilities is made, it would have to file an OATT within 60 days of the request[36] and comply with any additional requirements then in effect for public utility transmission providers. The ICIF owner would thus become subject to all of the relevant *pro forma* OATT requirements, unless it successfully seeks and receives approval for deviations from the *pro forma* OATT.

III. Need for Reform

A. Commission Proposal

18. The Commission issued a NOPR in this proceeding on May 15, 2014. In the NOPR, the Commission proposed to grant a blanket waiver for ICIF of all OATT, OASIS, and Standards of Conduct requirements in circumstances where a public utility is subject to such requirements solely because it owns, controls, or operates ICIF and sells electric energy from its generating facility. The Commission also proposed a safe harbor period of five years during which there would be a rebuttable presumption that: (1) The eligible ICIF owner has definitive plans to use its capacity without having to make a demonstration through a specific plans and milestones showing; and (2) the eligible ICIF owner should not be required to expand its facilities.[37] The Commission found, on a preliminary basis, that there was a need for reform because OATT requirements as applied to ICIF may impose risks and burdens on generators and create regulatory inefficiencies that are not necessary to achieve the Commission's open access goals. The Commission also preliminarily found that there was a need to reform its requirements for achieving non-discriminatory access over ICIF so as not to discourage competitive generation development with unnecessary burdens, while ensuring non-discriminatory access by eligible transmission customers.

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[25] *Alta Wind I, LLC,* 134 FERC ¶ 61,109, at PP 16–17 (2011); *Milford,* 129 FERC ¶ 61,149 at P 22; *Aero Energy LLC,* 116 FERC ¶ 61,149, at P 28 (2006) *Aero* Modification Order. Such plans and initial progress also must pre-date a valid request for service. *Terra-Gen I,* 132 FERC ¶ 61,215 at P 53.

[26] *Aero Energy LLC,* 115 FERC ¶ 61,128 (2006) (*Aero* Proposed Order), *order granting modification,* 116 FERC ¶ 61,149 (2006) (*Aero* Modification Order), *final order,* 118 FERC ¶ 61,204 (2007), *reh'g denied,* 120 FERC ¶ 61,188 (2007) (*Aero* Rehearing Order) (collectively, *Aero*).

[27] *Aero* Modification Order, 116 FERC ¶ 61,149 at P 28.

[28] *See, e.g., Milford,* 129 FERC ¶ 61,149 at P 24; *Terra-Gen I,* 132 FERC ¶ 61,215 at P 49.

[29] *Milford,* 129 FERC ¶ 61,149 at P 22.

[30] The *Aero* precedent cited above is the only instance where the Commission has not granted priority rights upon an attempted plans and milestones demonstration.

[31] *See NextEra Energy Resources, LLC,* 142 FERC ¶ 61,043, at P 26 (2013).

[32] Subsequent to ordering transmission under FPA sections 210 and 211 in *Aero,* the Commission granted market-based rates to several Sagebrush affiliates on the condition that Sagebrush file an OATT for its line if any third party filed a request for service on the line. *EDFD Handsome-Lake,* 127 FERC ¶ 61,243, at P 15 (2009). Such a request was made, and Sagebrush filed an OATT for its interconnection facility. *Sagebrush, a California Partnership,* 130 FERC ¶ 61,093, *order on reh'g,* 132 FERC ¶ 61,234 (2010). In *Peetz Logan,* the generation owner filed an OATT in response to a request for third-party interconnection and transmission services over its existing 78.2-mile, 230-kV ICIF that had been used to connect three affiliated wind generation projects to the grid. *Peetz Logan Interconnect, LLC,* 136 FERC ¶ 61,075 (2011) (*Peetz Logan*). In *Sky River,* the Commission rejected the filing of an executed Common Facilities Agreement providing a third party the right to access and utilize Sky River, LLC's interest in a nine-mile 230-kV ''generator tie-line.'' Instead, the Commission required that any service by non-owners over the line must be made pursuant to an OATT. *Sky River, LLC,* 134 FERC ¶ 61,064 (2011) (*Sky River*). Also, in *Terra-Gen,* the generator owner of a 214-mile, 230-kV radial interconnection facility was ordered by the Commission to file an OATT in response to a request for third-party transmission service. *Terra-Gen Dixie Valley, LLC,* 134 FERC ¶ 61,027 (2011), *order on reh'g,* 135 FERC ¶ 61,134 (2011), *order granting extension of time*, 136 FERC ¶ 61,026 (2011), *order on reh'g,* 147 FERC ¶ 61,122 (2014).

[33] *See Milford,* 129 FERC ¶ 61,149 at P 24 (noting that the fact that the facilities merely tie a generator to the grid does not render a line exempt from the Commission's regulation of transmission facilities). *See also Evergreen Wind Power III, LLC,* 135 FERC ¶ 61,030, at P 15 n.18 (2011) (granting request for waiver of the OATT requirement in the context of a request for market-based rate authority).

[34] The Commission has the general statutory authority to waive its regulations as it may find necessary or appropriate. *UtiliCorp United Inc.,* 99 FERC ¶ 61,280, at P 12 (2002); *see also Pacific Gas and Electric Co.,* 99 FERC ¶ 61,045, at P 5 (2002) (''It is however well established that, with or without an explicit provision to that effect, an agency may waive its regulations in appropriate cases.''). Similarly, section 358.1(d) of the Commission's regulations provides that a transmission provider may seek a waiver from all or some of the requirements of Part 358.

[35] *See, e.g., Prairie Breeze Wind Energy LLC,* 145 FERC ¶ 61,290, at P 26 (2013); *Ebensburg Power Company,* 145 FERC ¶ 61,265, at P 27 (2013); *CSOLAR IV South, LLC,* 143 FERC ¶ 61,275, at P 16 (2013).

[36] *Milford,* 129 FERC ¶ 61,149 at P 27. *See Termoelectrica U.S., LLC,* 105 FERC ¶ 61,087, at P 11 (2003); *Black Creek Hydro, Inc.,* 77 FERC ¶ 61,232, at 61,941 (1996).

[37] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 54.

B. Comments

19. The Commission received 24 comments and one reply comment on the NOPR.[38] Of those, 21 commenters [39] generally support the need for reform and the NOPR proposals. Commenters state that the Commission's existing policy is unduly burdensome and unnecessary [40] and that it does not meet the goal of promoting development of generation facilities while ensuring not unduly discriminatory open access to transmission facilities.[41] Commenters argue that ICIF owners are focused on developing new generation resources and the time, effort and cost of complying with the OATT requirements under the Commission's existing policy hinders generation development.[42] Commenters support the Commission's goal of reducing regulatory burdens and promoting development of generation facilities while ensuring open access to transmission facilities and support the Commission's proposal to revise its current ICIF policies.[43]

20. Terra-Gen states that the NOPR proposals are essential to minimize the business and regulatory risks faced by generation owners and developers.[44] Further, Terra-Gen argues that the Commission's existing ICIF policy allows third parties to impose substantial and potentially unrecoverable regulatory compliance and other costs on generation owners by requesting access to ICIF without making a showing that the third party is ''ready, willing, and able to pay the reasonable costs of transmission services plus a reasonable rate of return on such costs.'' [45]

21. Linden states that ICIF owners generally plan to use the excess capacity on their ICIF for their own purposes and that the Commission's existing policy imposes a risk of losing that capacity if another party makes a request for service.[46] ELCON argues that an ICIF owner should retain the rights over its ICIF for its own future projected use.[47]

22. MISO supports revising the Commission's ICIF policy because it argues that the existing policy: (1) Creates disincentives to develop more efficient, high-voltage ICIF by expanding the costs and responsibilities of generation owners; (2) imposes transmission owner requirements on entities that are not in the business of providing transmission service to third parties; and (3) creates concerns over the interaction of ICIF with the transmission system, and the reliable interconnection of projects to the transmission system.[48]

23. Commenters argue that ICIF are unique and the Commission's open access requirements and *pro forma* OATT were not designed for and are not appropriate for these facilities.[49] MISO asserts that use of an OATT by an ICIF owner raises complicated issues regarding seams agreements between the transmission provider and the ICIF owner and issues related to Order No. 1000-compliance regional transmission planning and cost allocation.[50] MISO also notes that using OATTs for access to ICIF could create different interconnection processes for different ICIF within the MISO footprint, thus complicating the interconnection process.[51]

24. On the other hand, APPA, TAPS, and NCPA state that they support the Commission's goal of promoting generation development, but assert that the NOPR proposals would erode the Commission's open access transmission policies.[52] APPA and TAPS argue that the Commission should instead address the concerns identified in the NOPR in a manner that preserves the open access underpinnings of competitive markets and its reliance on market-based rates to ensure just and reasonable wholesale sales, and meets its statutory obligation to eliminate undue discrimination in transmission service. APPA and TAPS contend that the NOPR, as proposed, fundamentally erodes open access by making it effectively impossible for subsequent competitive generation developers to interconnect with the ICIF owner's facilities for long periods of time, if ever.[53] NCPA states that while it supports the Commission's desire to promote generation development, it shares the concerns expressed by APPA and TAPS that the NOPR imperils the open access underpinnings for competitive markets by cutting back on the significant procedural reforms initiated by this Commission in Order Nos. 888 and 889, and supports the alternatives proposed by APPA and TAPS, as described below, by which the Commission could achieve the NOPR's objectives without unnecessarily reducing the protection from discrimination that those orders provided.[54] Similarly, NRECA states that it appreciates the Commission's concerns about imposing the entire open access regime on entities that only own ICIF, but contends that reducing this burden must not come at the expense of ensuring that load-serving entities have access to facilities to serve their loads.[55]

25. APPA and TAPS [56] argue that the NOPR fails to demonstrate the need to change the requirement that an ICIF owner file an OATT upon receipt of a third-party request for service, noting that the NOPR itself recognizes that third-party requests to ICIF owners for service are ''infrequen[t]'' and ''relatively rare.'' [57] They also contend that the NOPR has not demonstrated that the proposed procedures would cost less than existing requirements, arguing that the lengthy and costly procedures of sections 210 and 211 could not possibly be less expensive for ICIF owners on an industry-wide basis. They argue that the NOPR proposals will therefore be ineffective at reducing the regulatory costs of ICIF owners and may function as a bar to open access.[58]

26. APPA and TAPS contend that the NOPR would invite ICIF owners to close off access to what could well be significant highways to areas ripe for renewable resource development.[59] APPA and TAPS argue that the NOPR would allow an ICIF owner to hold that transmission corridor hostage, block efficient expansion, and deny access to competitors. They add that the ICIF owner is likely to be the competitor of the third party seeking interconnection and transmission service over the ICIF, giving the ICIF owner strong incentive to use its control over ICIF to the advantage of its own generation resources.[60]

27. APPA and TAPS also state that the Commission cannot assume that open access principles need not apply to ICIF

[38] *See* Appendix A for a list of NOPR commenters.

[39] These include AWEA, BHE, BP Wind, Linden, DTE, E.ON, EEI, ELCON, EPSA, First Wind, Invenergy, ITC, MISO, MISO TOs, NextEra, NRG, Recurrent, SEIA, Sempra, Southern, and Terra-Gen. SWP also commented on the NOPR, but did not express support or opposition to the proposed changes overall.

[40] AWEA at 1; E.ON at 2; and NextEra at 3.

[41] EEI at 2.

[42] AWEA at 2; Linden at 3; and E.ON at 2.

[43] BHE at 1; EEI at 2; and ELCON at 2.

[44] Terra-Gen at 1.

[45] Terra-Gen at 1 (citing *New York State Electric & Gas Corp.* v. *FERC,* 638 F.2d 388, 402 (2d. Cir. 1980), *cert. denied,* 454 U.S. 821 (1981)).

[46] Linden at 4.

[47] ELCON at 2.

[48] MISO at 4–5.

[49] BP Wind at 4; Linden at 3; ELCON at 2; and E.ON at 2.

[50] MISO at 5.

[51] MISO at 5.

[52] APPA and TAPS at 2 and NCPA at 3.

[53] APPA and TAPS at 2.

[54] NCPA at 3.

[55] NRECA at 2.

[56] NCPA states that it supports the comments submitted by APPA and TAPS. NCPA at 1 and 3.

[57] APPA and TAPS at 20 (citing NOPR, FERC Stats. & Regs. ¶ 32,701 at PP 32, 36).

[58] APPA and TAPS at 21.

[59] APPA and TAPS at 8 (citing NOPR, FERC Stats. & Regs. ¶ 32,701 at P 9, n.16).

[60] APPA and TAPS at 8–9.

because competitors can build their own, arguing that such lines require extensive permitting, and that it is often more difficult to obtain siting approvals for a second line once a first line has been permitted.[61] They contend that, even where it is possible to obtain necessary siting approvals for duplicative lines, inefficient build-out of the grid would make it more costly than necessary to access new generation resources, burdening those resources and consumers, as well as undermining competitive wholesale markets.

28. APPA and TAPS contend that departure from the Commission's non-discriminatory access requirements cannot be excused by the fact that usage of ICIF has been requested infrequently thus far, arguing that ICIF access may well become more common in the future given the increasing dependence on renewable resources.

29. APPA, TAPS, and NRECA suggest alternatives to the NOPR proposals. APPA and TAPS state that the Commission could grant a blanket waiver of OATT, OASIS, and Standards of Conduct requirements, but require ICIF owners to submit a standardized, more limited OATT within 60 days of a third-party service request. APPA and TAPS argue that the modified OATT should not remove core elements of open access, including the obligation to expand and the development of rates for point-to-point service, but could eliminate provisions for network transmission service and ancillary services.[62] They state that this will reduce the regulatory burden on ICIF owners and eliminate the need to apply for special waivers on a case-by-case basis, while preserving key limitations on the ICIF owner's ability to discriminate and create barriers to entry to competitive markets.

30. APPA and TAPS state that the Commission could address the concern that the existing policy creates too low a bar for third-party requests to trigger the requirement for an ICIF owner to file an OATT by specifying clarified and heightened thresholds for a service request to trigger the requirement to file. They add that the Commission could approve fee structures that enable an ICIF owner to insist upon reasonable deposits before the obligation to file a notice of receipt of a service request and, subsequently, an OATT is triggered.[63] They argue that such additional deposits would discourage speculative service requests that trigger a first-time OATT filing and fully address the specific ICIF owner regulatory burden that the NOPR identifies. They contend that while the extra deposit would increase costs for the first entity that seeks service from the ICIF owner's corporate family, the amount of the deposit would be much lower than the costs of requesting, negotiating, and litigating service under sections 210 and 211.[64]

31. NRECA suggests that the Commission could implement a procedure under which a prospective customer seeking service on ICIF must submit a request that is fully supported by specified information, followed by the necessary studies and the parties cooperating to reach an agreement for service within a specified period of time, such as 90 days.[65] NRECA adds that if the parties are not able to reach an agreement, the ICIF owner would file an unexecuted service proposal with the Commission.[66]

32. NRECA argues that its proposed procedures would address the Commission's concern that the existing policy ''creates too low a bar for third-party requests for service'' because those seeking service would be required to provide adequate information to support their requests. NRECA also argues that its proposal would alleviate the concern that an ICIF owner may be required to file an OATT due to a service request by a requester that subsequently fails to pursue any further development, because a mere service request would no longer trigger that requirement. In addition, NRECA contends that its proposal would promote flexibility by requiring the parties to work together to attempt to reach an agreement.[67]

C. Commission Determination

33. We believe this Final Rule will relieve regulatory burdens and unnecessary risks from generation developers to encourage the development of new generation and efficient interconnection facilities and promote competition while ensuring access to transmission on a not unduly discriminatory basis.

34. Our action is supported by comments on the NOPR, the technical conference,[68] and Notice of Inquiry.[69] Specifically, we appreciate that filing and maintaining an OATT can be burdensome to ICIF owners who do not seek to provide transmission service. Adding a potential OATT obligation to a generation project can introduce an additional element of risk for the developer and its lenders that they would not have if the project were not subject to the potential obligation to file and maintain a transmission tariff. The risk stems from the policy to require an ICIF owner to file an OATT within 60 days of a request for service by a third party and must begin interconnection studies. The ICIF owner's obligation can be triggered with minimal effort by a third party requester, thus a request for service may not sufficiently distinguish third party requesters who have a well-supported request for service from those that do not. We are aware of situations where the ICIF owner received a request for service triggering the requirement that the owner file an OATT, but the requester then failed to pursue any further development.[70] This is an additional risk for the ICIF owner.

35. We also agree that a number of sections of the *pro forma* OATT, such as the provisions regarding network service, ancillary services, and planning requirements, are arguably inapplicable to most or all ICIF owners. Although ICIF owners may propose deviations from the *pro forma* OATT, the Commission's existing process of handling these proposed deviations on a case-by-case basis can impose the risk of a time-consuming proceeding with an uncertain outcome.

36. Moreover, interconnecting with ICIF often involves unique circumstances that would benefit from negotiations to tailor individual access agreements. However, the existing policy limits an ICIF owner's contractual flexibility and does not allow parties to use common facility agreements or have service governed outside of an OATT.[71]

37. In addition, it is common for an ICIF owner to initially have excess capacity on its ICIF when it plans to bring generation into commercial service in stages. The Commission has

[61] APPA and TAPS at 9–10.

[62] APPA and TAPS at 21–22.

[63] APPA and TAPS at 23.

[64] APPA and TAPS at 23–24.

[65] NRECA at 5–6.

[66] NRECA at 6–7.

[67] NRECA at 7.

[68] *Priority Rights to New Participant-Funded Transmission,* March 15, 2011 Technical Conference, AD11–11–000.

[69] *Open Access and Priority Rights on Interconnection Facilities,* Notice of Inquiry, FERC Stats. & Regs. ¶ 35,574 (cross-referenced at 139 FERC ¶ 61,051 (2012).

[70] *See* NextEra at 5 (''Two of the three NextEra subsidiaries that received inquiries triggering OATT filings with respect to their ICIF—Sagebrush and Peetz Logan—never had customers actually pursue transmission or interconnection service following the initial inquiries'') and Terra-Gen at 2 (''Dixie Valley . . . incurred substantial costs in attempting to comply with the Commission's OATT requirements over several years, only to find that it would have no way to recover those costs because the customer that requested transmission service ultimately did not become a transmission customer'').

