AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 80 Tuesday,

No. 76 April 21, 2015

Pages 22087–22356

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 80 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 80, No. 76

Tuesday, April 21, 2015

Army Department
NOTICES
Exclusive Patent Licenses:
Hydro-Quebec; Montreal, Canada, 22169

Bureau of Consumer Financial Protection
RULES
Homeownership Counseling Organizations Lists and High-Cost Mortgage Counseling Interpretive Rule, 22091–22094
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22168–22169

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Current Population Survey; School Enrollment Supplement, 22163
Management and Organizational Practices Survey, 22162–22163

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22192–22199
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel; Corrections, 22196
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 22194–22195

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22200–22201
Awards of Single-Source Expansion Supplement Grants:
Tribal Maternal, Infant and Early Childhood Home Visiting Program, 22199–22200

Coast Guard
RULES
Drawbridge Operations:
Mantua Creek, Paulsboro, NJ, 22097–22100
Taylor Bayou Outfall Canal (Joint Outfall Canal), TX, 22101–22103
York River, Yorktown and Gloucester Point, VA, 22100–22101
Evaluating Sea Service Aboard Liftboats, 22118–22119
Safety Zones:
Cincinnati Reds Season Fireworks; Ohio River Mile 470.1–470.4; Cincinnati, OH, 22103
Fireworks Events in Captain of the Port New York Zone, 22105–22106
Great Steam Boat Race/Kentucky Derby Festival, Louisville, KY, 22097
Xterra Swim, Myrtle Beach, SC, 22103–22105
PROPOSED RULES
Safety Zones:
Block Island Wind Farm; Rhode Island Sound, RI, 22144–22147
Low Country Splash, Wando River, Cooper River, and Charleston Harbor, Charleston, SC, 22142–22144

Commerce Department
See Census Bureau
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Defense Department
See Army Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; Progress Payments, 22191
Charter Renewals:
Department of Defense Federal Advisory Committees, 22169–22170

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Grants under the Native American-Serving Nontribal Institutions Program, 22170

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
North Carolina; Charlotte; Base Year Emissions Inventory and Emissions Statement for the 2008 8-Hour Ozone Standard, 22107–22111
Pennsylvania; Redesignation Request and Associated Maintenance Plan for the PA Portion of the Philadelphia-Wilmington, PA–NJ–DE Nonattainment Area for the 1997 Annual and 2006 24-Hour Fine Particulate Matter Standard, 22112–22115
Rhode Island; Prevention of Significant Deterioration, 22106–22107
National Emission Standards for Hazardous Air Pollutants:
Oklahoma; Delegation of Authority, 22115
Source Categories; CFR Correction, 22116
Sulfur Dioxide Allowance System; CFR Correction, 22116
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
North Carolina; Charlotte; Base Year Emissions Inventory and Emissions Statement Requirements for the 2008 8-Hour Ozone Standard, 22147–22148
NOTICES
Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations:
Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program, 22176–22186

Federal Aviation Administration
RULES
Airworthiness Directives:
Bombardier, Inc. Airplanes, 22094–22096
Restricted Area Boundary Descriptions:
Joint Base Lewis-McChord, WA; Amendment, 22096–22097
PROPOSED RULES
Airworthiness Directives:
GE Aviation Czech s.r.o. Turboprop Engines, 22136–22137
Pratt and Whitney Turbofan Engines, 22140–22142
Rolls-Royce plc Turbofan Engines, 22137–22140
NOTICES
Meetings:
Radio Technical Commission for Aeronautics Tactical Operations Committee, 22258
Requests to Release Airport Properties:
Colonel James Jabara Airport, Wichita, KS, 22257
Surplus Property Releases:
Jack Edwards Airport, Gulf Shores, AL, 22257–22258

Federal Emergency Management Agency
RULES
Suspensions of Community Eligibility, 22116–22118
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Integrated Public Alert and Warning Systems Memorandum of Agreement Applications, 22215–22216
Write Your Own Company Participation Criteria; New Applicant, 22216–22217
Meetings:
Board of Visitors for the National Fire Academy, 22214–22215

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 22172–22176
Filings:
Emera Maine, 22171
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Blue Sky West, LLC, 22171–22172
North Star Solar, LLC, 22175
Triton Energy, Inc., 22176
Records Governing Off-the-Record Communications, 22171

Federal Highway Administration
NOTICES
Environmental Assessments/Impact Statements; Availability, etc.:
Proposed Highway Project in Pierce County, WA, 22258–22259

Federal Motor Carrier Safety Administration
NOTICES
Qualification of Drivers; Exemption Applications:
Implantable Cardioverter Defibrillators, 22259–22261

Federal Reserve System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Board Approval under Delegated Authority and Submission to the Office of Management and Budget, 22186–22189
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 22189
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 22186
Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction, 22189
Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities, 22189–22190

Financial Stability Oversight Council
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22190–22191

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Registration and Product Listing for Owners and Operators of Domestic Tobacco Product Establishments and Listing of Ingredients in Tobacco Products, 22202–22204
Guidance:
Acceptance of Medical Device Clinical Data from Studies Conducted Outside the United States, 22205–22206
Meetings:
Generic Drug User Fees, 22204–22205
Requests for Nominations:
Allergenic Products Advisory Committee, 22201–22202

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; Progress Payments, 22191
Service Contract Inventories; FY 2014, 22191–22192

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Deliberation and Bioethics Education, 22209
Meetings:
National Committee on Vital and Health Statistics Subcommittee on Privacy, Confidentiality and Security, 22209–22210

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22207–22209
Meetings:
National Advisory Committee on Rural Health and Human Services, 22206–22207
National Advisory Council on the National Health Service Corps, 22207

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Citizenship and Immigration Services

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Family Unification Program, 22218–22220
Procedures for Appealing Rent Adjustments, 22220–22221

Industry and Security Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Licensing Responsibilities and Enforcement, 22163–22164

Interior Department
See Land Management Bureau
See National Park Service
NOTICES
Meetings:
Invasive Species Advisory Committee, 22221

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China; Antidumping Duty New Shipper Review, 22164–22165
Laminated Woven Sacks from the People's Republic of China; Antidumping Duty Administrative Review; 2013–2014, 22165–22167

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Report of Multiple Sale or Other Disposition of Pistols and Revolvers, 22222–22223

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
PROPOSED RULES
Oil and Gas Leasing:
Royalty on Production, Rental Payments, Minimum Acceptable Bids, Bonding Requirements, and Civil Penalty Assessments, 22148–22156

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; Progress Payments, 22191

National Highway Traffic Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22261–22263

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Online Process to Study the Prevalence of Drugged Driving in the U.S.: Development of the Drugged Driving Reporting System, 22210–22211
Prostate, Lung, Colorectal and Ovarian Cancer Screening Trial, 22211–22212
Meetings:
Center for Scientific Review, 22213
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 22212–22214
National Institute of Dental and Craniofacial Research, 22213–22214
National Institute of Environmental Health Sciences, 22211
National Institute on Aging, 22212
National Library of Medicine, 22212

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 26; Endangered and Threatened Wildlife; Sea Turtle Conservation, 22119–22135
Fisheries off West Coast States:
Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Catch Monitor Program; Observer Program, 22270–22302
PROPOSED RULES
Endangered and Threatened Species:
Humpback Whale (Megaptera novaeangliae); Identification of 14 Distinct Population Segments and Revision of Species-wide Listing, 22304–22356
Fisheries Off West Coast States:
Highly Migratory Species Fisheries, 22156–22158
Pacific Island Fisheries:
Main Hawaiian Islands Deep 7 Bottomfish; Annual Catch Limits and Accountability Measures, 22158–22161
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
NOAA Satellite Ground Station Customer Questionnaire, 22167
Meetings:
Western Pacific Fishery Management Council, 22167–22168

National Park Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Channel Islands National Park General Management Plan/Wilderness Study, Santa Barbara County, CA, 22221–22222

Nuclear Regulatory Commission
NOTICES
Applications:
Northwest Medical Isotopes, LLC, 22227–22228
Atomic Safety and Licensing Board Reconstitution:
Crow Butte Resources, Inc., 22231
Environmental Impact Statements; Availability, etc.:
Bell Bend Nuclear Power Plant, 22231–22232
Facility Operating Licenses:
Brunswick Steam Electric Plant, Units 1 and 2; Transfer of Licenses and Conforming Amendment, 22228–22231

License Transfers:
Shearon Harris Nuclear Power Plant, Unit 1, 22224–22227

Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
State Plans, 22223–22224

Pipeline and Hazardous Materials Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Pipeline Safety, 22263

Postal Regulatory Commission
NOTICES
New Postal Products, 22232–22233

Presidential Documents
ADMINISTRATIVE ORDERS
China; Proposed Agreement for Cooperation With the U.S. Concerning Peaceful Uses of Nuclear Energy (Presidential Determination)
No. 2015–05 of April 10, 2015, 22089
National Defense Authorization Act for Fiscal Year 2015; Delegation of Authority (Memorandum of March 25, 2015), 22087

Reagan–Udall Foundation
NOTICES
Meetings, 22233

Securities and Exchange Commission
NOTICES
Applications:
Voya Retirement Insurance and Annuity Co.; et al., 22245–22249
Meetings; Sunshine Act, 22254
Self-Regulatory Organizations; Proposed Rule Changes:
C2 Options Exchange, Inc., 22251–22254
Financial Industry Regulatory Authority, Inc., 22243–22245
NASDAQ Stock Market LLC, 22249–22251
NYSE Arca, Inc., 22234–22243

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22254
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Disaster Survey Worksheet, 22255
Disaster Declaration:
Massachusetts, 22255–22256
Rhode Island, 22254–22255
Interest Rates; Correction, 22256
Small Business Investment Act, Conflicts of Interest; Exemptions:
Midwest Mezzanine Fund V SBIC, L.P., 22256
Surrender of License of Small Business Investment Company, 22255

State Department
NOTICES
Charter Renewals:
U.S. Advisory Commission on Public Diplomacy, 22256
Meetings:
Advisory Committee on Private International Law; Insolvency-Related Judgments and Enterprise Group Insolvency Issues, 22256–22257

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration
See Transportation Statistics Bureau
NOTICES
Meetings:
Advisory Council on Transportation Statistics, 22263–22264

Transportation Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Report of Extension of Credit to Political Candidates, 22265–22266
Reporting Required for International Civil Aviation Organization, 22265
Submission of Audit Reports, 22264–22265

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Advance Permission to Enter as Nonimmigrant, 22217–22218
Request for Certification of Military or Naval Service; Extension, 22218

Veterans Affairs Department
NOTICES
Meetings:
Advisory Committee on the Readjustment of Veterans, 22267–22268
Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board, 22266–22267

Separate Parts In This Issue

Part II
Commerce Department, National Oceanic and Atmospheric Administration, 22270–22302

Part III
Commerce Department, National Oceanic and Atmospheric Administration, 22304–22356

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Administrative Orders:

Presidential Determinations:
No. 2015–05 of April 10, 2015 22089

Memorandums:
Memorandum of March 22, 2015 22087

12 CFR

1024 22091
1026 22091

14 CFR

39 22094
73 22096

Proposed Rules:

39 (3 documents) 22136, 22137, 22140

33 CFR

100 22097
117 (3 documents) 22097, 22100, 22101
165 (3 documents) 22103, 22105

Proposed Rules:

165 (2 documents) 22142, 22144

40 CFR

52 (3 documents) 22106, 22107, 22112
61 22115
63 (2 documents) 22115, 22116
73 22116
81 22112

Proposed Rules:

52 22147

43 CFR

Proposed Rules:

3100 22148

44 CFR

64 22116

46 CFR

11 22118

50 CFR

223 22119
648 22119
660 22270

Proposed Rules:

223 22304
224 22304
660 22156
665 22158

Federal Register
Vol. 80, No. 76
Tuesday, April 21, 2015

Presidential Documents

Title 3—

The President

Memorandum of March 25, 2015

Delegation of Authority Pursuant to Section 1236(b)(2) of the National Defense Authorization Act for Fiscal Year 2015

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

I hereby delegate the functions and authorities vested in the President by section 1236(b)(2) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) (the ''Act'') to the Secretary of State.

Any reference in this memorandum to the Act shall be deemed to be a reference to any future act that is the same or substantially the same as such provision.

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

THE WHITE HOUSE,
Washington, March 25, 2015.

[FR Doc. 2015–09363
Filed 4–20–15; 8:45 am]
Billing code 4710–10

Presidential Documents

Presidential Determination No. 2015–05 of April 10, 2015

Presidential Determination on the Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy (the ''Agreement''), along with the views, recommendations, and statements of the interested departments and agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed Agreement and authorize the Secretary of State to arrange for its execution.

The Secretary of State is authorized to publish this determination in the *Federal Register*.

THE WHITE HOUSE,
Washington, April 10, 2015.

[FR Doc. 2015–09367
Filed 4–20–15; 8:45 am]
Billing code 4710–10

Rules and Regulations

Federal Register
Vol. 80, No. 76
Tuesday, April 21, 2015

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Parts 1024 and 1026

RIN 3170–AA52

Homeownership Counseling Organizations Lists and High-Cost Mortgage Counseling Interpretive Rule

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is reissuing a prior interpretive rule regarding the provision of lists of HUD-approved housing counseling agencies to mortgage loan applicants with additional interpretations describing permissible addresses for list generation, as well as additional details for generation. This interpretive rule also provides guidance, in addition to existing commentary, on the qualifications for providing high-cost mortgage counseling and on lender participation in such counseling. This interpretive rule continues to describe data instructions for lenders to use in complying with the requirement under the High-Cost Mortgage and Homeownership Counseling Amendments to the Truth in Lending Act (Regulation Z) and Homeownership Counseling Amendments to the Real Estate Settlement Procedures Act (RESPA Homeownership Counseling Amendments) Final Rule to provide a homeownership counseling list using data made available by the Bureau or Department of Housing and Urban Development (HUD).

DATES: This rule is effective April 21, 2015.

FOR FURTHER INFORMATION CONTACT: Rachel Ross, Special Assistant; Nicholas Hluchyj, Senior Counsel; Office of Regulations, Consumer Financial Protection Bureau, 1700 G Street NW., at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau previously issued an interpretive rule [1] (2013 HC Interpretive Rule) to assist lender compliance with the homeownership counseling list requirements of High-Cost Mortgage and Homeownership Counseling Amendments to the Truth in Lending Act (Regulation Z) and Homeownership Counseling Amendments to the Real Estate Settlement Procedures Act (RESPA Homeownership Counseling Amendments) Final Rule (2013 HOEPA Final Rule). Based on input the Bureau has received through informal discussion and outreach with stakeholders, the Bureau is issuing this interpretive rule, which substantively restates the guidance in the 2013 HC Interpretive Rule and adds further guidance to address additional questions stakeholders have raised. Specifically, the Bureau has received questions about: (1) How to provide applicants abroad with homeownership counseling lists; (2) permissible geolocation tools; (3) combining the homeownership counseling list with other disclosures; and (4) use of a consumer's mailing address to provide the list. The Bureau has also received questions and requests for guidance about the high-cost mortgage counseling requirements in the 2013 HOEPA Final Rule, specifically concerning counselor qualifications to provide such counseling and lender participation in high-cost mortgage counseling.

To facilitate compliance and make the Bureau's guidance on these questions more generally accessible, the Bureau is issuing this official Bureau interpretation to add guidance to the 2013 HC Interpretive Rule to address these additional issues. Along with the new guidance, the instructions in the 2013 HC Interpretive Rule are republished here substantively as previously issued to keep all of this related information together for the convenience of stakeholders. New material is added to parts II. B, Location by Zip Code, and D, Accompanying Information, and new parts II. E and III. are added to discuss combining the homeownership counseling list with other disclosures and high-cost mortgage counseling, respectively.[2]

In January 2013, pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Public Law 111–203, 124 Stat. 1375 (2010), the Bureau issued the 2013 HOEPA Final Rule.[3] The 2013 HOEPA Final Rule implemented numerous Dodd-Frank Act requirements. Section 1450 of the Dodd-Frank Act amended section 5(c) of the Real Estate Settlement Procedures Act (RESPA) to require lenders to provide federally related mortgage loan applicants with a ''reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.'' [4] The RESPA Homeownership Counseling Amendments implement this section 1450 amendment in Regulation X § 1024.20(a).

In implementing this Dodd-Frank Act requirement, § 1024.20(a)(1) requires lenders to provide the loan applicant with a written list of homeownership counseling organizations that provide relevant services in the loan applicant's location. The Bureau specified two compliance methods for obtaining this list: (1) Using a tool developed and maintained by the Bureau on its Web site,[5] or (2) using data made available by the Bureau or HUD, provided that the data are used in accordance with instructions provided with the data.[6] The Bureau noted the use of the data in accordance with these instructions would produce a list consistent with what would have been generated if the

[1] 78 FR 68343 (Nov. 14, 2013).

[2] The discussion in this interpretive rule uses the terms ''lender'' or ''creditor,'' as appropriate. Part II, which addresses Regulation X, uses the term ''lender'' consistent with Regulation X. Part III, which addresses Regulation Z, uses the term ''creditor'' consistent with Regulation Z.

[3] 78 FR 6855 (Jan. 31, 2013).

[4] Section 106(e) of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701x(e), requires that homeownership counseling provided under programs administered by HUD can be provided only by organizations or individuals certified by HUD as competent to provide homeownership counseling. Section 106(e) also requires HUD to establish standards and procedures for testing and certifying counselors.

[5] *See www.consumerfinance.gov/find-a-housing-counselor.*

[6] These two pathways are specified in § 1024.20(a)(1)(i) and (ii), respectively.

tool had been used.[7] This rule interprets § 1024.20(a)(1) of Regulation X, as adopted by the RESPA Homeownership Counseling Amendments, and describes those data instructions.

The Bureau's tool, as discussed in § 1024.20(a)(1)(i), follows these data instructions.

II. List and Data Instructions

This rule interprets the Regulation X § 1024.20(a)(1) requirement for lenders to provide a list of homeownership counseling organizations and to obtain the list from data made available by the Bureau or HUD, provided the data are used in accordance with instructions provided with the data.[8] This rule describes instructions for lenders to use in complying with the § 1024.20(a)(1)(ii) requirement to generate a list of homeownership counseling organizations by using data provided by the Bureau or HUD.

HUD currently provides the data needed to comply with the Regulation X § 1024.20(a)(1) list requirement. HUD maintains a free and publicly available application programming interface (API) containing data on HUD-approved housing counseling agencies (HUD API). Although it appears on this site that a token is required to use the data, credentials are not required to access and use the data. These data instructions are designed to be applied with publicly available homeownership counselor agency data from HUD,[9] as referenced in § 1024.20(a)(1)(ii). The Bureau also has a summary of the data instructions available on the Bureau's Web site, along with a link to the publicly available housing counseling agency data.[10]

A. Number of Homeownership Counselors To Appear on List

Regulation X § 1024.20(a)(1) requires lenders to provide a written list of homeownership counseling organizations. Consistent with § 1024.20(a)(1), lenders comply with this requirement when they provide a list of ten HUD-approved housing counseling agencies. The tool maintained by the Bureau will generate a list of ten HUD-approved housing counseling agencies. A lender-generated list under § 1024.20(a)(1)(ii) complies with § 1024.20(a)(1) when the same number of counseling agencies are provided. Listing ten housing counseling agencies ensures fairness and equity among housing counseling agencies, by offering loan applicants a thorough and diverse list of counseling options.

B. Location by Zip Code

Regulation X 1024.20(a)(1) requires lenders to provide a written list of homeownership counseling organizations in the loan applicant's location. As the Bureau discussed in the RESPA Homeownership Counseling Amendments, lenders comply with § 1024.20(a)(1) when they use the loan applicant's five-digit zip code to generate a list of the ten closest HUD-approved housing counseling agencies to the centroid of the zip code of the loan applicant's current address, in descending order of proximity to the centroid. Lenders are also permitted to generate the list from a more precise geographic marker, such as a street address. The loan applicant's current zip code satisfies the requirement that the homeownership counseling organizations be in the loan applicant's location. The zip code of the loan applicant's current address generally is the default to be entered for list generation, subject to additional guidance below concerning use of the loan applicant's mailing address and circumstances where a zip code is not available. Lenders may offer loan applicants the option of generating the list from a zip code different than their home address or from a more precise geographic marker such as a street address, but lenders are not required to offer such an option. The Bureau's tool will permit generating the list of HUD-approved housing counseling agencies through entry of zip code. A lender-generated list pursuant to § 1024.20(a)(1)(ii) complies with § 1024.20(a)(1) when the lender generates the list through entry of zip code or from a more precise geographic marker such as a street address. Lenders generating a list pursuant to § 1024.20(a)(1)(ii) through zip code or from a more precise geographic marker such as a street address will ensure that lists generated under this provision are obtained through similar means as those generated through the Bureau's tool, pursuant to § 1024.20(a)(1)(i), thus ensuring consistency.

In circumstances where the applicant's current address does not include a five-digit zip code, *e.g.,* the applicant currently lives overseas, making it impossible to generate a list based on the zip code of the applicant's current address, the lender may use the five-digit zip code of the property securing the mortgage to generate the list.

Additionally, there may be circumstances where an applicant's current and mailing addresses are different. For example, an applicant residing in a remote area may receive mail at a post office box. In the case in which an applicant's current and mailing address are different, a lender using an applicant's mailing address instead of the current address to generate the list would be consistent with the requirement that the list be generated based upon the loan applicant's location. Consistent with the previous paragraph, a lender may also use an applicant's mailing address to generate a list if the mailing address includes a zip code but the current address does not.

The Bureau's tool, as discussed in § 1024.20(a)(1)(i) and above, uses a third-party, commercially-available geolocation tool to match counseling organizations to a zip code. A lender is not required to use the same geolocator or geocoding system as the Bureau, so long as the results are generated in accordance with § 1024.20 and these instructions, thus ensuring general consistency.

C. Homeownership Counselor Contact Information

Regulation X § 1024.20(a)(1) requires lenders to provide a written list of homeownership counseling organizations that provide relevant services in the loan applicant's location. Consistent with § 1024.20(a)(1), lenders comply when they provide the following data fields for each housing counseling agency on the list to the extent that they are available through the HUD API: Agency name, phone number, street address, street address continued, city, state, zip code, Web site URL, email address, counseling services provided, and languages spoken. Providing a street address is preferable to providing a mailing address, as available. The tool maintained by the Bureau will provide these data fields to the extent that they are available through the HUD API. A lender-generated list under § 1024.20(a)(1)(ii) complies with § 1024.20(a)(1) when these data fields are provided to the extent that they are available through the HUD API. The table below describes how the HUD API data fields relate to the above required data fields:

[7] 78 FR 6865 (Jan. 31, 2013).

[8] RESPA and § 1024.20(a)(1) refer to counseling entities as Homeownership Counseling Organizations. HUD refers to them as HUD-approved Housing Counseling Agencies. Homeownership Counseling Organizations as referred to in § 1024.20(a)(1) and this rule are HUD-approved Housing Counseling Agencies.

[9] Available at: *http://data.hud.gov/housing_counseling.html.*

[10] Summary of Data instructions available at *http://files.consumerfinance.gov/f/201311_cfpb_summary_homeownership-counseling.pdf.* Homeownership Counseling Organization data is available at *http://data.hud.gov/housing_counseling.html.*

Data element required for list for each agency	HUD API field name	HUD field definition	Example
Agency name	nme	Agency name	''Local Counseling Agency''.
Phone number	phone1	Phone number	''555–555–5555''.
Street address	adr1	Street Address	''1234 Main Street''.
Street address continued	adr2	Street Address continued	.
City	city	City	''Anytown''.
State	statecd	Code for state in which agency is located	''PA''.
Zip code	zipcd	Zip Code	''12345''.
Website URL	weburl	Agency Web Site address	''*http://www.counselor.org*''.
Email address	email	Email address	''*counselor@counselor.org*''.
Counseling services provided	Services	Types of Counseling Services available	''DFC, FBC, FHW, HIC, HMC, NDW, PLW, PPC, PPW, RHC'' [11].
Languages spoken	languages	The languages in which agency provides services.	''ENG''.

Data fields that are populated with codes not commonly understood by loan applicants, including the data fields ''Counseling services provided'' and ''Languages spoken,'' should be translated into their definitional meanings, according to the Data Dictionary,[7] to ensure clarity.

D. Accompanying Information

Lenders comply with Regulation X § 1024.20(a)(1) when the following language is included: ''The counseling agencies on this list are approved by the U.S. Department of Housing and Urban Development (HUD), and they can offer independent advice about whether a particular set of mortgage loan terms is a good fit based on your objectives and circumstances, often at little or no cost to you. This list shows you several approved agencies in your area. You can find other approved counseling agencies at the Consumer Financial Protection Bureau's (CFPB) Web site: *consumerfinance.gov/mortgagehelp* or by calling 1–855–411–CFPB (2372). You can also access a list of nationwide HUD-approved counseling intermediaries at *http://portal.hud.gov/hudportal/HUD?src=/ohc_nint.*''

Including information about where loan applicants can gain additional information is consistent with the Bureau's preamble discussion of how it envisioned implementing the § 1024.20(a)(1) list requirement in the RESPA Homeownership Counseling Amendments.[12] Giving loan applicants the link to HUD-approved national counseling intermediaries offers loan applicants additional housing counseling options, as national intermediaries often offer phone counseling and online counseling services, which are particularly useful to loan applicants in remote areas or areas with fewer counseling agencies or loan applicants who work during normal business hours and require alternative meeting time options. The Bureau's tool will generate lists under § 1024.20(a)(1)(i) that include this text above. By including this information, lenders generating lists under § 1024.20(a)(1)(ii) will comply with § 1024.20(a)(1). This will ensure that information provided under this provision is consistent with information accompanying lists generated by the Bureau's Web site, thus ensuring consistency.

E. Combining the List With Other Disclosures.

Section 5(c) of RESPA does not specify whether the written list may be combined with other disclosures. In the 2013 HOEPA Final Rule, the Bureau noted it did not receive any comments concerning the ability to combine disclosures. The Bureau finalized the combined disclosure allowance in § 1024.20(a)(2), which provides that the ''list of homeownership counseling organizations provided under this section may be combined and provided with other mortgage loan disclosures required pursuant to Regulation Z, 12 CFR part 1026, or this part [1024] unless prohibited by Regulation Z or this part.''

Since the 2013 HOEPA Final Rule went into effect, the Bureau has received questions as to whether the list of counseling organizations may be combined with other disclosures besides those required pursuant to Regulations X and Z. Although only disclosures pursuant to Regulations X and Z are specifically referenced in the rule, the Bureau does not consider combining the list of organizations with other mortgage loan disclosures to be a violation of § 1024.20(a), unless otherwise prohibited. As long as the other requirements of § 1024.20(a) are met, and if not otherwise prohibited, combining the list with another disclosure does not violate the rule.

III. High-Cost Mortgage Counseling

This rule also interprets the Regulation Z § 1026.34(a)(5) pre-loan counseling requirement for high-cost mortgages. Specifically, this rule clarifies the qualifications necessary to provide high-cost mortgage counseling and to provide guidance on the issue of lender participation in the counseling.

A. Counseling Qualifications

Regulation Z § 1026.34(a)(5)(i) provides that a creditor ''shall not extend a high-cost mortgage to a consumer unless the creditor receives written certification that the consumer has obtained counseling on the advisability of the mortgage from a counselor that is approved to provide such counseling by the Secretary of the U.S. Department of Housing and Urban Development or, if permitted by the Secretary, by a State housing finance authority.'' The Bureau has heard informally that there has been some concern among creditors and counselors regarding both the necessary qualifications for providing high-cost mortgage counseling and what constitutes ''high-cost mortgage counseling.''

Regulation Z comment 34(a)(5)(iv)–1 describes what is necessary for a consumer to have received counseling on the advisability of the high-cost mortgage. The counseling must cover: ''key terms of the mortgage transaction'' as set out in the relevant disclosure (usually the Good Faith Estimate or, after August 1, 2015, the Loan Estimate); ''the consumer's budget, including the consumer's income, assets, financial

[11] A data dictionary for the Field ''Services'' can be found at *http://data.hud.gov/Housing_Counselor/getServices,* and a data dictionary for ''Languages'' can be found at *http://data.hud.gov/Housing_Counselor/getLanguages.*

[12] See 78 FR 6855 (Jan. 31, 2013) (''The Bureau anticipates the lists generated through its tool will also include information enabling the consumer to access the Bureau or HUD list of homeownership counseling organizations, so that an applicant who receives the list can obtain information about additional counseling organizations if desired.'').

obligations, and expenses; . . . and the affordability of the mortgage transaction for the consumer.''

The Bureau understands that these topics are currently covered by counseling agencies approved by HUD in providing counseling to prospective borrowers. As stated in the preamble for the 2013 HOEPA Final Rule, ''HUD already requires counselors to analyze the financial situation of their clients and establish a household budget for their clients when providing housing counseling.'' [13] To the extent that a counselor from a HUD-approved counseling agency covers the matters described in comment 34(a)(5)(iv)–1, the counseling requirement of § 1026.34(a)(5)(i) is met. Unless and until HUD limits the current scope of counseling in some way that would not include elements of the comment, counseling agencies that are already approved by HUD to offer homeownership counseling are also qualified to provide the counseling required for high-cost mortgages, provided such counseling does indeed cover the topics prescribed by comment 34(a)(5)(iv)–1. Further, the Bureau encourages creditors, counselors, and consumers to facilitate provision of the required counseling as early as feasible in the loan application process to help ensure the consumer ultimately makes an informed and considered decision.

B. Lender Participation

The Bureau has also received information that consumers may be receiving high-cost mortgage counseling by telephone in a creditor's office while the creditor is present and listening-in. Such listening in may be objectionable by certain counselors, as it could diminish the quality of counseling. In the 2013 HOEPA Final Rule, the Bureau expressed a desire to implement the counseling requirement in a way that ''ensures that borrowers will receive meaningful counseling, and at the same time that the required counseling can be provided in a manner that minimizes operational challenges.'' [14] The Bureau added an anti-steering provision to the counseling requirement in § 1026.34(a)(5)(vi) that provides that a creditor ''shall not steer or otherwise direct a consumer to choose a particular counselor or counseling organization for the counseling required. . . .'' [15] The 2013 HOEPA Final Rule described the rationale behind this provision as ''preserv[ing] counselor independence and prevent[ing] conflicts of interest that may arise. . .''.[16]

Consistent with the purpose of the high-cost mortgage counseling requirement and with the anti-steering provision at § 1026.34(a)(5)(vi) in particular, the Bureau is issuing this interpretive rule, in part, to clarify that a creditor may be steering, that is directing, if the creditor insists on participating or listening in to a counseling call or session if such behavior results in a consumer's selection of a particular counselor. Under these circumstances, creditors comply with the anti-steering provision if a counselor is allowed to request that the creditor not participate or listen on the call. A counselor also is allowed to request that a creditor participate in a call or a portion of a call. For example, a counselor may request that a creditor participate in part of the counseling session to provide additional information related to the loan.

The Bureau believes that counselor independence and impartiality, which the anti-steering provision seeks to preserve, may be adversely affected by a concern that another counselor may be selected or the content of the counseling influenced if the counselor requests that the creditor not listen to the counseling and the creditor does not agree. Counselor independence and impartiality may also be compromised by the knowledge that the creditor is listening-in to the advice given. Moreover, creditor participation in such conversations may influence loan applicants away from a full and frank conversation with an independent and impartial counselor, thus undermining the purpose of the rule.

IV. Regulatory Requirements

This rule articulates the Bureau's official interpretations of the Bureau's Regulation X and Regulation Z. It is therefore exempt from the APA's notice and comment rulemaking requirements pursuant to 5 U.S.C. 553(b).

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a).

The Bureau has determined that this rule does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* The RESPA requirements under Regulation X that lenders provide loan applicants with a written list of homeownership counseling organizations in the loan applicants' location are currently approved by OMB and assigned the OMB control number 3170–0025. The related TILA requirements are approved under OMB control number 3170–0023. Generally, the collections of information contained in Regulation X are assigned the OMB control number 3170–0016, and the collections of information contained in Regulation Z are assigned the OMB control number 3170–0015.

Dated: April 15, 2015.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2015–09244 Filed 4–20–15; 8:45 am]

BILLING CODE 4810–AM–P

[13] 78 FR 6931 (Jan. 31, 2013).

[14] 78 FR 6928 (Jan. 31, 2013).

[15] 12 CFR 1026.34(a)(5)(vi).

[16] 78 FR 6933 (Jan. 31, 2013).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0528; Directorate Identifier 2014–NM–060–AD; Amendment 39–18139; AD 2015–08–03]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This AD was prompted by a report that during production, an incorrect clevis was used, resulting in improper installation onto the alternate release cable of the main landing gear (MLG). This AD requires a detailed visual inspection of the emergency release clevis of the MLG to determine if an incorrect clevis has been installed, and if necessary, replacing the clevis with a correct clevis and clevis pin. We are issuing this AD to detect and correct improper installation of the clevis, which could cause loss of the alternate release system and prevent the MLG from extending and retracting, and could consequently affect the airplane's continued safe flight and landing.

DATES: This AD becomes effective May 26, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 26, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0528* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0528.

FOR FURTHER INFORMATION CONTACT: Ezra Sasson, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7320; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on August 13, 2014 (79 FR 47393).

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–40, dated December 9, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Model DHC–8–400 series airplanes. The MCAI states:

> A discrepancy has been found in the Main Landing Gear (MLG) emergency release clevis installation. During production, an incorrect clevis was used, resulting in improper installation onto the MLG alternate release cable. Failure of the clevis could cause the loss of the alternate release system, preventing the MLG from extending in the case of a failure of the normal MLG extension/retraction system.
>
> This [Canadian] AD mandates the inspection for proper MLG emergency release clevis installation, and the rectification as required.

The required actions for this AD include a detailed visual inspection of the emergency release clevis of the MLG to determine if an incorrect clevis has been installed, and if necessary, replacing the clevis with a correct clevis and clevis pin. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0528-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (79 FR 47393, August 13, 2014) and the FAA's response to the comment.

Request To Correct a Typographical Error

Horizon Airlines stated that the Air Transport Association (ATA) of America Code in paragraph (d) of the NPRM (79 FR 47393, August 13, 2014) is incorrect for the MLG, and should be 32, not 31.

We agree with the commenter. We have changed the ATA of America Code in paragraph (d) of this AD to 32, Landing Gear.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD with the change described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 47393, August 13, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 47393, August 13, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., has issued Service Bulletin 84–32–67, dated July 8, 2009. The service information describes a visual inspection of the emergency release clevis of the MLG to determine if an incorrect clevis has been installed, and if necessary, replacing the clevis with a correct clevis and clevis pin. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. You can find this information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0528. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 18 airplanes of U.S. registry.

We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $3,060, or $170 per product.

In addition, we estimate that any necessary follow-on actions will take about 3 work-hours and require parts costing $0, for a cost of $255 per product. We have no way of determining the number of aircraft that might need this action.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0528;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–08–03 Bombardier, Inc.: Amendment 39–18139. Docket No. FAA–2014–0528; Directorate Identifier 2014–NM–060–AD.

(a) Effective Date

This AD becomes effective May 26, 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 4001 through 4109 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by a report that during production, an incorrect clevis was used, resulting in improper installation onto the alternate release cable of the main landing gear (MLG). We are issuing this AD to detect and correct improper installation of the clevis, which could cause loss of the alternate release system and prevent the MLG from extending and retracting, and could consequently affect the airplane's continued safe flight and landing.

(f) Compliance

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

(g) Inspection

Within 2,000 flight hours or 12 months after the effective date of this AD, whichever occurs first: Do a general visual inspection of the emergency release clevis of the MLG to determine if an incorrect clevis has been installed, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–67, dated July 8, 2009. If an incorrect clevis has been installed, before further flight, replace the clevis with a correct clevis and clevis pin, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–67, dated July 8, 2009.

(h) 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 New York 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.

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–40, dated December 9, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0528-0002.*

(j) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 84–32–67, dated July 8, 2009.

(ii) Reserved.

(3) 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.*

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

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

Issued in Renton, Washington, on April 6, 2015.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–08718 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2015–0618; Airspace Docket No. 15–ANM–3]

RIN 2120–AA66

Amendment of Restricted Area Boundary Descriptions; Joint Base Lewis-McChord, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment, correction.

SUMMARY: This action corrects a final rule; technical amendment, published in the **Federal Register** on April 7, 2015, that made a correction to a typographical error to R–6703A, R–6703B, R–6703C, R–6703D, R–6703E and R–6703F at Joint Base Lewis-McChord, WA. Due to a submission error, the abbreviation for West in the longitude description of restricted area R–6703A was entered as ''N''. This action corrects the boundary description of R–6703A by changing the longitude direction to ''W''.

DATES: Effective date 0901 UTC, May 7, 2015.

FOR FURTHER INFORMATION CONTACT: Jason Stahl, Airspace Policy and Regulations Group, AJV–11, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

On April 7, 2015, the FAA published a final rule; technical amendment in the **Federal Register** that made a correction to a typographical error to R–6703A, R–6703B, R–6703C, R–6703D, R–6703E and R–6703F at Joint Base Lewis-McChord, WA (80 FR 18519). Subsequent to publication, it was discovered that the longitude direction for R–6703A was entered as N (north) instead of W (west). The error creates an invalid geographical boundary for R–6703A. This correction replaces the abbreviation ''N'' with ''W'' in the longitude data for R–6703A.

Correction to Final Rule; Technical Amendment

Accordingly, pursuant to the authority delegated to me, the boundary description of restricted area R–6703A, Joint Base Lewis-McChord, WA, as published in the **Federal Register** on April 7, 2015 (80 FR 18519) (FR Doc. 2015–08005) is corrected to read as follows:

§ 73.67 [Amended]

* * * * *

R–6703A Joint Base Lewis-McChord, WA [Corrected]

On page 18521, second column, remove the current boundaries and add in its place the following:

Boundaries. Beginning at lat. 47°03′07″ N., long. 122°41′09″ W.; to lat. 47°04′34″ N., long. 122°41′09″ W.; to lat. 47°04′41″ N., long. 122°38′19″ W.; to lat. 47°03′37″ N., long. 122°35′40″ W.; to lat. 47°03′15″ N., long. 122°35′48″ W.; to lat. 47°03′06″ N., long. 122°36′51″ W.; to lat. 47°02′02″ N., long. 122°37′33″ W.; to lat. 47°02′06″ N., long. 122°38′33″ W.; to lat. 47°02′14″ N., long. 122°38′53″ W.; to lat. 47°02′19″ N., long. 122°39′14″ W.; to lat. 47°02′19″ N., long. 122°39′37″ W.; to lat. 47°02′21″ N., long. 122°40′17″ W.; to lat. 47°02′38″ N., long. 122°40′39″ W.; thence via the Nisqually River to the point of beginning.

Issued in Washington, DC, on April 14, 2015.

Donna Warren,

Acting Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–09075 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2015–0092]

Great Steam Boat Race/Kentucky Derby Festival, Louisville, KY

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce ''the Great Steam Boat Race'' safety zone for all waters of the Ohio River, beginning at mile marker 596.8 and ending at 604.3, Louisville, KY. This rule is effective from 6 p.m. to 8 p.m. on April 29, 2015. This action is necessary to protect person, property, and infrastructure from potential damage and safety hazards associated with ''the Great Steam Boat Race.'' During the enforcement period, deviation from the safety zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Ohio Valley or a designated representative.

DATES: The regulations in 33 CFR 100.801, Table no. 1, Line no. 3 will be enforced from 6 p.m. to 8 p.m. on April 29, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Petty Officer Stephen F. McConnell, U.S. Coast Guard; telephone 502–779–5334, email *Stephen.F.McConnell@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone for ''the Great Steam Boat Race'' in 33 CFR 100.801, Table no. 1, Line no. 3 on 04/29/2015 from 6 p.m. to 8 p.m. These regulations can be found in the Code of Federal Regulations at 33 CFR 100.801 or in the **Federal Register** (77 FR 12460).

Under the provisions of 33 CFR 100, a vessel may not enter the regulated area, unless it receives permission from the COTP Ohio Valley or a designated representative. Additionally, no person or vessel may enter or remain within 200 yards ahead of the lead vessel, within 200 yards astern of the last vessel, or within 200 yards on either side of any vessel. Spectator vessels may safely transit outside the regulated area but may not anchor, block, loiter in, or impede the transit of race participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This rule is issued under authority of 33 CFR 100 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of this enforcement period via the Local Notice to Mariners (LNM) and Broadcast Notice to Mariners (BNM). If the COTP Ohio Valley determines that the regulated area need not be enforced for the full duration stated in the notice, he or she may use a BNM to grant general permission to enter the regulated area.

Dated: March 27, 2015.

R.V. Timme,

Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2015–09277 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0807]

RIN 1625–AA09

Drawbridge Operation Regulation; Mantua Creek, Paulsboro, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating regulation that governs the Conrail Railroad Bridge over Mantua Creek at mile marker 1.4 in Paulsboro, NJ. The bridge owner, Conrail, is modifying the operating system which controls the bridge operations. Cameras will be installed and the bridge will be remotely operated from Mt. Laurel, NJ. The train crew will no longer be required to stop and check the waterway for approaching vessel traffic prior to initiating a bridge closure or be responsible to operate the bridge closure equipment located at the bridge site.

DATES: This rule is effective May 21, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0807. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West

Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mrs. Kashanda Booker, Fifth Coast Guard District Bridge Administration Division, Coast Guard; telephone 757–398–6227, email *kashanda.l.booker@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR—Code of Federal Regulations
Conrail—Consolidated Rail Corporation
DHS—Department of Homeland Security
FR—**Federal Register**
NPRM—Notice of Proposed Rulemaking
§—Section Symbol
U.S.C.—United States Code

A. Regulatory History and Information

On December 30, 2014, we published a notice of proposed rulemaking (NPRM) entitled, ''Drawbridge Operation Regulation; Mantua Creek, Paulsboro, NJ'' in the **Federal Register** (79 FR 78365). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The bridge owner, Conrail, requested a change to 33 CFR 117.729 (a) due to the replacement of the existing bridge structure. Conrail also requested to modify the operating regulations due to their intent to install sensor equipment as part of the reconstruction efforts for their bridge across Mantua Creek. This rule will change three aspects of the bridge operation. Specifically, the regulations will enable (1) remote operation of the bridge, (2) installation of cameras and infrared sensors to verify whether any vessels are transiting the waterway before a bridge closure is initiated, and (3) alter the requirement for signals to be used during drawbridge movement operations. This rule will not change the operating schedule of the bridge. The original structure for the bridge at mile marker 1.4 across Mantua Creek was an A-Frame swing bridge with unlimited vertical clearance in the open position. This swing bridge is being replaced by a vertical lift bridge with a 25-foot vertical clearance in the open position. The horizontal clearance for the swing bridge was 32 feet. The vertical lift bridge will have a horizontal clearance of 44 feet.

The scope of the waterway inspection is different between the current on-site train crewmember inspection process and the range of the camera installation. There is also a difference in the time it takes between the inspection and the initiation of the bridge closure operations. Currently, the regulation requires an on-site train crewmember to conduct an inspection of the waterway for vessels by stopping the train approximately 150 feet north of the bridge site when approached from the north or 150 feet south of the bridge site when approached from the south. Once the train is stopped, the train crewmember walks to the bridge site and physically looks up and down the channel. The time it takes to stop the train, walk to the bridge, conduct the inspection, walk back to the train, and re-start the train takes 5–10 minutes. This rule allows the remote operating station to inspect the waterway with cameras without first stopping the train which permits a more efficient operating system.

The closer the vessels are to the bridge, the more likely it is that the train crewmember will see them using the process required by the current regulation. Under this rule, the camera inspection of the waterway has the capability to zoom up and down stream allowing for easier detection of a smaller vessel approaching the bridge. After inspection of the waterway, using the cameras, the bridge closing operations would then occur from a remote location at the Mt. Laurel remote operating station.

Currently, the bridge is designed to be operated by the train crew. Under this rule Conrail will operate the Mantua Creek Bridge at mile 1.4 from a remote location, the Conrail Mt. Laurel, NJ, remote operating station, at all times. A draw tender may be stationed at the bridge at various times when it is deemed necessary for safety purposes such as during times when bridge maintenance is being performed.

Conrail operates other bridges at the Mt. Laurel, NJ remote operating station. The change from on-site control of the bridge to the Mt. Laurel, NJ operating station enables Conrail to consolidate its control of the train line and Mantua Creek bridge. By controlling the track as well as the bridge operating mechanism at the Mt. Laurel station, the remote operator has access to more information regarding the anticipated arrival time for when the trains will be at the bridge site. Information such as train speed and location directly contribute to when the bridge will need to be closed. This change to a remote operating station may shorten the duration of the bridge closures due to the higher accuracy of information on train speed and anticipated arrival time at the bridge site.

The depth of Mantua Creek at the bridge is 22 feet. The diurnal tidal range is 6 feet. Mantua Creek is used by several recreational vessels during the summer boating season. There is no commercial vessel traffic on Mantua Creek.

From March through November, the bridge is in the open to navigation position and will only be lowered for the passage of train and maintenance. Train activity in this location requires the bridge to close to navigation up to eight times a day Monday thru Friday. On Saturday and Sunday, the bridge is closed up to six times each day.

From December through the end of February, the bridge is in the closed to navigation position but will open if 4 hours notice is given.

Conrail will also specify the dates when the bridge will be left in the open to navigation position from March 1 through November 30 and left in the closed to navigation position from December 1 through the last day of February. This represents a clarification of the existing regulatory language, and not a substantive change to the existing bridge schedule.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard provided a comment period of 45 days and no comments were received, therefore, no changes were made.

Under this rule, the responsibility to operate the drawbridge is being removed from the train crew and being transferred to the remote operating station located in Mt. Laurel, NJ. The visual examination of the waterway to confirm whether or not any vessels are present will shift from the train crew to the Mt. Laurel remote operating station. The train crew will not be required to stop and check the waterway prior to the remote operating station closing or opening the bridge. Cameras and sensors will be used to confirm whether any vessels are navigating Mantua Creek near the CONRAIL Bridge prior to closing the bridge.

From the controls at the Mt. Laurel remote operating station, the timeframe to initiate the bridge closure is not more than 15 minutes before a train will arrive at the bridge location. The system currently in place using local control of the operating mechanism works under a similar timeframe. At the Mt. Laurel remote operating station, the cameras and sensors will be used continuously during the bridge closure operations to

monitor the waterway for the presence of vessels.

With the limit of 25 feet of vertical clearance in the open position, the movement of the bridge impacts vessels transiting the waterway. Signals alerting any vessels on Mantua Creek about this movement are being modified to reflect the operating process of a new vertical lift bridge. The bridge will use flashing red lights along with sounding the horn to notify waterway users that the bridge is changing position. The current regulation requires a flashing red light, one prolonged blast, one short blast, and an audio voice announcement to indicate the bridge is opening. The new regulation states that the light will change from fixed green to flashing red any time the bridge is not in the full open position. Prior to bridge movement, there will be two prolonged blasts followed by two short blasts. This rule removes the audio voice announcement.

The drawbridge operation schedule will not change under the Final Rule. However, Conrail will specify the dates when the bridge will be left in the open to navigation position from March 1 through November 30 and left in the closed to navigation position from December 1 through the last day of February. This represents a clarification of the existing regulatory language, and not a substantive change to the existing bridge schedule.

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 changes in this rule impact the methods used to operate the drawbridge. There are no changes to the drawbridge operating schedule.

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 received no comments from the Small Business Administration on this rule. 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 action will not have a significant economic impact on a substantial number of small entities for the following reasons. There are no changes proposed to the drawbridge operating schedule. Vessels that can safely transit under the bridge may do so at any time. The vertical clearance of 25 feet is consistent with other approved bridges on Mantua Creek.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which 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 which do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

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

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.

■ 2. Revise § 117.729(a) to read as follows:

§ 117.729 Mantua Creek.

(a) The draw of the Conrail automated railroad bridge, mile 1.4, at Paulsboro, NJ shall operate as follows:

(1) The bridge will be operated remotely by the South Jersey Train Dispatcher located in Mt. Laurel, NJ. Operational information will be provided 24 hours a day by telephone at (856) 231–2282.

(2) From March 1 through November 30, the draw shall be left in the open position and will only be lowered for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(3) From December 1 through the last day of February, the draw will open on signal if at least 4 hours notice is given by telephone at (856) 231–2282.

(4) The timeframe to initiate the bridge closure will be not more than 15 minutes before a train will arrive at the bridge location. If a train moving toward the bridge has crossed the home signal for the bridge, the train may continue across the bridge and must clear the bridge prior to stopping for any reason. Trains shall be controlled so that any delay in opening of the draw shall not exceed ten minutes except as provided in § 117.31(b).

(5) The bridge will be equipped with cameras and channel sensors to visually and electronically ensure the waterway is clear before the bridge closes. The video and sensors are located and monitored at the remote operating location in Mt. Laurel, NJ. The channel sensors signal will be a direct input to the bridge control system. In the event of failure or obstruction of the infrared channel sensors, the bridge will automatically stop closing and the South Jersey Train Dispatcher will return the bridge to the open position. In the event of video failure the bridge will remain in the full open position.

(6) The Conrail Railroad center span light will change from fixed green to flashing red anytime the bridge is not in the full open position.

(7) Prior to downward movement of the span, the horn will sound two prolonged blasts, followed by a pause, and then two short blasts until the bridge is seated and locked down. At the time of movement, the center span light will change from fixed green to flashing red and remain flashing until the bridge has returned to its full open position.

(8) When the train controller at Mt. Laurel has verified that rail traffic has cleared, they will sound the horn five times to signal the draw is about to return to its full open position.

(9) During upward movement of the span, the horn will sound two prolonged blasts, followed by a pause, and then sound two short blasts until the bridge is in the full open position. The center span light will continue to flash red until the bridge is in the fully open position.

(10) When the draw cannot be operated from the remote site, a bridge tender must be called to operate the bridge in the traditional manner. Personnel shall be dispatched to arrive at the bridge as soon as possible, but not more than one hour after malfunction or disability of the remote system.

* * * * *

Dated: April 3, 2015.

Stephen P. Metruck,

Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2015–09038 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0273]

Drawbridge Operation Regulation, York River; Yorktown and Gloucester Point, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the draw of the Coleman Memorial Bridge (US 17/George P. Coleman Memorial Swing Bridge) across the York River, mile 7.0, between Gloucester Point and Yorktown, VA. This deviation is necessary to facilitate maintenance work on the moveable spans on the Coleman Memorial Bridge. This temporary deviation allows the drawbridge to remain in the closed to navigation position.

DATES: This deviation is effective from 7 a.m. on May 3, 2015 to 5 p.m. on July 19, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0273] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Terrance Knowles, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6587, email *Terrance.A.Knowles@uscg.mil.* If you have questions on reviewing the docket,

call Cheryl Collins, Program Manager, Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Virginia Department of Transportation, who owns and operates this swing bridge, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.1025, to facilitate maintenance of the moveable spans on the structure.

Under the regular operating schedule, the Coleman Memorial Bridge, mile 7.0, between Gloucester Point and Yorktown, VA, opens on signal except from 5 a.m. to 8 a.m. and 3 p.m. to 7 p.m. Monday through Friday, except Federal holidays, shall remain closed to navigation. The Coleman Memorial Bridge has vertical clearances in the closed position of 60 feet above mean high water.

Under this temporary deviation, the drawbridge will be closed to navigation from 7 a.m. to 5 p.m. each day on: Sunday May 3, 2015 with an inclement weather date on Sunday May 10, 2015; Sunday June 7, 2015 with an inclement weather date on Sunday June 14, 2015; And Sunday July 12, 2015 with an inclement weather date on Sunday July 19, 2015. The bridge will operate under normal operating schedule at all other times. Emergency openings cannot be provided. There are no alternate routes for vessels transiting this section of the York River. Vessels able to pass under the bridge in the closed position may do so at anytime and are advised to proceed with caution. All other vessels may pass before 7 a.m. and after 5 p.m.

The York River is used by a variety of vessels including military, tugs, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with these waterway users. The Coast Guard will also inform additional waterway users of the bridge closure periods through our Local and Broadcast Notices to Mariners so that vessels can arrange their transits and minimize any impacts caused by the temporary deviation.

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

Dated: April 8, 2015.

James L. Rousseau,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–09039 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0386]

RIN 1625–AA09

Drawbridge Operation Regulation; Taylor Bayou Outfall Canal (Joint Outfall Canal), TX

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is implementing an operating schedule that governs the Valero pontoon-supported swing bridge across Taylor Bayou Outfall Canal (Joint Outfall Canal (JOC)), mile 2.44, West Port Arthur, Jefferson County, Texas. This bridge provides for Valero's maintenance vehicles and contractors to cross the waterway. The regulation will allow the bridge to remain in the open-to-navigation position except during two scheduled daily closures. This regulation increases the efficiency of operations allowing for the safe navigation of vessels through the bridge while recognizing the bridge's importance to the facility that it serves.

DATES: This rule is effective May 21, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0386]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. James Wetherington; Bridge Administration Branch, Eighth Coast Guard District; telephone 504–671–2128, email *james.r.wetherington@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
DHS Department of Homeland Security
USCG United States Coast Guard
NEPA National Environmental Policy Act
NPRM Notice of Proposed Rule Making
§ Section Symbol
U.S.C. United States Code
JOC Joint Outfall Canal

A. Regulatory History and Information

On September 23, 2014, we published an Interim Rule with request for comments entitled, ''Drawbridge Operation Regulation; Taylor Bayou Outfall Canal (Joint Outfall Canal), TX'' in the **Federal Register** (79 FR 56651). We received 1 comment on the interim rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The Premcor Refining Group, Inc.—A Valero Company owns the new Valero pontoon-supported swing bridge across Taylor Bayou Outfall Canal (JOC), mile 2.44, West Port Arthur, Jefferson County, Texas.

The bridge has unlimited vertical clearance in the open-to-navigation position and a vertical clearance of 11.11 feet in the closed-to-navigation position. The new bridge also has a horizontal clearance of 75.0 feet from fender to fender in the open-to-navigation position and 52 feet from pontoon to fender in the closed-to-navigation position. Traffic on this waterway is primarily recreational craft and commercial barges. Valero engaged the owners of these vessels through multiple discussions leading to the design and operating schedule of this bridge.

The owner requested to change the operating schedule, per 33 CFR 117.41(b), to allow the bridge to remain open except for two scheduled daily closures.