[71] *Sky River,* 134 FERC ¶ 61,064 at P 13.

a process for granting priority rights to the ICIF owner for such excess capacity on a case-by-case basis. However, filing a petition for declaratory order to establish priority rights can be a significant burden for the ICIF owner because the Commission's existing policy of requiring a demonstration of ''specific plans and milestones'' can require substantial effort and resources on the part of the ICIF owner to make the necessary showings. Further, these priority rights do not diminish the risk and potential burden that the ICIF owner may have to file an OATT within 60 days of a request for service.

38. Contrary to APPA and TAPS' argument that the proposed revisions will likely cost more to implement than the Commission's existing OATT requirements,[72] other commenters assert that the risks described above fall on all ICIF owners and therefore that the Commission's existing policy imposes costs,[73] despite the fact that it is unlikely that any third party would request OATT service on most ICIF. The Commission has issued numerous individual orders granting waivers of OATT, OASIS, and Standards of Conduct to ICIF owners, but in only four instances did a third-party request access on ICIF such that the filing of an OATT was required.[74] Although only a small percentage of ICIF owners have actually had to file an OATT, all ICIF owners are subject to the additional risks and potential regulatory burdens discussed above, including possibly having to file an OATT on 60 days' notice in response to a request for service, and possibly losing some of the ICIF capacity planned for future use to a requesting third party. In response to commenters concerns that the process under sections 210 and 211 is more expensive for potential transmission customers than the existing process, we note that the cost of any process has many variables. This Final Rule specifically allows for voluntary interconnection agreements, which may be a more efficient process than currently exists. Under our existing policy, while a potential transmission customer may trigger an ICIF owner's OATT obligation by making a simple request for service, the potential customer often bears the expense to be a party to what are sometimes controversial proceedings. We find that the proposed reforms will avoid the expense of requests that are unlikely to be successful. Accordingly, we find that reforming the open access transmission requirements in this narrow set of circumstances is appropriate.

39. We find that APPA and TAPS' concerns that the NOPR would allow an ICIF owner to close off access to significant highways to areas ripe for renewable resource development overlook practical considerations of infrastructure development. The approach taken in this Final Rule recognizes that, often, an ICIF owner anticipates that it will use its excess ICIF capacity, and seeks to reduce unnecessary regulatory burdens. The Commission precedent with respect to priority use has given ICIF owners the opportunity to demonstrate that they had pre-existing contractual obligations or other specific plans that would prevent them from providing the requested transmission service at a future date.[75] In balancing the considerations, we are persuaded that the process under sections 210 and 211 allows an ICIF owner to be reasonably assured of being able to use that extra capacity, while also providing a mechanism for expansion. Without such reasonable assurance, there is no incentive for a developer to shoulder the extra expense of ICIF sized larger than their initial project.

40. Moreover, we agree with NRECA that it is important to promote flexibility by encouraging the ICIF owner and the third party to work together to attempt to reach an agreement. As discussed further below, this Final Rule adopts a framework that includes opportunities for the ICIF owner and third party to reach mutually agreeable solutions, either as part of a proceeding under sections 210 and 211, or in such a way that obviates the need to bring a proceeding under sections 210 and 211 to the Commission.

IV. Proposed Reforms

A. Eligible ICIF

1. Commission Proposal

41. In the NOPR, the Commission defined the facilities that were subject to the rule as ICIF because that term already had a specific definition in the *pro forma* LGIA and LGIP.[76] The Commission proposed to apply the NOPR reforms to any public utility that is subject to OATT, OASIS, and Standards of Conduct requirements solely because it owns, controls, or operates ICIF, in whole or in part, and sells electric energy from its generating facility, as those terms are defined in the *pro forma* LGIP and the *pro forma* LGIA adopted in Order No. 2003. The LGIA and LGIP define ICIF as ''all facilities and equipment, as identified in Appendix A of the LGIA, that are located between the generating facility and the Point of Change of Ownership, including any modification, addition, or upgrades to such facilities and equipment necessary to physically and electrically interconnect the generating facility to the transmission provider's transmission system.'' [77]

2. Comments

42. First Wind and Invenergy recommend that the Commission not define the interconnection facilities subject to the waiver with reference to the LGIA and LGIP, but simply as those facilities located between the generating facility and the point of interconnection to the transmission provider's transmission system. This is because some interconnection agreements predate Order No. 2003 which first defined ICIF; some may be implemented under the small generator interconnection procedures under Order No. 2006; and some agreements were entered into with non-Commission jurisdictional transmission providers. They argue that the definition of ICIF and generating facility should be revised to encompass facilities that may not be installed under the Commission's LGIA/LGIP arrangements.[78] Similarly, AWEA seeks clarification that ICIF owners who do not have interconnection agreements under *pro forma* arrangements or those that have shared facilities agreements (or similar understandings) also qualify for the blanket waiver.[79]

3. Commission Determination

43. We expand our definition of what interconnection facilities are subject to the Final Rule to include ICIF as well as comparable jurisdictional interconnection facilities that are the subject of interconnection agreements other than an LGIA. For those interconnection customers that have entered into an LGIA, these facilities will be those defined as ICIF in the LGIA and LGIP. For those interconnection customers that have entered into interconnection agreements other than an LGIA, these facilities will be the comparable set of interconnection facilities as those described as ICIF in the LGIA. Therefore, the term ICIF

[72] APPA and TAPS at 20.

[73] AWEA at 2 and E.ON at 2.

[74] Between January 1, 2009, and January 1, 2014, the Commission issued approximately 80 orders granting waiver of OATT, OASIS, and Standards of Conduct requirements to ICIF owners.

[75] *See, e.g., Aero* Modification Order, 116 FERC ¶ 61,149 at P 28.

[76] NOPR, FERC Stats. & Regs. ¶ 32,701 at PP 1 and 35.

[77] LGIA Article 1.

[78] First Wind at 11–12 and Invenergy at 4–6.

[79] AWEA at 7–8.

should be read in this Final Rule to encompass this broader scope. We use the term ''comparable'' set of interconnection facilities because the definition of ICIF in the LGIA is made with reference to specific facilities listed in an appendix to the LGIA and to terms defined elsewhere in the LGIA. Therefore, we cannot apply literally the definition of ICIF in the LGIA to describe facilities in interconnection agreements other than the LGIA. Generally, this comparable set of facilities would include all facilities and equipment that are located between an interconnection customer's generating facility and the point where such facilities connect to the transmission provider's interconnection facilities (called the ''point of change of ownership'' in the LGIA) that are necessary to physically and electrically interconnect the interconnection customer's generating facility to the transmission provider's facilities that are used to provide transmission service (called the ''point of interconnection'' in the LGIA).

B. Grant Blanket Waivers to Eligible ICIF Owners

1. Blanket Waivers

a. Commission Proposal

44. The Commission proposed to add sub-paragraph (d)(2) to 18 CFR 35.28 to grant a blanket waiver of all OATT, OASIS, and Standards of Conduct requirements to any public utility that is subject to such requirements solely because it owns, controls, or operates ICIF, in whole or in part, and sells electric energy from its generating facility, as those terms are defined in the LGIP and LGIA.[80] The Commission proposed that the blanket waiver would apply to all eligible existing and future ICIF owners, and explained that the limitation to ICIF owners that sell electric energy was meant to ensure that the proposed blanket waiver would only apply in situations where sections 210 and 211 would provide interconnection and transmission access to a customer that seeks service over the ICIF.[81]

b. Comments

45. The majority of commenters support the Commission's proposal to grant a blanket waiver of all OATT, OASIS, and Standards of Conduct requirements to public utility ICIF owners. Commenters agree with the Commission's preliminary findings in the NOPR that a blanket waiver is justified because such facilities do not typically present the concerns about discriminatory conduct that the Commission's OATT, OASIS, and Standards of Conduct requirements were intended to address.[82] Commenters agree that the Commission's existing practice of requiring an OATT for ICIF discourages generation development and results in a disincentive to be the first developer in an area to build ICIF, while creating a relative advantage for subsequent competing generation developers in that area.[83] Additionally, they argue that the Commission's existing practice unreasonably causes developers of ICIF to incur significant costs in response to mere written third-party requests unaccompanied by any deposit. Commenters agree that the requirement to file an OATT following any third-party request creates a regulatory burden without a corresponding enhancement of access.[84]

46. Commenters state that the OATT is not a good fit for the services that can be provided over ICIF, and argue that such limited service is not comparable to the integrated network, point-to-point, and ancillary services provided under the *pro forma* OATT.[85] E.ON agrees that the current OATT requirement can be seen as burdensome by ICIF owners who do not seek to be in the business of providing transmission service, can introduce an additional element of risk for the developer and its lenders that they would not have if the project were not subject to the potential obligation to file and maintain a transmission tariff, and limits an ICIF owner's contractual flexibility if it chooses to provide third-party access by mutual agreement.[86]

47. Commenters state that the Commission's existing policy of requiring an ICIF owner to file an OATT or seek a waiver that would be revoked only upon a third-party request for service creates too low a bar for third-party requests for service and could lead to competitive mischief.[87] BHE argues that ICIF owners are focused on developing new generation resources and that, given the infrequency of third-party requests and the absence of disputes before the Commission, it is more reasonable and efficient to address third-party requests to access available ICIF capacity as they arise on an individual basis.[88]

48. Some commenters argue that adjudicating such OATT waiver requests and OATT tariff filings on a case-by-case basis has led to confusion and uncertainty in the industry with respect to compliance with the Commission's open access requirements as applied to ICIF.[89] DTE argues that there is a filing burden associated with making a waiver request, as well as some uncertainty about the actions that would need to be taken in the unlikely event that these requests for waiver were not granted. DTE states that the proposed blanket waiver would remove any uncertainty regarding the current status of existing eligible ICIF owners that may have been awaiting the Commission's direction on this matter before making the determination of whether or not to seek a ''limited and discrete'' waiver from the OATT, OASIS and Standards of Conduct regulations.[90] Similarly, NextEra argues that the implication of the description of existing policy in the NOPR is that a significant number of generation owners should be taking actions to address existing open access requirements. NextEra points out that, in the NOPR, the Commission notes that this lack of clarity extends to whether market-based rate applicants that own ICIF, or have affiliates that own ICIF, must file an OATT or seek a waiver from OATT requirements in order to show a lack of vertical market power. NextEra argues that the proposed waiver will provide much needed certainty for ICIF owners by clearly identifying those entities that are not subject to OATT, OASIS, or Standards of Conduct requirements.[91]

49. Southern agrees that the blanket waiver approach appears to be appropriate given that very few generator tie lines have the characteristics (*e.g.,* long length, excess capacity) that would make them more feasible for interconnection by another generator than the transmission system.[92]

50. In contrast, APPA and TAPS state that creating and maintaining two different standards for access to transmission facilities is problematic in a dynamic grid, adding that ICIF that look like radial lines at the fringe of the system today may be a more central part of the network in a decade or two.[93]

[80] The Commission also proposed to make non-substantive revisions to what is currently 18 CFR 35.28(d) in order to update certain cross-references in that paragraph.

[81] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 35.

[82] EEI at 3 and BHE at 6–7.

[83] EEI at 8–9; BHE at 6–7; and E.ON at 2.

[84] EEI at 8–9; BHE at 6–7; and E.ON at 2.

[85] NextEra at 4–5 and E.ON at 2.

[86] E.ON at 2.

[87] BHE at 6–7 and E.ON at 2.

[88] BHE at 6–7.

[89] NextEra at 3–4.

[90] DTE at 2.

[91] NextEra at 7.

[92] Southern at 4.

[93] APPA and TAPS at 10.

51. APPA and TAPS argue that the Commission has long required market-based rate sellers that own transmission to demonstrate mitigation of vertical market power by showing that they and their affiliates either have filed an OATT or received a waiver for every transmission facility that they own, operate, or control, and to offer third parties service comparable to the service the market-based rate sellers and their affiliates provide themselves. APPA and TAPS contend that the proposed blanket waiver does not clarify the manner by which ICIF owners can address concerns about vertical market power when they seek market-based rate authority, but rather that it magnifies those concerns by discarding an essential foundation for allowing the ICIF owner and its affiliates to enjoy market-based rates.[94]

52. APPA and TAPS state that they would not oppose an initial grant of a blanket waiver of the requirement that each ICIF owner must file an individual request for waiver of OATT, OASIS, and Standards of Conduct, provided that such waivers would be revoked upon receipt of a third-party request for service on the ICIF.[95]

53. APPA and TAPS argue that the NOPR places no limit on the proposed blanket waiver, extending it to periods when there is no reasonable expectation that the ICIF owner is still in the project development mode.

54. NRECA states that it does not object to exempting certain ICIF owners from the mandate to file an OATT and related requirements for limited and discrete facilities, but that any such waiver should be revoked if the entity no longer meets those criteria.[96]

c. Commission Determination

55. We adopt the proposed blanket waiver with modifications as discussed below.[97] We believe the proposal as modified addresses the concerns of commenters while meeting our purpose of reducing unnecessary burden and providing clarity and certainty to developers. Such a waiver is justified because the usually limited and discrete nature of ICIF and ICIF's dedicated interconnection purpose means that such facilities do not typically present the concerns about discriminatory conduct that the Commission's OATT, OASIS, and Standards of Conduct requirements were intended to address. Because third-party requests to use ICIF have been relatively rare, it is more efficient to address such situations as they arise on an individual basis.

56. Further, the ICIF waiver would remove regulatory burdens on competitive generation developers without sacrificing the Commission's ability to require open access in appropriate circumstances. Specifically, we find that a blanket waiver will remedy the undue burden on ICIF owners under our existing policy to file an OATT or seek a waiver that would be revoked upon a third-party request for service from ICIF owners. We find that the time, effort, and cost of complying with the requirements of a public utility transmission provider in these circumstances unduly burden generation development efforts. In addition, we agree with commenters that the existing policy creates too low a bar for third-party requests for service. Specifically, an existing waiver of the OATT is revoked as soon as the ICIF owner receives a third-party request for service, even if that request meets few of the information and other requirements for transmission service under the *pro forma* OATT.

57. Finally, we agree with DTE and NextEra that providing a blanket waiver of the OATT for ICIF owners will clarify how they meet the OATT filing or OATT waiver requirements involved when seeking market-based rate authority.[98] APPA and TAPS argue that the blanket waiver does not explain how sellers would address vertical market power for purposes of market-based rate authority. However, this Final Rule simply provides an additional method for obtaining waiver of the OATT requirements. Therefore, to the extent that a market-based rate seller or any of its affiliates owns, operates, or controls transmission facilities, the Commission will require that, in order to satisfy the Commission's market-based rate vertical market power requirements in 18 CFR 35.37(d), it either must have a Commission-approved OATT on file, receive waiver of the OATT requirement under 18 CFR 35.28(d)(1), or satisfy the requirements for blanket waiver under 18 CFR 35.28(d)(2). Market-based rate filings cannot be used as the vehicle by which applicants may obtain determinations on whether they qualify for an ICIF blanket waiver.

58. As discussed further below, the blanket waiver adopted herein only applies in situations where sections 210, 211, and 212 would provide interconnection and transmission access to a customer that seeks service over the ICIF. This ensures that we are only waiving the OATT requirements in circumstances where there is an alternative for third parties to seek not unduly discriminatory access.

2. Requirement That ICIF Owners Must Sell Electricity To Qualify for the Waiver

a. Commission Proposal

59. The Commission proposed to grant the blanket waiver to any public utility that is subject to the Commission's OATT, OASIS, and Standards of Conduct requirements solely because it owns, controls, or operates ICIF, in whole or in part, and sells electric energy from its generating facility. The Commission's proposal to limit the waiver to ICIF owners who sell electric energy was intended to ensure that any public utility with an OATT blanket waiver would be subject to an interconnection order under section 210. This requirement was seen as necessary so as not to create a gap and leave a potential customer without a means of obtaining an interconnection with ICIF once the OATT interconnection procedures were waived.[99]

60. Section 210 of the FPA provides, in relevant part, ''Upon application of any electric utility . . . the Commission may issue an order requiring (A) the physical connection of . . . the transmission facilities of any electric utility, with the facilities of such applicant.'' [100] An ''electric utility'' is defined as ''a person or Federal or State agency . . . that sells electric energy.'' [101] Thus, the NOPR granted the waiver only to those that qualified as an electric utility to ensure that section 210 would be applicable. The Commission stated that it believes that there would be a relatively small number of ICIF owners who could not be subject to orders under sections 210 and 211, and sought comments on whether this limitation on which public utilities can take advantage of the blanket waiver is appropriate. The Commission noted that ICIF owners who were not electric

[94] APPA and TAPS at 14.

[95] APPA and TAPS at 20.

[96] NRECA at 4.

[97] Certain aspects of the blanket ICIF waiver adopted herein differ from the NOPR proposal. *E.g., see infra* PP 73–75 for the Commission determination on the public utilities eligible for the blanket waiver and *supra* P 43 for the Commission determination on the ICIF eligible for the blanket waiver.

[98] To demonstrate the absence of vertical market power in a market power analysis, a seller or its affiliate that owns, operates, or controls transmission facilities must have an OATT on file unless waived. *See* 18 CFR 35.37(d).

[99] NOPR, FERC Stats. & Regs. ¶ 32,701 at PP 35, 43.

[100] 16 U.S.C. 824i(a)(1)(A).

[101] 16 U.S.C. 796(22).

utilities had the option to seek waiver on a case-by-case basis.[102]

b. Comments

61. Some commenters argue that it is common for separate ICIF-only companies to be created and owned by a generation company or an affiliate, so that an entity separate from the generation company is used to own, operate, and manage the ICIF.[103] Further, these commenters argue that it is unnecessary to exclude from the waiver and safe harbor those entities that do not sell electric energy, and that the Commission can and should modify the proposal to make the waiver applicable to entities that only own the ICIF but do not sell electric energy. They also argue that the Commission routinely grants OATT waivers for such companies under the limited and discrete facilities factor.[104]

62. Recurrent, SEIA, and Sempra argue that ICIF-only companies often are employed when the generation project is developed in phases, and separate companies own the discrete portions of the generating facility that is the subject of a LGIA.[105] SEIA states that establishing a separate entity can facilitate management of the jointly-owned ICIF, assist in establishing a single point of contact with the interconnected transmission owner and operator, and can facilitate the addition of other ICIF users.[106] Sempra states that the ICIF-only entity structure has also been utilized because of tax regulations and other permitting considerations.[107] BP Wind notes that sometimes a separate stand-alone entity is formed to own the ICIF because an RTO requests to have a single point of contact for multiple generators interconnecting at the same point on the grid.[108]

63. E.ON argues that an ICIF-only entity should be afforded the same opportunity to obtain a blanket waiver as entities that sell electricity because this type of entity only exists to accommodate a generator company's phased access to the grid.[109] Recurrent states that when an interconnection company structure is used, the physical arrangement is identical to where the same entity owns the generation and the ICIF—the only difference is that a separate entity, the interconnection company, owns all or a portion of the ICIF and no generation.[110] SEIA asserts that the Commission should not impose unnecessary burdens on developers based on their use of this ownership structure.[111] ITC argues that the ICIF owned by an ICIF-only entity will be functionally identical to situations where generators own ICIF, and the service is likely to be the same.[112] BP Wind agrees that the Commission should ensure that ICIF-only entities are not precluded from being eligible for the proposed blanket waiver on a technicality, so long as the facilities are utilized to interconnect generating facilities to the transmission grid.[113] BP Wind argues that these interconnection-only entities, like generators that directly own interconnection facilities, do not seek to be in the transmission business.

64. First Wind and Invenergy argue that, if the Commission does not extend the blanket waiver to ICIF-only entities, the rule would be discriminatory because there is no basis to distinguish the two types of ICIF entities other than corporate structure, and ICIF-only entities would face the undue burdens identified in the NOPR.[114] ITC and MISO TOs argue that to provide a blanket waiver to ICIF owners that sell electric energy, but to require ICIF owners that do not sell electric energy to file an OATT or seek waiver thereof, serves no clear purpose and imposes precisely the same burdens and regulatory inefficiencies identified as the basis for the Commission's NOPR, in a manner which discriminates against non-sellers of electric energy.[115]

65. ITC also is concerned that the Commission's proposal to limit eligibility for the waiver may have unintended consequences. For example, given the practical burdens associated with the operation and maintenance of ICIF, ICIF owners may wish to divest such facilities to transmission owners with more experience operating these types of facilities, and more resources for meeting the reliability requirements of such operation. ITC argues that failure to extend the blanket waiver in such scenarios may discourage such transactions, thereby imposing reliability and operational burdens on generator owners who may not be willing or able to carry them out.[116] MISO TOs quote the NOPR as stating that the *pro forma* OATT is not a good fit for ICIF and that these facilities do not typically present all the concerns the OATT is intended to address; MISO TOs assert that the same is true whether the ICIF owner happens to sell electric energy from its generating facility or not.[117]

66. Recurrent and Sempra further argue that the Commission has addressed these types of ownership arrangements in the context of ''exempt wholesale generator'' (EWG) status pursuant to section 32 of the Public Utility Holding Company Act of 2005 (PUHCA).[118] Recurrent states that the Commission has held that an entity that does not own generation facilities but does own a radial interconnection line used solely to connect wholesale-only generating facilities to the transmission grid qualifies as an EWG. Recurrent argues that section 32(a)(2) of PUHCA states that the term ''eligible facility'' includes interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale, and that an entity may be an EWG if it owns ''all or part of one or more eligible facilities.'' Recurrent states that with respect to the

[102] NOPR, FERC Stats. & Regs. ¶ 32,701 at PP 51–52.

[103] Recurrent at 4; First Wind at 4–8; Invenergy at 7–11; BP Wind at 4–5; E.ON at 6; ITC at 8; NextEra at 7–9; SEIA at 4–5; Sempra at 3–6; and MISO TOs at 5–6.

[104] First Wind at 4–8 and Invenergy at 7–11.

[105] Sempra at 3 (citing, *e.g., Wolverine Creek Goshen Interconnection LLC,* Docket Nos. ER06–267–000 (Letter Order dated Jan. 13 2006), *Wolverine Creek Energy LLC, et al.,* Docket Nos. ER12–1280–000 and ER12–1281–000 (May 9, 2012) (unpublished letter order accepting amended common facilities agreement for filing), and *Maine GenLead, LLC,* 146 FERC ¶ 61,223 (2014)).

[106] SEIA at 4.

[107] Sempra at 3 (citing, *e.g.,* Docket No. ER03–175–000, ''Request of Termoelectrica U.S., LLC for Rehearing, and Expedited Consideration and/or Stay'' at n.6 (filed Feb. 10, 2003) (TDM Rehearing Request), and *Termoelectrica U.S., LLC,* 105 FERC ¶ 61,087 (2003) (order granting rehearing relating to OATT waivers), Docket No. EC14–80–000, ''Application for Authorization to Transfer Jurisdictional Facilities Pursuant to section 203 of the Federal Power Act and Request for Expedited Action'' at pp. 5–6 (describing the planned ownership structure of future cross-border interconnection facilities), and *Energia Sierra Juarez U.S., LLC,* Docket No. EC14–80–000 (May 29, 2014) (letter order approving transfer)).

[108] BP Wind at 4–5. MISO's comments seem to support this point, stating, ''from an operational and reliability perspective, MISO needs to have a single Interconnection Customer entity at each distinct Point of Interconnection to the Transmission System with whom MISO can coordinate. That entity must have the authority to control any other generators that interconnect to its ICIF on its side of the Point of Interconnection.'' MISO at 8.

[109] E.ON at 6–7.

[110] Recurrent at 5–6.

[111] SEIA at 4–5.

[112] ITC at 12–13.

[113] BP Wind at 6.

[114] First Wind at 4–8 and Invenergy at 7–11.

[115] ITC at 12–13 and MISO TOs at 5–6.

[116] ITC at 13.

[117] MISO TOs at 5–6.

[118] Sempra at 4–5 (citing, *e.g., Wolverine Creek Goshen Interconnection LLC,* 111 FERC ¶ 62,209 (2005) (Wolverine Creek Goshen); *Sagebrush,* 103 FERC ¶ 61,332 (2003) (*Sagebrush*); *Termoelectrica U.S., LLC,* 102 FERC ¶ 61,019 (2003) (*Termoelectrica*); *Peetz Logan Interconnect, LLC,* Docket No. EG06–84–000, ''Notice of Exempt Wholesale Generator Status'' (Sept. 27, 2006); *Bishop Hill Interconnection LLC,* Docket No. EG12–24–000, ''Notice of Self-Certification of Exempt Wholesale Generator Status'' (Jan. 20, 2012); *Maine GenLead LLC,* Docket No. EG14–23–000, ''Notice of Self-Certification of Exempt Wholesale Generator Status'' (Jan. 24, 2014)).

statutory requirement that an EWG ''sell electric energy at wholesale,'' the Commission has imputed the generation owner's sales of wholesale power to the interconnection company, in order to satisfy the statutory requirement, in all of the proceedings that have addressed this issue.[119] Recurrent argues that in decisions involving requests for waivers of OATT and related requirements, and in those involving EWG status, the Commission appropriately has not elevated form over substance and has not differentiated its regulatory treatment of interconnection companies from its treatment of a ''single entity'' that owns both generation and ICIF.[120]

67. Several commenters suggest potential ways to fix the section 210 applicability issue with respect to ICIF-only entities, such that the blanket waiver and safe harbor would apply to ICIF-only companies, and section 210 would preserve the ''backstop'' ability of third parties to obtain a Commission order requiring the ICIF-only company to interconnect with and provide transmission services to the third party. Recurrent proposes that the Commission grant the blanket waiver to an ICIF owner that does not sell electric energy if the interconnection company files a request for waiver that includes a commitment that if the Commission issues an order requiring the interconnection company to provide transmission services to a third party pursuant to section 211 of the FPA—to which the interconnection company is subject—the interconnection company agrees to voluntarily provide interconnection to the third party.[121] SEIA states that it supports Recurrent's proposal.[122] Similarly E.ON states that the section 210 applicability concern could be alleviated by having the ICIF-only entity affirmatively submit to the Commission's section 210 jurisdiction as a condition to being afforded the blanket waiver.[123]

68. Sempra states that, although ICIF-only entities may not sell the power produced by their affiliates, they are an indispensable part of the sales transaction, and are typically party to the interconnection agreement along with or as agent for the affiliated generator.[124] Therefore, Sempra argues, for the purpose of section 210 applicability, it would be appropriate to impute the electricity sales of an affiliated generator, as the Commission does in the EWG context, as discussed above, and extend that blanket waiver and safe harbor to the ICIF-only entity.[125]

69. First Wind and Invenergy argue that the Commission's concern about entities not being able to use section 210 to request interconnection service can be addressed by the Commission creating an equivalent obligation by regulation for requesting interconnection from an ICIF entity, and then review requests under section 210 standards.[126] Similarly, BP Wind argues that the Commission should revise its regulations so that ICIF-only entities that receive a request for interconnection service would process the request in accordance with requirements similar to those set forth in section 210 of the FPA.[127]

70. NextEra requests that the Commission clarify that ICIF owners that have authorization from the Commission to sell electric energy at market-based rates or that are EWGs are engaged in the sale of electric energy for purposes of determining application of the proposed waiver and application of section 210. NextEra argues that this would ensure consistency between the Commission's use of similar terms and with Commission precedent with respect to EWGs.[128] NextEra states that there may be instances in which an ICIF owner is not currently engaged in sales of electricity yet is authorized by the Commission to engage in such sales under a market-based rates tariff, so it should qualify as an electric utility.

71. ITC argues that section 210(d) provides that the Commission may, on its own motion, issue an order requiring any action described in subsection (a)(1) if the Commission determines that such order meets the requirements of subsection (c). ITC interprets this to mean that the Commission may issue an interconnection order on its own motion, regardless of whether the ICIF owner qualifies as an electric utility by selling energy.

72. BP Wind argues that, if the Commission does not allow ICIF-only entities to forego filing an OATT, it should at a minimum not require such companies to file an OATT with the Commission until after completion of interconnection studies by the interconnecting utility and the requesting party has committed to move forward with its project.[129] ITC argues that if the Commission does not extend the blanket waiver to ICIF-only entities, the Commission should provide the option for ineligible entities to file a less burdensome and more narrowly tailored OATT that governs the terms of interconnections via the LGIP and LGIA.[130]

c. Commission Determination

73. The proposal to limit the waiver to ICIF owners that also sell electricity was intended to prevent the creation of a regulatory gap and ensure that potential customers are not deprived of the ability to seek interconnection with ICIF as a result of the waiver of ICIF owners' OATT obligation. We believe that the initial assessment in the NOPR that relatively few entities that own and/or operate ICIF would be excluded from the blanket waiver by the requirement that they sell electricity may be incorrect. We also believe that the value of reducing regulatory burdens, which is a goal of this Final Rule, applies equally to ICIF owners who sell electricity and to those that do not. Therefore, we conclude that we should extend the blanket waiver to ICIF owners who do not sell electricity, but, in doing so, we must ensure that no potential customers are deprived of their ability to seek interconnection with ICIF by the waiver of the ICIF owner's OATT obligation. To expand the entities eligible for the blanket OATT waiver, we adopt the following procedure to allow ICIF-only entities to be eligible for the blanket OATT waiver. Any public utility to which the blanket waiver stated in section 35.28(d)(2) of the regulations adopted herein applies, but which does not sell electric energy, will receive the blanket waiver upon filing an informational statement with the Commission, as provided for in those regulations adopted herein.[131] In the statement, the entity must declare that, ''In order to satisfy the requirements for a blanket waiver as described in section 35.28(d)(2) of the Commission's regulations, [entity] commits to comply with and be bound by the obligations and procedures applicable to electric utilities under section 210 of the FPA.'' This informational statement may be brief, requiring only the name and contact information for the entity making the statement, and the affirmative declaration described in the previous

[119] Recurrent at 6.

[120] Recurrent at 6–7.

[121] Recurrent at 9–10.

[122] SEIA at 5 (citing Recurrent at 9–10).

[123] E.ON at 7. E.ON also offers a redline of the proposed regulations to effect this change.

[124] Sempra at 4.

[125] Sempra at 4–6.

[126] First Wind at 4–8 and Invenergy at 7–11. Invenergy also offers a redline of the proposed regulations to effect this change.

[127] BP Wind at 5–6.

[128] NextEra at 7–9.

[129] BP Wind at 7.

[130] ITC at 8.

[131] We will not issue a public notice, accept comments, or issue an order on the informational filings.

sentence. These section 210 statements are to be filed in the following docket, Docket No. AD15–9–000. The Commission will take no action in response to these statements, but the blanket waiver will be applicable upon filing this informational statement.

74. The purpose of this section 210 statement is to create a publically available record of ICIF-only entities that are taking advantage of the blanket OATT waiver, and of the fact that, even though these entities are not electric utilities, they are subject to an application to the Commission under section 210 for an interconnection order. Through this process, our intent is to extend the benefits of the blanket OATT waiver to ICIF-only entities, protect the rights of potential interconnection customers, and minimize the regulatory burden to accomplish these goals. If an entity submits such a statement and later objects to or fails to comply with section 210 obligations and procedures, its blanket waiver will be deemed to have been revoked.[132]

75. Accordingly, we are revising section 35.28(d)(2) of the regulations to incorporate this extension of the blanket waiver to entities that are not electric utilities, upon the filing of the section 210 statement described above. The safe harbor protections at section 35.28(d)(2)(ii)(B) will also be available to those entities eligible for the blanket waiver, as discussed below.

3. Status of the Third-Party Requester

a. Commission Proposal

76. In the NOPR, the Commission stated, ''To the extent that either the third-party requester or ICIF owner does not meet applicable requirements for purposes of sections 210 and 211, but where the third-party requester would be eligible for OATT service, the ICIF waiver would not apply.'' [133]

b. Comments

77. AWEA, First Wind, and Invenergy argue that a public utility's eligibility for the blanket waivers should not depend on the status of any such potential third party that might seek access to ICIF. They argue that the waiver would not provide the expected benefits of reducing risks if it would not apply in the circumstance of an ineligible third-party requester. They argue that the Commission does not explain how an ICIF owner would be expected to deal with requests from such a third-party requester. These parties argue that, if the Commission is concerned about this, it should by regulation require such entities to follow procedures under sections 210 and 211.[134]

c. Commission Determination

78. We agree with commenters that making the applicability of the blanket waiver to the ICIF owner dependent on the status of a potential third-party requester would create unnecessary uncertainty for ICIF owners. Accordingly, we clarify that applicability of the blanket waiver will not depend on the status of the third-party requester. The applicability of the blanket waiver does, however, depend on the status of the ICIF owner or the ICIF owner's willingness to file a section 210 statement, as described above.

4. Non-Public Utilities

a. Commission Proposal

79. The Commission proposed to grant a blanket waiver of all OATT, OASIS, and Standards of Conduct requirements to any public utility that is subject to such requirements solely because it owns, controls, or operates ICIF, in whole or in part, and sells electric energy from its generating facility.[135] The NOPR did not specify how the blanket waiver would apply to non-public utilities.

b. Comments

80. APPA and TAPS state that, in the event the Commission modifies its regulations to create blanket waivers for public utility ICIF owners, the same blanket waiver and safe harbor should also apply to non-jurisdictional utilities for purposes of satisfying reciprocity obligations.[136] APPA, TAPS, and SWP explain that non-public utilities are not directly subject to OATT, OASIS, and Standards of Conduct requirements, but are obligated to provide reciprocal service over transmission they own, operate, or control as a condition of taking service under a public utility's OATT. APPA and TAPS state that, to the extent a non-public utility is subject to reciprocity solely because it owns, controls, or operates ICIF and sells energy from its generation facility, it should be able to point to any blanket waiver adopted by the Final Rule for public utilities as eliminating its obligation to individually file for ''limited and discrete'' waivers to satisfy reciprocity obligations, thereby avoiding the burden on it and the Commission associated with such waivers. They state that any restrictions or safe harbors adopted with respect to section 210 or 211 proceedings regarding public utility ICIF should also be available to such a non-public utility.

81. NCPA and SWP contend that the Final Rule should make clear that any blanket waiver adopted in this proceeding applies to eligible public utilities and non-public utilities alike, arguing that treating similarly situated utilities differently in this respect would be unduly discriminatory.[137] SWP states that non-public utilities may request waivers from these obligations according to the same criteria as public utilities. SWP also argues that there is no justification for conferring an advantage on public utilities that non-public utilities do not share.[138]

c. Commission Determination

82. The blanket waiver made available to public utilities under this Final Rule is also available, as commenters suggest, to non-public utilities with a reciprocity obligation.

5. Applicability to Industrial Power Systems' Tie Lines

a. Comments

83. ELCON comments that many industrials own and operate combined heat and power systems or other types of generation that are primarily dedicated to their own consumption needs, and that ambiguity with the scope of the NOPR may arise because of commonly used nomenclature, because dedicated lines operated by industrials are often referred to as one type of ''generator tie line.'' ELCON argues that the NOPR should be revised to clarify that the regulations respecting third-party rights to interconnection facilities, even as newly constrained, do not apply to the generator tie lines operated by industrials and dedicated to their own internal consumption.[139]

b. Commission Determination

84. We decline to revise the proposed regulation as ELCON suggests. ELCON's argument that the NOPR's discussion of third-party rights to request interconnection and transmission on ICIF should not apply to electric lines from industrial-owned combined heat

[132] A section 210 informational statement would remain operative if the public utility that filed it had a change in ownership. However, if the original public utility with an informational statement sold the facilities to a different entity, the new entity would have to satisfy the criteria for a waiver (including, for instance, not owning network transmission facilities), and if it does not, it would be subject to OATT requirements. It is the party's responsibility to ensure that its regulatory filings are up to date.

[133] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 51.

[134] AWEA at 14; First Wind 8–9; and Invenergy at 11–12.

[135] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 35.

[136] APPA and TAPS at 27–29.

[137] NCPA at 4 and SWP at 4.

[138] SWP at 5.