This change allows the bridge owner to leave the bridge in the open-to-navigation position, except for two daily maintenance cycles, while removing the requirement that a bridge tender be on the bridge at all times. All notifications and signals will remain as noted in the Interim Rule.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard provided a comment period of 45 days and only one comment was received. This comment was from Valero stating that they are in agreement with the rule as stated in the interim rule; however, they wish to have a little bit more flexibility due to contractor staff and general maintenance that require access to the other side of the property. After discussions with Valero, they agreed that any operation of

the bridge outside of the prescribed times will require a tender on the bridge until the operations are finished and the normal open-to-navigation position can be resumed. Everything else will remain as published in the interim rule.

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.

This rule allows the bridge to remain in the open-to-navigation position at all times with the exception of two scheduled closures each day to allow for vehicular traffic. Because the bridge will be left in the open position and only closed to vessel traffic for two hours per day, one hour in the morning and one hour in the early evening, this regulation will have a minimal affect on the waterway users and vessels transiting the area. Additionally, the bridge can be opened in 30 minutes should there be emergency need during one of the scheduled closures. Through the course of the comment period of the interim rule, it was noted that if the bridge needs to be closed at any other time than those times that are scheduled, the bridge will be tended and be able to be opened in approximately 15 minutes.

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 received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the property owners, vessel operators and waterway users who wish to transit on Taylor Bayou Outfall Canal (JOC) past mile 2.44 from 6:30 a.m. to 7:30 a.m. and from 5:30 p.m. to 6:30 p.m. daily. This rule will not have a significant impact on a substantial number of small entities for the following reasons because, through pre-coordination and consultation with property owners, vessel operators and waterway users, this operating schedule will accommodate all waterway users with minimal impact.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations

That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

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

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

List of Subjects in 33 CFR Part 117

Bridges.

Accordingly, the interim rule amending 33 CFR part 117 which was published at 79 FR 56651 on September 23, 2014, is adopted as a final rule with the following change:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Amend § 117.988 by adding paragraph (g) to read as follows:

§ 117.988 Taylor Bayou Outfall Canal (Joint Outfall Canal (JOC)).

* * * * *

(g) If the bridge is required to operate outside of the specified times, the bridge will be tended until it is returned to the open-to-navigation position.

Dated: March 20, 2015.

Kevin S. Cook,

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

[FR Doc. 2015–09037 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0169]

RIN 1625–AA00

Cincinnati Reds Season Fireworks; Ohio River Mile 470.1–470.4; Cincinnati, OH

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Cincinnati Reds Season Fireworks on the Ohio River, from mile marker 470.1 and ending at 470.4, extending 500 feet from the State of Ohio shoreline. This rule is effective during specific home games during the regular baseball season. Should the Cincinnati Reds make the playoffs and have additional home games, the Coast Guard will provide advance notification of enforcement periods via Broadcast Notices to Mariners, Local Notices to Mariners, and/or Marine Safety Information Bulletins as appropriate. This action is needed to protect vessels transiting the area and event spectators from the hazard associated with the Cincinnati Reds Barge-based Fireworks. During the enforcement period, entry into, transiting, or anchoring in the safety zone is prohibited to all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port (COTP) Ohio Valley or a designated representative.

DATES: The regulations in 33 CFR 165.801, Table No. 1, Line no. 2 will be enforced from 9 p.m. through 11:30 p.m. on April 24, May 15, May 29, June 5, June 19, July 3, July 4, July 17, July 31, August 21, September 4, September 11, and September 25, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email Kevin Cador, MSD Cincinnati, U.S. Coast Guard at telephone 513–921–9033, email *Kevin.L.Cador@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety Zone for the Cincinnati Reds Season Fireworks listed in 33 CFR 165.801, Table No. 1, Line no. 2. These regulations can be found in the electronic version of the Code of Federal Regulations, under 33 CFR 165.801( ).

Under the provisions of 33 CFR 165.801, a vessel may not enter the safe zone, unless it receives permission from the COTP Ohio Valley or a designated representative. Persons or vessels desiring to enter into or passage through the safety zone must request permission from the COTP Ohio Valley or designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the COTP Ohio Valley or designated representative.

This notice is issued under authority of 33 CFR 165.801 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of this enforcement period via the Local Notice to Mariners (LNM) and Broadcast Notice to Mariners (BNM). If the COTP Ohio Valley determines that the regulated area need not be enforced for the full duration stated in the notice, he or she may use a BNM to grant general permission to enter the regulated area.

Dated: March 30, 2015.

R.V. Timme,

Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2015–09279 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0019]

RIN 1625–AA00

Safety Zone; Xterra Swim, Myrtle Beach, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone during the Xterra swim, a swimming race occurring on waters of the Intracoastal Waterway in Myrtle Beach, South Carolina. The Xterra Swim is scheduled to take place on Sunday, May 3, 2015. The temporary safety zone is necessary for the safety of the swimmers, participant vessels, spectators, and the general public during the event. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective and will be enforced from 7:30 a.m. until 8:30 a.m. on May 3, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2015–0019. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Waterways Management, U.S. Coast Guard; telephone (843) 740–3184, email *christopher.l.ruleman@uscg.mil*. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On March 2, 2015, we published a notice of proposed rulemaking entitled Safety Zone; Xterra Swim, Myrtle Beach, SC in the **Federal Register** (76 FR 246). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

(a) The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1.

(b) The purpose of the rule is to ensure the safety of the swimmers, participant vessels, spectators, and the general public during the Xterra Swim.

C. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The economic impact of this rule is not significant for the following reasons: (1) The safety zone will only be enforced for a total of 1 hour; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Charleston or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

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.

(1) This rule would affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Intracoastal Waterway in Myrtle Beach, South Carolina from 7:30 a.m. until 8:30 a.m. on May 3, 2015.

(2) For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone on waters of the Intracoastal Waterway in Myrtle Beach, South Carolina during the Xterra Swim event on Sunday, May 3, 2015. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. This rule is categorically excluded from further review under paragraph (34)(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T07–0019 to read as follows:

§ 165.T07–0019 Safety Zone; Xterra Swim, Myrtle Beach, SC.

(a) *Regulated area.* The following regulated area is a safety zone: all waters within the following two points of position and the North shore: 33°45.076 N., 78°50.790 W. to 33°45.323 N., 78°50.214 W. The Xterra Swim race consists of approximately 150 swimmers. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective date.* This rule is effective on May 3, 2015. This rule will be enforced from 7:30 a.m. until 8:30 a.m. on Sunday, May 3, 2015.

Dated: April 9, 2015.

B.D. Falk,

Commander, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2015–09047 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0121]

Safety Zones; Fireworks Events in Captain of the Port New York Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce various safety zones within the Captain of the Port New York Zone on the specified dates and times. This action is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks displays. During the enforcement period, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP).

DATES: The regulation for the safety zones described in 33 CFR 165.160 will be enforced on the dates and times listed in the table below.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email Lieutenant Douglas Neumann, Coast Guard; telephone 718–354–4154, email *douglas.w.neumann@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zones listed in 33 CFR 165.160 on the specified dates and times as indicated in Table 1 below. This regulation was published in the **Federal**

Register on November 9, 2011 (76 FR 69614).

TABLE 1

1. Empire Force Event Fireworks, Liberty Island Safety Zone, 33 CFR 165.160(2.1).	• Launch site: A barge located in approximate position 40°41′16.5″ N. 074°02′23″ W. (NAD 1983), located in Federal Anchorage 20–C, about 360 yards east of Liberty Island. This Safety Zone is a 360-yard radius from the barge. • Date: April 9, 2015. • Time: 9:15 p.m.–10:30 p.m.
2. Swank Productions, Ellis Island Safety Zone, 33 CFR 165.160(2.2).	• Launch site: A barge located between Federal Anchorages 20–A and 20–B, in approximate position 40°41′45″ N. 074°02′09″ W. (NAD 1983) about 365 yards east of Ellis Island. This Safety Zone is a 360-yard radius from the barge. • Date: May 24, 2015. • Time: 11:05 p.m.–12:00 a.m.
3. Hempstead Summer Kick Off, Bar Beach Hempstead Harbor Safety Zone, 33 CFR 165.160(3.9).	• Launch site: A barge located in approximate position 40°49′50″ N. 073°39′12″ W. (NAD 1983), approximately 190 yards north of Bar Beach, Hempstead Harbor, New York. This Safety Zone is a 180-yard radius from the barge. • Date: May 23, 2015. • Time: 09:00 p.m.–10:15 p.m.
4. City of Glen Cove Fireworks, Glen Cove, Hempstead Harbor Safety Zone, 33 CFR 165.160(3.8).	• Launch site: A barge located in approximate position 40°51′58″ N. 073°39′34″ W. (NAD 1983), approximately 500 yards northeast of Glen Cove Breakwater Light 5 (LLNR 27065). This Safety Zone is a 360-yard radius from the barge. • Date: July 4, 2015. • Rain Date: July 5, 2015 • Time: 8:45 p.m.–10:10 p.m.

Under the provisions of 33 CFR 165.160, vessels may not enter the safety zones unless given permission from the COTP or a designated representative. Spectator vessels may transit outside the safety zones but may not anchor, block, loiter in, or impede the transit of other vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that a safety zone need not be enforced for the full duration stated in this document, a Broadcast Notice to Mariners may be used to grant general permission to enter the safety zone.

Dated: March 26, 2015.

Jeffrey Dixon,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2015–09040 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2011–0148; A–1–FRL–9926–51–Region 1]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island: Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document announces that the Environmental Protection Agency (EPA) is taking final action approving revisions to the Rhode Island State Implementation Plan (SIP) submitted by Rhode Island Department of Environmental Management (RI DEM) Office of Air Resources, on January 18, 2011. The EPA finds that RI DEM has satisfied all the elements of our October 24, 2013, final conditional approval, and as such, the conditional approval is converting to a full approval with this action. The commitment consisted of a submission by Rhode Island of a technical demonstration, that Rhode Island's PSD and nonattainment new source review permitting programs are at least as stringent in all respects as EPA's NSR Reform provisions for stationary sources of regulated NSR pollutants other than Greenhouse Gases (GHGs). This action is being taken under section 110 of the Act.

DATES: This rule is effective April 21, 2015.

ADDRESSES: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

In addition, copies of the state submittal are also available for public inspection during normal business hours, by appointment at the Office of Air Resources, Department of Environmental Management, 235 Promenade Street, Providence, RI 02908–5767;

FOR FURTHER INFORMATION CONTACT: Ida E. McDonnell, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Permits, Toxics, and Indoor Programs Unit, 5 Post Office Square—Suite 100, (mail code OEP05–2), Boston, MA 02109–3912. Ms. Ida E. McDonnell's telephone number is (617)

918–1653; email address: *mcdonnell.ida@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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

Table of Contents

I. Background
II. What is a conditional approval?
III. What are the terms of the conditional approval?
IV. Were the terms of the conditional approval met?
V. Final Action

I. Background

On October 24, 2013, EPA conditionally approved, pending submission by Rhode Island of a technical demonstration that Rhode Island's January 18, 2011 SIP revisions as they relate to major new and modified stationary sources of regulated NSR pollutants other than GHGs, are as least as stringent as EPA's NSR reform. See 78 FR 63383. On February 27, 2015, the State Rhode Island submitted a technical demonstration, pursuant to 40 CFR 51.166(a)(7), that Rhode Island's PSD and nonattainment new source review permitting programs are at least as stringent in all respects as EPA's NSR Reform provisions for stationary sources of regulated NSR pollutants other than GHGs.

II. What is a conditional approval?

Under section 110(k)(4) of the Clean Air Act, the EPA may conditionally approve a plan based on a commitment from the State to adopt specific enforceable measures by a date certain no later than one year from the date of final conditional approval. If the EPA subsequently determines that the State has met its commitment, EPA publishes a document in the **Federal Register** notifying the public that EPA is converting the conditional approval to a full approval. However, if the State fails to timely meet its commitment, then the conditional approval automatically converts to a disapproval by operation of law without further action required by EPA. If that were to occur, EPA would then notify the state by letter. At that time, the conditionally approved SIP revisions would not be part of the state's approved SIP. EPA subsequently would publish a notice in the **Federal Register** notifying the public that the conditional approval automatically converted to a disapproval.

III. What are the terms of the conditional approval?

The EPA conditionally approved Rhode Island's January 18, 2011 SIP revision as it relates to major new and modified stationary sources of regulated NSR pollutants other than GHGs on October 24, 2013. See 78 FR 63383. Our conditional approval was based on a commitment letter submitted by RI DEM on September 18, 2013. Specifically, RI DEM committed to submit a revised technical demonstration (described above) no later than one year from the date on which EPA finalized the conditional approval.

IV. Were the terms of the conditional approval met?

RI DEM failed to submit the technical demonstration in a timely manner, therefore our conditional approval, by operation of law, became a disapproval on December 23, 2014. However, on February 27, 2015, RI DEM submitted the technical demonstration pursuant to 40 CFR 51.166(a)(7), showing that Rhode Island's PSD and nonattainment new source review permitting programs are at least as stringent in all respects as EPA's NSR Reform provisions for stationary sources of regulated NSR pollutants other than GHGs. Rhode Island's technical demonstration is included in the docket and administrative record for this action.

EPA therefore has determined that RI DEM met the conditions of the conditional approval.

V. Final Action

EPA is converting the conditional approval to a full approval with this action. Rhode Island's February 27, 2015 submission cured, as a legal matter, the disapproval that automatically occurred on December 23, 2014. Thus, the provisions of Rhode Island's SIP that EPA conditionally approved on October 24, 2013 are now fully approved into the State's SIP.

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: March 26, 2015.

H. Curtis Spalding,

Regional Administrator, EPA New England.

[FR Doc. 2015–09017 Filed 4–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0209; FRL–9926–47–Region 6]

Approval and Promulgation of Implementation Plans; North Carolina; Charlotte; Base Year Emissions Inventory and Emissions Statement for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve the state implementation plan (SIP) revision submitted by the State of North Carolina, through the North Carolina Department of Environment and Natural Resources (NC DENR) on July 7, 2014, to address the base year emissions inventory and emissions statement requirements for the State's portion of the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 2008 8-hour ozone national ambient air quality standards (NAAQS) nonattainment area (hereafter referred to as the ''bi-state Charlotte Area'' or ''Area''). Annual emissions reporting (*i.e.,* emission statement) and a base year emissions inventory are required for all ozone nonattainment areas. The Area is comprised of the entire county of Mecklenburg and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties in North Carolina; and a portion of York County in South Carolina. EPA will consider and take action on the South Carolina submission for the emissions inventory and emissions statement for its portion of this Area in a separate action.

DATES: This direct final rule is effective June 22, 2015 without further notice, unless EPA receives adverse comment by May 21, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0209, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* ''EPA–R04–OAR–2015–0209,'' Air Regulatory Management Section, (formerly the Regulatory Development Section), Air Planning and

Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2015–0209. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jane Spann, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Spann can be reached at (404) 562–9029 and via electronic mail at *spann.jane@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. 40 CFR 50.15. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in Appendix I of part 50.

Upon promulgation of a new or revised NAAQS, the Clean Air Act (CAA or Act) requires EPA to designate as nonattainment any area that is violating the NAAQS based on the three most recent years of ambient air quality data at the conclusion of the designation process. The bi-state Charlotte Area was designated nonattainment for the 2008 8-hour ozone NAAQS on April 30, 2012 (effective July 20, 2012) using 2009–2011 ambient air quality data. *See* 77 FR 30088 (May 21, 2012). At the time of designation, the bi-state Charlotte Area was classified as a Marginal nonattainment area for the 2008 8-hour ozone NAAQS. On February 13, 2015, EPA finalized a rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule) that establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 ozone NAAQS.[1] *See* 80 FR 12264 (March 6, 2015). This rule establishes ozone nonattainment area attainment dates based on Table 1 of section 181(a) of the CAA, including an attainment date three years after the July 20, 2012, effective date for areas classified as marginal areas for the 2008 8-hour NAAQS. Therefore, the attainment date for the bi-state Charlotte Area is July 20, 2015.

Based on the nonattainment designation, North Carolina was required to develop a nonattainment SIP revision addressing certain CAA requirements. Specifically, pursuant to CAA section 182(a)(3)(B) and section 182(a)(1), North Carolina was required to submit a SIP revision addressing emissions statements and emissions inventory requirements, respectively.

Ground level ozone is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NO_X) and volatile organic compounds (VOC) in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO_X and VOC. Section 182(a)(3)(B) of the CAA requires each state with ozone nonattainment areas to submit a SIP revision requiring annual emissions statements to be submitted to the state by the owner or operator of each NO_X or VOC stationary source[2] located within a nonattainment area showing the actual emissions of NO_X and VOC from that source. The first

[1] The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

[2] A state may waive the emission statement requirement for any class or category of stationary sources which emit less than 25 tons per year of VOCs or NO_X if the state meets the requirements of section 182(a)(3)(B)(ii).

statement is due three years from the area's nonattainment designation, and subsequent statements are due at least annually thereafter. Section 182(a)(1) of the CAA requires states with areas designated nonattainment for the ozone NAAQS to submit a SIP revision providing a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area.

On July 7, 2014, North Carolina submitted a SIP revision containing a base year emissions inventory and addressing emissions statement requirements related to its portion of the bi-state Charlotte Area. EPA is now taking action to approve this SIP revision as meeting the requirements of sections 110, 182(a)(1), and 182(a)(3)(B) of the CAA. More information on EPA's analysis of North Carolina's SIP revision is provided below.

II. Analysis of State's Submittal

(a) Base Year Emission Inventory

As discussed above, section 182(a)(1) of the CAA requires states to submit a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in each ozone non-attainment area. The section 182(a)(1) base year inventory is defined in the SIP Requirements Rule as ''a comprehensive, accurate, current inventory of actual emissions from sources of VOC and NO_X emitted within the boundaries of the nonattainment area as required by CAA section 182(a)(1).'' *See* 40 CFR 51.1100(bb). The inventory year must be selected consistent with the baseline year for the RFP plan as required by 40 CFR 51.1110(b),[3] and the inventory must include actual ozone season day emissions as defined in 40 CFR 51.1100(cc)[4] and contain data elements consistent with the detail required by 40 CFR part 51, subpart A. *See* 40 CFR 51.1115(a), (c), (e). In addition, the point source emissions included in the inventory must be reported according to the point source emissions thresholds of the Air Emissions Reporting Requirements (AERR) in 40 CFR part 51, subpart A. *See* 40 CFR 51.1115(d).

North Carolina selected 2011 as the base year for the section 182(a)(1) emissions inventory which is the year corresponding with the first triennial inventory under 40 CFR part 51, subpart A. This base year is one of the three years of ambient data used to designate the Area as a nonattainment area and therefore represents emissions associated with nonattainment conditions. The emissions inventory is based on data developed and submitted by NC DENR and Mecklenburg County Air Quality to EPA's 2011 National Emissions Inventory (NEI), and it contains data elements consistent with the detail required by 40 CFR part 51, subpart A.[5]

North Carolina's emissions inventory for its portion of the Area provides 2011 typical average summer day emissions data for NO_X and VOCs for the following general source categories: stationary point, area, non-road mobile, and on-road mobile. A detailed discussion of the inventory development is located in Appendix B to North Carolina's submittal which is provided in the docket for this action. The table below provides a summary of the emissions inventory.

TABLE 1—2011 POINT AND AREA SOURCES EMISSIONS FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE AREA

[Tons per summer day]

County	Point		Area		Non-road mobile		On-road mobile	
	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC
Cabarrus*	1.10	0.89	0.44	4.53	2.43	1.62	11.85	6.32
Gaston*	26.44	1.74	0.55	4.94	2.30	1.83	13.39	6.93
Iredell*	4.63	0.97	0.22	1.95	0.96	0.84	5.45	2.62
Lincoln*	0.43	1.23	0.12	1.72	0.88	0.83	4.33	2.49
Mecklenburg	7.76	1.53	4.48	23.47	16.31	14.76	57.01	26.06
Rowan*	6.21	3.81	0.40	3.95	1.94	1.96	10.78	5.74
Union*	0.60	1.20	0.47	6.13	3.93	2.56	9.32	5.19

* Indicates emissions for the nonattainment portion of the county.

The emissions reported for Cabarrus, Gaston, Iredell, Lincoln, Rowan, and Union Counties reflect the emissions for only the nonattainment portion of the counties. The inventory contains point source emissions data for facilities located within the North Carolina portion of the Area based on Geographic Information Systems mapping. For the remaining emissions categories, emissions for the North Carolina portion of the Area were determined based on the population of the nonattainment townships within each partial county. For Mecklenburg County, the emissions for the entire county are provided. More detail on the inventory emissions for individual sources categories is provided below and in Appendix B to North Carolina's SIP submittal.

Point sources are large, stationary, identifiable sources of emissions that release pollutants into the atmosphere. The point source emissions inventory for North Carolina's portion of the bi-state Charlotte Area was developed using facility-specific emissions data. The point source emissions inventory for North Carolina's portion of the bi-state Charlotte Area data is located in the docket for today's action. The point source emissions data meets the point

[3] 40 CFR 51.1110(b) states that ''at the time of designation for the 2008 ozone NAAQS the baseline emissions inventory shall be the emissions inventory for the most recent calendar year for which a complete triennial inventory is required to be submitted to EPA under the provisions of subpart A of this part. States may use an alternative baseline emissions inventory provided the state demonstrates why it is appropriate to use the alternative baseline year, and provided that the year selected is between the years 2008 to 2012.''

[4] ''Ozone season day emissions'' is defined as ''an average day's emissions for a typical ozone season work weekday. The state shall select, subject to EPA approval, the particular month(s) in the ozone season and the day(s) in the work week to be represented, considering the conditions assumed in the development of RFP plans and/or emissions budgets for transportation conformity.'' *See* 40 CFR 51.1100(cc).

[5] Data downloaded from the EPA EIS from the 2011 NEI was subjected to quality assurance procedures described under *quality assurance details* under *2011 NEI Version 1 Documentation* located at *http://www.epa.gov/ttn/chief/net/2011inventory.html#inventorydoc.* The quality assurance and quality control procedures and measures associated with this data are outlined in the State's EPA-approved Emission Inventory Quality Assurance Project Plan.

source emissions thresholds of 40 CFR part 51, subpart A.

Area sources are small emission stationary sources which, due to their large number, collectively have significant emissions (*e.g.,* dry cleaners, service stations). Emissions for these sources were estimated by multiplying an emission factor by such indicators of collective emissions activity as production, number of employees, or population. These emissions were estimated at the county level. North Carolina developed its inventory according to the current EPA emissions inventory guidance for area sources.[6]

On-road mobile sources include vehicles used on roads for transportation of passengers or freight. North Carolina's developed its on-road emissions inventory using EPA's Motor Vehicle Emissions Simulator (MOVES) model for each ozone nonattainment county.[7] County level on-road modeling was conducted using county-specific vehicle population and other local data. North Carolina developed its inventory according to the current EPA emissions inventory guidance for on-road mobile sources.[8]

Non-road mobile sources include vehicles, engines, and equipment used for construction, agriculture, recreation, and other purposes that do not use roadways (*e.g.,* lawn mowers, construction equipment, railroad locomotives, and aircraft). North Carolina calculated emissions for most of the non-road mobile sources using EPA's NONROAD2008a model [9] and developed its non-road mobile source inventory according to the current EPA emissions inventory guidance for non-road mobile sources.[10]

For the reasons discussed above, EPA has determined that North Carolina's emissions inventory meets the requirements under CAA section 182(a)(1) and the SIP Requirements Rule for the 2008 8-hour ozone NAAQS.

(b) Emissions Statements

Pursuant to section 182(a)(3)(B), states with ozone nonattainment areas must require annual emissions statements from NO_X and VOC stationary sources within those nonattainment areas. This requirement applies to all ozone nonattainment areas regardless of classification (*e.g.,* Marginal, Moderate).

North Carolina regulation 15A North Carolina Administrative Code (NCAC) 02Q.0207 requires all owners or operators of stationary sources with actual emissions of 25 tons per year or more of VOC or NO_X located in the counties listed therein to submit a statement to the State by June 30 of each year identifying actual NO_X and VOC emissions for the previous calendar year. In 1995, EPA approved North Carolina's regulation and incorporated it into the SIP. *See* 60 FR 22283 (May 5, 1995). At that time, the regulation applied to stationary sources within Davidson County, Durham County, Forsyth County, Gaston County, Guilford County, Mecklenburg County, Wake County, the Dutchville Township portion of Granville County, and that part of Davie County bounded by the Yadkin River, Dutchman's Creek, North Carolina Highway 801, Fulton Creek, and back to the Yadkin River. North Carolina subsequently amended the regulation to expand its coverage to include Cabarrus, Lincoln, Rowan, and Union Counties in their entireties and Davidson Township and Coddle Creek Township in Iredell County. EPA concluded that the amended regulation met the requirements of section 182(a)(3)(B) for the 1997 8-hour ozone standard and incorporated the amendments into the SIP in 2012. *See* 77 FR 24382 (April 24, 2012). In its July 7, 2014 SIP revision, North Carolina noted that it continues to operate under 15A NCAC 02Q.0207 as approved into the SIP in 2012. EPA has reviewed this SIP-approved regulation and determined that it covers the entire North Carolina portion of the Area and meets the requirements of section 182(a)(3)(B) for the 2008 ozone NAAQS.[11]

III. Final Action

EPA is approving the SIP revision submitted by North Carolina on July 7, 2014, addressing the base year emissions inventory and emissions statement requirements for the State's portion of the bi-state Charlotte Area. EPA has concluded that the State's submission meets the requirements of sections 110 and 182 of the CAA. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective June 22, 2015 without further notice unless the Agency receives adverse comments by May 21, 2015.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 22, 2015 and no further action will be taken on the proposed rule.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the Agency may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

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

[6] This guidance includes: *Procedures for the Preparation of Emission Inventories of Carbon Monoxide and Precursors of Ozone, Vol. 1,* EPA–450/4–91–016 (May 1991) and *Emissions Inventory Improvement Program (EIIP) Technical Report, Vol. 3, Area Sources* (Revised January 2001, updated April 2001).

[7] North Carolina used MOVES version 2010b because this was the latest version available at the time that the State submitted its SIP revision.

[8] This guidance includes: *Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,* EPA–454/R–05–001 (August 2005, updated November 2005); *Policy Guidance on the Use of MOVES2010 for State Implementation Plan Development, Transportation Conformity, and Other Purposes,* EPA–420–B–09–046 (December 2009); and *Technical Guidance on the Use of MOVES2010 for Emission Inventory Preparation in State Implementation Plans and Transportation Conformity,* EPA–420–B–10–023 (April 2010).

[9] For consistency with the NEI, North Carolina included emissions data for locomotives at rail yards and aircraft (where they are reported to occur at the locations of the airports where they are generated) with the point source data in the base year inventory. See Appendix B.1 and Appendix B.4 of the State's SIP revision for a detailed discussion of the methodology used to calculate aircraft and locomotive emissions.

[10] This guidance includes: *Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources,* EPA–450/4–81–026d (July 1991).

[11] As discussed in the preamble to the SIP Requirements Rule, a state may rely on emissions statement rules in force and approved by EPA for the 1997 ozone NAAQS or the 1-hour ozone NAAQS provided that the rules remain adequate and cover all portions of the 2008 ozone NAAQS nonattainment areas. *See* 80 FR 12291.

• Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011); does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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 dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 9, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart II—North Carolina

■ 2. In § 52.1770, paragraph (e) is amended by adding two entries for ''North Carolina portion of bi-state Charlotte; 2008 8-Hour Ozone Base Year Emissions Inventory'' and ''North Carolina portion of bi-state Charlotte; 2008 8-Hour Ozone Annual Emission Reporting (Emission Statement)'' at the end of the table to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** notice	Explanation
* * *		* *	*	*
North Carolina portion of bi-state Charlotte Area; 2008 8-Hour Ozone Base Year Emissions Inventory.	07/07/2014	April 21, 2015	[Insert citation of publication].	
North Carolina portion of bi-state Charlotte Area; 2008 8-Hour Ozone Annual Emissions Reporting (Emissions Statements).	07/07/2014	April 21, 2015	[Insert citation of publication].	

[FR Doc. 2015–09050 Filed 4–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2014–0868; FRL–9926–43–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation Request and Associated Maintenance Plan for the Pennsylvania Portion of the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area for the 1997 Annual and 2006 24-Hour Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Commonwealth of Pennsylvania's request to redesignate to attainment the Pennsylvania portion of the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area (Philadelphia Area or Area) for the 1997 annual and 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS or standard). EPA has determined that the Philadelphia Area attained both the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. In addition, EPA is approving as a revision to the Pennsylvania State Implementation Plan (SIP) the associated maintenance plan to show maintenance of the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS through 2025 for the Pennsylvania portion of the Area. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and nitrogen oxides (NO_X) mobile vehicle emissions budgets (MVEBs) for the Pennsylvania portion of the Area for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS, which EPA is approving for transportation conformity purposes. Furthermore, EPA is approving the 2007 base year emissions inventory included in the maintenance plan for the Pennsylvania portion of the Area for the 2006 24-hour $PM_{2.5}$ NAAQS. These actions are being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on April 21, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2014–0868. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Rose Quinto at (215) 814–2182, or by email at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 5, 2014, the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), formally submitted a request to redesignate the Pennsylvania portion of the Philadelphia Area from nonattainment to attainment for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. Concurrently, PADEP submitted a maintenance plan for the Pennsylvania portion of the Area as a SIP revision to ensure continued attainment throughout the Pennsylvania portion of the Area over the next 10 years. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for the Pennsylvania portion of the Area for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS, which EPA is approving for transportation conformity purposes. PADEP also submitted a 2007 comprehensive emissions inventory that was included in the maintenance plan for the 2006 24-hour $PM_{2.5}$ NAAQS for NO_X, sulfur dioxide (SO_2), volatile organic compounds (VOC), and ammonia (NH_3).

On February 17, 2015 (80 FR 8254), EPA published a notice of proposed rulemaking (NPR) for Pennsylvania. In the NPR, EPA proposed approval of Pennsylvania's September 5, 2014 request to redesignate the Pennsylvania portion of the Philadelphia Area to attainment for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. EPA also proposed approval of the associated maintenance plan as a revision to the Pennsylvania SIP for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS, which includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for both NAAQS, which EPA proposed to approve for purposes of transportation conformity. In addition, EPA proposed approval of the 2007 emissions inventory included in the maintenance plan for the Pennsylvania portion of the Area for the 2006 24-hour $PM_{2.5}$ NAAQS to meet the emissions inventory requirement of section 172(c)(3) of the CAA.

The details of Pennsylvania's submittal and the rationale for EPA's proposed actions are explained in the NPR and will not be restated here. No adverse public comments were received on the NPR.

II. Final Actions

EPA is taking final actions on the redesignation request and SIP revisions submitted on September 5, 2014 by the Commonwealth of Pennsylvania for the Pennsylvania portion of the Philadelphia Area for the1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. First, EPA finds that the monitoring data demonstrates that the Area has attained the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS, and continues to attain both NAAQS. Second, EPA is approving Pennsylvania's redesignation request for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS, because EPA has determined that the request meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA for both NAAQS. Approval of this redesignation request will change the official designation of the Pennsylvania portion of the Philadelphia Area from nonattainment to attainment for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. Third, EPA is approving the associated maintenance plan for the Pennsylvania portion of the Philadelphia Area as a revision to the Pennsylvania SIP for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS because it meets the requirements of section 175A of the CAA. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs submitted by Pennsylvania for the Pennsylvania portion of the Philadelphia Area for transportation conformity purposes. In addition, EPA is approving the 2007 emissions inventory for the Pennsylvania portion of the Area as meeting the requirement of section 172(c)(3) of the CAA for the 2006 24-hour $PM_{2.5}$ NAAQS.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this rulemaking action to become effective immediately upon publication. A delayed effective date is unnecessary due to the nature of a redesignation to attainment, which eliminates CAA obligations that would otherwise apply. The immediate effective date for this rulemaking action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become

effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rulemaking action, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rulemaking action relieves the Commonwealth of Pennsylvania of the obligation to comply with nonattainment-related planning requirements for the Pennsylvania portion of the Philadelphia Area pursuant to part D of the CAA and approves certain emissions inventories and MVEBs for the Pennsylvania portion of the Area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d) for this rulemaking action to become effective on the date of publication.

III. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, approving the redesignation request and maintenance plan for the Pennsylvania portion of the Philadelphia Area for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS and the comprehensive emissions inventory for the Pennsylvania portion of the Philadelphia Area for the 2006 24-hour $PM_{2.5}$ NAAQS, may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: April 7, 2015.

William C. Early,

Acting Regional Administrator, Region III.

40 CFR parts 52 and 81 are 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—NN Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for 1997 Annual and 2006 24-Hour $PM_{2.5}$ Maintenance Plan and 2007 Base Year Emissions Inventory at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	*	*	* *	*
1997 Annual and 2006 24-Hour $PM_{2.5}$ Maintenance Plan and 2007 Base Year Emissions Inventory.	Philadelphia-Wilmington, PA-NJ-DE.	9/5/14	4/21/15 [Insert **Federal Register** citation].	See § 52.2036(u) and § 52.2059(p)

* * * * *

■ 3. Section 52.2036 is amended by adding paragraph (u) to read as follows:

§ 52.2036 Base year emissions inventory.

* * * * *

(u) EPA approves as revisions to the Pennsylvania State Implementation Plan the 2007 base year emissions inventory for the Pennsylvania portion of the Philadelphia Area for the 2006 24-hour fine particulate matter ($PM_{2.5}$) nonattainment area submitted by the Pennsylvania Department of Environmental Protection on September 5, 2014. The emissions inventory includes emissions estimates that cover the general source categories of point, area, nonroad, and onroad sources. The pollutants that comprise the inventory are $PM_{2.5}$, nitrogen oxides (NO_X), volatile organic compounds (VOCs), ammonia (NH_3), and sulfur dioxide (SO_2).

■ 4. Section 52.2059 is amended by adding paragraph (p) to read as follows:

§ 52.2059 Control strategy: Particular matter.

* * * * *

(p) EPA approves the maintenance plan for the Pennsylvania portion of the Philadelphia nonattainment area for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS submitted by the Commonwealth of Pennsylvania on September 5, 2014. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and NO_X mobile vehicle emissions budgets (MVEBs) to be applied to all future transportation conformity determinations and analyses for the Pennsylvania portion of the Philadelphia nonattainment area for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS.

PENNSYLVANIA PORTION OF THE PHILADELPHIA AREA'S MOTOR VEHICLE EMISSION BUDGETS FOR THE 1997 ANNUAL AND 2006 24-HOUR $PM_{2.5}$ NAAQS IN TONS PER YEAR

Type of control strategy SIP	Year	$PM_{2.5}$	NO_X	Effective date of SIP approval
Maintenance Plan	2017	1,679	37,922	April 21, 2015.
	2025	1,316	25,361	April 21, 2015.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 5. The authority citation for part 81 continues to read as follows:

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

■ 6. Section 81.339 is amended by revising the entry for ''Philadelphia-Wilmington, PA-NJ-DE'' where it occurs in the tables entitled ''Pennsylvania—1997 Annual $PM_{2.5}$ NAAQS'' and ''2006 24-Hour $PM_{2.5}$ NAAQS'' to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* *	*	*	* *	*
Philadelphia-Wilmington, PA-NJ-DE:				
Bucks County	April 21, 2015	Attainment.		
Chester County	April 21, 2015	Attainment.		
Delaware County	April 21, 2015	Attainment.		
Montgomery County	April 21, 2015	Attainment.		
Philadelphia County	April 21, 2015	Attainment.		
* *	*	*	* *	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

PENNSYLVANIA—2006 24-HOUR $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* *	*	*	*	*
Philadelphia-Wilmington, PA-NJ-DE:				
Bucks County	April 21, 2015	Attainment.		
Chester County	April 21, 2015	Attainment.		
Delaware County	April 21, 2015	Attainment.		
Montgomery County	April 21, 2015	Attainment.		
Philadelphia County	April 21, 2015	Attainment.		
* *	*	*	*	*

[a] Includes Indian County located in each county or area, except as otherwise specified.
[1] This date is 30 days after November 13, 2009, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

[FR Doc. 2015–09005 Filed 4–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 61 and 63

[EPA–R06–OAR–2008–0063; FRL–9926–50–Region 6]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On February 24, 2015, the Environmental Protection Agency (EPA) published a direct final rule approving the updated delegation of EPA authority for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources) to the Oklahoma Department of Environmental Quality (ODEQ). The direct final rule was published without prior proposal because EPA anticipated no adverse comments. EPA stated in the direct final rule that if EPA received relevant, adverse comments by March 26, 2015, EPA would publish a timely withdrawal in the **Federal Register**. EPA received a relevant, adverse comment on March 25, 2015, and accordingly is withdrawing the direct final rule, and in a separate subsequent final rulemaking will address the comment received.

DATES: Effective April 21, 2015, the direct final rule published at 80 FR 9622 on February 24, 2015, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett (6PD–R), Air Permits Section, telephone (214) 665–7227, fax (214) 665–6762, email: *barrett.richard@epa.gov.*

SUPPLEMENTARY INFORMATION: On February 24, 2015, EPA published a direct final rule approving the updated delegation of EPA authority for implementation and enforcement of NESHAPs for all sources (both part 70 and non-part 70 sources) to the ODEQ. The direct final rule was published without prior proposal because EPA anticipated no adverse comments. EPA stated in the direct final rule that if relevant, adverse comments were received by March 26, 2015, EPA would publish a timely withdrawal in the **Federal Register**. EPA received a comment on March 25, 2015, from the ODEQ stating in relevant part, that EPA reconsider the limitation on ODEQ's authority over NESHAPs and remove the language in the final rule requiring ODEQ to make a demonstration of jurisdiction over non-reservation Indian country. ODEQ cited various wording from two court cases where both generally stated that a state has regulatory jurisdiction under the CAA over all the land within its territory and outside the boundaries of an Indian reservation, and that regulatory jurisdiction under the CAA must lie initially with either a tribe or a state. EPA considers this a relevant, adverse comment and accordingly is withdrawing the direct final rule. In a separate subsequent final rulemaking EPA will address the comment received. The withdrawal is being taken pursuant to section 112 of the CAA.

List of Subjects

40 CFR Part 61

Environmental protection, Administrative practice and procedure, Air pollution control, Arsenic, Benzene, Beryllium, Hazardous substances, Mercury, Intergovernmental relations, Reporting and recordkeeping requirements, Vinyl chloride.

40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 9, 2015.

Wren Stenger,

Director, Multimedia Planning and Permitting Division, Region 6.

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

Accordingly, the amendments to 40 CFR 61.04 and 40 CFR 63.99 published in the **Federal Register** on February 24, 2015 (80 FR 9622) on pages 9625 and 9626 are withdrawn effective April 21, 2015.

[FR Doc. 2015–09201 Filed 4–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants for Source Categories

CFR Correction

In Title 40 of the Code of Federal Regulations, Part 63, §§ 63.1 to 63.599, revised as of July 1, 2014, on page 478, in § 63.343, paragraph (c)(5)(ii) is correctly revised to read as follows:

§ 63.343 Compliance provisions. [Corrected]

* * * * *

(c) * * *

(5) * * *

(ii) On and after the date on which the initial performance test is required to be completed under § 63.7, the owner or operator of an affected source shall monitor the surface tension of the electroplating or anodizing bath. Operation of the affected source at a surface tension greater than the value established during the performance test, or greater than 40 dynes/cm, as measured by a stalagmometer, or 33 dynes/cm, as measured by a tensiometer, if the owner or operator is using this value in accordance with paragraph (c)(5)(i) of this section, shall constitute noncompliance with the standards. The surface tension shall be monitored according to the following schedule:

* * * * *

[FR Doc. 2015–09202 Filed 4–20–15; 8:45 am]

BILLING CODE 1505–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 73

Sulfur Dioxide Allowance System

CFR Correction

In Title 40 of the Code of Federal Regulations, Parts 72 to 80, revised as of July 1, 2014, on page 159, in § 73.35, remove paragraphs (b)(2)(ii) and (iii).

[FR Doc. 2015–09232 Filed 4–20–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2015–0001: Internal Agency Docket No. FEMA–8379]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

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

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

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

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

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

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

Regulatory Flexibility Act. The Administrator has determined that this

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

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

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

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

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Virginia:				
Accomack County, Unincorporated Areas.	510001	January 10, 1974, Emerg; June 1, 1984, Reg; May 18, 2015, Susp.	May 18, 2015 ...	May 18, 2015.
Belle Haven, Town of, Accomack County.	510242	N/A, Emerg; February 8, 2001, Reg; May 18, 2015, Susp.	.....do *	Do.
Chincoteague, Town of, Accomack County.	510002	March 4, 1974, Emerg; March 1, 1977, Reg; May 18, 2015, Susp.	.....do	Do.
Middlesex County, Unincorporated Areas.	510098	October 18, 1974, Emerg; January 18, 1989, Reg; May 18, 2015, Susp.	.....do	Do.
Onancock, Town of, Accomack County	510298	February 17, 1976, Emerg; December 15, 1981, Reg; May 18, 2015, Susp.	.....do	Do.
Saxis, Town of, Accomack County	510003	March 11, 1976, Emerg; November 17, 1982, Reg; May 18, 2015, Susp.	.....do	Do.
Tangier, Town of, Accomack County	510004	March 28, 1975, Emerg; October 15, 1982, Reg; May 18, 2015, Susp.	.....do	Do.
Urbanna, Town of, Middlesex County ...	510292	May 21, 1975, Emerg; November 3, 1989, Reg; May 18, 2015, Susp.	.....do	Do.
Wachapreague, Town of, Accomack County.	510005	January 28, 1975, Emerg; September 2, 1982, Reg; May 18, 2015, Susp.	.....do	Do.
Region V				
Indiana:				
Gentryville, Town of, Spencer County ..	180394	July 3, 1975, Emerg; September 16, 1988, Reg; May 18, 2015, Susp.	.....do	Do.
Grandview, Town of, Spencer County ..	180238	April 14, 1975, Emerg; July 18, 1983, Reg; May 18, 2015, Susp.	.....do	Do.
Rockport, City of, Spencer County	180239	March 21, 1975, Emerg; July 18, 1983, Reg; May 18, 2015, Susp.	.....do	Do.
Spencer County, Unincorporated Areas	180237	August 18, 1972, Emerg; May 1, 1978, Reg; May 18, 2015, Susp.	.....do	Do.
Minnesota:				
Breckenridge, City of, Wilkin County	275232	September 4, 1970, Emerg; September 4, 1970, Reg; May 18, 2015, Susp.	.....do	Do.
Campbell, City of, Wilkin County	270521	March 1, 1976, Emerg; June 8, 1984, Reg; May 18, 2015, Susp.	.....do	Do.
Doran, City of, Wilkin County	270522	N/A, Emerg; March 5, 2013, Reg; May 18, 2015, Susp.	.....do	Do.
Wilkin County, Unincorporated Areas ...	270519	June 6, 1973, Emerg; September 29, 1978, Reg; May 18, 2015, Susp.	.....do	Do.
Wolverton, City of, Wilkin County	270524	March 22, 2011, Emerg; November 21, 2012, Reg; May 18, 2015, Susp.	.....do	Do.
Ohio:				
Clay Center, Village of, Ottawa County	390875	March 27, 1979, Emerg; June 20, 1980, Reg; May 18, 2015, Susp.	.....do	Do.
Elmore, Village of, Ottawa County	390610	October 9, 1975, Emerg; April 1, 1982, Reg; May 18, 2015, Susp.	.....do	Do.
Genoa, Village of, Ottawa County	390612	March 21, 1978, Emerg; May 3, 1982, Reg; May 18, 2015, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Marblehead, Village of, Ottawa County	390748	May 29, 1979, Emerg; February 1, 1984, Reg; May 18, 2015, Susp.	.....do	Do.
Oak Harbor, Village of, Ottawa County	390433	April 28, 1977, Emerg; April 1, 1982, Reg; May 18, 2015, Susp.	.....do	Do.
Ottawa County, Unincorporated Areas	390432	April 25, 1973, Emerg; October 17, 1978, Reg; May 18, 2015, Susp.	.....do	Do.
Port Clinton, City of, Ottawa County	390434	April 5, 1973, Emerg; September 30, 1977, Reg; May 18, 2015, Susp.	.....do	Do.
Put-In-Bay, Village of, Ottawa County ..	390600	July 25, 1973, Emerg; September 30, 1977, Reg; May 18, 2015, Susp.	.....do	Do.
Region VII				
Iowa:				
Jones County, Unincorporated Areas ...	190919	March 21, 1979, Emerg; September 30, 1988, Reg; May 18, 2015, Susp.	.....do	Do.
Monticello, City of, Jones County	190175	November 27, 1974, Emerg; April 2, 1979, Reg; May 18, 2015, Susp.	.....do	Do.
Region VIII				
Montana:				
Big Timber, City of, Sweet Grass County.	300106	N/A, Emerg; June 6, 1997, Reg; May 18, 2015, Susp.	.....do	Do.
Sweet Grass County, Unincorporated Areas.	300167	April 4, 1978, Emerg; August 2, 1982, Reg; May 18, 2015, Susp.	.....do	Do.
Wyoming:				
Casper, City of, Natrona County	560037	February 4, 1972, Emerg; September 15, 1977, Reg; May 18, 2015, Susp.	.....do	Do.
Evansville, Town of, Natrona County	560071	June 2, 1975, Emerg; July 17, 1978, Reg; May 18, 2015, Susp.	.....do	Do.
Mills, Town of, Natrona County	560076	November 16, 1979, Emerg; December 1, 1986, Reg; May 18, 2015, Susp.	.....do	Do.
Natrona County, Unincorporated Areas.	560036	June 20, 1973, Emerg; August 15, 1978, Reg; May 18, 2015, Susp.	.....do	Do.
Region X				
Washington:				
Ilwaco, City of, Pacific County	530127	April 2, 1974, Emerg; February 1, 1979, Reg; May 18, 2015, Susp.	.....do	Do.
Long Beach, City of, Pacific County	530128	September 27, 1974, Emerg; August 1, 1979, Reg; May 18, 2015, Susp.	.....do	Do.
Pacific County, Unincorporated Areas ..	530126	January 17, 1974, Emerg; January 5, 1978, Reg; May 18, 2015, Susp.	.....do	Do.
Raymond, City of, Pacific County	530129	April 2, 1974, Emerg; July 16, 1979, Reg; May 18, 2015, Susp.	.....do	Do.
Shoalwater Bay Indian Tribe, Pacific County.	530341	N/A, Emerg; January 4, 2002, Reg; May 18, 2015, Susp.	.....do	Do.
South Bend, City of, Pacific County	530130	October 16, 1974, Emerg; November 15, 1979, Reg; May 18, 2015, Susp.	.....do	Do.

*.....do =Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: April 8, 2013.

Roy E. Wright,

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

[FR Doc. 2015–09257 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 11

[Docket No. USCG–2015–0168]

Policy for Evaluating Sea Service Aboard Liftboats

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability of Office of Commercial Vessel Compliance (CVC) Policy Letter 14–03, Evaluating Sea Service Aboard Liftboats. This policy letter will provide guidance to mariners concerning endorsements to Merchant Mariner Credentials (MMC) for service on liftboats.

DATES: This policy letter is effective on April 6, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of availability, call or email Luke B. Harden, Mariner Credentialing Program Policy Division (CG–CVC–4), U.S. Coast Guard; telephone 202–372–2357, or *MMCPolicy@uscg.mil.* If you have questions on viewing material in the

docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Viewing Documents

The policy letter discussed below is available and can be viewed by going to *http://www.uscg.mil/nmc* and clicking on ''Regulations & Policy,'' then click on ''Policy Letters.''

Discussion

Liftboats spend significant periods elevated at work sites and are not underway at those times. The time a liftboat spends underway is generally limited to travelling to and from a job site, and may be a relatively small portion of the total time the liftboat is in operation. Because of these specialized operations, the Coast Guard considers liftboats to be unique vessels and has evaluated sea service on liftboats to determine its equivalency to traditional service.

This policy letter describes policy for the Coast Guards' evaluation of service obtained on liftboats used to qualify for national officer endorsements to an MMC.

Authority

This notice of availability is issued under the authority of 5 U.S.C. 552(a).

Dated: April 2, 2015.

J.C. Burton,

Captain, U.S. Coast Guard, Director, Inspection & Compliance.

[FR Doc. 2015–09052 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 648

[Docket No. 141125999–5362–02]

RIN 0648–BE68

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 26; Endangered and Threatened Wildlife; Sea Turtle Conservation

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

ACTION: Final rule.

SUMMARY: NMFS approves and implements through regulations the measures included in Framework Adjustment 26 to the Atlantic Sea Scallop Fishery Management Plan, which the New England Fishery Management Council adopted and submitted to NMFS for approval. The purpose of Framework 26 is to prevent overfishing, improve yield-per-recruit, and improve the overall management of the Atlantic sea scallop fishery. Framework 26 sets fishing specifications for 2015, including catch limits, days-at-sea allocations, individual fishing quotas, and sea scallop access area trip allocations. In addition, Framework 26 closes a portion of the Elephant Trunk Access Area and extends the boundaries of the Nantucket Lightship Access Area to protect small scallops, adjusts the State Waters Exemption Program, allows for Vessel Monitoring System declaration changes for vessels to steam home with product on board, implements a proactive accountability measure to protect windowpane flounder and yellowtail flounder, aligns two gear measures designed to protect sea turtles, and implements other measures to improve the management of the scallop fishery. Aligning the gear measures designed to protect sea turtles involves modifying existing regulations implemented under the Endangered Species Act; therefore, this action is implemented under joint authority of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Effective May 1, 2015, except for the amendment to § 648.51(b)(4)(iv), which will be effective May 21, 2015.

ADDRESSES: The Council developed an environmental assessment (EA) for this action that describes the action and other considered alternatives and provides a thorough analysis of the impacts of these measures. Copies of the Framework, the EA, and the Initial Regulatory Flexibility Analysis (IRFA), are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. The EA/IRFA is also accessible via the Internet at *http://www.nefmc.org/scallops/index.html* or *http://www.greateratlantic.fisheries.noaa.gov/regs/2015/March/15scalfw26turtlepr.html*.

Copies of the small entity compliance guide are available from John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, or available on the Internet at *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/*.

FOR FURTHER INFORMATION CONTACT: Travis Ford, Fishery Policy Analyst, 978–281–9233

SUPPLEMENTARY INFORMATION:

Background

The Council adopted Framework 26 on November 20, 2014, and submitted it to NMFS on February 17, 2015, for review and approval. Framework 26 specifies measures for fishing year 2015, but includes fishing year 2016 measures that will go into place as a default, should the next specifications-setting framework be delayed beyond the start of fishing year 2016. Fishing year 2015 default allocations have been in place since March 1, 2015, and allow for only 17 DAS and zero access area trips. The default measures are replaced by the higher Framework 26 allocations described below. Details concerning the development of these measures were contained in the preamble of the proposed rule and are not repeated here.

Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), and Set-Asides for the 2015 Fishing Year and Default Specifications for Fishing Year 2016

The allocations incorporate new biomass reference points that resulted from the Northeast Fisheries Science Center's most recent scallop stock benchmark assessment that was completed in July 2014. The assessment reviewed and updated the data and models used to assess the scallop stock and ultimately updated the reference points for status determinations. A comparison of the old and new reference points is outlined in Table 1.

TABLE 1—SUMMARY OF OLD AND NEW SCALLOP REFERENCE POINTS FROM THE LAST TWO BENCHMARK SCALLOP STOCK ASSESSMENTS IN 2010 AND 2014

	2010 Assessment	2014 Assessment
Fishing Mortality at Maximum Sustainable Yield (F_{msy})	0.38	0.48.
Biomass at Maximum Sustainable Yield (B_{msy})	125,000 mt	96,480 mt.

TABLE 1—SUMMARY OF OLD AND NEW SCALLOP REFERENCE POINTS FROM THE LAST TWO BENCHMARK SCALLOP STOCK ASSESSMENTS IN 2010 AND 2014—Continued

	2010 Assessment	2014 Assessment
½ B_{msy}	62,000 mt	48,240 mt.

Due to these reference point updates, we are updating the fishing mortality rates that the Council uses to set OFL, ABC, and ACL through this action. The Council set OFL based on an F of 0.48, equivalent to the F threshold updated through the 2014 assessment. The Council set ABC and the equivalent total ACL for each fishing year using an F of 0.38, which is the F associated with a 25-percent probability of exceeding the OFL. The Council's Scientific and Statistical Committee recommended scallop fishery ABCs for the 2015 and 2016 fishing years of 55.9 million lb (25,352 mt) and 70.1 million lb (31,807 mt), respectively, after accounting for discards and incidental mortality. The Scientific and Statistical Committee will reevaluate an ABC for 2016 when the Council develops the next framework adjustment. Table 2 outlines the scallop fishery catch limits derived from the ABC values.

TABLE 2—SCALLOP CATCH LIMITS FOR FISHING YEARS 2015 AND 2016 FOR THE LIMITED ACCESS AND LIMITED ACCESS GENERAL CATEGORY (LAGC) INDIVIDUAL FISHING QUOTA (IFQ) FLEETS

	2015	2016
Overfishing Limit	38,061 mt	45,456 mt.
ABC/ACL w/ discards removed	25,352 mt	31,807 mt.
Incidental Total Allowable Catch (TAC)	22.7 mt	22.7 mt.
Research Set-Aside (RSA)	567 mt	567 mt.
Observer Set-aside (1 percent of ABC/ACL)	254 mt	318 mt.
Limited Access sub-ACL (94.5 percent of total ACL, after deducting set-asides and incidental catch).	23,161 mt	29,200 mt.
Limited Access sub-ACT (adjusted for management uncertainty)	19,311 mt	23,016 mt.
LAGC IFQ sub-ACL (5.0 percent of total ACL, after deducting set-asides and incidental catch).	1,225 mt	1,545 mt.
LAGC IFQ sub-ACL for vessels with limited access scallop permits (0.5 percent of total ACL, after deducting set-asides and incidental catch).	123 mt	154 mt.

This action deducts 567 mt of scallops annually for 2015 and 2016 from the ABC and sets it aside as the Scallop research set-aside (RSA) to fund scallop research and to compensate participating vessels through the sale of scallops harvested under RSA projects. Framework 26 allows RSA to be harvested from the Mid-Atlantic Access Area that is opened for 2015, once this action is approved and implemented, but would prevent RSA harvesting from access areas under 2016 default measures. Of this 1.25 M lb (567 mt) allocation, NMFS has already allocated 397,470 lb (180.3 mt) to previously funded multi-year projects as part of the 2014 RSA awards process. NMFS reviewed proposals submitted for consideration of 2015 RSA awards and will be selecting projects for funding in the near future.