[139] ELCON at 2–3.

and power systems raises an issue that is not the subject of this rulemaking. This Final Rule does not make any determination with respect to the applicability of the Commission's OATT requirements to any particular lines or types of lines. Rather, it applies to any transmission providers who are subject to the requirements of section 35.28 of our regulations, *i.e.,* any public utility that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce.[140]

6. Applicability of the Blanket Waiver to Additional Regulations

a. Commission Proposal

85. In the NOPR, the Commission proposed that the blanket waiver would apply to section 35.28 of the Commission's regulation, which relates to OATT requirements, Part 37, which relates to OASIS requirements, and Part 358, which relates to Standards of Conduct for Transmission Providers.[141]

b. Comments

86. Linden argues that the blanket waiver should be expanded to also apply to all of Parts 34, 35, 41, 50, 101, and 141 (except sections 141.14 and 141.15) of the Commission's regulations with respect to any provision of transmission service or interconnection service or other sharing with respect to ICIF.[142] Linden contends that this is consistent with the Commission's findings in an order on a proposed shared facilities agreement between Linden and its affiliate, in which the Commission found that such regulations are waived with respect to Linden.[143]

c. Commission Determination

87. While we recognize that waiver of the provisions mentioned by Linden have, under certain circumstances, been granted by the Commission, we decline to expand the scope of this Final Rule. The blanket waivers granted in this Final Rule are the same as those that could be requested on a case-by-case basis for good cause shown in the Commission's pre-existing regulations at 18 CFR 35.28(d). Whether to grant additional waivers on a generic basis was not something proposed to be addressed in this proceeding.

7. Existing Agreements and Waivers

a. Comments

88. Linden contends that the Commission should clarify that the blanket waiver will apply regardless of whether a public utility has already granted access to its ICIF pursuant to a Commission-accepted agreement. Linden argues that the fact that an owner and/or operator of ICIF has allowed a third-party to use its ICIF pursuant to a Commission-accepted agreement does not change the nature of such ICIF, and the blanket waiver should accordingly continue to apply.[144] Linden states that, at the very least, the Commission should clarify that all existing waivers that have been granted to public utilities like Linden will continue to apply.[145]

b. Commission Determination

89. We affirm granting access over ICIF via an existing agreement, such as a common facilities agreement or shared use agreement, does not affect an ICIF owner's eligibility for the blanket waiver granted by this Final Rule. Further, we affirm that, if an entity has previously received a specific waiver of the OATT and related obligations pursuant to the Commission's ''limited and discrete'' or ''small entity'' standards, the blanket waiver will supersede the existing waiver.[146] If, as Linden postulates, an entity has received a case-specific waiver that waives requirements in addition to those waived by the blanket waiver, the blanket waiver would not rescind the broader waiver.

8. Existing OATTs

a. Commission Proposal

90. The Commission proposed that the grant of a blanket waiver would have no automatic impact on an OATT already on file or on service already being taken under it, but the Commission might on a case-by-case basis consider requests to withdraw an OATT on file for ICIF if no third party is taking service under it.[147]

b. Comments

91. AWEA, Terra-Gen, and NextEra assert that an ICIF owner with an OATT on file should be able to withdraw its OATT if there are no third parties taking, or currently pursuing a request for, interconnection or transmission service.[148] AWEA and Terra-Gen ask that the Commission: (1) Clarify that this cancellation policy will apply when the ICIF owner has no existing customers and that any new service requests submitted after such a filing has been made must proceed under sections 210, 211, and 212; and (2) provide an expedited process to grant such requests to withdraw such OATTs.[149] Terra-Gen states that it incurred substantial costs in attempting to comply with the Commission's OATT requirements over several years, only to find that it could not recover those costs because the customer that requested transmission service ultimately did not become a transmission customer. Terra-Gen argues that this experience underscores the importance of the Commission's proposal to provide a case-by-case mechanism to accept cancellation of OATTs filed by ICIF owners that have proven to be unnecessary because no third parties are taking service under them.[150] NextEra requests that the Commission clarify its statement in the NOPR that withdrawal of an OATT ''if no party is taking service under it'' was not intended to preclude the ability of an ICIF owner with an OATT on file from exercising its rights under section 205 of the FPA to propose alternative tariff structures in the future, as appropriate to the facts and circumstances of service available on the ICIF.[151]

92. AWEA further contends that the blanket waivers should also automatically apply to those that already have OATTs on file. AWEA states that ICIF owners that currently have an OATT on file are in need of the proposed reforms just as much as future ICIF owners, and argues that providing blanket waivers to this group as well would provide consistency and certainty to these entities.[152]

c. Commission Determination

93. In the instance where an ICIF owner has an OATT on file and no third parties are taking service, the Commission will consider a request to withdraw an OATT on a case-by-case basis. Thus, we decline to automatically apply blanket waivers to those that already have OATTs on file. We believe this is appropriate in order to give any potential customer actively pursuing service sufficient notice before allowing a filed OATT to be withdrawn. As such, we decline to establish a separate process for cancelling existing OATTs because the Commission will consider the specific circumstances of each

[140] 18 CFR 35.28(a).

[141] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 1.

[142] Linden at 8.

[143] Linden at 8 (citing *Cogen Technologies Linden Venture, L.L.P.,* 127 FERC ¶ 61,181, at P 20 (2009)).

[144] Linden at 7.

[145] Linden at 7–8.

[146] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 40.

[147] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 40.

[148] AWEA at 17; NextEra at 10; and Terra-Gen at 2.

[149] AWEA at 17 and Terra-Gen at 4.

[150] Terra-Gen at 2.

[151] NextEra at 10–11.

[152] AWEA at 11.

request to withdraw an OATT already on file.

9. Revoking the Blanket Waiver

a. Commission Proposal

94. In the NOPR, the Commission proposed that the blanket waiver would not be automatically revoked by a service request, but could be revoked in a Commission order if the Commission determines that it is in the public interest to do so pursuant to a proceeding under sections 210 and 211. The Commission also proposed that the waiver would be deemed to be revoked as of the date the public utility ceases to satisfy the qualifications for such waiver (*e.g.,* it owns, controls, or operates transmission facilities that are not ICIF, or the corporate structure changes such that the ICIF owner is no longer the entity that sells electric energy from its Generating Facility). The Commission sought comment on the circumstances under which and the mechanism by which the Commission should revoke the proposed waiver.[153]

95. The Commission also proposed that, if an OATT waiver were revoked because of such a change in circumstances, the waivers of OASIS and Standards of Conduct would also be revoked, without prejudice to the ICIF owner filing a request to continue its waivers of OASIS and Standards of Conduct pursuant to the waiver criteria then in effect.[154] In the instance where the Commission revokes the ICIF waiver by order, the Commission noted that it may determine whether the OASIS and Standards of Conduct waivers should be continued based on the criteria that are in effect.[155]

b. Comments

96. NextEra, BHE, and AWEA agree that revocation of the blanket waiver should be considered on a case-by-case basis and believe that the processes set forth in sections 210 and 211 of the FPA and section 2.20 of the Commission's regulations are sufficient to evaluate potential revocation of waivers granted to ICIF owners.[156] If, for example, the Commission were to determine that an ICIF owner employed market power against the third party requesting service over the ICIF, it would be reasonable for the Commission to consider the revocation of waiver or other enforcement remedies.[157] Similarly, AWEA asserts that the only plausible basis for revocation of the waiver, besides losing eligibility, is if an ICIF owner refuses to provide transmission access following proceedings under sections 210, 211, and 212. AWEA seeks clarification on what, if any, other criteria might be used by the Commission to determine that it is in the public interest to revoke such a waiver and requests the Commission to provide clear criteria for what would constitute a waiver revocation.[158] BHE states that the waiver should only be revoked in limited circumstances, such as when a third party is granted access under sections 210 and 211 of the FPA or when material circumstances change such that the ICIF owner no longer satisfies the waiver qualification.[159]

97. AWEA states that acquisition of transmission facilities should not automatically trigger revocation of the blanket waiver. AWEA argues that service over such transmission facilities will be subject to applicable open access regulations but that ICIFs are distinct facilities that exist for the limited purpose of connecting generation to the grid.[160]

98. With respect to the revocation process, AWEA recommends that the Commission provide an ICIF owner with reasonable advanced notice detailing the reasons for potential revocation, and give the ICIF owner an opportunity to dispute and to cure the reasons for such a potential revocation.[161] AWEA suggests that the Commission first issue a show cause order to the waiver holder to address why the waiver should not be revoked and provide an opportunity for the waiver holder to make that demonstration.[162]

99. AWEA recommends that the Commission outline the process to reinstitute an ICIF owner's waiver if, after revocation of a waiver, it is discovered that the waiver revocation was unnecessary, such as, for example, if the requirement to file an OATT proves to be unnecessary because of the failure of the requesting third party to take transmission service.[163]

100. AWEA supports the Commission proposals that (1) if the OATT waiver is revoked, the Commission may determine whether the OASIS and Standards of Conduct waivers should continue to be based on the criteria in effect; [164] and (2) if the OATT waiver is revoked due to loss of eligibility, the OASIS and Standards of Conduct waivers will also be revoked without prejudice to the entity filing a request to continue the OASIS and Standards of Conduct waivers.[165]

c. Commission Determination

101. We adopt the NOPR proposal that the blanket waiver would not be automatically revoked by a service request, but could be revoked in a Commission order if the Commission determines that it is in the public interest to do so pursuant to a proceeding under sections 210 and 211 of the FPA. We also adopt the NOPR proposal that the waiver would be deemed to be revoked as of the date the public utility ceases to satisfy the qualifications for such waiver. Additionally, if the ICIF that are covered by a blanket waiver become integrated into a transmission system such that they can no longer be considered ICIF, the blanket waiver would be deemed to have been revoked. To the extent that a dispute arises regarding whether a facility is eligible for the waiver, the Commission will address such a dispute at that time.

102. If the OATT waiver is automatically revoked because of a change in circumstances, we affirm that the waivers of OASIS and Standards of Conduct would also be revoked, without prejudice to the ICIF owner filing a request to continue its waivers of OASIS and Standards of Conduct pursuant to the waiver criteria then in effect.

103. We decline to elaborate on the specific circumstances that would lead to the revocation of the blanket waiver other than ceasing to satisfy the qualifications for such waiver, because it is not possible to anticipate every circumstance that would result in a revocation. Revocation of the blanket waiver in circumstances other than ceasing to satisfy the qualifications for such waiver will be determined by the Commission under applicable statutory and regulatory provisions. Any instance of revocation, however, would be the result of a Commission proceeding, so the ICIF owner would have notice of the revocation and full due process rights to respond. Moreover, under sections 210 and 211 the Commission may direct service to be provided under an interconnection and transmission service agreement without directing that the ICIF owner file an OATT. However, the Commission reserves the right to revoke the blanket waiver and require the filing of an OATT to ensure open access in appropriate circumstances.

[153] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 38.

[154] Waivers of the Standards of Conduct may be granted for good cause pursuant to 18 CFR 358.1(d).

[155] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 39.

[156] NextEra at 9–10; BHE at 7–8; and AWEA at 8.

[157] NextEra at 10.

[158] AWEA at 9.

[159] BHE at 7.

[160] AWEA at 9.

[161] AWEA at 9–10.

[162] AWEA at 10.

[163] AWEA at 10.

[164] AWEA at 10–11.

[165] AWEA at 10–11.

C. Interconnection and Transmission Under Sections 210 and 211 of the Federal Power Act

1. Sections 210 and 211

104. Sections 210 and 211 of the FPA describe the process for seeking Commission-ordered interconnection and transmission services. Section 210 of the FPA provides, in relevant part, ''Upon application of any electric utility . . . the Commission may issue an order requiring (A) the physical connection of . . . the transmission facilities of any electric utility, with the facilities of such applicant.'' [166] An ''electric utility'' is defined as ''a person or Federal or State agency . . . that sells electric energy.'' [167] Section 211 provides that ''any electric utility, Federal power marketing agency, or any other person generating electric energy for sale or resale'' may apply to the Commission for an order requiring a ''transmitting utility'' to provide transmission services, including enlargement of facilities if necessary.[168] The term ''transmitting utility'' is defined as an entity that ''owns, operates, or controls facilities used for the transmission of electric energy . . . in interstate commerce . . . for the sale of electric energy at wholesale.'' [169] For a third party to obtain interconnection services and transmission services, an application must be made under both sections 210 and 211.[170] An applicant may consolidate the applications for the Commission's consideration.[171]

105. An application under section 210 must show that the interconnection: (1) Is in the public interest; (2) would either encourage conservation of energy or capital, optimize efficient use of facilities and resources, or improve reliability; and (3) meets the requirements of section 212.[172] The requirements of section 212 are discussed further below.

106. An application under section 211 requires that the third party seeking transmission service first make a good faith request for service, complying with 18 CFR 2.20, specifying details as to how much capacity is requested and for what period, at least 60 days before making an application to the Commission for an order requiring transmission service.[173] The Commission may grant an application under section 211 if the application is in the public interest and otherwise meets the requirements under section 212.

107. Section 212 further requires that, before issuing a final order under either section 210 or 211, the Commission must issue a proposed order setting a reasonable time for the parties to agree to terms and conditions for carrying out the order, including allocation of costs. If parties can agree to terms within that time, the Commission may issue a final order approving those terms. If parties do not agree, the Commission will weigh the positions of the parties and issue a final order establishing the terms of costs, compensation, and other terms of interconnection and transmission and directing service.[174]

a. Commission Proposal

108. The Commission proposed in the NOPR that, if a third party seeks to use ICIF that qualify for the blanket waiver discussed above, an eligible entity seeking interconnection and transmission service on ICIF would need to follow the rules and regulations applicable to requests for service under sections 210 and 211 (subject to the safe harbor presumption proposed in the NOPR).[175]

109. As discussed above, the Commission's current practice with respect to allowing an ICIF owner to have priority use of excess transmission capacity it has built is to allow the ICIF owner to demonstrate specific plans and milestones for any planned future generation development by the ICIF owner or its affiliates. Consistent with that practice, the Commission proposed in the NOPR to find that, outside of the safe harbor period and to the extent the ICIF owner can demonstrate specific plans and milestones for its and/or its affiliates' future use of the ICIF, with respect to ICIF that are eligible for the blanket waiver discussed above, it is generally in the public interest under sections 210 and 211 to allow an ICIF owner to retain priority rights to the use of excess capacity on ICIF that it plans to use to interconnect its own or its affiliates' future generation projects.[176] Thus, the Commission proposed to make priority determinations for use of ICIF, in the event of a third party request, in the process under sections 210 and 211. The Commission sought comment on whether an ICIF owner's or affiliate's planned future use of the ICIF is an appropriate consideration to factor into a proceeding under sections 210 and 211.

110. Any disputes as to the extent of excess capacity on ICIF or the ICIF owner's future plans to use such excess capacity would be resolved, subject to the safe harbor presumption discussed below, during the proceedings under sections 210 and 211, using an excess capacity analysis similar to that used in *Aero* and *Milford,* in which the ICIF owner must demonstrate specific plans and milestones for the future use of its ICIF. Even if an ICIF owner were able to demonstrate in such a proceeding that no excess capacity exists, if supported by the record in the case, the Commission could order the eligible ICIF owner to expand its facilities to provide interconnection and transmission service under sections 210 and 211.[177] Section 212 requires that the eligible ICIF owners would be fully compensated for any required expansion.[178] This is similar to the rights and obligations under the *pro forma* OATT.[179]

[166] 16 U.S.C. 824i(a)(1)(A).

[167] 16 U.S.C. 796(22).

[168] 16 U.S.C. 824j.

[169] 16 U.S.C. 796(23).

[170] *Tres Amigas LLC,* 130 FERC ¶ 61,205, at P 43, *reh'g denied,* 132 FERC ¶ 61,232 (2010). In *Laguna Irrigation District,* the Commission explained that ''[n]othing in our [section 210] interconnection order requires transmission service. Rather, transmission service will be obtained by Laguna pursuant to other transmission tariffs or agreements.'' 95 FERC ¶ 61,305, at 62,038 (2001), *aff'd sub nom. Pacific Gas & Electric Co.* v. *FERC,* 44 Fed. Appx. 170 (9th Cir. 2002) (unpublished); *see also City of Corona, California* v. *Southern California Edison Co.,* 104 FERC ¶ 61,085, at PP 7–10 (2003) (Corona's application under section 210 did not constitute a request for transmission under section 211).

[171] *See Aero* Proposed Order, 115 FERC ¶ 61,128.

[172] 16 U.S.C. 824i(c); *Aero* Proposed Order, 115 FERC ¶ 61,128 at PP 15–16.

[173] *See* 16 U.S.C. 824j(a) (''No order may be issued under this subsection unless the applicant has made a request for transmission services to the transmitting utility that would be the subject of such order at least 60 days prior to its filing of an application for such order.''); 18 CFR 2.20.

[174] 16 U.S.C. 824k(c)(2); *Aero* Proposed Order, 115 FERC ¶ 61,128 at PP 17–18 (providing parties 28 days to negotiate and provide briefing on issues of disagreement).

[175] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 41.

[176] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 47.

[177] 16 U.S.C. 824i(a)(1)(D) (''The Commission may issue an order requiring . . . such increase in transmission capacity as may be necessary. . . .''); 16 U.S.C. 824j(a) (''Any electric utility . . . may apply to the Commission for an order under this subsection requiring a transmitting utility to provide transmission services (including any enlargement of transmission capacity necessary to provide such services) to the applicant.'').

[178] Section 212(a) provides that an order under section 211 shall require the transmitting utility subject to the order to provide wholesale transmission services at rates, charges, terms, and conditions which permit the recovery by such utility of all the costs incurred in connection with the transmission services and necessary associated services, including, but not limited to, an appropriate share, if any, of legitimate, verifiable and economic costs, including taking into account any benefits to the transmission system of providing the transmission service, and the costs of any enlargement of transmission facilities.