This action also sets aside 1 percent of the ABC for the industry-funded observer program to help defray the cost to scallop vessels that carry an observer. The observer set-asides for fishing years 2015 and 2016 are 254 mt and 318 mt, respectively. In fishing year 2015, the compensation rates for limited access vessels in open areas fishing under days-at-sea (DAS) is 0.08 DAS per DAS fished, and for access area trips the compensation rate is 150 lb, in addition to the vessel's possession limit for the trip for each day or part of a day an observer is onboard. LAGC IFQ vessels may possess an additional 150 lb per trip in open areas when carrying an observer. NMFS may adjust the compensation rate throughout the fishing year, depending on how quickly the fleets are using the set aside. The 2016 observer set-aside may be adjusted by the Council when it develops specific, non-default measures for 2016.

Open Area DAS Allocations

This action implements vessel-specific DAS allocations for each of the three limited access scallop DAS permit categories (*i.e.*, full-time, part-time, and occasional) for 2015 and 2016 (Table 3). Fishing year 2015 DAS allocations are almost identical to those allocated to the limited access fleet in 2014 (31 DAS for full-time, 12 DAS for part-time, and 3 DAS for occasional vessels). Fishing year 2016 DAS allocations are precautionary, and are set at 75 percent of what current biomass projections indicate could be allocated to each limited access scallop vessel for the entire fishing year. This is to avoid over-allocating DAS to the fleet in the event that the framework that would set those allocations is delayed past the start of the 2016 fishing year. The allocations in Table 3 exclude any DAS deductions that are required if the limited access scallop fleet exceeded its 2014 sub-ACL. The DAS values in Table 3 take into account a slight DAS reduction (0.14 DAS) to account for vessels steaming to southern ports while not accruing DAS (See *Adjustment to Vessel Monitoring System (VMS) Declaration Procedures for Some Open Area Trips*). In addition, the Council requested that DAS allocations now be specified to the hundredth decimal place, rather than rounding up or down to whole DAS. This is consistent with DAS accounting as vessels use DAS throughout the year. Table 3 also includes 2015 Default DAS that are replaced by the 2015 DAS.

TABLE 3—SCALLOP OPEN AREA DAS ALLOCATIONS FOR 2015 AND 2016

Permit category	Default 2015	2015	2016
Full-Time	17	30.86	26.00
Part-Time	7	12.94	10.40
Occasional *	1	2.58	2.17

* Note: There are no occasional vessels currently.

LA Allocations and Trip Possession Limits for Scallop Access Areas

For fishing year 2015 and the start of 2016, Framework 26 closes all three Georges Bank Access Areas (*i.e.*, Nantucket Lightship (NLS), Closed Area 1, and Closed Area 2 Access Areas) and opens all three Mid-Atlantic Access Areas (*i.e.*, Elephant Trunk, Delmarva, and Hudson Canyon Access Areas combined). This action extends the boundaries of the NLS Access Area that will be closed to the scallop fleet to include a concentration of small scallops near the existing boundary along the southeast corner, currently considered part of the open area. Opening this NLS extended closure area, which increases the NLS Access Area boundary by 158 square miles (409 square km), will be reconsidered in a future framework action when the scallops are larger and ready for harvest.

This action opens all three Mid-Atlantic access areas to both the limited access and LAGC IFQ fleet, and treats the three areas as one single area. This is named the Mid-Atlantic Access Area under this action. Scallop vessels are able to fish across all three areas in a single access area trip, except in one area within the Mid-Atlantic Access Area that is closed to scallop fishing. This area is seven 10-minute squares (*i.e.*, 548 square nautical miles, 1419 square km) in the northwest corner of the Elephant Trunk Access Area, and is closed to protect small scallops. This area constitutes roughly 35 percent of the current Elephant Trunk Access Area. The closure allows for the small concentrations of scallops in this portion of the access area to be protected as they grow to a more harvestable size. This action prohibits transiting across this small area due to its small size and because the incentive to fish in the area is relatively high due to the high abundance of scallops.

Table 4 outlines the limited access allocations that can be fished from the Mid-Atlantic Access Area. Vessels can take this allocation in as many trips as needed, so long as vessels do not exceed the trip possession limits (also in Table 4). These access area allocations for 2015 represent a 112-percent increase in access area allocations compared to 2014.

TABLE 4—SCALLOP ACCESS AREA POUNDAGE ALLOCATIONS AND TRIP POSSESSION LIMITS FOR 2015 AND 2016

Permit category	Possession limits	2015 Allocation	2016 Allocation
Full-Time	17,000 lb (7,711 kg)	51,000 lb (23,133 kg)	17,000 lb (7,711 kg).
Part-Time	10,200 lb (4,627 kg)	20,400 lb (9,253 kg)	10,200 lb (4,627 kg).
Occasional *	1,420 lb (644 kg)	4,250 lb (1,928 kg)	1,420 lb (644 kg).

* Note: There are no occasional vessels currently.

This action also modifies access area trip reporting procedures by requiring that each limited access vessel submit a pre-landing notification form through its VMS unit prior to returning to port at the end of each access area trip, including trips where no scallops are landed. These pre-landing notifications replace the current broken trip and compensation trip procedures. Vessels are no longer required to submit a broken trip notification form if they are unable to land their full possession limits on an access area trip. Vessels also no longer need to apply to NMFS to receive, or wait for NMFS to issue, a compensation trip to fish their remaining access area scallop allocation.

For example, under Framework 26 access area allocations, a full-time vessel receives 51,000 lb (23,133 kg) in the Mid-Atlantic Access Area. That allocation can be landed on as many or as few trips as needed, so long as the 17,000-lb (7,711-kg) possession limit is not exceeded on any one trip. The vessel may choose to fish its full allocation over the course of three trips, landing the maximum allowance of 17,000 lb (7,711 kg) on each trip, or it can choose to fish its full allocation over the course of two, three, or more trips, landing less than the trip possession limit on each trip. Regardless, the vessel must submit a pre-landing notification form prior to returning to port for each access area trip, but does not have to wait for NMFS to issue a compensation trip prior to starting its next access area trip.

Under this action, each vessel automatically carries over unharvested access area allocation that the vessel can fish in the first 60 days of the subsequent fishing year, as long as the access area is open for scallop fishing during that time. This change results in little change to the amount of carryover NMFS expects from year to year because most vessels with unharvested access area pounds took advantage of the broken trip provisions. Also, Framework 26 accounts for the uncertainty associated with carryover by setting the limited access fishery's ACT lower than the fishery's ACL. The ACT is meant to prevent carryover from causing the fleet to exceed an ACL.

Although vessel owners are ultimately responsible for tracking their own scallop access area landings and ensuring they do not exceed their annual allocations, NMFS will match dealer-reported scallop landing records with access area trip declarations and make that information available on the web-based allocation monitoring tool, Fish-On-Line, which each vessel owner can access and review.

Adjustment to VMS Declaration Procedures for Some Open Area Trips

This action enables a vessel to declare out of a DAS trip at or south of Cape May, NJ (specifically, at or south of 39° N. lat.), once it goes inside the VMS demarcation line, and then, with scallops on board, steam seaward of the VMS demarcation line to ports south of Cape May, NJ, without being charged DAS. This measure does not apply to vessels that intend to land scallops in ports north of Cape May, NJ. Once this change in declaration to ''declare out of

fishery'' has been made, vessels are required to submit a scallop pre-landing notification form through VMS, return directly to port and offload scallops immediately, and stow all gear. In addition, such vessels are prohibited from having on board any in-shell scallops. The purpose of the is measure is to provide an incentive for vessels to land scallops in the fishery's southern-most ports by reducing some of the steaming time to return from more distant and heavily fished fishing grounds.

Because this change in when some vessels may ''clock out'' of their DAS could impact overall DAS allocations to the fleet, this action also reduces the overall DAS allocated to each limited access scallop vessel. The DAS adjustment (which has already been calculated into the DAS allocations proposed in Table 3) is a decrease of 0.14 DAS for full-time vessels and 0.06 DAS for part-time vessels. This measure, including the appropriate DAS deductions, was supported by the Council's Advisory Panel.

Additional Access Area Measures To Reduce Impacts on Small Scallops

1. Crew Limit Restrictions in Access Areas. This action implements crew limits for all access areas. In an effort to protect small scallops and discourage vessels from high-grading (discarding smaller scallops in exchange for larger ones), Framework 26 imposes a crew limit of eight individuals per limited access vessel, including the captain, when fishing in any scallop access area. If a vessel is participating in the small dredge program, it may not have more than six people on board, including the captain, on an access area trip. These crew limits may be reevaluated in a future framework action.

2. Delayed Harvesting of Default 2016 Mid-Atlantic Access Area Allocations. Although the Framework includes precautionary access area allocations for the 2016 fishing year (see 2016 allocations in Table 4), vessels have to wait to fish these allocations until April 1, 2016. This precautionary measure is designed to protect scallops when scallop meat weights are lower than other times of the year (generally, this change in meat-weight is a physiological change in scallops due to spawning). However, if a vessel has not fully harvested its 2015 scallop access area allocation in fishing year 2015, it may still fish the remainder of its allocation in the first 60 days of 2016 (*i.e.*, March 1, 2016, through April 29, 2016).

3. 2016 RSA Harvest Restrictions. This action prohibits vessels participating in RSA projects from harvesting RSA in the Mid-Atlantic Access Area under default 2016 measures. At the start of 2016, RSA can only be harvested from open areas. This will be re-evaluated for the remainder of 2016 in the framework action that would set final 2016 specifications.

LAGC Measures

1. *Sub-ACL for LAGC vessels with IFQ permits.* For LAGC vessels with IFQ permits, this action implements a 1,225-mt ACL for 2015 and an initial ACL of 1,545 mt for 2016 (Table 2). We calculate IFQ allocations by applying each vessel's IFQ contribution percentage to these ACLs. These allocations assume that no LAGC IFQ AMs are triggered. If a vessel exceeds its IFQ in a given fishing year, its IFQ for the subsequent fishing year would be reduced by the amount of the overage.

Because Framework 26 is being implemented after the March 1 start of fishing year 2015, the default 2015 IFQ allocations went into place automatically on March 1, 2015. This action increases the current vessel IFQ allocations. NMFS sent a letter to IFQ permit holders providing both March 1, 2015, IFQ allocations and Framework 26 IFQ allocations so that vessel owners know what mid-year adjustments will occur now that Framework 26 is approved.

2. *Sub-ACL for Limited Access Scallop Vessels with IFQ Permits.* For limited access scallop vessels with IFQ permits, this action implements a 123-mt ACL for 2015, and an initial 154-mt ACL for 2016 (Table 2). We calculate IFQ allocations by applying each vessel's IFQ contribution percentage to these ACLs. These allocations assume that no LAGC IFQ accountability measures (AMs) are triggered. If a vessel exceeds its IFQ in a given fishing year, its IFQ for the subsequent fishing year will be reduced by the amount of the overage.

3. *LAGC IFQ Trip Allocations and Possession Limits for Scallop Access Areas.* Framework 26 allocates the LAGC IFQ vessels a fleetwide number of trips that can be taken in the Mid-Atlantic Access Area. Framework 26 allocates 2,065 and 602 trips in 2015 and 2016, respectively, to this area. Under default 2016 measures, LAGC IFQ vessels must wait to fish these trips until April 1, 2016.

These trip allocations are equivalent to the overall proportion of total catch from access areas compared to total catch. For example, the total projected catch for the scallop fishery in 2015 is 20,865 mt, and 8,700 mt are projected to come from access areas, roughly 41.7 percent. If the same proportion is applied to total LAGC IFQ catch, the total allocation to LAGC IFQ vessels from access areas would be about 600 mt, roughly 44.5 percent of the total LAGC IFQ sub-ACL for 2015 (1,348 mt).

4. Northern Gulf of Maine (*NGOM) TAC.* This action allocates a 70,000-lb (31,751-kg) annual NGOM TAC for fishing years 2015 and 2016. The allocation for 2015 assumes that there are no overages in 2014, which would trigger a pound-for-pound deduction in 2015 to account for the overage.

5. *Scallop Incidental Catch Target TAC.* This action allocates a 50,000-lb (22,680-kg) scallop incidental catch target TAC for fishing years 2015 and 2016 to account for mortality from this component of the fishery, and to ensure that F targets are not exceeded. The Council and NMFS may adjust this target TAC in a future action if vessels catch more scallops under the incidental target TAC than predicted.

Adjustments to Gear Modifications To Protect Sea Turtles

This action adjusts season regulations for the sea turtle deflector dredge (TDD) and area regulations for the sea turtle chain mat to make them consistent by moving the chain mat requirement line to 71° W. long. and changing the end of the TDD season from October to November. By making the area and season for these two gear modifications consistent, west of 71° W. long. from May through November, the conservation benefit of the current chain mat and TDD requirements is maintained, while reducing the regulatory complexity of differing seasons and areas. Any reduction in the size of the area in which chain mats would be required is balanced by an extension of the season that TDDs would be required.

This action also makes a very slight modification to the TDD gear regulations for safety purposes. Current TDD gear regulations allow for a flaring bar to ensure safe handling of the dredge. Prior to this action, this flaring bar could only be attached to the dredge frame on one side. This action adjusts this regulation to allow for a bar or ''u''-shaped flaring mechanism to support safety at sea. Allowing a u-shaped flaring mechanism should not have an impact on sea turtles and the effectiveness of the TDD because the flaring bar or mechanism would still be prohibited from being attached within 12 inches (30.5 cm) of the ''bump out'' of the TDD and not between the bale bars. This change requires that each side of the bar or mechanism be no more than 12 inches (30.5 cm) in length.

This action does not change any other regulatory requirements for the use of chain mats and TDDs.

Adjustments to the State Water Exemption Program To Include NGOM Management Area Exemptions

Framework 26 modifies the State Water Exemption Program to include a new exemption that enables scallop vessels to continue to fish in state waters after the NGOM hard TAC is reached. This action expands the exemptions to include this new measure related to the NGOM. Specifically, states within the NGOM management area (*i.e.*, Massachusetts, New Hampshire, and Maine) can request an exemption from the regulation that requires that scallop vessels must stop fishing in the state waters portion of the NGOM once the Federal TAC has been reached. States have to apply for this exemption and specify to which vessels this would apply (*e.g.*, vessels with NGOM permits, IFQ permits, incidental permits, or limited access permits).

This measure alleviates the concerns of Maine permit holders about their ability to fish in state waters when the state season is open in the winter if the NGOM TAC is reached by giving the state the ability to apply for an exemption through the State Water Exemption Program. Because the NGOM Federal TAC is set based only on the Federal portion of the resource, NMFS does not expect this measure to compromise the Atlantic Sea Scallop Fishery Management Plan's (FMP's) limits on catch and mortality.

Proactive AMs for Flatfish Protection

Prior to Framework 26, all scallop vessels (*i.e.,* limited access and LAGC) fishing for scallops with dredges in open areas west of 71° W. long. were required to have their dredges configured so that no dredge has more than seven rows of rings in the apron (*i.e.,* the area between the terminus of the dredge (clubstick) and the twine top) on the topside of the dredge. The twine top helps finfish (flatfish in particular) escape from the dredge during fishing and the maximum number of rows of rings prevents fishermen from making the twine top small and ineffective in reducing bycatch. Framework 26 extends this proactive accountability measure to all areas where scallop fishing occurs (*i.e.,* all access and open areas). This increased spatial coverage may further reduce flatfish bycatch by preventing dredge configurations using more than seven rows of rings. This is considered to be a proactive AM because it may help the fishery stay below the sub-ACLs for flatfish (yellowtail flounder and windowpane flounder, currently). Additionally, this measure enables vessels to voluntarily fish with an even shorter apron (less than seven rings), to proactively reduce flatfish bycatch in any area or season.

Regulatory Corrections Under Regional Administrator Authority

This rule includes several revisions to the regulatory text to address text that is unnecessary, outdated, unclear, or otherwise could be improved. NMFS changes these consistent with section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which provides that the Secretary of Commerce may promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the Magnuson-Stevens Act. Two revisions clarify how to apply and measure gear modifications to ensure compliance. The first revision at § 648.51 clarifies where to measure meshes to ensure twine top compliance. The second revision at § 648.53 clarifies an example on how the hanging ratio should be applied and measured if the windowpane reactive AM implemented through Framework 25 (June 26, 2014; 79 FR 34251) is triggered.

This action also modifies the VMS catch report requirements at § 648.10(f)(4)(i) to only include the information used by NMFS to monitor flatfish bycatch. The form currently requires that the amount of yellowtail flounder discards be reported daily. This requirement has been in place since Amendment 15 to the Scallop FMP (76 FR 43746; July 21, 2011), which established the yellowtail flounder AMs in the FMP. However, since the implementation of Amendment 15, the scallop fishery now has other bycatch sub-ACLs and AMs (*e.g.,* SNE/MA windowpane flounder) which are not captured in this form. In addition, current bycatch monitoring relies solely on observer reports to determine bycatch discards for these species. In order to minimize confusion, and because this information is not necessary for bycatch monitoring, we will remove the reference to reporting yellowtail discards. Instead, the vessels will report daily scallop catch and the amount of all other species kept.

In addition, this action adjusts the regulations at § 648.53(a) to clarify that the values for ABC/ACL stated in the regulations reflect the levels from which ACTs are set, thus they do not include estimates of discards and incidental mortality. This regulatory clarification is at the request of the Council and more accurately reflects the process for establishing ABCs and ACLs in the scallop fishery.

Comments and Responses

NMFS received six comment letters in response to the proposed rule from: Fisheries Survival Fund, a scallop fishing industry organization; the Maine Department of Marine Resources; and four individuals. We provide responses below to the issues these commenters raised. NMFS may only approve, disapprove, or partially approve measures in Framework 26, and cannot substantively amend, add, or delete measures beyond what is necessary under section 305(d) of the Magnuson-Stevens Act to discharge its responsibility to carry out such measures.

Comment 1: Fisheries Survival Fund, which represents a majority of the limited access scallop fleet, was supportive of this action, but asked that we waive the delay of effectiveness period for the measures related to access area allocations and DAS. It asked that we retain the 30-day delay of effectiveness period for other measures that may require some time for the industry to make the necessary changes, *e.g.,* gear modifications.

Response: NMFS agrees with the timing suggestions and will be implementing all measures upon publication of this final rule, with the exception of the maximum seven-row apron requirement. This measure will have a 30-day delay in effectiveness.

Comment 2: One commenter was concerned that, because the Georges Bank Access Areas are closing and the Mid-Atlantic Access Area is opening in May, there may be a gear conflict with 15–20 monkfish gillnetters in the Delmarva Access Area. The commenter was concerned that the scallop vessels would dredge through their gear because April through June is the height of the monkfish fishing season.

Response: The scallop fishery operates year round. The delayed opening of Delmarva in fishing year 2014 (mid-June instead of March 1) was a result of a delay in the Council's submission of Framework Adjustment 26 to the Atlantic Sea Scallop FMP due to additional alternatives that were added late in the process. This action was intended to be in place before May. In the past, when we had 2-year specifications, the Delmarva area was opened on March 1. Also, the Delmarva area is currently opened to scallop fishing from 2014 carryover trips and will be through April. The commenter did not ask us to delay access to this area to give the monkfish fleet time to make the necessary adjustments, but

they asked that we not allow scallopers in the area until they were done fishing. We cannot delay access area trips to prevent gear conflict because the Council did not address this issue in Framework 26. Section 305(1)(K) of the Magnuson-Stevens Act prohibits the negligent removal or damaging of fishing gear owned by another person, which is located in the exclusive economic zone, or the fish contained in such fishing gear. We will remind the scallop fleet of this prohibition in a bulletin announcing the implementation of Framework 26.

Comment 3: The Maine Department of Marine Resources commented in support of the rule, in particular, the proposed modifications to the State Water Exemption Program.

Response: NMFS appreciates the comment.

Comment 4: One commenter stated that fishing year 2015 scallop quotas should be reduced by 25 percent to account for poaching.

Response: There is no evidence in the record to support neither this assertion nor the need to reduce scallop quotas by 25 percent to address poaching. As we discuss in the preambles to both the proposed and final rules, the quota allocations for fishing years 2015 and 2016 are based on the best scientific information available and are consistent with the control rules outlined in the ACL process established under Amendment 15 to the FMP. We do not currently consider scallops overfished or subject to overfishing. Sufficient analysis and scientific justification for our action in this final rule are contained within the supporting documents.

Comment 5: One commenter stated that anyone who kills a turtle should be fined $1 million.

Response: As discussed in the preamble, the measures in this action to address turtle interactions were determined to be conservation neutral by balancing the smaller area for the turtle chain mat requirement with the additional months for the Turtle Deflector Dredge. Addressing any fines for the incidental take of turtles is not within the scope or authority for this type of action.

Comment 6: One commenter requested that we increase the 40-lb possession limit for vessels with incidental LAGC permits.

Response: Framework 26 did not include or analyze any alternatives regarding changes to possession limits for LAGC incidental permits. NMFS can only approve or disapprove this framework and cannot in this action add additional substantive measures not contained in the framework. The Council would have to consider this change in a subsequent action.

Comment 7: One commenter simply stated that he opposed this action because he loves and needs scallops.

Response: Framework 26 creates two closure areas to protect small scallops in the Elephant Trunk and Nantucket Lightship Access Areas, and NMFS has managed scallop fishing through area-based management since 1999. By protecting small scallops through area-based management, NMFS and the Council hope to support long term optimum yield. Under this management, NMFS and the Council intend to support this fishery that fills a demand for scallops that the U.S. and world love.

Changes From Proposed Rule to Final Rule

We corrected a typographical error that referenced section § 648.65, and we included changes to the regulatory text to §§ 648.58, 648.59, and 648.61 clarify the description of the regulated areas defined under the Scallop FMP.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, the ESA, and other applicable law.

The Office of Management and Budget (OMB) has determined that this rule is not significant according to Executive Order (E.O.) 12866.

This final rule does not contain policies with federalism or ''takings'' implications, as those terms are defined in E.O. 1312 and E.O. 12630, respectively.

This action contains collection-of-information requirements subject the Paperwork Reduction Act (PRA). The two requirements were approved by OMB under the NMFS Greater Atlantic Region Scallop Report Family of Forms (OMB Control No. 0648–0491). Under Framework 26, all 347 limited access vessels are required to submit a pre-landing notification form for each access area trip through their VMS units. This information collection is intended to improve access area trip monitoring, as well as streamline a vessel's ability to fish multiple access area trips. Although this is a new requirement, it replaces other reporting procedures currently required for breaking an access area trip and receiving permission to take a compensation trip to harvest remaining unharvested scallop pounds from an access area trip. The action also includes a new requirement for some limited access vessels to report a pre-landing notification form through their VMS unit before changing their open area trip declaration to a ''declared out of fishery declaration,'' which is expected to add a burden to a very small portion of the fleet. Public reporting burden for submitting these pre-landing notification forms is estimated to average 5 minutes per response with an associated cost of $1.25, which includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This requirement applies to a few vessels that intend to land open area scallops at ports south of Cape May, NJ, and want to steam to those ports while not using DAS. This new pre-landing requirement is necessary to enforce a measure intended to assist shoreside businesses in southern ports by providing an incentive for vessels to steam to ports far away from popular open area fishing grounds.

In a given fishing year, NMFS estimates that for access area reporting, each of the 313 full-time limited access vessels will submit a pre-landing report 5 times (1,565 responses), and each of the 34 part-time limited access vessel will submit a pre-landing report up to 3 times (102 responses), for a total of 1,667 responses. These 1,667 responses impose total compliance costs of $2,084 on the whole fishery, but this cost is offset by the reduction in burden from the replaced trip termination and compensation trip reporting procedures, which were estimated to cost a total of $300 annually. Thus, the additional burden for this new pre-landing requirement is $1,785 ($2,085 − $300), or $5.14 per vessel. This is likely an overestimate, but accounts for the potential of higher access area scallop allocations in future fishing years.

For the new DAS pre-landing requirements, NMFS estimates that this will likely impact 30 vessels and result in each of those vessels reporting one time a year. Public reporting burden for submitting these pre-landing notification forms is also estimated to average 5 minutes per response with an associated cost of $1.25. Therefore, the total cost of this will impose total compliance costs of $38 (30 vessels × $1.25). The total additional burden for all vessels from both of these new pre-landing requirements is $1,823.

The Assistant Administrator for Fisheries has determined that the need to implement these measures in an expedited manner in order to help achieve conservation objectives for the

scallop fishery and certain fish stocks constitutes good cause, under authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness and to make the majority of Framework 26 final measures effective May 1, 2015, or upon publication in the **Federal Register** if published after May 1, 2015. The only exception to this waiver is the proactive accountability measure for bycatch requiring a maximum of seven rows of rings in the topside of the apron found in § 648.51(b)(4)(iv). This measure is effective 30 days after the publication date, in order to give vessels the opportunity to modify their gear to comply with regulations.

If there is a 30-day delay in implementing the measures in Framework 26, the scallop fleet will continue under the current default access area, DAS, IFQ, RSA, and observer set-aside allocations. These default allocations were purposely set to be more conservative than what would eventually be implemented under Framework 26. Under default measures, each full-time vessel has 17 DAS and no access area allocation. If the rule is not in place May 1, many scallopers will not be able to fish because they have already used a significant portion of their default DAS. This action gives them another 13.86 DAS. More importantly, the entire fleet will not be allowed in the Access Area. Each full time vessel will receive an additional 51,000 to be harvested in the Mid-Atlantic Access Area with this action. This action, therefore, relieves restrictions on the scallop fleet by providing full-time vessels with an additional 13.86 DAS (30.86 DAS total) and 51,000 lb in access area allocation. Further, the catch rates, meat weights, and meat quality in Mid-Atlantic Access Area are best from May through July. Improving these parameters helps conserve the scallop resources in the access areas because it limits the number of individuals that scallop fishermen must harvest to reach a possession limit. Maximizing catch rates, meat weights, and meat quality will help the scallop fleet achieve optimum yield in the Mid-Atlantic Access Area, which is the central goal of the access area rotation program. Therefore, the greatest benefits to the scallop fishing industry, the scallop resource, and the public would come from earlier access in May. This provides more time for vessels to fish during the most productive time for the resource. Delaying the implementation of Framework 26 for 30 days would be contrary to the public interest because continuing with these lower allocations would negatively impact the access area rotation program, as well as the scallop fleet economically. Any delay in implementation past May 1st would reduce the amount of time that scallop fishermen are able to fish in the Mid-Atlantic Access Area under the conditions that are ideal under the access area rotation program.

For the reasons discussed above, to maximize conservation and economic benefits it necessary to allow access to the Mid-Atlantic Access Area on May 1. NMFS was unable to allow for a 30-day delay in effectiveness for Framework 26 rulemaking and allow access to the Mid-Atlantic Access Area on May 1. The Council's February 2015 submission of Framework 26 initiated a timeline for implementation that did not for both the 30-day delay in effectiveness and May 1 access to the Mid-Atlantic Access Area. However, NMFS must also consider the need of the scallop industry to have prior notice in order to make the necessary preparations to comply with changes to the gear required by the proactive accountability measure for bycatch. For these reasons, NMFS has determined that implementing these measures immediately, and with a 30-day delay in effectiveness of the proactive accountability measure for bycatch, would have the greatest public benefit.

NMFS, pursuant to section 604 of the Regulatory Flexibility Act (RFA), has completed a final regulatory flexibility analysis (FRFA) in support of Framework 26 in this final rule. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS responses to those comments, a summary of the analyses completed in the Framework 26 EA, and this portion of the preamble. A summary of the IRFA was published in the proposed rule for this action and is not repeated here. A description of why this action was considered, the objectives of, and the legal basis for this rule is contained in Framework 26 and in the preamble to the proposed and this final rule, and is not repeated here. All of the documents that constitute the FRFA are available from NMFS and a copy of the IRFA, the Regulatory Impact Review (RIR), and the EA are available upon request (see **ADDRESSES**).

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments

NMFS received no public comments directly in response to the IRFA summary or regarding economic impacts in the proposed rule.

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

The regulations affect all vessels with limited access and LAGC scallop permits. The Framework 26 document provides extensive information on the number and size of vessels and small businesses that will be affected by these regulations, by port and state (see **ADDRESSES**). There were 313 vessels that obtained full-time limited access permits in 2013, including 250 dredge, 52 small-dredge, and 11 scallop trawl permits. In the same year, there were also 34 part-time limited access permits in the sea scallop fishery. No vessels were issued occasional scallop permits. NMFS issued 212 LAGC IFQ permits in 2013, and 155 of these vessels actively fished for scallops that year (the remaining permits likely leased out scallop IFQ allocations with their permits in Confirmation of Permit History). The Small Business Administration (SBA) defines a small business in shellfish fishery as a firm that is independently owned and operated and not dominant in its field of operation, with receipts of up to $5.5 M annually. Matching the potentially impacted 2013 fishing year permits described above (LA and LAGC IFQ) to calendar year 2013 ownership data results in 172 distinct ownership entities for the limited access fleet and 115 distinct ownership entities for the LAGC IFQ fleet. Of these, and based on the SBA guidelines, 154 of the limited access distinct ownership entities and all 115 of the LAGC IFQ entities are categorized as small. The remaining 18 of the limited access entities are categorized as large entities, all of which are shellfish businesses.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This action contains collection-of-information requirements subject to the PRA. The OMB, under the NMFS Greater Atlantic Region Scallop Report Family of Forms (OMB Control No. 0648–0491), approved the two requirements.

Under this action, all 347 limited access vessels are required to submit a pre-landing notification form for each access area trip through their VMS units. NMFS intends that this information collection will improve access area trip monitoring, as well as streamline a vessel's ability to fish multiple access area trips. Although this is a new requirement, it replaces other

reporting procedures currently required for breaking an access area trip and receiving permission to take a compensation trip to harvest remaining unharvested scallop pounds from an access area trip. The action also includes a new requirement for some limited access vessels to report a pre-landing notification form through their VMS unit before changing their open area trip declaration to a ''declared out of fishery declaration,'' which is expected to add a burden to a very small portion of the fleet. This requirement only applies to a few vessels that intend to land open area scallops at ports south of Cape May, NJ, and want to steam to those ports while not using DAS. This new pre-landing requirement is necessary to enforce a measure intended to assist shoreside businesses in southern ports by providing an incentive for vessels to steam to ports far away from popular open area fishing grounds.

Notification requires the dissemination of the following information: Operator's permit number; amount of scallop meats and/or bushels to be landed; the estimated time of arrival; the landing port and state where the scallops will be offloaded; and the vessel trip report (VTR) serial number recorded from that trip's VTR. This information will be used by the NMFS Office of Law Enforcement to monitor vessel activity and ensure compliance with the regulations.

The burden estimates for these new requirements apply to all limited access vessels. In a given fishing year, NMFS estimates that for access area reporting, each of the 313 full-time limited access vessels will submit a pre-landing report 5 times (1,565 responses), and each of the 34 part-time limited access vessel will submit a pre-landing report up to 3 times (102 responses), for a total of 1,667 responses. Public reporting burden for submitting these pre-landing notification forms is estimated to average 5 minutes per response with an associated cost of $1.25, which includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Therefore, 1,667 responses impose total compliance costs of $2,084 across the whole fishery; however, this new requirement replaces current trip termination and compensation trip reporting procedures, which were estimated to cost a total of $300 annually, so the additional burden for this new pre-landing requirement is actually $1,785 ($2,085 − $300), or $5.14 per vessel. This figure is likely an overestimate, but accounts for the potential of higher access area scallop allocations in future fishing years. For the new DAS pre-landing requirements, NMFS estimates that this will likely impact 30 vessels and result in each of those vessels reporting one time a year. Public reporting burden for submitting these pre-landing notification forms is also estimated to average 5 minutes per response with an associated cost of $1.25. Therefore, the total cost of this will impose total compliance costs of $38 (30 vessels x $1.25). The total additional burden from both of these new pre-landing requirements will be $1,823.

NMFS sought public comment regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. NMFS did not receive any comments regarding these collections of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

This action contains no other compliance costs. It does not duplicate, overlap, or conflict with any other Federal law.

Description of the Steps the Agency Has Taken to Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes

During the development of Framework 26, NMFS and the Council considered ways to reduce the regulatory burden on, and provide flexibility for, the regulated entities in this action. For example, they removed the requirement to send in broken trip forms and process compensation trips, and they allowed carryover of all access area allocation 60 days into the following fishing year. Final actions and alternatives are described in detail in Framework 26, which includes an EA, RIR, and IRFA (available at **ADDRESSES**). The measures implemented by this final rule minimize the long-term economic impacts on small entities to the extent practicable. The only alternatives for the prescribed catch limits that were analyzed were those that met the legal requirements to implement effective conservation measures. Catch limits are fundamentally a scientific calculation based on the Scallop FMP control rules and SSC approval, and therefore are legally limited to the numbers contained in this rule. Moreover, the limited number of alternatives available for this action must be evaluated in the context of an ever-changing fishery management plan that has considered numerous alternatives over the years and have provided many mitigating measures applicable every fishing year.

Overall, this rule minimizes adverse long-term impacts by ensuring that management measures and catch limits result in sustainable fishing mortality rates that promote stock rebuilding, and as a result, maximize yield. The measures implemented by this final rule also provide additional flexibility for fishing operations in the short-term. This final rule implements several measures that enable small entities to offset some portion of the estimated economic impacts. These measure include: Removing the requirement to send in broken trip and compensation trip forms; allowing vessels to harvest access area quota in any of the three access areas; aligning the gear designed to protect sea turtles; allowing vessel landing at a port south of 39 degrees N. lat. to ''declare out of fishery with product on board'' to reduce DAS use while transiting; and modifying the State Waters Exemption Program to allow vessels to continue to fish in state waters if the NGOM TAC is reached.

List of Subjects

50 CFR Part 223

Endangered and threatened species, Exports, Imports, Transportation.

50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: April 16, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR parts 223 and 648 is amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.206, paragraph (d)(11) is revised to read as follows:

§ 223.206 Exceptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *

(11) *Restrictions applicable to sea scallop dredges in the mid-Atlantic*—(i) *Gear Modification.* During the time period of May 1 through November 30, any vessel with a sea scallop dredge and required to have a Federal Atlantic sea scallop fishery permit, regardless of dredge size or vessel permit category, that enters waters west of 71° W. long., from the shoreline to the outer boundary of the Exclusive Economic Zone must have on each dredge a chain mat described as follows. The chain mat must be composed of horizontal (''tickler'') chains and vertical (''up-and-down'') chains that are configured such that the openings formed by the intersecting chains have no more than four sides. The vertical and horizontal chains must be hung to cover the opening of the dredge bag such that the vertical chains extend from the back of the cutting bar to the sweep. The horizontal chains must intersect the vertical chains such that the length of each side of the openings formed by the intersecting chains is less than or equal to 14 inches (35.5 cm) with the exception of the side of any individual opening created by the sweep. The chains must be connected to each other with a shackle or link at each intersection point. The measurement must be taken along the chain, with the chain held taut, and include one shackle or link at the intersection point and all links in the chain up to, but excluding, the shackle or link at the other intersection point.

(ii) Any vessel that enters the waters described in paragraph (d)(11)(i) of this section and that is required to have a Federal Atlantic sea scallop fishery permit must have the chain mat configuration installed on all dredges for the duration of the trip.

(iii) Vessels subject to the requirements in paragraphs (d)(11)(i) and (ii) of this section transiting waters west of 71° W. long., from the shoreline to the outer boundary of the Exclusive Economic Zone, will be exempted from the chain-mat requirements provided the dredge gear is not available for immediate use as defined by § 648.2 of this title and there are no scallops on-board.

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 3. The authority citation for part 648 continues to read as follows:

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

■ 4. In § 648.10, paragraphs (e)(5)(iii) and (f)(4) are revised, and paragraph (f)(6) is added to read as follows:

§ 648.10 VMS and DAS requirements for vessel owners/operators.

* * * * *

(e) * * *

(5) * * *

(iii) DAS counting for a vessel that is under the VMS notification requirements of paragraph (b) of this section, with the exception of vessels that have elected to fish exclusively in the Eastern U.S./Canada Area on a particular trip, as described in paragraph (e)(5) of this section, begins with the first location signal received showing that the vessel crossed the VMS Demarcation Line after leaving port. DAS counting ends with the first location signal received showing that the vessel crossed the VMS Demarcation Line upon its return to port, unless the vessel is declared into a limited access scallop DAS trip and, upon its return to port, declares out of the scallop fishery shoreward of the VMS Demarcation Line at or south of 39° N. lat., as specified in paragraph (f)(6) of this section, and lands in a port south of 39° N. lat.

* * * * *

(f) * * *

(4) *Catch reports.* (i) The owner or operator of a limited access or LAGC IFQ vessel that fishes for, possesses, or retains scallops, and is not fishing under a NE Multispecies DAS or sector allocation, must submit reports through the VMS, in accordance with instructions to be provided by the Regional Administrator, for each day fished, including open area trips, access area trips as described in § 648.60(a)(9), and trips accompanied by a NMFS-approved observer. The reports must be submitted for each day (beginning at 0000 hr and ending at 2400 hr) and not later than 0900 hr of the following day. Such reports must include the following information:

(A) VTR serial number;

(B) Date fish were caught;

(C) Total pounds of scallop meats kept;

(D) Total pounds of all fish kept.

(ii) *Scallop Pre-Landing Notification Form for IFQ and NGOM vessels.* A vessel issued an IFQ or NGOM scallop permit must report through VMS, using the Scallop Pre-Landing Notification Form, the amount of any scallops kept on each trip declared as a scallop trip, including declared scallop trips where no scallops were landed. In addition, vessels with an IFQ or NGOM permit must submit a Scallop Pre-Landing Notification Form on trips that are not declared as scallop trips, but on which scallops are kept incidentally. A limited access vessel that also holds an IFQ or NGOM permit must submit the Scallop Pre-Landing Notification Form only when fishing under the provisions of the vessel's IFQ or NGOM permit. VMS Scallop Pre-Landing Notification forms must be submitted no less than 6 hours prior to arrival, or, if fishing ends less than 6 hours before arrival, immediately after fishing ends. If scallops will be landed, the report must include the vessel operator's permit number, the amount of scallop meats in pounds to be landed, the number of bushels of in-shell scallops to be landed, the estimated time of arrival in port, the landing port and state where the scallops will be offloaded, the VTR serial number recorded from that trip's VTR (the same VTR serial number as reported to the dealer), and whether any scallops were caught in the NGOM. If no scallops will be landed, a vessel issued an IFQ or NGOM scallop permit must provide only the vessel's captain/operator's permit number, the VTR serial number recorded from that trip's VTR (the same VTR serial number as reported to the dealer), and confirmation that no scallops will be landed. A vessel issued an IFQ or NGOM scallop permit may provide a corrected report. If the report is being submitted as a correction of a prior report, the information entered into the notification form will replace the data previously submitted in the prior report. Submitting a correction does not prevent NMFS from pursuing an enforcement action for any false reporting.

(iii) *Scallop Pre-Landing Notification Form for limited access vessels fishing on Scallop Access Area trips.* A limited access vessel on a declared Sea Scallop Access Area trip must report through VMS, using the Scallop Pre-Landing Notification Form, the amount of any scallops kept on each access area trip, including declared access area trips where no scallops were landed. The report must be submitted no less than 6 hours before arrival, or, if fishing ends less than 6 hours before arrival,

immediately after fishing ends. If scallops will be landed, the report must include the vessel operator's permit number, the amount of scallop meats in pounds to be landed, the number of bushels of in-shell scallops to be landed, the estimated time of arrival, the landing port and state where the scallops will be offloaded, and the VTR serial number recorded from that trip's VTR (the same VTR serial number as reported to the dealer). If no scallops will be landed, a limited access vessel on a declared Sea Scallop Access Area trip must provide only the vessel's captain/operator's permit number, the VTR serial number recorded from that trip's VTR (the same VTR serial number as reported to the dealer), and confirmation that no scallops will be landed. A limited access scallop vessel may provide a corrected report. If the report is being submitted as a correction of a prior report, the information entered into the notification form will replace the data previously submitted in the prior report. Submitting a correction does not prevent NMFS from pursuing an enforcement action for any false reporting. A vessel may not offload its catch from a Sea Scallop Access Area trip at more than one location per trip.

(iv) *Scallop Pre-Landing Notification Form for limited access vessels on a declared DAS trip landing scallops at ports located at or south of 39° N. lat.* In order to end a declared Sea Scallop DAS trip and steam south of 39° N. lat., a limited access vessel must first report through VMS, using the Scallop Pre-Landing Notification Form, the amount of any scallops kept on its DAS trip. Upon crossing shoreward of the VMS Demarcation Line at or south of 39° N. lat., the Scallop Pre-Landing Notification form must be submitted. The report must include the vessel operator's permit number, the amount of scallop meats in pounds to be landed, the estimated time of arrival in port, the landing port and state where the scallops will be offloaded, and the VTR serial number recorded from that trip's VTR (the same VTR serial number as reported to the dealer). Prior to crossing seaward of the VMS Demarcation Line for the transit to a southern port at or south of 39° N. lat., the vessel must declare out of the scallop fishery. A limited access scallop vessel may provide a corrected report. If the report is being submitted as a correction of a prior report, the information entered into the notification form will replace the data previously submitted in the prior report. Submitting a correction does not prevent NMFS from pursuing an enforcement action for any false reporting.

* * * * *

(6) *Limited access scallop vessels fishing under the DAS program and landing scallops at ports south of 39° N. Lat.* If landing scallops at a port located at or south of 39° N. lat., a limited access vessel participating in the scallop DAS program may end its DAS trip once it has crossed shoreward of the VMS Demarcation Line at or south of 39° N. lat. by declaring out of the scallop fishery and submitting the Scallop Pre-Landing Notification Form, as specified at paragraph (f)(4)(iv) of this section. Once declared out of the scallop fishery, and the vessel has submitted the Scallop Pre-Landing Notification Form, the vessel may cross seaward of the VMS Demarcation Line and steam to a port at or south of 39° N. lat., to land scallops while not on a DAS. Such vessels that elect to change their declaration to steam to ports with scallops onboard and not accrue DAS must comply with all the requirements at § 648.53(f)(3).

* * * * *

5. In § 648.14, paragraphs (i)(2)(ii)(B), (i)(2)(iii)(C), (i)(2)(v)(D), (i)(3)(iii)(C) and (D), (i)(4)(i)(C), and (i)(5)(iii) are revised, and paragraphs (i)(2)(iv)(D) and (E) and (i)(2)(v)(E) are added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(i) * * *

(2) * * *

(ii) * * *

(B) While under or subject to the DAS allocation program, in possession of more than 40 lb (18.1 kg) of shucked scallops or 5 bu (1.76 hL) of in-shell scallops, or fishing for scallops in the EEZ:

(*1*) Fish with, or have available for immediate use, trawl nets of mesh smaller than the minimum size specified in § 648.51(a)(2).

(*2*) Fail to comply with any chafing gear or other gear obstruction restrictions specified in § 648.51(a)(3).

(*3*) Fail to comply with the turtle deflector dredge vessel gear restrictions specified in § 648.51(b)(5), and turtle dredge chain mat requirements in § 223.206(d)(11) of this title.

(*4*) Fish under the small dredge program specified in § 648.51(e), with, or while in possession of, a dredge that exceeds 10.5 ft (3.2 m) in overall width, as measured at the widest point in the bail of the dredge.

(*5*) Fish under the small dredge program specified in § 648.51(e) with more persons on board the vessel, including the operator, than specified in § 648.51(e)(3), unless otherwise authorized by the Regional Administrator.

(*6*) Participate in the DAS allocation program with more persons on board the vessel than the number specified in § 648.51(c), including the operator, when the vessel is not docked or moored in port, unless otherwise authorized by the Regional Administrator.

(*7*) Fish in the Mid-Atlantic Access Area, as described in § 648.59(a), with more persons on board the vessel than the number specified in § 648.51(c) or § 648.51(e)(3)(i), unless otherwise authorized by the Regional Administrator.

(*8*) Have a shucking or sorting machine on board a vessel that shucks scallops at sea while fishing under the DAS allocation program, unless otherwise authorized by the Regional Administrator.

(*9*) Fish with, possess on board, or land scallops while in possession of trawl nets, when fishing for scallops under the DAS allocation program, unless exempted as provided for in § 648.51(f).

(*10*) Fail to comply with the gear restrictions described in § 648.51.

(iii) * * *

(C) Fish for or land per trip, or possess at any time, scallops in the NGOM scallop management area after notification in the **Federal Register** that the NGOM scallop management area TAC has been harvested, as specified in § 648.62, unless the vessel possesses or lands scallops that were harvested south of 42°20′ N. lat. and the vessel only transits the NGOM scallop management area with the vessel's fishing gear properly stowed and not available for immediate use in accordance with § 648.2 or unless the vessel is fishing exclusively in state waters and is participating in an approved state waters exemption program as specified in § 648.54.

* * * * *

(iv) * * *

(D) Fail to comply with any requirements for declaring out of the DAS allocation program and steaming to land scallops at ports located at or south of 39° N. lat., as specified in § 648.53(f)(3).

(E) Possess on board or land in-shell scallops if declaring out of the DAS allocation program and steaming to land scallops at ports located at or south of 39° N. lat.

(v) * * *

(D) Once declared into the scallop fishery in accordance with § 648.10(f), change its VMS declaration until the trip has ended and scallop catch has

been offloaded, except as specified at § 648.53(f)(3).

(E) Fail to submit a scallop access area pre-landing notification form through VMS as specified at § 648.10(f)(4)(iii).

* * * * *

(3) * * *

(iii) * * *

(C) Declare into the NGOM scallop management area after the effective date of a notification published in the **Federal Register** stating that the NGOM scallop management area TAC has been harvested as specified in § 648.62, unless the vessel is fishing exclusively in state waters, declared a state-waters only NGOM trip, and is participating in an approved state waters exemption program as specified in § 648.54.

(D) Fish for, possess, or land scallops in or from the NGOM scallop management area after the effective date of a notification published in the **Federal Register** that the NGOM scallop management area TAC has been harvested, as specified in § 648.62, unless the vessel possesses or lands scallops that were harvested south of 42°20′ N. lat., the vessel is transiting the NGOM scallop management area, and the vessel's fishing gear is properly stowed and not available for immediate use in accordance with § 648.2 or unless the vessel is fishing exclusively in state waters, declared a state-waters only NGOM trip, and is participating in an approved state waters exemption program as specified in § 648.54.

* * * * *

(4) * * *

(i) * * *

(C) Declare into the NGOM scallop management area after the effective date of a notification published in the **Federal Register** stating that the NGOM scallop management area TAC has been harvested as specified in § 648.62, unless the vessel is fishing exclusively in state waters, declared a state-waters only NGOM trip, and is participating in an approved state waters exemption program as specified in § 648.54.

* * * * *

(5) * * *

(iii) Fish for, possess, or land scallops in state or Federal waters of the NGOM management area after the effective date of notification in the **Federal Register** that the NGOM scallop management area TAC has been harvested as specified in § 648.62, unless the vessel is fishing exclusively in state waters, declared a state-waters only NGOM trip, and is participating in an approved state waters exemption program as specified in § 648.54.

* * * * *

■ 4. In § 648.51:

■ a. Paragraphs (b)(4)(iv) and (v), (b)(5)(ii)(A) introductory text, (b)(5)(ii)(A)(*3*), and (c) introductory text are revised;

■ b. Paragraph (c)(1) is removed and reserved; and

■ c. Paragraph (e)(3)(i) is revised.

The revisions read as follows:

§ 648.51 Gear and crew restrictions.

* * * * *

(b) * * *

(4) * * *

(iv) *Twine top restrictions as a proactive accountability measure for bycatch.* In addition to the minimum twine top mesh size specified in paragraph (b)(2) of this section, limited access and limited access general category IFQ vessels may not fish for scallops with a dredge having more than seven rows of non-overlapping steel rings unobstructed by netting or any other material between the terminus of the dredge (club stick) and the net material on the top of the dredge (twine top) (a copy of a diagram showing a schematic of a legal dredge with twine top is available from the Regional Administrator upon request).

(v) *Measurement of twine top mesh size.* Twine top mesh size is measured by using a wedge-shaped gauge having a taper of 0.79 inches (2 cm) in 3.15 inches (8 cm) and a thickness of 0.09 inches (2.3 mm), inserted into the meshes under a pressure or pull of 17.64 lb (8 kg). The mesh size is the average of the measurements of any series of 20 consecutive meshes for twine tops having 75 or more meshes, and 10 consecutive meshes for twine tops having fewer than 75 meshes. The mesh in the twine top must be measured along the length of the twine top, running parallel to a longitudinal axis, and be at least five meshes away from where the twine top mesh meets the rings, running parallel to the long axis of the twine top.

(5) * * *

(ii) * * *

(A) From May 1 through November 30, any limited access scallop vessel using a dredge, regardless of dredge size or vessel permit category, or any LAGC IFQ scallop vessel fishing with a dredge with a width of 10.5 ft (3.2 m) or greater, that is fishing for scallops in waters west of 71° W. long., from the shoreline to the outer boundary of the EEZ, must use a TDD. The TDD requires five modifications to the rigid dredge frame, as specified in paragraphs (b)(5)(ii)(A)(*1*) through (*5*) of this section. See paragraph (b)(5)(ii)(D) of this section for more specific descriptions of the dredge elements mentioned below.

* * * * *

(*3*) All bale bars must be removed, except the outer bale (single or double) bars and the center support beam, leaving an otherwise unobstructed space between the cutting bar and forward bale wheels, if present. The center support beam must be less than 6 inches (15.24 cm) wide. For the purpose of flaring and safe handling of the dredge, a minor appendage not to exceed 12 inches (30.5 cm) in length may be attached to each of the outer bale bars. If the flaring bar is attached in a u-shape, none of the three sides of the flaring bar shall exceed 12 inches (30.5 cm) in length. The appendage shall at no point be closer than 12 inches (30.5 cm) to the cutting bar.

* * * * *

(c) *Crew restrictions.* A limited access vessel participating in or subject to the scallop DAS allocation program may have no more than seven people aboard, including the operator, and a limited access vessel participating in the Sea Scallop Area Access Program as specified in § 648.60 may have no more than eight people aboard, including the operator, when not docked or moored in port, except as follows:

* * * * *

(e) * * *

(3) * * *

(i) A vessel participating in the Sea Scallop Area Access Program as specified in § 648.60 may have no more than six people, including the operator, on board.

* * * * *

■ 5. In § 648.53:

■ a. Paragraphs (a), (b)(1), and (b)(4) are revised;

■ b. Paragraph (f)(3) is added; and

■ c. Paragraph (g)(1) is revised.

The revisions and additions read as follows:

§ 648.53 Acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), DAS allocations, and individual fishing quotas (IFQ).

(a) *Scallop fishery ABC.* The ABC for the scallop fishery shall be established through the framework adjustment process specified in § 648.55 and is equal to the overall scallop fishery ACL minus discards. The ABC/ACL, after discards are removed, shall be divided as sub-ACLs between limited access vessels, limited access vessels that are fishing under a LAGC permit, and LAGC vessels as specified in paragraphs (a)(3) and (4) of this section, after deducting the scallop incidental catch target TAC specified in paragraph (a)(2) of this section, observer set-aside specified in paragraph (g)(1) of this section, and research set-aside specified in

§ 648.56(d). The ABC/ACL for the 2016 fishing year is subject to change through a future framework adjustment.

(1) ABC/ACL for fishing years 2015 through 2016, excluding discards, shall be:

(i) 2015: 25,352 mt.

(ii) 2016: 31,807 mt.

(2) *Scallop incidental catch target TAC.* The annual incidental catch target TAC for vessels with incidental catch scallop permits is 22.7 mt.

(3) *Limited access fleet sub-ACL and ACT.* The limited access scallop fishery shall be allocated 94.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(3). ACT for the limited access scallop fishery shall be established through the framework adjustment process described in § 648.55. DAS specified in paragraph (b) of this section shall be based on the ACTs specified in paragraph (a)(3)(ii) of this section. The limited access fleet sub-ACL and ACT for the 2016 fishing year are subject to change through a future framework adjustment.

(i) The limited access fishery sub-ACLs for fishing years 2015 and 2016 are:

(A) 2015: 23,161 mt.

(B) 2016: 29,200 mt.

(ii) The limited access fishery ACTs for fishing years 2015 and 2016 are:

(A) 2015: 19,311 mt.

(B) 2016: 23,016 mt.

(4) *LAGC fleet sub-ACL.* The sub-ACL for the LAGC IFQ fishery shall be equal to 5.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4). The LAGC IFQ fishery ACT shall be equal to the LAGC IFQ fishery's ACL. The ACL for the LAGC IFQ fishery for vessels issued only a LAGC IFQ scallop permit shall be equal to 5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4). The ACL for the LAGC IFQ fishery for vessels issued only both a LAGC IFQ scallop permit and a limited access scallop permit shall be 0.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4).

(i) The ACLs for fishing years 2015 and 2016 for LAGC IFQ vessels without a limited access scallop permit are:

(A) 2015: 1,225 mt.

(B) 2016: 1,545 mt.

(ii) The ACLs for fishing years 2015 and 2016 for vessels issued both a LAGC and a limited access scallop permits are:

(A) 2015: 123 mt.

(B) 2016: 154 mt.

(b) * * *

(1) *Landings per unit effort (LPUE).* LPUE is an estimate of the average amount of scallops, in pounds, that the limited access scallop fleet lands per DAS fished. The estimated LPUE is the average LPUE for all limited access scallop vessels fishing under DAS, and shall be used to calculate DAS specified in paragraph (b)(4) of this section, the DAS reduction for the AM specified in paragraph (b)(4)(ii) of this section, and the observer set-aside DAS allocation specified in paragraph (g)(1) of this section. LPUE shall be:

(i) 2015 fishing year: 2,594 lb/DAS (1,171 kg/DAS).

(ii) 2016 fishing year: 2,715 lb/DAS (1,175 kg/DAS).