[179] Section 15.4 of the *pro forma* OATT states that f the Transmission Provider determines that it cannot accommodate a Completed Application for Firm Point-To-Point Transmission Service because of insufficient capability on its Transmission System, the Transmission Provider will use due diligence to expand or modify its Transmission

b. Comments

111. Most commenters support the NOPR proposal that third parties seeking to use ICIF subject to the blanket waiver should do so pursuant to sections 210 and 211. AWEA, BHE, EEI, NextEra, Recurrent, and Southern argue that this approach will protect the ICIF owner from speculative requests for transmission service.[180] NextEra and BHE further argue that the requirements of sections 210 and 211 also protect the interests of third parties seeking to use ICIF.[181] NextEra and Southern also support the NOPR's proposal to evaluate, in the course of a proceeding under sections 210 and 211, whether an ICIF owner's ''specific plans and milestones'' justify priority rights to use excess capacity on the ICIF, to the extent the safe harbor is not applicable.[182] Finally, NextEra and AWEA contend that the framework under sections 210 and 211 provides the flexibility necessary for ICIF owners and third parties to reach mutually agreeable arrangements tailored to their respective needs.[183]

112. APPA and TAPS argue that the NOPR, as proposed, would erect an impassable barrier to accessing ICIF. APPA, TAPS, and NRECA argue that a proceeding under sections 210 and 211 is time-consuming, burdensome, and expensive.[184] They state that Order No. 888 expressly found those statutory processes to be too cumbersome and time-consuming to provide non-discriminatory access and placed customers ''at a severe disadvantage compared to the transmission owner.'' [185] They contend that by limiting requesters to access only through sections 210 and 211, even if the request is received many years after the ICIF is energized and there is ample unused capacity, the NOPR creates a potent and permanent obstacle to open access that enhances the ICIF owner's vertical market power without any justification.[186] NRECA argues that prospective customers should not have to initiate such a proceeding with the Commission in order to demonstrate entitlement to service on these Commission-jurisdictional lines.[187] APPA and TAPS also contend that the NOPR has not demonstrated that the proposed procedures will cost less than existing requirements, arguing that the lengthy and costly procedures of sections 210 and 211 could not possibly be less expensive for ICIF owners on an industry-wide basis.[188]

c. Commission Determination

113. We find that with respect to ICIF eligible for the blanket waiver discussed above, it is appropriate for entities seeking interconnection and transmission service on ICIF to follow the rules and regulations applicable to requests for service under sections 210 and 211 (subject to the safe harbor discussed below).[189] Given the risk of investment in generation and ICIF, it is appropriate to provide an ICIF owner with priority rights over the use of the excess capacity on ICIF that it plans to use to interconnect its own or its affiliates' future generation projects to the extent the ICIF owner can demonstrate specific plans and milestones for its and/or its affiliates' future use of the ICIF. In addition, we find that given the relatively small percentage of ICIF owners that have actually had to file an OATT,[190] requiring the entity requesting service over ICIF to pursue such service under sections 210 and 211 will not overly burden potential customers of service on ICIF. The process under sections 210 and 211 assures third-party entities requesting service on ICIF and eligible ICIF owners alike that they will have specified procedural rights as set forth in sections 210, 211, and 212 of the FPA and appropriately balances ICIF owners' and third parties' rights to service on ICIF. Further, this framework provides the contractual flexibility that some commenters suggest is not available under our existing policy so that contractual arrangements (*e.g.,* transmission service agreements, interconnection agreements, and/or shared facilities agreements) can be tailored to the special situations for ICIF in determining the appropriate terms and conditions of service, as many of the *pro forma* OATT provisions are not applicable to service over ICIF. Finally, we recognize that our existing policy to allow an ICIF owner to retain priority rights if it has plans to use the ICIF capacity and is making progress to achieve those plans can involve a potential transmission or interconnection customer in complex proceedings associated with a request for service. Thus, we believe the reforms adopted herein will not meaningfully change the expense potential customers incur to obtain service.

114. APPA and TAPS are correct that the Commission in Order No. 888 found section 211 to provide insufficient relief as a general method of enabling more competitive generation to obtain open access transmission service. As a result, Order No. 888 required that public utilities file an OATT to provide readily available, comparable service at known rates, terms, and conditions. In this Final Rule, the Commission finds that the filing of an OATT and compliance with certain regulations are not necessary to prevent unjust and unreasonable rates or unduly discriminatory behavior with respect to ICIF. ICIF are sole-use, limited and discrete, radial in nature, and not part of an integrated transmission network, and third-party requests to use ICIF are infrequent. Case-by-case determinations under sections 210 and 211 are not appropriate for the large number of transmission service requests on the integrated grid, but are appropriate for the few expected requests for service on ICIF, each of which would likely have different circumstances. We find that, for this set of circumstances, the framework of sections 210 and 211 provide a sufficient means for third-party access to ICIF.

2. *Voluntary Arrangements*

a. Comments

115. First Wind and Invenergy ask the Commission to confirm that ICIF owners may continue to enter into shared use agreements with affiliates without requiring the affiliated party to utilize sections 210, 211 and 212 to obtain access.[191] Similarly, Linden requests that the Commission clarify that the Commission's proposed process does not preclude an ICIF owner and a non-affiliated entity seeking service to mutually agree upon an appropriate arrangement outside of the context of a proceeding under sections 210 or 211, if the parties file any resulting mutually agreed upon arrangement pursuant to section 205 of the FPA.[192] Linden contends that the new proposed section 35.28(d)(2)(ii) suggests that the parties must use the process before the Commission that is outlined in sections 210, 211, and 212 of the FPA and the

System to provide the requested Firm Transmission Service, consistent with its planning obligations in Attachment K, provided the Transmission Customer agrees to compensate the Transmission Provider for such costs pursuant to the terms of Section 27.

[180] Recurrent at 4; Southern at 7; NextEra at 11–14; AWEA at 12–13; BHE at 8; and EEI at 16.

[181] NextEra at 11–14 and BHE at 8.

[182] NextEra at 11–14.

[183] NextEra at 11–14 and AWEA at 12–13.

[184] APPA and TAPS at 11–12.

[185] APPA and TAPS at 12 (citing to Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,646).

[186] APPA and TAPS at 24–25.

[187] NRECA at 5.

[188] APPA and TAPS at 20–21.

[189] Such third-party requests for service could include requests for firm, nonfirm, conditional, or interim service. *See, e.g.,* 18 CFR 2.20(b)(9).

[190] *See supra* P 38.

[191] First Wind at 15 and Invenergy at 14–15.

[192] Linden at 4–5.

Commission's corresponding regulations. Linden asserts that even where sections 210 and 211 apply, section 212(c)(1) of the FPA requires that the Commission ''set a reasonable time for parties . . . to agree to terms and conditions under which such order is to be carried out'' and that the Commission generally directs the parties to negotiate appropriate agreements.[193] Accordingly, Linden recommends that the Commission should consider revising section 35.28(d)(2)(ii) to explicitly allow for the possibility that parties may arrive at mutually agreeable arrangements without undergoing a proceeding under sections 210 and 211 at the Commission.[194] Linden further states that parties to the relevant arrangements should be allowed flexibility to negotiate appropriate terms and conditions without restriction as to the form or nature of the agreement for greater regulatory efficiency, and recommends that the Commission add an additional section 35.28(iii) explicitly acknowledging that parties may mutually agree on rates, terms and conditions, subject to Commission review and acceptance.[195]

116. E.ON asks the Commission to clarify that the blanket waiver should not be jeopardized if a planned phase of a generation project is owned by a non-affiliate.[196] Similarly, NRG and E.ON ask for clarification that voluntarily negotiating a bilateral agreement with a third party that is seeking access to the ICIF during the safe harbor period, discussed below, would not jeopardize the continuation of the safe harbor period.[197]

b. Commission Determination

117. We clarify that the availability of the process under sections 210 and 211 does not preclude the opportunity for an ICIF owner and an entity seeking service, including an affiliate, to mutually agree, outside of the process under sections 210 and 211, to an arrangement for service over the ICIF. In fact, this flexibility benefits both the ICIF owner and an entity seeking service, as it allows the parties the opportunity to craft an agreement appropriate for the circumstances and potentially expedite access to ICIF. In that case, availability of the process under sections 210 and 211 provides protection to entities seeking service by allowing them to seek service under the process under sections 210 and 211 if an agreement cannot be reached. Furthermore, we likewise clarify that this flexibility applies both to affiliates and non-affiliates of the ICIF owner, such that ICIF owners may enter into shared use agreements with affiliates or non-affiliates, without requiring a proceeding under sections 210 and 211 to obtain access. Finally, we clarify that a shared-use agreement or bilateral agreement with either an affiliate or non-affiliate will not in itself jeopardize the applicability of the blanket waiver or the continuation of the safe harbor period, discussed below. We find that this will allow flexibility and promote mutually agreeable arrangements for sharing facilities. In any case, ICIF owners that are public utilities would still be subject to the statutory requirement of sections 205 and 206 forbidding unduly discriminatory practices.

118. We agree that our use of the term ''shall'' in new section 35.28(d)(2)(ii) may have inadvertently given the impression that voluntary agreements without resort to sections 210 and 211 were not allowed. We did not intend that, and therefore change the word ''shall'' to ''may'' in section 35.28(d)(2)(ii). Indeed, the flexibility to enter into voluntary agreements is inherent in the process under sections 210 and 211. As Linden points out, section 212 recognizes that parties should have a reasonable time to agree to terms and conditions,[198] and section 211 requires that a third party must have submitted a good faith request for service at least 60 days before it may submit a section 211 application before the Commission. Nothing in sections 210 or 211 precludes entities from arriving at mutual agreements prior to or instead of seeking to establish a process under sections 210 and 211. Accordingly, we confirm that an ICIF owner and an entity seeking service may mutually agree to an arrangement for interconnection and transmission service over the ICIF, without initiating a process under sections 210 and 211.

3. Interaction With the Transmission System

a. Comments

119. AWEA states that a third party requesting service on an ICIF should be required to submit an appropriate interconnection or transmission service request to the transmission provider with whom the ICIF are interconnected within 30 days of the good faith request to the owner of the ICIF and/or within a reasonable time before an application under sections 210 and 211 is made. NextEra argues for a similar requirement, stating that the third party should make a request to the transmission provider within 60 days following the completion of a feasibility study by the ICIF owner in order for a subsequent petition under sections 210 or 211 of the FPA to be considered in good faith.[199] AWEA explains that, even if the proposed reforms were put into place, failing to require such a submittal could lead to gaming opportunities by unaffiliated generators who may wish to establish a queue position on an ICIF, while avoiding upfront costs associated with actually injecting power into a transmission provider's network grid.[200] AWEA argues that it is reasonable to make such a requirement because it is critical for system reliability that all three of the relevant parties are involved in any interconnection of new generation to the grid.[201]

120. MISO and the MISO TOs suggest that the Commission should require the new interconnection customer who requests to interconnect to the existing ICIF to enter into an agreement with the existing interconnection customer before allowing the new interconnection customer to enter the binding portion of the governing interconnection procedures.[202] They argue this is reasonable because adding generating facilities to existing ICIF will complicate the existing interconnection process and require coordination with the relevant RTO or the use of existing RTO interconnection procedures to ensure that new interconnections to ICIFs will not adversely impact the reliable operation of the transmission system.[203]

121. While ITC does not oppose the reforms proposed in the NOPR, ITC is concerned that the Commission's proposal to rely exclusively on sections 210 and 211 of the FPA to govern third-party interconnections on ICIF fails to provide sufficient clarity on the precise contractual relationship that will exist between the ICIF owner, a third party proposing to interconnect with ICIF, the transmission provider, and the impacted transmission owner (provided these are separate entities). ITC recommends that the Commission provide additional guidance in the Final Rule on the process for establishing contractual relationships between these four types of parties, the nature of these contractual relationships, and how

[193] Linden at 5.

[194] Linden at 5–6.

[195] Linden at 6–7.

[196] E.ON at 13.

[197] NRG at 3–4 and E.ON at 13.

[198] *See* 16 U.S.C. 824k(c)(1).

[199] NextEra at 14–15.

[200] AWEA at 16–17.

[201] AWEA at 17.

[202] MISO at 7 and MISO TOs at 5.

[203] MISO at 5–6 and MISO TOs at 4–5.

successful applications will fit into the relevant transmission provider study processes necessary to ensure that such connections occur safely and reliably. Specifically, ITC recommends that the Commission include in the Final Rule requirements that: (1) Interconnection requests approved under sections 210 and 211 must proceed under the LGIP of the transmission provider to which the ICIF owner is interconnected; and (2) the third party must enter into a separate LGIA with the impacted transmission owner and facilities agreement with the ICIF owner.[204] Given that the transmission owner owns and operates facilities to which the shared ICIF are interconnected, the third party should be required to enter into an LGIA with the impacted transmission owner. This will clearly establish the rights and obligations of all parties and, more importantly, ensure that the appropriate reliability studies are conducted prior to allowing an interconnection.[205] The MISO TOs agree with ITC that the Commission should modify its NOPR proposal to require greater coordination with the transmission provider and transmission owner because this will lessen the likelihood of operational and reliability problems while lessening the OATT, OASIS, and Standards of Conduct burdens on ICIF owners that the Commission seeks to alleviate.[206]

122. Similarly, EPSA recommends that the Commission should encourage parties to utilize appropriate existing LGIA and LGIP provisions regarding terms, conditions and procedures in the Final Rule because the provisions of the LGIA and LGIP (*e.g.,* section 9.9.2 of the LGIA) work well for the interconnection process and that augmenting the process under sections 210, 211 and 212 with these procedures will offer clarity to industry stakeholders.

123. EEI requests that the Commission not be prescriptive with respect to a mechanism for interconnection or transmission under this rule, and states that under the framework under sections 210 and 211, the ICIF owner, the eligible entity seeking interconnection to the ICIF and the transmission provider will have flexibility on how to develop the terms and conditions of the interconnection to the ICIF and any associated transmission delivery service over the ICIF.[207]

124. Southern asserts that the ICIF owner, the party seeking interconnection to the ICIF, and the transmission provider should have the flexibility to develop appropriate arrangements for both interconnection and transmission service that meet all parties' needs so long as the new interconnection customer is able to interconnect its generating facility and acquire transmission service on terms and conditions that are similar to other customers. Therefore, Southern contends, the Commission should not be prescriptive with respect to the mechanism to be used for interconnection or transmission service under this rule as long as all affected parties agree to jointly study and provide interconnection and transmission service for the new generator requesting interconnection, with the new generator's commitment to bear the expense of such work. Moreover, Southern notes that the Commission would retain oversight over the third-party requests for service over the ICIF because it would have an opportunity to review such arrangements under FPA sections 210, 211 and 212 and amendments to existing interconnection agreements under section 205.[208]

b. Commission Determination

125. Commenters appear to be conflating the scope of this Final Rule—access to ICIF—with requirements for access to the network/integrated grid. As such, we decline to prescribe additional requirements for access to the network/integrated transmission system by entities seeking to interconnect with ICIF or a process for how requests to interconnect with ICIF must fit into the transmission provider's study processes. We reaffirm the existing policy that third-party requesters are obligated to obtain service on the transmission facilities at or beyond the Point of Change of Ownership as well as those facilities beyond the Point of Interconnection with ICIF pursuant to the relevant existing OATT and interconnection procedures.[209] The existing policy, under which third-party requesters are obligated to obtain service on the transmission facilities beyond the ICIF pursuant to the relevant existing OATT and interconnection procedures, will maintain the reliability of the network transmission system by ensuring that the appropriate studies are conducted. At the same time, the Commission's existing policy provides the flexibility for the entity seeking interconnection to the ICIF, the ICIF owner, and the public utility transmission provider to develop arrangements for the interconnection to the ICIF and any associated transmission delivery service over the ICIF.

126. In response to AWEA's assertion that failing to require a third party seeking service on ICIF to submit an interconnection or transmission service request to the transmission provider with whom the ICIF are interconnected could lead to gaming opportunities by unaffiliated generators, we find that the process under sections 210 and 211 will limit speculative requests for transmission service from the ICIF owner and deter attempts to game the interconnection process. We are not persuaded that additional protection is needed at this time. The framework under sections 210 and 211 assures that ICIF owners have specified procedural rights as set forth in sections 210 and 211 of the FPA.

127. We conclude that the existing policy, that third-party requesters are obligated to obtain service on the transmission facilities at or beyond the Point of Change of Ownership as well as those facilities beyond the Point of Interconnection pursuant to the relevant OATT and interconnection procedures, strikes the right balance between ensuring reliability, providing flexibility, and protecting the rights of the ICIF owner. Accordingly, we decline to further prescribe how a third-party seeking service over ICIF pursuant to sections 210 and 211 also gains access to the networked transmission provider's transmission system.

4. Scope of Regulations To Be Modified

a. Commission Proposal

128. In the NOPR, the Commission proposed to add subsection 35.28(d)(2) to the Commission's regulations for the purpose of setting forth the terms of the blanket OATT waiver, and did not propose to revise other regulations.[210]

b. Comments

129. E.ON argues that section 2.20 of the Commission's regulations, which

[204] ITC at 7–8.

[205] ITC at 11.

[206] MISO TOs at 5.

[207] EEI at 16–17.

[208] Southern at 7–8.

[209] In addition, an application under section 211 requires that the third party seeking transmission first make a good faith request for service, complying with 18 CFR 2.20, specifying details as to how much capacity is requested and for what period, at least 60 days before making an application to the Commission for an order requiring transmission service. The Commission may grant an application under section 211 if the application is in the public interest and otherwise meets the requirements under section 212. As part of the evaluation of whether the third party seeking transmission service made a good faith request for service, the Commission may look to see what measures, if any, the third party has taken to acquire service on the network transmission system beyond the ICIF.

[210] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 35.

implements the section 211 process with respect to making and responding to ''good faith'' requests for transmission services, should be amended as to its applicability to ICIF because an ICIF owner cannot fulfill all of the requirements of a traditional transmission provider in that regulation. For example, section 2.20 requires the transmitting utility to respond to the requester with a date by which a response will be sent to the requester and a statement of any fees associated with responding to its request (*e.g.,* initial studies), and if the transmitting utility determines it cannot provide the requested service with existing capacity, then it must provide studies and data regarding constraints and offer an executable agreement wherein the requester agrees to reimburse the transmitting utility for all costs of performing any studies.[211] E.ON argues that the Commission should clarify that the section 2.20 process requires the third-party requester to arrange and pay for all required studies with the ICIF's transmission provider, and that the ICIF owner has no obligation to arrange and pay for all such studies. E.ON argues that this would encompass impacts on the ICIF, interconnecting transmission owner's interconnection facilities and transmission facilities, the transmission provider's grid and any other affected entities' facilities.[212]

c. Commission Determination

130. We see no reason to revise section 2.20 of our regulations. We do not expect the ICIF owner to study the networked transmission system, but only to study the capacity available on its ICIF. Further, we believe that section 2.20 is clear that the requesting party pays for any studies associated with a request for service over ICIF.[213] Given the nature of the study to determine available capacity on the ICIF (typically by comparing the thermal rating of the facilities to the existing commitments on the line) and that the ICIF owner should have the information necessary to perform such studies, this is likely to be a fairly straightforward process that is best performed by the ICIF owner. Accordingly, the transparency and timing requirements of section 2.20 should not prove overly burdensome for ICIF owners and do not require revision.

5. Reliability Standards

a. Comments

131. ITC requests that the Commission clarify how the proposed interconnection process interacts with the requirements of NERC Reliability Standard FAC–001–1 (Facility Connection Requirements).[214] This standard applies to all transmission owners and those generator owners that have an executed agreement to evaluate the reliability impact of interconnecting a third party facility to the generator owner's existing facility that is used to interconnect to the interconnected transmission systems.

b. Commission Determination

132. We clarify that nothing in this Final Rule changes the requirement to comply with all Commission-approved mandatory Reliability Standards, including FAC–001–1.

D. Safe Harbor

1. Whether and To What Extent There Should be a Safe Harbor Period

a. Commission Proposal

133. To reduce risks to ICIF owners eligible for the blanket waiver discussed above during the critical early years of their projects, the Commission proposed a safe harbor period of five years during which there would be a rebuttable presumption that: (1) The eligible ICIF owner has definitive plans to use its capacity without having to make a demonstration through a specific plans and milestones showing; and (2) the eligible ICIF owner should not be required to expand its facilities. A third-party requester for service on ICIF during the safe harbor period could attempt to rebut these presumptions, but it would have the burden of proof to show that the owner and/or operator does not have definitive plans to use its capacity and the public interest under sections 210 and 211 is better served by granting access to the third party than by allowing the eligible ICIF owner to reserve its ICIF capacity for its own future use.

b. Comments

134. Many commenters [215] support the proposed safe harbor period, during which a developer of a generator tie line would be presumed to have priority rights to the capacity on the generator tie lines it funded for five years from the date the line is energized. However, a few commenters oppose the safe harbor, and a few others argue it should be strengthened.

135. APPA and TAPS argue that the NOPR's proposed safe harbor cuts back on the relief otherwise available under sections 210, 211, and 212, and all but ensures absolute foreclosure of competitors from access to ICIF.[216] They explain that in order to rebut the presumptions, a requester would have the burden of proof to show that the ICIF owner lacks definitive plans to use its capacity, and that the public interest under sections 210 and 211 is better served by granting access to the third party than by allowing the ICIF owner to reserve its ICIF capacity for its own future use. They contend that the proposed presumption is effectively irrebuttable because the Commission's determinations as to whether the ICIF owner and its affiliates have definitive plans have been based on confidential demonstrations available only to the ICIF owner and its affiliates. They note that the bar on any ''expansion'' during the safe harbor period may also foreclose all interconnections, even if the definitive plans presumption were somehow surmounted, because while the NOPR does not define the term ''expansion,'' modifications to the ICIF owner's facilities will be necessary in any interconnection of a competitor's generator.

136. NRECA argues that the Commission should not implement its proposed safe harbor creating a rebuttable presumption against transmission access for five years in cases where the customer requesting service on the ICIF needs it to serve load efficiently.[217] NRECA states that load has little or minimal impact on the available capacity of ICIF, and, in many cases may actually increase the capability of ICIF with counterflow. NRECA states that the burden of proof should be on the ICIF owner to demonstrate that it has specific plans to use the transmission capacity in such a way that would prevent it from providing access to a load-serving transmission customer, adding that the Commission cannot reasonably require a prospective customer to prove a negative—that the owner has no such plans—when all of the relevant information is in the hands of the owner.[218] NRECA also argues that the Commission has not provided any justification for granting a five-year presumption against requiring an ICIF

[211] E.ON at 13–14.

[212] E.ON at 14.

[213] *See* 18 CFR 2.20(c)(1) and 18 CFR 2.20(c)(4)(iii).

[214] ITC at 11–12.

[215] AWEA at 5; BHE at 3; BP Wind at 4; E.ON at 10; EEI at 4; EPSA at 6; ELCON at 2–3; First Wind at 2; Invenergy at 2; NextEra at 6; NRG at 3; Recurrent at 3; Sempra at 2; SEIA at 3; Southern at 6; and Terra-Gen at 4.

[216] APPA and TAPS at 14–15.

[217] NRECA at 7.

[218] NRECA at 8.

owner to expand its facilities to accommodate a service request when sections 210 and 211 of the FPA provide for potential increases in transmission capacity as necessary.[219]

137. On the other hand, AWEA and E.ON support the safe harbor concept but urge the Commission to consider removing the rebuttable presumption standard. E.ON expresses concern that the safe harbor the Commission proposes would not relieve the interconnection customer of the regulatory compliance burden, because a third party could still initiate the process under sections 210 and 211 during the safe harbor period and thus force the ICIF owner to demonstrate specific plans and milestones in order to sustain the rebuttable presumption.[220] Further, while the NOPR proposed to rebuttably presume that an ICIF owner should not be required to expand the ICIF during the five-year safe harbor period, E.ON argues that it is unclear how a rebuttable presumption would apply in that context and what might be rebutted. E.ON argues that what is clear is that the ICIF owner needs to be unencumbered during the safe harbor period, so that it may focus on developing and bringing online successive phases of new generation.[221] More generally, AWEA contends that if the generation developer dedicates the extra capital and builds ICIF that accommodate more capacity than needed for initial generation, it is because the generation developer plans to develop more generation in future phases. Accordingly, AWEA believes that removing the rebuttable presumption is appropriate because it will clarify that the generation developer and owner of the ICIF have sole use of the excess capacity, without the need to defend the right to that capacity.[222]

c. Commission Determination

138. We will adopt the safe harbor period, but we will modify it to remove the rebuttable presumption that the ICIF owner should not be required to expand its facilities. During the safe harbor period, there will be a rebuttable presumption that the eligible ICIF owner has definitive plans to use its capacity without having to make a demonstration through a specific plans and milestones showing. We believe this Final Rule will relieve regulatory burdens and unnecessary risks from generation developers to encourage the development of new generation and efficient interconnection facilities and promote competition while ensuring access to transmission on a not unduly discriminatory basis. Under this Final Rule, the ICIF owner gains a degree of protection through the reduced likelihood that a third-party requester could rebut the presumption that an ICIF owner has plans to use all of its capacity. However, by making the presumption rebuttable rather than absolute, a third-party requester with strong evidence has the opportunity to gain access to the ICIF, even during the safe harbor.

139. The proposal in the NOPR that the safe harbor period would also contain a rebuttable presumption that the ICIF owner should not have to expand its facilities was intended to provide generation developers an initial opportunity to establish their generation projects while limiting the burden and distraction of studying requests to expand its ICIF and potentially expanding those facilities to accommodate third party use. However, upon consideration of the comments, we believe such a rebuttable presumption could prevent third-party access without providing a substantial ease of burden for the ICIF owner.[223] We conclude that eliminating this presumption strikes an appropriate balance by providing certainty to an ICIF owner over its planned capacity without hindering expansion of the facility in question when a potential customer requesting that expansion is willing to carry the burden associated with that possible expansion.

140. With regard to NRECA's argument that load-serving entities' use of ICIF has minimal or positive impact on available ICIF capacity, we find that such arguments are based on an unlikely scenario that assumes away the intended function of the interconnection facilities at issue in this Final Rule. By definition, the facilities at issue are not part of the integrated transmission system, so it is a slim possibility that a load-serving entity would be in a position to make use of ICIF to serve load by counterflowing power relative to the generation associated with the ICIF. However, a load-serving entity may make arguments to support such a scenario in a proceeding under sections 210 and 211.

2. Starting Point for the Safe Harbor Period

a. Commission Proposal

141. In the NOPR, the Commission proposed that the safe harbor period begin on the ICIF energization date. Because the energization date is not always publicly available, the Commission proposed that any eligible ICIF owner seeking to take advantage of the safe harbor must file an informational filing with the Commission (requiring no Commission action) documenting: (1) The ICIF energization date; (2) details sufficient to identify the ICIF at issue, such as location and Point of Interconnection; [224] and (3) identification of the ICIF owner. For generators that are already operating as of the effective date of the Final Rule, the Commission proposed to allow them to seek safe harbor status by filing at the Commission to document the information listed above, and that the safe harbor would expire five years after the initial energization of their ICIF.[225]

b. Comments

142. E.ON, AWEA, First Wind, and NRG argue that ICIF energization is not the proper starting date for the safe harbor period and that the safe harbor period should instead begin when the first generating facility using the ICIF achieves commercial operation, the commercial operation date.[226] E.ON argues that the point in the interconnection process where access to the grid begins is the appropriate starting point for the safe harbor period.[227] E.ON states that, prior to this, the interconnecting transmission owner's interconnection facilities and network upgrades may not be complete and available for use and that all necessary interconnecting transmission owner's network upgrades may not be scheduled for completion for years after the ICIF are energized.[228] E.ON adds

[219] NRECA at 8 (citing 16 U.S.C. 824i(a)(1) (''Upon application . . . the Commission may issue an order requiring . . . such increase in transmission capacity as may be necessary to carry out the purposes of any order under subparagraph (A) or (B)''); 16 U.S.C. 824j(a) (''Any electric utility . . . may apply to the Commission for an order under this subsection requiring a transmitting utility to provide transmission services (including any enlargement of transmission capacity necessary to provide such services) to the applicant.'')).

[220] E.ON at 10.

[221] E.ON at 11–12.

[222] AWEA at 13.

[223] We would expect that, in any order under sections 210 and 211, we would require the potential customer requesting expansion to pay all costs to study the request to expand and to take full responsibility for the costs to expand and operate the ICIF.

[224] *See supra* n. 19.

[225] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 56.

[226] The Commercial Operation Date is defined in the LGIP and LGIA as the date on which the Generating Facility commences generating electricity for sale, excluding electricity generated during on-site test operations and commissioning of the Generating Facility, as agreed to by the Parties pursuant to Appendix E to the Standard Large Generator Interconnection Agreement.

[227] E.ON at 8.

[228] E.ON at 9.

that, if the safe harbor begins on the ICIF energization date, it may only encourage energization to be delayed as long as possible in order to have as long a safe harbor period as is needed to support future phase's priority use of the ICIF.[229]

143. AWEA and First Wind explain that for many wind projects the ICIF may be energized well before commercial operation of the wind project begins in order to provide backfeed power to the construction site.[230] Accordingly, AWEA contends that the ''energization date'' would significantly limit the safe harbor period for phased development projects.[231] First Wind and NRG argues that the commercial operation date not only provides a more appropriate starting date, but it also is a date that is routinely documented for other purposes (*e.g.,* under Appendix E of the LGIA, the customer is required to provide written documentation of the commercial operation date, and power purchase agreements will have the commercial operation date.[232] NRG also argues that the commercial operation date is universally understandable.[233]

144. NRG and Linden argue that the Commission should decline to adopt the requirement that owners of existing and new ICIFs submit an informational filing to get the benefit of the safe harbor provision. NRG argues that the Commission is already generally aware of the commercial operation date for interconnection facilities through market-based rate, exempt wholesale generator, and interconnection agreement filings. NRG further argues that the commercial operation date is an established and verifiable date, and interconnection facility owners are often required to provide notice of the commercial operation date to various parties under different project agreements. Additionally, third-parties that seek to interconnect can contact the ICIF owner directly and ask for the same information detailed in the informational filing, and ICIF owners can be required to provide the commercial operation date upon request. NRG argues that if there is any dispute regarding the commercial operation date, the third party can go to the Commission and seek clarification of the commercial operation date.[234] Linden argues that the informational filing proposal would simply require numerous public utilities to make filings that will never be needed until and unless an entity seeks service over the ICIF.[235] It argues that no policy would be served by requiring public utilities to preserve rights through an otherwise unnecessary informational filing.[236]

145. MISO supports the Commission's proposal to require interconnection customers to submit their ICIF energization date to the Commission. Currently, MISO interconnection customers submit their test dates, which are very close to the energization date, to MISO's resource integration group as part of the Generator Interconnection Agreement milestones.[237]

c. Commission Determination

146. We will modify the proposal and will use the commercial operation date instead of the energization date. We find commenters' argument convincing that the commercial operation date is the preferable starting point for the safe harbor period. The ICIF may be energized to provide needed backfeed power for construction equipment well before the first generator is ready to produce test power, thus shortening the safe harbor period and undermining the goal to give the generation project sufficient time to develop. Using the energization date would likely disadvantage certain developers who must energize their ICIF early in the construction process because of their particular circumstances, while other developers are not required to do so. Although commenters argue that the commercial operation date is frequently documented in other contexts, we are not aware of a publicly available source that would consistently provide the commercial operation date for ICIF. Commenters' suggestion that potential customers request information from the ICIF owner or seek relief from the Commission creates an unnecessary barrier to potential customers and is inconsistent with the transparency we require for other elements of transmission and interconnection service. Accordingly, we will require, consistent with the NOPR proposal, that any eligible ICIF owner seeking to take advantage of the safe harbor must file an informational filing with the Commission (requiring no Commission action) stating: (1) The ICIF commercial operation date, as we define it below; (2) details sufficient to identify the ICIF at issue, such as location and Point of Interconnection; and (3) identification of the ICIF owner seeking to take advantage of the safe harbor.[238] For ICIF that are already in commercial operation as of the effective date of the Final Rule, the ICIF owner may seek safe harbor status by filing at the Commission to provide the information listed above, and the safe harbor would expire five years after the commercial operation date of its ICIF. ICIF owners making such an informational filing should file under the following docket, Docket No. AD15–9–000, so that any interested third party will be able to easily identify the relevant filing and determine when a safe harbor is applicable. We consider the commercial operation date of ICIF to be the date those facilities are first used to transmit energy for sale, excluding use for on-site testing and commissioning of the generating facility.

3. Length of the Safe Harbor Period

a. Commission Proposal

147. In the NOPR, the Commission proposed a safe harbor period of five years during which there would be a rebuttable presumption that: (1) The eligible ICIF owner has definitive plans to use its capacity without having to make a demonstration through a specific plans and milestones showing; and (2) the eligible ICIF owner should not be required to expand its facilities.[239]

b. Comments

148. Several commenters argue for a seven-year safe harbor period.[240] EEI argues that a presumption of five years from the date the line is energized is only minimally sufficient and providing an additional two years of safe harbor protection would allow the eligible ICIF owner to focus on building generation and achieving commercial operation during the safe harbor period.[241] NextEra argues that a safe harbor of five years effectively presumes that the second phase will be completed without any delays and that the developer will not pursue development in additional phases. NextEra argues that a seven-year safe harbor would more fully achieve the Commission's stated goals.[242] EPSA and NRG agree that a seven-year period would better support ICIF project development, and argue that a seven-year time period is supported by section 3.3.1 of the *pro forma* LGIP under which the expected in-service date of a new

[229] E.ON at 9.

[230] First Wind at 16.

[231] AWEA at 15–16.

[232] First Wind at 16 and NRG at 4.

[233] NRG at 4.

[234] NRG at 5.

[235] Linden at 9–10.

[236] Linden at 9–10.

[237] MISO at 6.

[238] We do not intend to issue a public notice, accept comments, or issue an order on the informational filings.

[239] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 54.

[240] EEI at 14; NextEra at 17; EPSA at 6–7; NRG at 3–4; and SEIA at 4.

[241] EEI at 14.

[242] NextEra at 17.

generating facility or increase in capacity of an existing facility should not be more than seven years from the date the interconnection request is received by the transmission provider.[243] SEIA states that a seven-year safe harbor period would ensure adequate time for financing and construction of additional generation capacity. SEIA asserts that analysis of the dozen largest solar projects expected to be online by 2016 reveals the median time from development to commercial operation is nearly six years. A seven-year safe harbor will ensure that most, if not all, future phases of a solar power plant can be constructed within the safe harbor timeframe.[244]

149. Some commenters argue for a ten-year safe harbor period. BHE also agrees that the proposed five-year duration is impractically short given the commercial and permitting realities generation developers face and, argues the safe harbor should be for ten years from the date that the ICIF is energized.[245] AWEA argues that the proposed five-year period should be extended to ten years in order to reduce the risks encountered by generation developers developing phased generation projects. AWEA explains that often times a wind generation project may be planned in three or four phases, which could not reasonably be expected to reach completion in a five-year period. According to AWEA, a ten-year safe harbor period would provide developers the appropriate amount of time and reasonable incentive needed to develop the ICIF necessary for the development of new, cost-effective wind energy resources.[246]

150. As discussed above, APPA, TAPS, and NRECA argue that the Commission should not implement a safe harbor period of any duration.[247] Additionally, APPA and TAPS argue that the monopoly on ICIF will extend for longer than the five years of the safe harbor period.[248] They argue that in order to avoid the safe harbor barrier, a requester must not file its application under sections 210 and 211 until after the five-year period. They point out that it will take some time for the Commission to issue a final order requiring interconnection and transmission service, and additional studies or modifications may be required even after a final order. Therefore, they contend, the proposed safe harbor effectively grants to the ICIF owner and its affiliates a monopoly over use of its ICIF for six years at a minimum. They argue that such a result cannot be harmonized with the Commission's obligations to remedy undue discrimination in transmission service and its reliance on competitive markets to ensure just and reasonable wholesale prices.

c. Commission Determination

151. We adopt in this Final Rule the five-year safe harbor period. It represents a balancing of interests. On the one hand, we want to relieve regulatory burdens and unnecessary risks from generation developers to encourage the development of new generation and promote competition. On the other hand, we want to ensure not unduly discriminatory access to transmission which also promotes competition. We find that using the commercial operation date as the starting point for the safe harbor period eliminates some of the concerns regarding sufficient time for safe harbor protection. As such, we decline to increase the safe harbor period from five years to either seven or ten years.

152. We disagree with APPA and TAPS that the safe harbor protection is effectively a minimum of six years instead of five. That is, the rebuttable presumption that the ICIF owner has definitive plans to use its capacity, without having to make a demonstration through a specific plans and milestones showing, ends five years after the commercial operation date. The fact that it takes time to get service under sections 210 and 211 does not change the fact that, at the end of the five year safe harbor period, if there were to be an application under sections 210 and 211, the ICIF owner would need to show it has plans to use any remaining capacity on the ICIF and is making progress to completing those plans. In any event, we note that any request for interconnection or transmission service takes time to prepare and process, whether it is addressed to an ICIF owner pursuant to sections 210 and 211 or a public utility under its OATT.