(iii) [Reserved]

* * * * *

(4) Each vessel qualifying for one of the three DAS categories specified in the table in this paragraph (b)(4) (full-time, part-time, or occasional) shall be allocated the maximum number of DAS for each fishing year it may participate in the open area limited access scallop fishery, according to its category, excluding carryover DAS in accordance with paragraph (d) of this section. DAS allocations shall be determined by distributing the portion of ACT specified in paragraph (a)(3)(ii) of this section, as reduced by access area allocations specified in § 648.59, and dividing that amount among vessels in the form of DAS calculated by applying estimates of open area LPUE specified in paragraph (b)(1) of this section. Allocation for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS allocations, respectively. The annual open area DAS allocations for each category of vessel for the fishing years indicated are as follows:

SCALLOP OPEN AREA DAS ALLOCATIONS

Permit category	2015	2016
Full-Time ...	30.86	26
Part-Time ..	12.94	10.40
Occasional	2.58	2.17

(i) [Reserved]

(ii) *Accountability measures (AM).* Unless the limited access AM exception is implemented in accordance with the provision specified in paragraph (b)(4)(iii) of this section, if the ACL specified in paragraph (a)(3)(i) of this section is exceeded for the applicable fishing year, the DAS specified in paragraph (b)(4) of this section for each limited access vessel shall be reduced by an amount equal to the amount of landings in excess of the ACL divided by the applicable LPUE for the fishing year in which the AM will apply as specified in paragraph (b)(1) of this section, then divided by the number of scallop vessels eligible to be issued a full-time limited access scallop permit. For example, assuming a 300,000-lb (136-mt) overage of the ACL in 2011, an open area LPUE of 2,500 lb (1.13 mt) per DAS in 2012, and 313 full-time vessels, each full-time vessel's DAS for 2012 would be reduced by 0.38 DAS (300,000 lb (136 mt)/2,500 lb (1.13 mt) per DAS = 120 lb (0.05 mt) per DAS/313 vessels = 0.38 DAS per vessel). Deductions in DAS for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS deduction, respectively, as calculated pursuant to this paragraph (b)(4)(ii). The AM shall take effect in the fishing year following the fishing year in which the overage occurred. For example, landings in excess of the ACL in fishing year 2011 would result in the DAS reduction AM in fishing year 2012. If the AM takes effect, and a limited access vessel uses more open area DAS in the fishing year in which the AM is applied, the vessel shall have the DAS used in excess of the allocation after applying the AM deducted from its open area DAS allocation in the subsequent fishing year. For example, a vessel initially allocated 32 DAS in 2011 uses all 32 DAS prior to application of the AM. If, after application of the AM, the vessel's DAS allocation is reduced to 31 DAS, the vessel's DAS in 2012 would be reduced by 1 DAS.

(iii) *Limited access AM exception.* If NMFS determines, in accordance with paragraph (b)(4)(ii) of this section, that the fishing mortality rate associated with the limited access fleet's landings in a fishing year is less than 0.34, the AM specified in paragraph (b)(4)(ii) of this section shall not take effect. The fishing mortality rate of 0.34 is the fishing mortality rate that is one standard deviation below the fishing mortality rate for the scallop fishery ACL, currently estimated at 0.38.

(iv) *Limited access fleet AM and exception provision timing.* The Regional Administrator shall determine whether the limited access fleet exceeded its ACL specified in paragraph (a)(3)(i) of this section by July of the fishing year following the year for which landings are being evaluated. On or about July 1, the Regional

Administrator shall notify the New England Fishery Management Council of the determination of whether or not the ACL for the limited access fleet was exceeded, and the amount of landings in excess of the ACL. Upon this notification, the Scallop Plan Development Team (PDT) shall evaluate the overage and determine if the fishing mortality rate associated with total landings by the limited access scallop fleet is less than 0.34. On or about September 1 of each year, the Scallop PDT shall notify the Council of its determination, and the Council, on or about September 30, shall make a recommendation, based on the Scallop PDT findings, concerning whether to invoke the limited access AM exception. If NMFS concurs with the Scallop PDT's recommendation to invoke the limited access AM exception, in accordance with the APA, the limited access AM shall not be implemented. If NMFS does not concur, in accordance with the APA, the limited access AM shall be implemented as soon as possible after September 30 each year.

* * * * *

(f) * * *

(3) *Limited access scallop vessels fishing under the DAS program and landing scallops at a port located at or south of 39° N. Lat.* If landing scallops at a port located at or south of 39° N. lat., a limited access vessel participating in the scallop DAS program may end its DAS trip once shoreward of the VMS Demarcation Line at or south of 39° N. lat. by declaring out of the scallop fishery. Once declared out of the scallop fishery, the vessel may cross seaward of the VMS Demarcation Line and steam to ports at or south of 39° N. lat., to land scallops while not on a DAS, provided that the vessel complies with the following requirements:

(i) The vessel must submit a Scallop Pre-landing Notification Form, as specified at § 648.10(f)(4)(iv);

(ii) The vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2;

(iii) The vessel must return directly to port and offload scallops;

(iv) The vessel must land scallops at a port located at or south of 39° N. lat.; and

(v) The vessel may not possess in-shell scallops.

(g) *Set-asides for observer coverage.* (1) To help defray the cost of carrying an observer, 1 percent of the ABC/ACL specified in paragraph (a)(1) of this section shall be set aside to be used by vessels that are assigned to take an at-sea observer on a trip. The total TAC for observer set aside is 254 mt in fishing year 2015, and 318 mt in fishing year 2016.

* * * * *

■ 6. In § 648.54, paragraphs (a)(4) and (b) through (g) are revised, and paragraph (h) is added, to read as follows:

§ 648.54 State waters exemption.

(a) * * *

(4) The Regional Administrator has determined that the State of Maine has a scallop fishery conservation program for its scallop fishery that does not jeopardize the biomass and fishing mortality/effort limit objectives of the Scallop FMP. A vessel fishing in State of Maine waters may fish under the State of Maine state waters exemption, subject to the exemptions specified in paragraphs (b) and (c) of this section, provided the vessel is in compliance with paragraphs (e) through (g) of this section.

(b) *Limited access scallop vessel exemption.* Any vessel issued a limited access scallop permit is exempt from the DAS requirements specified in § 648.53(b) while fishing exclusively landward of the outer boundary of the waters of a state that has been issued a state waters exemption under paragraph (a)(4) of this section, provided the vessel complies with paragraphs (f) through (h) of this section.

(c) *Gear and possession limit restrictions.* Any vessel issued a limited access scallop permit, an LAGC NGOM, or an LAGC IFQ scallop permit is exempt from the minimum twine top mesh size for scallop dredge gear specified in § 648.51(b)(2) and (b)(4)(iv) while fishing exclusively landward of the outer boundary of the waters of the State of Maine under the state waters exemption specified in paragraph (a)(4) of this section, provided the vessel is in compliance with paragraphs (d) through (g) of this section.

(d) *NGOM closure exemption.* Any vessel issued a Federal scallop permit may be exempt from the regulations specified in § 648.52(b)(2) requiring that once the NGOM Federal hard TAC is reached, no vessel issued a scallop permit may fish in the NGOM area. This exemption, which a state must apply for through the process specified in paragraph (a) of this section, would allow vessels to continue to fish for scallops within a state's waters inside the NGOM. A state applying for this exemption must clarify to which scallop permit types this exemption would apply.

(e) *Notification requirements.* Vessels fishing under the exemptions specified in paragraph (b) and/or (c) of this section must notify the Regional Administrator in accordance with the provisions of § 648.10(e).

(f) *Restriction on fishing in the EEZ.* A vessel fishing under a state waters exemption may not fish in the EEZ during the time in which it is fishing under the state waters exemption, as declared under the notification requirements of this section.

(g) *Duration of exemption.* An exemption expires upon a change in the vessel's name or ownership, or upon notification through VMS by the participating vessel's owner.

(h) *Applicability of other provisions of this part.* A vessel fishing under the exemptions provided by paragraph (b) and/or (c) of this section remains subject to all other requirements of this part.

■ 7. Section 648.58 is revised to read as follows:

§ 648.58 Rotational Closed Areas.

(a) *Closed Area I Closed Area.* No vessel may fish for scallops in, or possess or land scallops from, the area known as the Closed Area I Closed Area. No vessel may possess scallops in the Closed Area I Closed Area, unless such vessel is only transiting the area as provided in paragraph (e) of this section. The Closed Area I Closed Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request), and so that the line connecting points CAIA3 and CAIA4 is the same as the portion of the western boundary line of Closed Area I, defined in § 648.81(a)(1), that lies between points CAIA3 and CAIA4:

Point	Latitude	Longitude	Note
CAIA1 ..	41°26′ N.	68°30′ W.	
CAIA2 ..	40°58′ N.	68°30′ W.	
CAIA3 ..	40°54.95′ N.	68°53.37′ W.	(1)
CAIA4 ..	41°04′ N.	69°01′ W.	(1)
CAIA1 ..	41°26′ N.	68°30′ W.	

[1] From Point CAIA3 to Point CAIA4 along the western boundary of Closed Area I, defined in § 648.81(a)(1).

(b) *Closed Area II Closed Area.* No vessel may fish for scallops in, or possess or land scallops from, the area known as the Closed Area II Closed Area. No vessel may possess scallops in the Closed Area II Closed Area. The Closed Area II Closed Area is defined by straight lines, except where noted, connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude	Note
CAIIA1	41°00′ N.	67°20′ W.	
CAIIA2	41°00′ N.	66°35.8′ W.	
CAIIA3	41°18.45′ N.	(1)	(2)
CAIIA4	41°30′ N.	(3)	(2)
CAIIA5	41°30′ N.	67°20′ W.	
CAIIA1	41°00′ N.	67°20′ W.	

[1] The intersection of 41°18.45′ N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°18.45′ N. lat. and 66°24.89′ W. long.

[2] From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada Maritime Boundary.

[3] The intersection of 41°30′ N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°30′ N. lat., 66°34.73′ W. long.

(c) *Nantucket Lightship Closed Area.* No vessel may fish for scallops in, or possess or land scallops from, the area known as the Nantucket Lightship Closed Area. No vessel may possess scallops in the Nantucket Lightship Closed Area, unless such vessel is only transiting the area as provided in paragraph (e) of this section. The Nantucket Lightship Closed Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request),

Point	Latitude	Longitude
NLAA1	40°50′ N.	69°30′ W.
NLAA2	40°50′ N.	69°00′ W.
NLAA3	40°33′ N.	69°00′ W
NLAA4	40°33′ N.	68°48′ W
NLAA5	40°20′ N.	68°48′ W
NLAA6	40°20′ N.	69°30′ W.
NLAA1	40°50′ N.	69°30′ W.

(d) *Elephant Trunk Closed Area.* No vessel may fish for scallops in, or possess or land scallops from, the area known as the Elephant Trunk Closed Area. No vessel may possess scallops in Elephant Trunk Closed Area. The Elephant Trunk Closed Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request).

Point	Latitude	Longitude
ETCA 1	38°50′ N.	74°20′ W.
ETCA 2	38°50′ N.	73°40′ W.
ETCA 3	38°40′ N.	73°40′ W.
ETCA 4	38°40′ N.	73°50′ W.
ETCA 5	38°30′ N.	73°50′ W.
ETCA 6	38°30′ N.	74°20′ W.
ETCA 1	38°50′ N.	74°20′ W.

(e) *Transiting.* No vessel possessing scallops may enter or be in the area(s) specified in paragraphs (a) and (c) of this section unless the vessel is transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Closed Area II Closed Area, as described in paragraph (b) of this section, or the Elephant Trunk Closed Area, as described in paragraph (d) of this section, if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(f) *Vessels fishing for species other than scallops.* A vessel may fish for species other than scallops within the closed areas specified in paragraphs (a) through (d) of this section as allowed in this part, provided the vessel does not fish for, catch, or retain scallops or intend to fish for, catch, or retain scallops. Declaration through VMS that the vessel is fishing in the LAGC scallop fishery is deemed to be an intent to fish for, catch, or retain scallops.

8. In § 648.59:

a. Paragraph (a) is added;

b. Paragraphs (b) introductory text, (b)(1), (b)(3), (c) introductory text, and (c)(1) are revised;

c. Paragraph (c)(2) is removed and reserved;

d. Paragraphs (c)(3), (d) introductory text, and (d)(1) are revised; and

e. Paragraphs (d)(2) and (e) are removed and reserved.

The addition and revisions read as follows:

§ 648.59 Sea Scallop Access Areas.

(a) *Mid-Atlantic Scallop Access Area.* (1) Beginning March 1, 2015, through February 28, 2017 (*i.e.,* fishing years 2015 and 2016), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Mid-Atlantic Access Area unless the vessel is participating in, and complies with the requirements of, the area access program described in § 648.60. The Mid-Atlantic Access Area is comprised of the following scallop access areas: The Delmarva Scallop Access Area, as described in paragraph (a)(2) of this section; the Elephant Trunk Scallop Access Area, as described in paragraph (a)(3) of this section; and the Hudson Canyon Scallop Access Area, as described in paragraph (a)(4) of this section.

(2) *Delmarva Scallop Access Area.* The Delmarva Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
DMV1	38°10′ N.	74°50′ W.
DMV2	38°10′ N.	74°00′ W.
DMV3	37°15′ N.	74°00′ W.
DMV4	37°15′ N.	74°50′ W.
DMV1	38°10′ N.	74°50′ W.

(i) *Season.* A vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Delmarva Sea Scallop Access Area, described in paragraph (a)(2) of this section, during the period of March 1, 2016, through March 31, 2016.

(ii) [Reserved]

(3) *Elephant Trunk Scallop Access Area.* The Elephant Trunk Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
ETAA1	38°30′ N.	74°20′ W.
ETAA2	38°30′ N.	73°50′ W.
ETAA3	38°40′ N.	73°50′ W.
ETAA4	38°40′ N.	73°40′ W.
ETAA5	38°50′ N.	73°40′ W.
ETAA6	38°50′ N.	73°30′ W.
ETAA7	38°10′ N.	73°30′ W.
ETAA8	38°10′ N.	74°20′ W.
ETAA1	38°30′ N.	74°20′ W.

(4) *Hudson Canyon Scallop Access Area.* The Hudson Canyon Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
H1	39°30′ N.	73°10′ W.
H2	39°30′ N.	72°30′ W.
H3	38°30′ N.	73°30′ W.
H4	38°50′ N.	73°30′ W.
H5	38°50′ N.	73°42′ W.
H1	39°30′ N.	73°10′ W.

(b) *Closed Area I Scallop Access Area.* (1) From March 1, 2015, through February 28, 2017 (*i.e.,* fishing years 2015 and 2016), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from, the area known as the Closed Area I Scallop Access Area, described in paragraph (b)(3) of this section, unless transiting in accordance with paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (b)(5)(ii)(C) of this section.

* * * * *

(3) The Closed Area I Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request), and so that the line connecting points CAIA3 and CAIA4 is the same as the portion of the western boundary line of Closed Area I, defined in § 648.81(a)(1), that lies between points CAIA3 and CAIA4:

Point	Latitude	Longitude	Note
CAIA1 ..	41°26′ N.	68°30′ W.	
CAIA2 ..	40°58′ N.	68°30′ W.	
CAIA3 ..	40°54.95′ N.	68°53.37′ W.	(1)
CAIA4 ..	41°04′ N.	69°01′ W.	(1)
CAIA1 ..	41°26′ N.	68°30′ W.	

[1] From Point CAIA3 to Point CAIA4 along the western boundary of Closed Area I, defined in § 648.81(a)(1).

* * * * *

(c) *Closed Area II Scallop Access Area.* (1) From March 1, 2015, through February 28, 2017 (*i.e.,* fishing years 2015 and 2016), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from, the area known as the Closed Area II Access Area, described in paragraph (c)(3) of this section, unless transiting in accordance with paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (c)(5)(ii)(C) of this section.

(2) [Reserved]

(3) The Closed Area II Scallop Access Area is defined by straight lines, except where noted, connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude	Note
CAIIA1	41°00′ N.	67°20′ W.	
CAIIA2	41°00′ N.	66°35.8′ W.	
CAIIA3	41°18.45′ N.	(1)	(2)
CAIIA4	41°30′ N.	(3)	(2)
CAIIA5	41°30′ N.	67°20′ W.	
CAIIA1	41°00′ N.	67°20′ W.	

[1] The intersection of 41°18.45′ N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°18.45′ N. lat. and 66°24.89′ W. long.

[2] From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada Maritime Boundary.

[3] The intersection of 41°30′ N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°30′ N. lat., 66°34.73′ W. long.

* * * * *

(d) *Nantucket Lightship Scallop Access Area.* (1) From March 1, 2015, through February 28, 2017 (*i.e.,* fishing years 2015 and 2016), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Nantucket Lightship Access Area, described in paragraph (d)(3) of this section, unless transiting pursuant to paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (d)(5)(ii)(C) of this section.

* * * * *

■ 9. In § 648.60, paragraphs (a)(1), (a)(3), (a)(5)(i), (a)(9), (c), (e)(1), and (g)(3)(i) are revised to read as follows:

§ 648.60 Sea scallop access area program requirements.

(a) * * *

(1) *VMS.* Each vessel participating in the Sea Scallop Access Area Program must have installed on board an operational VMS unit that meets the minimum performance criteria specified in §§ 648.9 and 648.10, and paragraphs (a)(9) and (f) of this section.

* * * * *

(3) *Sea Scallop Access Area Allocations*—(i) *Limited access vessel allocations.* (A) Except as provided in paragraph (c) of this section, paragraphs (a)(3)(i)(B) through (E) of this section specify the total amount of scallops, in weight, that a limited access scallop vessel may harvest from Sea Scallop Access Areas during applicable seasons specified in § 648.59. A vessel may not possess or land in excess of its scallop allocation assigned to specific Sea Scallop Access Areas, unless authorized by the Regional Administrator, as specified in paragraph (d) of this section, unless the vessel owner has exchanged an area-specific scallop allocation with another vessel owner for additional scallop allocation in that area, as specified in paragraph (a)(3)(ii) of this section. A vessel may harvest its scallop allocation, as specified in paragraph (a)(3)(i)(B) of this section, on any number of trips in a given fishing year, provided that no single trip exceeds the possession limits specified in paragraph (a)(5) of this section, unless authorized by the Regional Administrator, as specified in paragraphs (c) and (d) of this section,

(B) *Full-time scallop vessels.* (*1*) In fishing year 2015, each full-time vessel shall have a total of 51,000 lb (23,133 kg) of scallops that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(*2*) For the 2016 fishing year, each full-time vessel shall have a total of 17,000 lb (7,711 kg) of scallops that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2016.

(C) *Part-time scallop vessels.* (*1*) For the 2015 fishing year, each part-time scallop vessel shall have a total of 20,400 lb (9,253 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(*2*) For the 2015 fishing year, each part-time scallop vessel shall have a total of 10,200 lb (4,627 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2016.

(D) *Occasional scallop vessels.* (*1*) For the 2015 fishing year, each occasional scallop vessel shall have a total of 4,250 lb (1,928 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(*2*) For the 2016 fishing year, each occasional scallop vessel shall have a total of 1,420 lb (644 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2016.

(ii) *One-for-one area access allocation exchanges.* The owner of a vessel issued a limited access scallop permit may exchange unharvested scallop pounds allocated into one access area for another vessel's unharvested scallop pounds allocated into another Sea Scallop Access Area. These exchanges may only be made for the amount of the current trip possession limit, as specified in paragraph (a)(5) of this section. For example, if the access area trip possession limit for full-time vessels is 17,000 lb (7,711 kg), a full-time vessel may exchange no less than 17,000 lb (7,711 kg), from one access area for no more or less than 17,000 lb (7,711 kg) allocated to another vessel for another access area. In addition, these exchanges may be made only between vessels with the same permit category: A full-time vessel may not exchange allocations with a part-time vessel, and vice versa. Vessel owners must request these exchanges by submitting a completed Access Area Allocation Exchange Form at least 15 days before the date on which the applicant desires the exchange to be effective. Exchange forms are available from the Regional Administrator upon request. Each vessel owner involved in an exchange is required to submit a completed Access Area Allocation Form. The Regional Administrator shall review the records for each vessel to confirm that each vessel has enough unharvested allocation remaining in a given access area to exchange. The exchange is not effective until the vessel owner(s) receive a confirmation in writing from

the Regional Administrator that the allocation exchange has been made effective. A vessel owner may exchange equal allocations up to the current possession limit between two or more vessels under his/her ownership. A vessel owner holding a Confirmation of Permit History is not eligible to exchange allocations between another vessel and the vessel for which a Confirmation of Permit History has been issued.

* * * * *

(5) *Possession and landing limits*—(i) *Scallop possession limits.* Unless authorized by the Regional Administrator, as specified in paragraph (d) of this section, after declaring a trip into a Sea Scallop Access Area, a vessel owner or operator of a limited access scallop vessel may fish for, possess, and land, per trip, scallops, up to the maximum amounts specified in the table in this paragraph (a)(5). No vessel declared into the Access Areas as described in § 648.59(a) through (e) may possess more than 50 bu (17.62 hL) of in-shell scallops outside of the Access Areas described in § 648.59(a) through (e).

Fishing year	Permit category possession limit		
	Full-time	Part-time	Occasional
2015	17,000 lb (57,711 kg)	10,200 lb (4,627 kg)	1,420 lb (644 kg).
2016	17,000 lb (57,711 kg)	10,200 lb (4,627 kg)	1,420 lb (644 kg).

* * * * *

(9) *Reporting.* The owner or operator must submit scallop catch reports through the VMS, as specified in § 648.10(f)(4)(i), and limited access scallop access area pre-landing notification forms, as specified in § 648.10(f)(4)(iii).

* * * * *

(c) *Access area scallop allocation carryover.* Unless otherwise specified in § 648.59, a limited access scallop vessel operator may fish any unharvested Scallop Access Area allocation from a given fishing year within the first 60 days of the subsequent fishing year if the Access Area is open. For example, if a full-time vessel has 7,000 lb (3,175 kg) remaining in the Mid-Atlantic Access Area at the end of fishing year 2015, that vessel may harvest 7,000 lb (3,175 kg) from its 2016 fishing year scallop access area allocation during the first 60 days that the Mid-Atlantic Access Area is open in fishing year 2016 (March 1, 2016, through April 29, 2017). Unless otherwise specified in § 648.59, if an Access Area is not open in the subsequent fishing year, then the unharvested scallop allocation would expire at the end of the fishing year that the scallops were allocated.

* * * * *

(e) *Sea Scallop Research Set-Aside Harvest in Access Areas*—(1) *Access Areas available for harvest of research set-aside (RSA).* Unless otherwise specified, RSA may be harvested in any access area that is open in a given fishing year, as specified through a framework adjustment and pursuant to § 648.56. The amount of scallops that can be harvested in each access area by vessels participating in approved RSA projects shall be determined through the RSA application review and approval process. The access areas open for RSA harvest for fishing years 2015 and 2016 are:

(i) 2015: The Mid-Atlantic Scallop Access Area, as specified in § 648.59(a).

(ii) 2016: None.

* * * * *

(g) * * *

(3) *LAGC IFQ Access Area Trips.* (i) An LAGC scallop vessel authorized to fish in the Access Areas specified in § 648.59(a) through (e) may land scallops, subject to the possession limit specified in § 648.52(a), unless the Regional Administrator has issued a notice that the number of LAGC IFQ access area trips have been or are projected to be taken. The total number of LAGC IFQ trips in a specified Access Area for fishing year 2015 and 2016 are:

Access area	2015	2016
Mid-Atlantic Access Area	2,065	602
Closed Area 1	0	0
Closed Area 2	0	0
Nantucket Lightship	0	0

* * * * *

■ 10. In § 648.61, paragraph (a)(4) is revised to read as follows:

§ 648.61 EFH closed areas.

(a) * * *

(4) *Closed Area I Habitat Closure Areas.* The restrictions specified in paragraph (a) of this section apply to the Closed Area I Habitat Closure Areas, Closed Area I-North and Closed Area I-South, which are the areas bounded by straight lines connecting the following points in the order stated, and so that the lines connecting Point CIN4 to Point CIN1, and Point CIS4 to Point CIS1 is the same as the portion of the western boundary line of Closed Area I, defined in paragraph (a)(1) of this section, that lies between those points:

CLOSED AREA I—NORTH HABITAT CLOSURE AREA

Point	Latitude	Longitude	Note
CIN1	41°30′ N.	69°23′ W.	
CIN2	41°30′ N.	68°30′ W.	
CIN3	41°26′ N.	68°30′ W.	
CIN4	41°04′ N.	69°01′ W.	(1)
CIN1	41°30′ N.	69°23′ W.	(1)

[1] From Point CIN4 back to Point CIN1 along the western boundary of Closed Area I, defined in § 648.81(a)(1).

CLOSED AREA I—SOUTH HABITAT CLOSURE AREA

Point	Latitude	Longitude	Notes
CIS1	40°54.95′ N.	68°53.37′ W.	
CIS2	40°58′ N.	68°30′ W.	
CIS3	40°45′ N.	68°30′ W.	
CIS4	40°45′ N.	68°45′ W.	(1)
CIS1	40°54.95′ N.	68°53.37′ W.	(1)

[1] From Point CIS4 back to Point CIS1 along the western boundary of Closed Area I, defined in § 648.81(a)(1).

* * * * *

■ 11. In § 648.64, paragraph (a) is revised to read as follows:

§ 648.64 Yellowtail flounder sub-ACLs and AMs for the scallop fishery.

(a) As specified in § 648.55(d), and pursuant to the biennial framework adjustment process specified in § 648.90, the scallop fishery shall be allocated a sub-ACL for the Georges Bank and Southern New England/Mid-Atlantic stocks of yellowtail flounder. The sub-ACLs are specified in § 648.90(a)(4)(iii)(C) of the NE multispecies regulations.

* * * * *

■ 12. In § 648.65, paragraph (b)(3)(ii) is revised to read as follows:

§ 648.65 Windowpane flounder sub-ACLs and AMs for the scallop fishery.

* * * * *

(b) * * *

(3) * * *

(ii) The maximum hanging ratio for a net, net material, or any other material on the top of a scallop dredge (twine top) possessed or used by vessels fishing with scallop dredge gear does not exceed 1.5:1 overall. An overall hanging ratio of 1.5:1 means that the twine top is attached to the rings in a pattern of alternating 2 meshes per ring and 1 mesh per ring (counted at the bottom where the twine top connects to the apron), for an overall average of 1.5 meshes per ring for the entire width of the twine top. For example, an apron that is 40 rings wide subtracting 5 rings one each side of the side pieces, yielding 30 rings, would only be able to use a twine top with 45 or fewer meshes so that the overall ratio of meshes to rings did not exceed 1.5 (45 meshes/30 rings = 1.5).

* * * * *

[FR Doc. 2015–09199 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 76
Tuesday, April 21, 2015

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0625; Directorate Identifier 2015–NE–09–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain serial number GE Aviation Czech s.r.o. M601E–11, M601E–11A, and M601F turboprop engines with certain part number (P/N) gas generator turbine (GGT) blades, installed. This proposed AD was prompted by the determination that certain GGT blades are susceptible to blade failure. This proposed AD would require removing from service any affected engine with certain GGT blades installed. We are proposing this AD to prevent GGT blade failure, which could lead to engine failure and loss of the airplane.

DATES: We must receive comments on this proposed AD by June 22, 2015.

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

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

For service information identified in this proposed AD, contact GE Aviation Czech s.r.o., Beranových 65, 199 02 Praha 9—Letňany, Czech Republic; phone: +420 222 538 111; fax: +420 222 538 222. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2015–0625; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0625; Directorate Identifier 2015–NE–09–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 with FAA personnel concerning this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2015–0015, dated January 30, 2015 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It has been demonstrated that non-shot peened Gas Generator Turbine (GGT) blades are susceptible to blade separation in the shank area due to their reduced fatigue life.
>
> This condition, if not corrected, could lead to an in-flight engine shutdown and, consequently, reduced control of the aeroplane.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0625.