E. Affiliate Concerns

1. Commission Proposal

153. In the NOPR,[249] the Commission sought comments on whether to extend the proposed reforms to generators whose ownership or operation of transmission facilities is limited to ICIF, but who are affiliated with a public utility transmission provider and are within or adjacent to the public utility transmission provider's footprint (ICIF-Owning Affiliates).[250]

2. Comments

154. Several commenters argue that ICIF-Owning Affiliates should be eligible for the blanket waiver.[251] Commenters assert that excluding ICIF-Owning Affiliates from the proposed waivers would bestow an unfair advantage on their competitors without providing any regulatory benefits.[252] Southern emphasizes that ICIF-Owning Affiliates function separately from the public utility transmission provider and are independent generators.[253] BHE argues that the same reasons that warrant the Commission replacing its current case-by-case approach to granting waivers apply irrespective of corporate structure.[254]

155. BP Wind, Sempra, and First Wind take issue with the Commission's stated concern in the NOPR that the generator's vertically-integrated utility affiliate, if granted the blanket waiver, may take steps to structure its development projects to limit or deny access to transmission facilities. BP Wind emphasizes that there are various reasons why a company would place ownership of generation and associated generation interconnection facilities into a separate legal entity that are not in any way for the purpose of limiting access to generator interconnection facilities.[255] First Wind argues that, as a practical matter, a transmission owner will not attempt to push facilities that are not properly defined as ICIF into the ICIF classification in order to remove them from availability under their OATTs or to secure priority rights, because it would violate the OATT and shift costs to the generation affiliate that would otherwise be recovered from OATT customers.[256] Further, Sempra argues that the Commission has for years granted OATT waivers to ICIF-owning generators interconnected to their affiliated utility systems because the facilities in question are sole-use, limited and discrete, radial in nature,

[243] EPSA at 6–7 and NRG at 3–4.

[244] SEIA at 4.

[245] BHE at 12–13.

[246] AWEA at 15.

[247] *See supra* PP 135–136.

[248] APPA and TAPS at 15–16.

[249] NOPR, FERC Stats. & Regs. ¶ 32,701 at P 59.

[250] For generators owned by a public utility transmission provider within its footprint, transmission service on the generator's interconnection facilities has generally been governed by the public utility transmission provider's OATT. *See Puget Sound Energy, Inc.,* 133 FERC ¶ 61,160 (2010), *reh'g denied* 139 FERC ¶ 61,241 (2012).

[251] Southern at 4–5; EEI at 11–13; BHE at 8–11; Sempra at 6–9; BP Wind 7–10; First Wind at 10; AWEA at 16; and NextEra 18–20.

[252] EEI at 9; BHE at 8–10; and Southern at 4–5.

[253] Southern at 4–5.

[254] BHE at 8–10.

[255] BP Wind at 8–9.

[256] First Wind at 10.

and not part of an integrated transmission network.[257]

156. Several commenters argue that there are sufficient protections already in place to deter such behavior. Sempra notes that the Commission-jurisdictional interconnection process and the Commission's Standards of Conduct provide additional protections to affiliated and unaffiliated generators alike, and that further protection is provided when the interconnection process is administered by an RTO or ISO.[258] Sempra also states that if the Commission is made aware that a vertically-integrated utility has structured its generation and interconnection facilities development in such a way that inappropriately limits access to those facilities, the Commission could, among other things, revoke the blanket waiver and safe harbor treatment for those facilities.[259] Further, BHE asserts that affiliate restrictions and enforcement tools all function to achieve non-discriminatory access over ICIF for third parties and that the procedures under sections 210 and 211 of the FPA provide an extra level of protection.[260] Southern agrees that the Commission's concerns with respect to anti-competitive behavior by a transmission provider should be addressed by the Commission's open access requirements, the Standards of Conduct, and the code of conduct.[261] BHE contends that the Commission should extend eligibility for the proposed blanket waiver not only to affiliates of the transmission provider, but also to the wholesale generation function of a vertically-integrated utility, irrespective of whether the ICIF is physically located within or adjacent to the affiliated public utility transmission provider's footprint.[262]

157. BP Wind and AWEA argue that the Commission should at least extend eligibility of the blanket waiver to ICIF-owning Affiliates where they are geographically separate from the public utility transmission provider's footprint.[263] Southern, BP Wind, and NextEra question how ICIF-owning Affiliates will be treated if they do not receive the blanket waiver. Southern argues that a wholesale generator affiliate that is not a part of a vertically-integrated utility's OATT, and whose ownership/operation of transmission facilities is limited to ICIF, should not be required to be added to the public utility's OATT because this could shift the costs of the ICIF to native load customers of the transmission provider and create other complexities for the transmission provider (*e.g.,* compliance with Standards of Conduct).[264]

158. BP Wind points out that excluding ICIF-owning Affiliates from the blanket waiver could disadvantage jointly owned projects, as unaffiliated generator owners would effectively lose the value associated with their blanket waiver if they share ownership in a common set of ICIF with a generator that is affiliated with a public utility transmission provider.[265] Similarly, if the Commission declines to extend the blanket waiver to ICIF-owning Affiliates, NextEra questions: (1) How ICIF-owning Affiliates could request the waiver on a case-by-case basis; (2) whether, without a waiver, each ICIF-owning Affiliate is required to file its own OATT, resulting in holding companies with numerous OATTs on file, even for facilities located in the affiliated public utility transmission provider's footprint; and (3) whether the ICIF-owning Affiliates have to transfer ownership or control of their facilities to the affiliated public utility transmission provider.[266] In the event the Commission does extend the blanket waiver to ICIF-owning Affiliates, BHE asks the Commission to confirm that, in instances where a third party is granted a request for service under sections 210 and 211 over an incumbent utility generator's ICIF, that incumbent utility generator can fulfill its access responsibility by transferring operational control and responsibility for the relevant ICIF to its transmission provider to ensure non-discriminatory access over the ICIF.[267] Additionally, BHE asks the Commission to clarify its expectations, in this scenario, as to whether the ICIF should be treated by the transmission provider as Transmission Provider's Interconnection Facilities and managed under Article 9.9.2 of the Commission's *pro forma* LGIA.[268]

159. Linden states that in the event that the Commission limits the applicability of the blanket waiver to non-affiliates, it requests that the Commission clarify that any such limitation would not apply to an affiliate of a merchant transmission provider.[269]

160. Southern and BHE also argue that the Commission should extend the safe harbor protection to ICIF-owning Affiliates because such generators are similarly situated to and operate the same as other wholesale generators. Southern believes that all wholesale generators and ICIF owners would benefit from the proposed safe harbor period.[270] BHE requests that the Commission also extend eligibility for the safe harbor presumption to incumbent utility generators.[271] BHE asserts that wholesale generator ICIF owners share the same commercial risks of having their specific generation expansion plans pre-empted by a competing unaffiliated generation developer and burden of pursuing a declaratory order from the Commission in order to reserve capacity for their future plans.[272] According to BHE, any concerns with extending the safe harbor presumption beyond non-affiliates are reasonably mitigated without limiting the presumption to non-affiliated ICIF owners. BHE explains that under Commission rules, all generators seeking transmission interconnection and/or transmission service are to be treated comparably. BHE further notes that employees of a public utility with captive customers and its affiliates with market-based rate authority are to operate separately to the maximum extent practical.[273] BHE also contends that it would be unduly discriminatory to deny incumbent utility generator and ICIF-owning Affiliates identical access to the safe harbor presumption, given that existing policy is equally burdensome, and creates the same regulatory uncertainty with respect to priority rights for all ICIF owners.[274]

161. BHE argues that, at a minimum, eligibility for the proposed safe harbor presumption should be extended to ICIF-owning Affiliates.[275] BHE also argues that the safe harbor presumption should be applied to ICIF-owning Affiliates irrespective of whether the ICIF is physically located within or adjacent to the affiliated public utility transmission provider's footprint.[276]

162. In contrast, some commenters argue that the Commission should not extend the proposed reforms to entities that are affiliated with a public utility

[257] Sempra at 8 (citing the TDM Rehearing Request at n. 20, pointing to the then-significant number of OATT waivers granted to such affiliated entities as of 2003).

[258] Sempra at 8.

[259] Sempra at 8–9.

[260] BHE at 10.

[261] Southern at 5.

[262] BHE at 2, 10–11.

[263] BP Wind at 7–8 and AWEA at 16.

[264] Southern at 5.

[265] BP Wind at 8–9.

[266] NextEra at 18–20.

[267] BHE at 17–18.

[268] BHE at 17–18.

[269] Linden at 8–9.

[270] Southern at 6.

[271] BHE at 13.

[272] BHE at 14.

[273] BHE at 15.

[274] BHE at 16.

[275] BHE at 3–4.

[276] BHE at 3–4.

transmission provider.[277] APPA and TAPS contend that the NOPR's treatment of affiliates is inconsistent and contrary to the Commission's market-based rate policies which have been crafted over decades to protect customers from the use of control over transmission facilities to erect barriers to competition in favor of the owner's corporate family.[278] They state that, while the NOPR does not consider the ICIF owner's affiliates in defining eligibility for the blanket waiver or safe harbor, potentially even if the ICIF owner's affiliate is a transmission provider, the Commission proposes to continue its policy of allowing the ICIF owner to point to its affiliate's planned usage to demonstrate definitive plans to use any remaining ICIF capacity after the safe harbor period.[279] APPA and TAPS argue that by ignoring affiliates in determining eligibility for waiver or safe harbor while allowing ICIF owners to use those same affiliates to fend off third-party access, the NOPR would incent utilities to organize their corporate structures to maximize their opportunities to block third-party competitive generation.

163. APPA and TAPS also contend that transmission providers are already ''in the business of providing transmission service'' and are subject to Standards of Conduct, and thus face no significant additional burden from the requirements the Commission proposes to waive. NRECA adds that such entities should not be granted privileges that are intended for generators that are completely independent of transmission providers. They argue that if extended to affiliates of transmission providers, the proposed reforms would incent transmission providers to structure generation and ICIF development to avoid open access and transmission planning obligations.[280]

164. APPA and TAPS contend that any ICIF policy changes should exclude affiliates of transmission providers from eligibility for the blanket waiver or safe harbor status at least within the transmission provider's planning region.[281] They argue that requiring transmission provider-affiliated ICIF owners within the transmission provider's planning region to utilize the transmission provider's existing OATT processes, rather than artificially walling-off such ICIF from access and transmission planning and expansion obligations, is necessary to prevent the transmission provider from evading its affirmative obligation to work within its transmission planning region to create a regional transmission plan. They assert that, at an absolute minimum, ICIF owners affiliated with transmission providers should be excluded from the blanket waiver and safe harbor as to any ICIF within the transmission provider's footprint or an adjacent system.[282]

3. Commission Determination

165. We conclude that the blanket waiver and safe harbor should apply to a public utility transmission provider's affiliates whose ownership/operation of transmission facilities is limited to ICIF, regardless of geographic location. An ICIF-Owning Affiliate, as we use the term here, is a corporate entity that is separate from, and functions independently from, an affiliated public utility transmission provider that owns, controls, or operates non-ICIF transmission facilities. As such, the ICIF-Owning Affiliate is comparable to other independent generation companies that own ICIF within the public utility transmission provider's footprint. Like other independent generation companies, an ICIF-Owning Affiliate faces the risk and potential burden of having to file an OATT if it receives a third-party request for service. The undue discrimination provisions of section 205 and section 206 and the Commission's existing Standards of Conduct rules should prevent undue discrimination and ensure that the transmission provider's open access and transmission planning obligations are not circumvented. However, we decline to extend the blanket waiver to ICIF that are controlled or operated by the generation units of vertically-integrated public utilities (Generation Functions), as requested by BHE.

166. We disagree with APPA and TAPS that extending the reforms adopted herein to ICIF-Owning Affiliates would constitute a departure from the Commission's requirements that transmission service be not unduly discriminatory. Sections 205 and 206 of the FPA continue to govern the behavior of the ICIF-Owning Affiliates and public utility transmission providers after the reforms adopted herein become effective. Therefore, ICIF-Owning Affiliates and public utility transmission providers are prohibited from engaging in unduly preferential or unduly discriminatory behavior. In addition, the independent functioning and transparency requirements of the Standards of Conduct under Part 358 of the Commission's regulations impose specific requirements governing the relationship between the ICIF-Owning Affiliates and the transmission provider.[283] While a waiver of the Standards of Conduct for the ICIF-Owning Affiliate would relieve it of the obligation to comply with the Standards of Conduct that require separation of transmission and marketing functions, that waiver has no effect on the transmission provider's obligation to comply with the Standards of Conduct consistent with Part 358 of the Commission's regulations.[284] The Standards of Conduct also require, among other things, a transmission provider to treat all transmission customers, affiliated and non-affiliated, on a not unduly discriminatory basis, and prohibits the transmission provider from making or granting any undue preference or advantage to any person with respect to the transmission or sale of electric energy.[285]

167. We disagree with APPA and TAPS' claim that granting the waiver to ICIF-Owning Affiliates would be inconsistent and contrary to the Commission's market-based rate policies by failing to consider the ICIF-Owning Affiliates in defining eligibility for market-based rates. The Commission considers the ICIF-Owning Affiliates when granting market-based rate authority. The market-based rate requirement under section 35.37(d) requires a seller that owns, operates, or controls transmission facilities, or whose affiliates own, operate, or control transmission facilities, to have on file with the Commission an OATT as described in section 35.28. However, the Commission allows sellers to rely on Commission-granted OATT waivers to satisfy the vertical market power part of

[277] APPA and TAPS at 16–17 and NRECA at 9–10.

[278] APPA and TAPS at 16–17.

[279] APPA and TAPS at 17 (citing to NOPR, FERC Stats. & Regs. ¶ 32,701 proposed section 35.28(d)(2)(ii)(A)).

[280] APPA and TAPS at 18 and NRECA at 9–10.

[281] APPA and TAPS at 25–27.

[282] APPA and TAPS at 26–27.

[283] 18 CFR pt. 358.

[284] ICIF Generator Affiliates are typically making sales for resale in interstate commerce and meet the Commission's definition of marketing affiliates. *See* 18 CFR 358.3(a) and (c).

[285] 18 CFR 358.4.

the requirement.[286] As noted above,[287] the waiver in section 35.28(d)(2) is an additional way in which to satisfy the vertical market power requirements for transmission. Market-based rate authority is conditioned on compliance with the Affiliate Restrictions in section 35.39 of the Commission's regulations. Like the Standards of Conduct, the Affiliate Restrictions include independent functioning requirements as well as information sharing prohibitions.[288] Thus, with the statutory prohibitions and implementing regulations, public utility transmission providers are not permitted to organize their corporate structures in a way that would block third-party competitive generation.

168. Moreover, we note that entities may file a complaint under section 206 with the Commission if they believe discrimination is occurring. Also, in determining whether a third party has rebutted the presumption under this Final Rule that an ICIF owner has definitive plans to use excess capacity on the ICIF during the safe harbor period, the affiliate relationship between the ICIF owner and a public utility transmission provider may be a factor in that determination. Finally, as a backstop, we note that the Commission possesses ample statutory remedies to address violations of the applicable regulations and statutes. As noted by Sempra, if the Commission became aware that a public utility transmission provider and an ICIF-Owning Affiliate structured their transmission, generation, and interconnection facilities development in such a way that inappropriately limits access to those facilities, the Commission could, among other things, revoke the blanket waiver and safe harbor treatment for the ICIF-Owning Affiliate. Accordingly, the Commission's existing rules, in concert with other tools available to hold entities accountable, are sufficient to ensure comparable treatment of affiliates and non-affiliates, and enforce the Commission's requirements prohibiting undue discrimination without the provisions waived through this Final Rule.

169. We find that it is not appropriate to grant the blanket waiver to Generation Functions. The public utility transmission provider has certain rights and obligations, one of which is to administer the transmission grid pursuant to its existing OATT. Where a Generation Function of the public utility transmission provider is an ICIF owner, we find it appropriate, in the event of a third-party request, for the request to be processed pursuant to its affiliated public utility transmission provider's OATT.

F. Miscellaneous

1. Treatment of Line Losses on ICIF

a. Comments

170. NRG requests that the Commission explicitly state that all transmission line losses associated with a third party gaining access to an incumbent owner's interconnection facility be borne solely by the third party. NRG argues that as more capacity is transmitted on these interconnection facilities and the excess capacity on these facilities diminishes, line losses will continue to increase to the detriment of the incumbent interconnection facility owner.[289]

b. Commission Determination

171. We find the NRG's argument to be beyond the scope of the proceeding. Treatment of line losses on ICIF should be negotiated between the parties using the ICIF.

2. *Applicability of the Commission's ''Prior Notice'' Policy*

a. Comments

172. First Wind and Invenergy ask the Commission to confirm that its *Prior Notice* policy [290] also applies to requests for ICIF access. In *Prior Notice,* the Commission, among other things, found that transmission study contracts and charges, while jurisdictional, do not have to be filed unless they are the subject of a complaint filed by the transmission requester under section 206 of the Federal Power Act alleging that the rates charged for a transmission feasibility study are unjust, unreasonable or unduly discriminatory, or preferential. First Wind and Invenergy contend that the Commission should confirm that this *Prior Notice* policy applies not only to transmission requests under section 211, but also to interconnection requests under section 210 and to any requests for ICIF access.[291]

b. Commission Determination

173. We decline to address the Commission's filing requirements as they are beyond the scope of the proceeding.

3. *Technical Aspects of Interconnection*

a. Comments

174. BHE states that third-party access to an ICIF should only be allowed at a point past the high side (transmission side) of a collector bus, and not on the low side (generator side) of the collector bus. It argues that such access to the generator side of the collector introduces technical system protection and control complexities that would be impractical to accommodate, requiring an inordinate amount of coordination between interconnecting generation projects and may even compromise the reliability of the interconnecting facilities.[292]

b. Commission Determination

175. We find BHE's argument to be beyond the scope of the proceeding. Disputes regarding technical requirements of the reliable interconnection of third-party generators should be addressed in particular proceedings under sections 210 and 211.

4. Implementation

176. For those entities that satisfy the eligibility requirements set forth in this Final Rule, the blanket waiver will be effective as of the effective date of this Final Rule. For those entities that must file a statement of compliance with section 210 of the FPA in order to achieve eligibility, the blanket waiver will be effective as of the latter of the effective date of this Final Rule or the date the statement of compliance is filed. If an entity has a case-specific request for waiver of OATT requirements pending as of the date that the entity becomes eligible for the blanket waiver, the blanket waiver will apply as of that date, and the entity should file to withdraw the waiver request to the extent it has been rendered moot by the blanket waiver. As discussed in section IV.B.7 above, an entity that has already been issued a waiver of the same requirements waived by the blanket waiver and is eligible for

[286] *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities,* Order No. 697, 72 FR 39904 (July 20, 2007), FERC Stats. & Regs. ¶ 31,252 at P 408, *clarified,* 121 FERC ¶ 61,260 (2007), *clarified,* 124 FERC ¶ 61,055, *order on reh'g,* Order No. 697–A, 73 FR 25832 (May 7, 2008), FERC Stats. & Regs. ¶ 31,268, *order on reh'g,* Order No. 697–B, 73 FR 79610 (Dec. 30, 2008), FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g,* Order No. 697–C, 74 FR 30924 (June 29, 2009), FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g,* Order No. 697–D, 75 FR 14342 (Mar. 25, 2010), FERC Stats. & Regs. ¶ 31,305 (2010), *aff'd sub nom. Mont. Consumer Counsel* v. *FERC,* 659 F.3d 910 (9th Cir. 2011), *cert. denied,* 133 S. Ct. 26 (2012).

[287] *See supra* P 57.

[288] *See* 18 CFR 35.39(c) and § 35.39(d).

[289] NRG at 6.

[290] *Prior Notice and Filing Requirements Under Part II of the Federal Power Act* 64 FERC ¶ 61,139, *clarified,* 65 FERC ¶ 61,081, at 61,508 (1993) (*Prior Notice*).

[291] First Wind at 12–14 and Invenergy at 12–13.

[292] BHE at 19.

the blanket waiver will be deemed to be operating under the blanket waiver without further filings necessary with respect to the issued waiver. However, as discussed in section IV.B.8 above, the blanket waiver will have no automatic impact on existing OATTs that govern service requests over ICIF, although the Commission will consider a request to withdraw an OATT on a case-by-case basis if no third parties are taking service under it. With respect to the informational statement regarding the commercial operation date of the ICIF discussed in section IV.D.2 above, we note that such statement need only be filed if the ICIF owner seeks to take advantage of the five-year safe harbor period.

V. Information Collection Statement

177. The Office of Management and Budget (OMB) regulations require approval of certain information collection and data retention requirements imposed by agency rules.[293] Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number.

178. The Commission is submitting the proposed modifications to its information collections to OMB for review and approval in accordance with section 3507(d) of the Paperwork Reduction Act of 1995.[294] In the NOPR, the Commission solicited comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. The Commission included a table that listed the estimated public reporting burdens for the proposed reporting requirements, as well as a projection of the costs of compliance for the reporting requirements.

179. The Commission did not receive any comments specifically addressing the burden estimates provided in the NOPR. However, the Commission has made changes to its proposal that are adopted in this Final Rule.

180. First, the regulations adopted in the Final Rule give a blanket waiver of OATT, OASIS, and Standards of Conduct filing requirements, to all ICIF owners, including those that do not sell electric energy. Under the Final Rule, an ICIF owner that does not sell electric energy is required to make an informational filing stating that it commits to comply with and be bound by the obligations and procedures applicable to electric utilities under section 210 of the FPA in order to receive the blanket waiver. We have increased the burden estimate in the table below to reflect this filing.

181. Second, the Commission revised the beginning of the safe harbor period from the ICIF energization date to the ICIF commercial operation date. The Commission recognizes that most ICIF owners will likely make a brief notification filing documenting: (1) The ICIF commercial operation date; (2) details sufficient to identify the ICIF at issue, such as location and Point of Interconnection; and (3) identification of the ICIF owner. However, because the filing is similar to that proposed in the NOPR, we are not modifying the estimated public reporting burdens for this proposed reporting requirement in the table below. The Commission believes that the revised burden estimates below are representatives of the average burden on respondents.

[293] 5 CFR 1320.11(b) (2013).

[294] 44 U.S.C. 3507(d) (2012).

RM14–11 (OPEN ACCESS AND PRIORITY RIGHTS ON INTERCONNECTION CUSTOMER'S INTERCONNECTION FACILITIES)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden and cost per response [295]	Total annual burden hours and total annual cost	Average cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Individual Requests for Waiver (FERC–917)	16	−1	−16	10 $947	−160 −$15,146	−$947
OATT Filings (FERC–917)	1	−1	−1	100 $9,466	−100 −$9,466	−$9,466
Petitions for Declaratory Order requesting priority rights (FERC–582)	1	−1	−1	30 $2,840	−30 −$2,840	−$2,840
Safe Harbor Commercial Operation Date Filing (average of first three years) [296] (FERC–917)	39	1	39	1 $95	39 $3,692	$95
ICIF Owner that Does Not Sell Electric Energy Filing to Receive Blanket Waiver (average of first three years) [297] (FERC–917)	19	1	19	1 $95	19 $1,799	$95
Total			40		−232 −$21,961	−$13,063

Cost to Comply: The Commission has projected the cost of compliance with the safe harbor commercial operation date filing to be $7,573 in the initial year and $1,704 in subsequent years, as new ICIF owners make safe harbor filings for their new projects. In addition, the Commission has projected the cost of compliance for ICIF owners that do not sell electric energy to make an informational filing stating that it commits to comply with and be bound by the obligations and procedures applicable to electric utilities under section 210 of the FPA in order to receive the blanket waiver to be $3,786 in the initial year and $852 in subsequent years, as new ICIF owners make such filings. This is offset by the reduction in burden associated with the waiver of filing requirements of $27,452 per year. As an average for the first three years, this amounts to a net reduction in burden of $21,961.

Total Annual Hours for Collection in initial year (120 hours) @$94.66 an hour = $11,359.

Total Annual Hours for Collection in subsequent years (27 hours) @$94.66 an hour = $2,556.

Total Annual Hours for Reduced Collection per year (290 hours) @$94.66 an hour = $27,452.

Title: FERC–582, Electric Fees and Annual Charges; FERC–917, Non-Discriminatory Open Access Transmission Tariff.

Action: Revision of Currently Approved Collection of Information.

OMB Control No. 1902–0132; 1902–0233.

Respondents for this Rulemaking: Businesses or other for profit and/or not-for-profit institutions.

Frequency of Information: As indicated in the table.

Necessity of Information: The Commission is adopting these changes to its regulations related to which entities must file the *pro forma* OATT, establish and maintain an OASIS, and abide by its Standards of Conduct in order to eliminate unnecessary filings and increase certainty for entities that develop generation. The purpose of this Final Rule is to reduce regulatory burdens and promote development while continuing to ensure open access to transmission facilities. The safe harbor commercial operation date filing is necessary to ensure transparency as to the applicability of the safe harbor period.

Internal Review: The Commission has reviewed the proposed changes and has determined that the changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for

[295] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $94.66 per Hour = Average Cost per Response. The hourly cost figure represents a combined hourly rate of an attorney ($131.00), economist ($71.00), engineer ($65.34), and administrative staff ($38.63), with a 50 percent weighting on the attorney's rate (*i.e.* [$131(1/2) + $71.00(1/6) + $65.34(1/6) + $38.63(1/6)]/4 = $94.66. The estimated hourly costs (salary) are based on Bureau of Labor and Statistics information (*available at http://www.bls.gov/oes/current/naics2_22.htm,* and are adjusted to include benefits by assuming that salary accounts for 68.7 percent of total compensation). *See http://www.bls.gov/news.release/ecec.nr0.htm.*

[296] The average number of filings for the first three years is computed as follows. The Commission expects approximately 80 safe harbor filings in the first year, which represents the number of waiver filings over a historical five-year period and thus the approximate number of existing entities which will be able to take advantage of the five- year safe harbor period as of the effective date of the Final Rule in this proceeding. In the subsequent two years, the Commission expects approximately 18 safe harbor filings per year, which represents the historical number of OATT waiver filings (16), OATT filings (1), and petitions for declaratory order (1) per year. Going forward, we would expect the entities complying with the Final Rule would avoid these filings and that the relevant entities would instead avail themselves of the safe harbor period. The average of the three-year period then is (80 + 18 + 18)/3 = 39.

[297] The average number of filings for the first three years is computed as follows. The Commission expects approximately 40 section 210 applicability filings in the first year, which represents half the number of waiver filings over a historical five-year period. The Commission does not know the precise number of existing ICIF owners that do not sell electric energy. Of the 80 ICIF owner that have requested waiver in the past five years, the Commission reasons that some share of them do not sell electric energy, and we use 50 percent as an estimate. While there is no five year limitation that applies to entities that may make this filing, we reason that this issue, while not new, has become more relevant in recent years because of an increase in generation owners retaining control of their ICIF; hence, we are not including in our estimate any estimate of the number of ICIF owners that do not sell electric energy that would have requested waiver prior to 2010. In the subsequent two years, the Commission expects approximately nine section 210 applicability filings per year, which represents half the historical number of OATT waiver filings (16), OATT filings (1), and petitions for declaratory order (1) per year. Going forward, we would expect the entities complying with the Final Rule would avoid these filings and that the relevant entities would instead avail themselves of the blanket ICIF waiver. The average of the three-year period then is (40 + 9 + 9)/3 = 19.

the burden estimates associated with the information collection requirements.

182. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director], email: *DataClearance@ferc.gov,* Phone: (202) 502–8663, fax: (202) 273–0873.

183. Comments on the requirements of this Final Rule can be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments to OMB should be submitted by email to: *oira_submission@omb.eop.gov.* Comments submitted to OMB should include Docket No. RM14–11–000 and OMB Control No. 1902–0132 and/or 1902–0233.

VI. Regulatory Flexibility Act Analysis

184. The Regulatory Flexibility Act of 1980 (RFA) [298] generally requires a description and analysis of final rules that will have a significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) revised its size standard (effective January 22, 2014) for electric utilities from a standard based on megawatt hours to a standard based on the number of employees including affiliates.[299] Under SBA's new size standards, ICIF owners likely come under the following category and associated size threshold: Electric bulk power transmission and control, at 500 employees.[300] The Final Rule states that approximately 80 entities will be affected by the changes imposed. Of these, the Commission estimates that approximately 93.1 percent [301] or 75 of these are small entities. In the Final Rule, the Commission estimates that, on average, each of the small entities to whom the Final Rule applies will incur one-time costs of $142 in order to: (1) Document its commercial operation date and thus avail itself of the safe harbor provision; and, (2) if the entity does not sell electricity, commit to comply with section 210 of the FPA.[302] This is true for those existing entities that have already received waiver of the OATT prior to the issuance of the Final Rule, as well as for new entities. This cost will be offset for new entities by, on average, $1,525.[303] As the Commission has previously explained, in determining whether a regulatory flexibility analysis is required, the Commission is required to examine only direct compliance costs that a rulemaking imposes on small business.[304] It is not required to examine indirect economic consequences, nor is it required to consider costs that an entity incurs voluntarily. The Commission does not consider the estimated costs per small entity to have a significant economic impact on a substantial number of small entities. Accordingly, the Commission certifies that the Final Rule will not have a significant economic impact on a substantial number of small entities.

VII. Document Availability

185. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

186. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

187. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

VIII. Effective Date and Congressional Notification

These regulations are effective June 30, 2015. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a ''major rule'' as defined in section 351 of the Small Business Regulatory Enforcement Act of 1996. The Commission will submit this Final Rule to both houses of Congress and the Government Accountability Office.

List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By the Commission.

Issued: March 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission amends Part 35, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Amend § 35.28 by revising paragraph (d) to read as follows:

§ 35.28 Non-discriminatory open access transmission tariff.

* * * * *

(d) *Waivers.* (1) A public utility subject to the requirements of this section and 18 CFR parts 37 (Open Access Same-Time Information System) and 358 (Standards of Conduct for Transmission Providers) may file a request for waiver of all or part of such requirements for good cause shown.

(2) The requirements of this section, 18 CFR parts 37 (Open Access Same-Time Information System) and 358 (Standards of Conduct for Transmission Providers) are waived for any public utility that is or becomes subject to such requirements solely because it owns, controls, or operates Interconnection Customer's Interconnection Facilities, in whole or in part, as that term is defined in the standard generator interconnection procedures and

[298] 5 U.S.C. 601–612 (2014).

[299] SBA Final Rule on ''Small Business Size Standards: Utilities,'' 78 FR 77,343 (Dec. 23, 2013).

[300] 13 CFR 121.201, Sector 22, Utilities.

[301] The Small Business Administration sets the threshold for what constitutes a small business. Public utilities may fall under one of several different categories, each with a size threshold based on the company's number of employees, including affiliates, the parent company, and subsidiaries. The possible categories for the applicable entities have a size threshold ranging from 250 employees to 1,000 employees. For the analysis in this final rule, we are using the 500 employee threshold for each applicable entity type.

[302] *See supra* n. 298. We estimate that all affected entities will make the safe harbor filing, but that only half do not sell electric energy and thus need to make the commitment to comply with section 210 of the FPA. Thus, $142 = (1) × ($94.66) + (1/2) × ($94.66).

[303] This reduced burden amount is calculated by taking the total estimated burden reduction per year, $27,452, and dividing by 18, the estimated number of filings avoided because of the new regulations.

[304] *Credit Reforms in Organized Wholesale Electric Markets,* 133 FERC ¶ 61,060, at P 184 (2010).

agreements referenced in paragraph (f) of this section, or comparable jurisdictional interconnection facilities that are the subject of interconnection agreements other than the standard generator interconnection procedures and agreements referenced in paragraph (f) of this section, if the entity that owns, operates, or controls such facilities either sells electric energy, or files a statement with the Commission that it commits to comply with and be bound by the obligations and procedures applicable to electric utilities under section 210 of the Federal Power Act.

(i) The waivers referenced in this paragraph (d)(2) shall be deemed to be revoked as of the date the public utility ceases to satisfy the qualifications of this paragraph (d)(2), and may be revoked by the Commission if the Commission determines that it is in the public interest to do so. After revocation of its waivers, the public utility must comply with the requirements that had been waived within 60 days of revocation.

(ii) Any eligible entity that seeks interconnection or transmission services with respect to the interconnection facilities for which a waiver is in effect pursuant to this paragraph (d)(2) may follow the procedures in sections 210, 211, and 212 of the Federal Power Act, 18 CFR 2.20, and 18 CFR part 36. In any proceeding pursuant to this paragraph (d)(2)(ii):

(A) The Commission will consider it to be in the public interest to grant priority rights to the owner and/or operator of interconnection facilities specified in this paragraph (d)(2) to use capacity thereon when such owner and/or operator can demonstrate that it has specific plans with milestones to use such capacity to interconnect its or its affiliate's future generation projects.

(B) For the first five years after the commercial operation date of the interconnection facilities specified in this paragraph (d)(2), the Commission will apply the rebuttable presumption that the owner and/or operator of such facilities has definitive plans to use the capacity thereon, and it is thus in the public interest to grant priority rights to the owner and/or operator of such facilities to use capacity thereon.

Note: Appendix A will not be published in the Code of Federal Regulations.

Appendix A: List of Short Names of Commenters on the Notice of Proposed Rulemaking

Commenter (Short Name or Acronym)
American Public Power Association and Transmission Access Policy Study Group (APPA and TAPS)
American Wind Energy Association (AWEA)
Berkshire Hathaway Energy Company (BHE)
BP Wind Energy North America Inc. (BP Wind)
California Department of Water Resources State Water Project (SWP)
Cogen Technologies Linden Venture, L.P. (Linden)
DTE Energy Company (DTE)
Edison Electric Institute (EEI)
Electric Power Supply Association (EPSA)
Electricity Consumers Resource Council (ELCON)
E.ON Climate & Renewables North America (E.ON)
First Wind Energy, LLC (First Wind)
Invenergy Wind LLC, Invenergy Wind Development LLC, and Invenergy Thermal Development LLC (Invenergy)
ITC Transmission, Michigan Electric Transmission Company, LLC, ITC Midwest, LLC, and ITC Great Plains, LLC (ITC)
Midcontinent Independent System Operator, Inc. (MISO)
MISO Transmission Owners (MISO TOs)
National Rural Electric Cooperative Association (NRECA)
NextEra Energy, Inc. (NextEra)
Northern California Power Agency (NCPA)
The NRG Companies (NRG)
Recurrent Energy (Recurrent)
Sempra U.S. Gas & Power, LLC (Sempra)
Solar Energy Industries Association (SEIA)
Southern Company Services, Inc. (Southern)
Terra-Gen Dixie Valley, LLC (Terra-Gen)

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FEDERAL REGISTER PAGES AND DATE, APRIL

17307–17682 1

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 23, 2015

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
April 1	Apr 16	Apr 22	May 1	May 6	May 18	Jun 1	Jun 30
April 2	Apr 17	Apr 23	May 4	May 7	May 18	Jun 1	Jul 1
April 3	Apr 20	Apr 24	May 4	May 8	May 18	Jun 2	Jul 2
April 6	Apr 21	Apr 27	May 6	May 11	May 21	Jun 5	Jul 6
April 7	Apr 22	Apr 28	May 7	May 12	May 22	Jun 8	Jul 6
April 8	Apr 23	Apr 29	May 8	May 13	May 26	Jun 8	Jul 7
April 9	Apr 24	Apr 30	May 11	May 14	May 26	Jun 8	Jul 8
April 10	Apr 27	May 1	May 11	May 15	May 26	Jun 9	Jul 9
April 13	Apr 28	May 4	May 13	May 18	May 28	Jun 12	Jul 13
April 14	Apr 29	May 5	May 14	May 19	May 29	Jun 15	Jul 13
April 15	Apr 30	May 6	May 15	May 20	Jun 1	Jun 15	Jul 14
April 16	May 1	May 7	May 18	May 21	Jun 1	Jun 15	Jul 15
April 17	May 4	May 8	May 18	May 22	Jun 1	Jun 16	Jul 16
April 20	May 5	May 11	May 20	May 26	Jun 4	Jun 19	Jul 20
April 21	May 6	May 12	May 21	May 26	Jun 5	Jun 22	Jul 20
April 22	May 7	May 13	May 22	May 27	Jun 8	Jun 22	Jul 21
April 23	May 8	May 14	May 26	May 28	Jun 8	Jun 22	Jul 22
April 24	May 11	May 15	May 26	May 29	Jun 8	Jun 23	Jul 23
April 27	May 12	May 18	May 27	Jun 1	Jun 11	Jun 26	Jul 27
April 28	May 13	May 19	May 28	Jun 2	Jun 12	Jun 29	Jul 27
April 29	May 14	May 20	May 29	Jun 3	Jun 15	Jun 29	Jul 28
April 30	May 15	May 21	Jun 1	Jun 4	Jun 15	Jun 29	Jul 29