Related Service Information under 1 CFR Part 51

GE Aviation Czech s.r.o. has issued Alert Service Bulletin (ASB) No. M601E–11/30, dated December 23, 2014, and ASB No. M601E–11/31, M601E–11A/18, M601F/28, dated December 23, 2014. The ASBs describe procedures for removal and replacement of GGT blades that are not shot peened. 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 the Czech Republic, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require removing from service any affected engine with GGT blades installed that are not shot peened.

Costs of Compliance

We estimate that this proposed AD affects one engine installed on an airplane of U.S. registry. We also estimate that it would take about 64 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. Required parts cost about

$28,765 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $34,205.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

GE Aviation Czech s.r.o. (Type Certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.): Docket No. FAA–2015–0625; Directorate Identifier 2015–NE–09–AD.

(a) Comments Due Date

We must receive comments by June 22, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to certain serial number (S/N) GE Aviation Czech s.r.o. M601E–11, M601E–11A, and M601F turboprop engine models, with gas generator turbine (GGT) blade, part number (P/N) M601–3372.6 or M601–3372.51, installed, as follows:

(1) Model M601E–11: S/Ns 862001, 863008, 894018, 034005, 034006, 034007, 034008, 041003, and 042002.

(2) Model M601E–11A: S/Ns 042003, 042004, 044001, 044002, and 961001.

(3) Model M601F: S/Ns 024001, 002001, 003001, 024001, 934001, 934002, 961001.

(d) Reason

This AD was prompted by the determination that certain GGT blades are susceptible to blade failure. These blades are identified as blade P/Ns M601–3372.6 and M601–3372.51, and are installed on an engine S/N identified in paragraph (c) of this AD. We are issuing this AD to prevent GGT blade failure, which could lead to engine failure and loss of the airplane.

(e) Actions and Compliance

Comply with this AD within the compliance times specified, unless already done. After the effective date of this AD:

(1) Do not return to service any affected engine with GGT blade, P/N M601–3372.6 or M601–3372.51, installed, after 300 hours time in service or six months, whichever occurs first, after the effective date of this AD.

(2) If the affected engines are subsequently disassembled or overhauled, the non-shot peened GGT blades, P/N M601–3372.6 or M601–3372.51, are not eligible for installation in any other engine after removal.

(f) Alternative Methods of Compliance (AMOCs)

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

(g) Related Information

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2015–0015, dated January 30, 2015, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–0625.

(3) GE Aviation Czech s.r.o. Alert Service Bulletin (ASB) No. M601E–11/30, dated December 23, 2014, which is co-published as one document with M601D–1/31, M601Z/29, and M601T/24, and ASB No. M601E–11/31, M601E–11A/18, M601F/28, dated December 23, 2014, which is co-published as one document with M601D–1/32, M601Z/30, M601E/61, M601T/25, M601FS/12, M601F–22/25, M601F–32/23, and M601E–21/28, are not incorporated by reference in this AD. The ASBs can be obtained from GE Aviation Czech s.r.o. using the contact information in paragraph (g)(4) of this proposed AD.

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

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

Issued in Burlington, Massachusetts, on April 7, 2015.

Ann C. Mollica,

Acting Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–09002 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0363; Directorate Identifier 2014–NE–08–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for all Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines. The NPRM proposed to require

inspection of the fan case low-pressure (LP) fuel tubes and clips and the fuel oil heat exchanger (FOHE) mounts and hardware. The NPRM was prompted by fuel leaks caused by damage to the fan case LP fuel tube. This supplemental action revises the NPRM by expanding inspections and corrective actions, correcting a part number (P/N) and the costs of compliance, reducing the applicability, providing another method to comply with certain requirements, and giving credit for certain previous actions. We are proposing this SNPRM to prevent failure of the fan case LP fuel tube, which could lead to an in-flight engine shutdown, loss of thrust control, and damage to the airplane.

DATES: We must receive comments by June 22, 2015.

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

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

For service information identified in this SNPRM, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://www.aeromanager.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0363; 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 mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wego Wang, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7134; fax: 781–238–7199; email: *wego.wang@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this SNPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0363; Directorate Identifier 2014–NE–08–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM based on those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on July 3, 2014 (79 FR 37965). The NPRM proposed to require inspection of the fan case LP fuel tubes and clips and the FOHE mounts and hardware.

Related Service Information under 1 CFR Part 51

We reviewed RR Alert Non-Modification Service Bulletin (NMSB) No. RB.211–73–AH522, Revision 2, dated July 18, 2014; RR NMSB No. RB.211–73–AH837, initial issue, dated September 9, 2014; and RR NMSB No. RB.211–73–G848, Revision 3, dated June 12, 2014. This service information describes procedures for inspecting, and replacing if required, the fan case LP fuel tube and clips, and the FOHE mounts and hardware. This service information is reasonably available because the interested parties have access to it through their normal course of business or see **ADDRESSES** for other ways to access this service information.

Actions Since Previous NPRM Was Issued

Since we issued the NPRM (79 FR 37965, July 3, 2014), RR received reports of additional failures of clips associated with the LP fuel tube occurring prior to the next inspection as required by the NPRM. RR published NMSB No. RB.211–73–AH837, initial issue, dated September 9, 2014, to provide instructions for additional specific visual inspections, at shorter intervals, of the upper clip attaching feature and the bracket holding this clip to the oil tank and, based on inspection results, instructions for corrective actions. The European Aviation Safety Agency (EASA) also issued EASA AD 2014–0243, dated November 6, 2014, and EASA AD 2014–0243R1, dated December 10, 2014, which mandate additional inspections and corrective actions, grant credit for certain prior inspections, allow a certain in-shop inspection to serve in lieu of a required visual inspection, and state that replacing parts as a result of the inspections required by those EASA ADs, and as described in paragraphs (e)(1), (e)(2), and (e)(3) of this AD, are not terminating action. We reviewed EASA's changes and concluded that they are necessary to correct the unsafe condition this SNPRM addresses. We incorporate EASA's changes into paragraphs (e)(1) and (e)(4) of this SNPRM.

In addition to these changes, we made other changes.

Since we issued the NPRM (79 FR 37965, July 3, 2014), we found that we referenced a non-existent fan case LP fuel tube P/N in the NPRM. Specifically, fan case LP fuel tube, P/N FW535776, does not exist. We changed paragraph (e)(3) of this SNPRM to eliminate the non-existent part number, replacing it with the correct one for the fan case LP fuel tube, P/N FW53576.

We also found that we did not include in our cost estimate an estimate of the number of engines that we expect will fail the proposed inspections. We revised our cost estimate in this SNPRM by adding an estimate of the number of engines that we expect will fail inspection, and the cost of replacement parts.

We also found that we did not provide adequate information to identify the applicable engines affected by this AD. We changed the Applicability paragraph to specify that certain engine models outfitted with fan case LP fuel tube, P/N FW53576, when installed by incorporating either RR production modification 73–F343, or RR Service Bulletin (SB) No. RB.211–73–F343, Revision 4, dated May 26, 2011, are affected by this SNPRM.

Comments

We gave the public the opportunity to participate in developing this proposed

AD. We received no comments on the NPRM (79 FR 37965, July 3, 2014).

FAA's Determination

We are proposing this SNPRM 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. Certain changes described above expand the scope of the NPRM (79 FR 37965, July 3, 2014). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require accomplishing the actions specified in the NPRM, except as discussed in the Actions Since Previous NPRM was Issued paragraph.

Costs of Compliance

We estimate that this proposed AD affects about 50 engines installed on airplanes of U.S. registry. We also estimate that it would take about 6 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. We also estimate that 25 of the engines will fail the inspection proposed by this AD. Required parts cost about $4,031 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $126,275.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Rolls-Royce plc: Docket No. FAA–2014–0363; Directorate Identifier 2014–NE–08–AD.

(a) Comments Due Date

We must receive comments by June 22, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines, if fitted with fuel tube, part number (P/N) FW53576, which was incorporated through RR production modification 73–F343 or which were modified in service in accordance with RR Service Bulletin (SB) No. RB.211–73–F343, Revision 4, dated May 26, 2011, or earlier versions.

(d) Reason

This AD was prompted by fuel leaks caused by damage to the fan case low-pressure (LP) fuel tube. We are issuing this AD to prevent failure of the fan case LP fuel tube, which could lead to an in-flight engine shutdown, loss of thrust control, and damage to the airplane.

(e) Actions and Compliance

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

(1) Within 800 flight hours (FH) after the effective date of this AD, and thereafter at intervals not to exceed 800 FH, inspect the clip at the uppermost fan case LP fuel tube clip position, CP4881, and support bracket, P/N FW26692. Use Accomplishment Instructions, paragraph 3.A, of RR Non-Modification Service Bulletin (NMSB) No. RB.211–73–AH837, initial issue, dated September 9, 2014, or paragraph 3.A. or 3.B. of RR NMSB No. RB.211–73–AH522, Revision 2, dated July 18, 2014, or earlier versions, to do your inspection.

(i) If the clip at the uppermost clip position, CP4881, fails inspection, replace the clip with a part eligible for installation and, before further flight, inspect the fan case LP fuel tube, P/N FW53576, for fretting, and clips for cracks or failure, according to Accomplishment Instructions, paragraph 3.A. of RR NMSB No. RB.211–73–AH837, initial issue, dated September 9, 2014, or paragraph 3.A. or 3.B. of RR NMSB No. RB.211–73–AH522, Revision 2, dated July 18, 2014, or earlier versions.

(ii) If the support bracket, P/N FW26692, fails inspection, replace the bracket before further flight with a part eligible for installation and inspect the fan case LP fuel tube, P/N FW53576, and clips for cracks or failure.

(2) Within 4,000 FH since new or 800 FH, whichever occurs later, after the effective date of this AD, and thereafter at intervals not to exceed 4,000 FH, inspect the fan case LP fuel tube, P/N FW53576, and clips, and the fuel oil heat exchanger (FOHE) mounts and hardware, for damage, wear, or fretting. Use paragraph 3.A. or 3.B., Accomplishment Instructions, of RR Alert NMSB No. RB.211–73–AH522, Revision 2, dated July 18, 2014, or earlier versions, to do the inspection.

(i) If the fan case LP fuel tube, P/N FW53576, fails inspection, before further flight, replace the fuel tube and clips with parts eligible for installation.

(ii) If any FOHE mount or hardware shows signs of damage, wear, or fretting, replace the damaged part before further flight with a part eligible for installation.

(3) At each shop visit after the effective date of this AD, inspect the fan case LP fuel tubes, P/Ns FW26589, FW36335, FW26587, FW53577, and FW53576, and clips, and the FOHE mounts and hardware, for damage, wear, or fretting. Use paragraphs 3.B.(1) and 3.B.(2) of RR Alert NMSB No. RB.211–73–AH522, Revision 2, dated July 18, 2014, or earlier versions, to do the inspection.

(i) If any fan case LP fuel tube fails inspection, replace the fuel tube and clips before further flight with parts eligible for installation.

(ii) If any FOHE mount or hardware shows signs of damage, wear, or fretting, replace the damaged part before further flight with a part eligible for installation.

(4) If you replace any fan case LP fuel tube, clip, or FOHE mount or hardware as a result

of the inspections of paragraphs (e)(1), (e)(2), or (e)(3) of this AD, you must still continue to perform the repetitive inspections of paragraphs (e)(1), (e)(2), and (e)(3) of this AD.

(5) Any reports requested in the NMSB accomplishment instructions referenced in paragraphs (e)(1), (e)(2), and (e)(3) of this AD are not required by this AD.

(f) Credit for Previous Actions

If, before the effective date of this AD, you performed the inspections and corrective actions required by paragraph (e)(2) of this AD using RR NMSB No. RB.211–73–G848, Revision 3, dated June 12, 2014, or earlier versions, you met the initial inspection requirements of paragraph (e)(2) of this AD.

(g) Definitions

For the purposes of this AD:

(1) An ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance is not an engine shop visit.

(2) The fan case LP fuel tubes and clips, and the FOHE mounts and hardware, are eligible for installation if they have passed the inspection requirements of paragraphs (e)(1), (e)(2), and (e)(3) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

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

(i) Related Information

(1) For more information about this AD, contact Wego Wang, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7134; fax: 781–238–7199; email: *wego.wang@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2014–0243R1, dated December 10, 2014 for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0363.*

(3) RR Alert NMSB No. RB.211–73–AH522, Revision 2, dated July 18, 2014, and earlier versions; RR NMSB No. RB.211–73–AH837, initial issue, dated September 9, 2014; and RR NMSB No. RB.211–73–G848, Revision 3, dated June 12, 2014, and earlier versions; which are not incorporated by reference in this AD, can be obtained from Rolls-Royce plc, using the contact information in paragraph (i)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://www.aeromanager.com.*

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

Issued in Burlington, Massachusetts, on April 7, 2015.

Ann C. Mollica,

Acting Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–09001 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–1130; Directorate Identifier 2015–NE–04–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Pratt & Whitney (PW) PW4164–1D, PW4168–1D, PW4168A–1D and PW4170 engines, and certain PW4164, PW4168, and PW4168A turbofan engines. This proposed AD was prompted by fuel nozzle-to-fuel supply manifold interface fuel leaks. This proposed AD would require inspecting fuel nozzles for signs of leakage, replacing hardware as required, and torqueing to specified requirement. We are proposing this AD to prevent fuel leaks which could result in engine fire and damage to the airplane.

DATES: We must receive comments on this proposed AD by June 22, 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 Pratt & Whitney, 400 Main St., East Hartford, CT 06108; phone: 860–565–8770; fax: 860–565–4503. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–1130; 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: Katheryn Malatek, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7747; fax: 781–238–7199; email: *katheryn.malatek@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–1130; Directorate Identifier 2015–NE–04–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We received reports of four fuel nozzle leaks in service and an additional six fuel nozzle leaks found during shop visits. The root cause is inadequate torque of the fuel nozzle-to-fuel supply manifold B-nuts for the temperatures that the fuel nozzles experience. This condition, if not corrected, could result in engine fire and damage to the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed PW Alert Service Bulletin (ASB) No. PW4G–100–A73–44, dated October 10, 2014. This service information contains information regarding fuel nozzle manifold inspection and fuel nozzle-to-fuel supply manifold B-nut torque requirements. This service information is reasonably available because the interested parties have access to it through their normal course of business or see **ADDRESSES** for other ways to access this service information.

FAA's Determination

We are proposing this NPRM because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This NPRM would require inspecting the fuel nozzle-to-fuel supply manifold interface for evidence of leaks and replacing hardware in cases where fuel leaks are identified. This NPRM also requires torqueing certain B-nuts to the specified requirement.

Differences Between This Proposed AD and the Service Information

PW ASB No. PW4G–100–A73–44 uses calendar dates for compliance time. This NPRM uses cycles. Using cycles from the effective date of the AD supports the intent of the ASB and ensures adequate compliance time after the effective date of the AD.

Costs of Compliance

We estimate that this proposed AD would affect about 72 engines installed on airplanes of U.S. registry. The average labor rate is $85 per hour. We estimate that parts replacement will cost about $1,356 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $391,392.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pratt & Whitney: Docket No. FAA–2014–1130; Directorate Identifier 2015–NE–04–AD.

(a) Comments Due Date

We must receive comments by June 22, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney (PW) PW4164–1D, PW4168–1D, PW4168A–1D and PW4170 engines; and all PW4164, PW4168, and PW4168A turbofan engines that have incorporated either PW Service Bulletin (SB) No. PW4G–100–72–214, dated December 15, 2011 or PW SB No. PW4G–100–72–219, Revision 1, dated October 5, 2011.

(d) Unsafe Condition

This AD was prompted by fuel nozzle-to-fuel supply manifold interface fuel leaks. We are issuing this AD to prevent fuel leaks which could result in engine fire and damage to the airplane.

(e) Compliance

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

(1) Within 800 flight hours after the effective date of this AD, and within every 800 hours since last inspection thereafter, inspect all fuel nozzle-to-fuel supply manifold interfaces for evidence of fuel leaks, soot, and coke formation. Use the Accomplishment Instructions, Part A, of PW Alert Service Bulletin (ASB) No. PW4G–100–A73–44, dated October 10, 2014 to do the inspections.

(2) Replace hardware that fails an inspection. Use the Accomplishment Instructions, Part A, of PW ASB No. PW4G–100–A73–44, dated October 10, 2014 to do the replacement.

(f) Mandatory Terminating Action

(1) Inspect all fuel nozzle-to-fuel supply manifold interfaces for fuel leaks, soot, and coke formation, replace hardware that fails inspection, and re-torque all fuel nozzle-to-fuel supply manifold B-nuts as follows:

(i) For engines with fewer than 1,500 cycles on the effective date of this AD, before accumulating another 650 cycles, not to exceed 1,900 cycles.

(ii) For engines with 1,500 cycles or more, but fewer than 2,500 cycles on the effective date of this AD, before accumulating another 400 cycles, not to exceed 2,700 cycles.

(iii) For engines with 2,500 cycles or more on the effective date of this AD, before accumulating another 200 cycles.

(2) Use the Accomplishment Instructions, Parts B through E, of PW ASB No. PW4G–100–A73–44, dated October 10, 2014 to do the inspection, replacement, and retorqueing.

(g) Definition

For the purpose of this AD ''cycles'' is defined as cycles since new or cycles since the incorporation of PW SB No. PW4G–100–72–214, dated December 15, 2011 or SB No. PW4G–100–72–219, Revision 1, dated October 5, 2011.

(h) Alternative Methods of Compliance (AMOCs)

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

(i) Related Information

(1) For more information about this AD, contact Katheryn Malatek, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7747; fax: 781–238–7199; email: *katheryn.malatek@faa.gov*.

(2) PW ASB No. PW4G–100–A73–44, dated October 10, 2014, which is not incorporated by reference, can be obtained from Pratt & Whitney using the contact information in paragraph (j)(3) of this proposed rule.

(3) For service information identified in this proposed rule, contact Pratt & Whitney, 400 Main St., East Hartford, CT 06108; phone: 860–565–8770; fax: 860–565–4503.

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

Issued in Burlington, Massachusetts, on April 10, 2015.

Ann C. Mollica,

Acting Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–08995 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0181]

RIN 1625–AA00

Safety Zone, Low Country Splash, Wando River, Cooper River, and Charleston Harbor, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary moving safety zone during the Low Country Splash, a swimming race occurring on the Wando River, the Cooper River, and Charleston Harbor, in Charleston, South Carolina. The Low Country Splash is scheduled on May 30, 2015, from 7:30 a.m. to 9:45 a.m. The temporary moving safety zone is necessary to protect swimmers, participant vessels, spectators, and the general public during the event. Persons and vessels would be prohibited from entering the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before May 6, 2015. Requests for public meetings must be received by the Coast Guard on or before April 30, 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 Chief Warrant Officer Christopher Ruleman, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843)-740–3184, email *Christopher.L.Ruleman@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of proposed rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2015–0181 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2015–0181 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this

rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The legal basis for the proposed rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the proposed rule is to ensure the safety of the swimmers, participant vessels, spectators, and the general public during the Low Country Splash.

C. Discussion of Proposed Rule

On May 30, 2015, the Low Country Splash is scheduled to take place on the Wando River, the Cooper River, and Charleston Harbor, in Charleston, South Carolina. Low Country Splash will consist of a 5 mile swim that starts at Daniel Island pier on the Wando River, crosses the main shipping channel of Wando River at Hobcaw Point, and finishes at the Charleston Harbor Resort Marina.

The proposed rule would establish a temporary moving safety zone of 50 yards in front of the lead safety vessel preceding the first race participant, 50 yards behind the safety vessel trailing the last race participants, and at all times extend 100 yards on either side of the race participants and safety vessels. The temporary moving safety zone would be enforced from 7:30 a.m. until 9:45 a.m. on May 30, 2015.

Persons and vessels would be prohibited from entering or transiting through the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. Persons and vessels would be able to request authorization to enter or transit through the safety zone by contacting the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The economic impact of this proposed rule is not significant for the following reasons: (1) The safety zone would only be enforced for a total of two and one quarter hours; (2) the safety zone would move with the participant safety vessels so that once the swimmers clear a portion of the waterway, the safety zone would no longer be enforced in that portion of the waterway; (3) although persons and vessels would not be able to enter or transit through the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they would be able to operate in the surrounding area during the enforcement period; (4) persons and vessels would still be able to enter or transit through the safety zone if authorized by the Captain of the Port Charleston or a designated representative; and (5) the Coast Guard would provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of the Wando River, the Cooper River, and Charleston Harbor, in Charleston, South Carolina encompassed within the safety zone from 7:30 a.m. until 9:45 a.m. on Saturday, May 30, 2015. For the reasons discussed in the Regulatory Planning and Review section above, this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded 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 a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0181 to read as follows:

§ 165.T07–0181 Safety Zone; Low Country Splash, Charleston, SC.

(a) *Regulated Areas.* The following regulated area is a moving safety zone: all waters 50 yards in front of the lead safety vessel preceding the first race participants, 50 yards behind the safety vessel trailing the last race participants, and at all times extend 100 yards on either side of the race participants and safety vessels. The Low Country Splash swimming race consists of a 5 mile course that starts at Daniel Island Pier on the Wando River, crosses the main shipping channel of Wando River at Hobcaw Point, and finishes at the Charleston Harbor Resort Marina.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.*

(1) All persons and vessels are prohibited from entering or transiting through the regulated areas unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter or transit through the regulated areas may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter or transit through the regulated areas is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is effective on Saturday, May 30, 2015, and will be enforced from 7:30 a.m. until 9:45 a.m.

Dated: April 9, 2015.

B.D. Falk,

Commander, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2015–09048 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0227]

RIN 1625–AA00

Safety Zone, Block Island Wind Farm; Rhode Island Sound, RI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a 500-yard safety zone around each of five locations where the Block Island Wind Farm (BIWF) wind turbine generator (WTG) foundations will be constructed in the navigable waters of the Rhode Island Sound, RI, from July 1 to September 30, 2015. These safety zones are intended to safeguard mariners from the hazards associated with construction of the BIWF WTG foundations. Vessels will be prohibited from entering into, transiting through, mooring, or anchoring within these safety zones while construction vessels and associated equipment are present, unless authorized by the Captain of the Port (COTP), Southeastern New England or the COTP's designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before May 21, 2015. Requests for public meetings must be received by the Coast Guard on or before May 12, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2015–0227 using any one of the following methods:

(1) Federal e-Rulemaking 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 proposed rule, contact Mr. Edward G. LeBlanc, Waterways Management Division at Coast Guard Sector Southeastern New England, telephone 401–435–2351, email *Edward.G.LeBlanc@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

BIWF Block Island Wind Farm
FR **Federal Register**
NTM Notice To Mariners
WTG Wind Turbine Generator

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 (USCG–2015–0227), 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 (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2015–0227] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2015–0227) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The Coast Guard has not promulgated a rule regarding construction of the BIWF WTG foundations.

C. Basis and Purpose

The legal basis for the proposed rule is 33 U.S.C., 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

This rule is necessary to provide for the safety of life and navigation, for both workers and the boating public, within the vicinity of the BIWF in Rhode Island Sound, RI.

D. Discussion of Proposed Rule

The Coast Guard proposes to establish a 500-yard safety zone around each of five locations where the BIWF WTG foundations will be constructed in the navigable waters of the Rhode Island Sound, RI, from 1 July to 30 September 2015. Locations of these platforms are:

Platform	Latitude	Longitude
WTG 1	41° 7.544′ N ..	71° 30.454′ W.
WTG 2	41° 7.196′ N ..	71° 30.837′ W.
WTG 3	41° 6.886′ N ..	71° 31.268′ W.
WTG 4	41° 6.612′ N ..	71° 31.747′ W.
WTG 5	41° 6.383′ N ..	71° 32.259′ W.

These safety zones are intended to safeguard mariners from the hazards associated with construction of the BIWF WTG foundations. Vessels will be prohibited from entering into, transiting through, mooring, or anchoring within these safety zones while construction vessels and associated equipment are present unless authorized by the COTP, Southeastern New England or the COTP's designated representative.

E. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking.

Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Executive Order 12866 and Executive Order 13563

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

We expect the adverse economic impact of this proposed rule to be minimal. Although this regulation may have some adverse impact on the public, the potential impact will be minimized for the following reasons: Although these safety zones will be in effect from 1 July 2015 to 30 September 2015, vessels will only be restricted from the zones during periods of actual construction activity; the BIWF is located approximately three miles offshore of Block Island and the safety zone are only 500-yards in radius centered on the five BIWF WTG foundation locations, allowing plenty of room for vessels to pass without having to divert a long distance around the construction areas.

Notification of BIWF construction activity and the effective enforcement periods of the associated safety zones will be made to mariners through the Rhode Island Port Safety Forum, and local and broadcast NTMs.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: owners or operators of vessels intending to enter, transit, moor, or anchor within 500 yards of the five BIWF WTG foundation construction locations.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rulemaking would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rulemaking would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

significant effect on the human environment.

A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES.** These safety zones are intended to safeguard mariners from the hazards associated with wind farm construction activity. Vessels will be prohibited from entering into, transiting through, mooring, or anchoring within these safety zones while construction vessels and associated equipment are present unless authorized by the Captain of the Port (COTP), Southeastern New England or the COTP's designated representative. It appears that this action will qualify for Coast Guard Categorical Exclusion (34)(g), as described in figure 2–1 of the Commandant Instruction.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for Part 165 reads as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T0227 to read as follows:

§ 165.T0227 Safety Zone, Block Island Wind Farm; Rhode Island Sound, RI.

(a) *Location.* Areas within a 500-yard radius of the following five positions are safety zones:

Platform	Latitude	Longitude
WTG 1	41° 7.544′ N.	71° 30.454′ W.
WTG 2	41° 7.196′ N.	71° 30.837′ W.
WTG 3	41° 6.886′ N.	71° 31.268′ W.
WTG 4	41° 6.612′ N.	71° 31.747′ W.
WTG 5	41° 6.383′ N.	71° 32.259′ W.

(b) *Enforcement Period.* From 1 July to 30 September 2015, vessels will be prohibited from entering into any of these safety zones, when enforced, during construction activity of five Block Island Wind Farm (BIWF) wind turbine generators (WTG) located in the positions listed in 2(a) above.

(c) *Definitions.* The following definitions apply to this section:

Designated representative. A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port, Sector Southeastern New England (COTP), to act on his or her behalf.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 as well as the following regulations apply to the safety zones established in conjunction with the construction of the Block Island Wind Farm; Rhode Island Sound, RI. These regulations may be enforced for the duration of construction.

(2) Vessels may not enter into, transit through, moor, or anchor in these safety zones during periods of enforcement unless authorized by the Captain of the Port (COTP), Southeastern New England or the COTP's designated representative. Vessels permitted to transit must operate at a no-wake speed, in a manner which will not endanger construction vessels or associated equipment.

(3) Failure to comply with a lawful direction from the Captain of the Port (COTP), Southeastern New England or the COTP's designated representative may result in expulsion from the area, citation for failure to comply, or both.

Dated: April 1, 2015.

J.T. Kondratowicz,

Captain, U.S. Coast Guard, Captain of the Port Southeastern New England.

[FR Doc. 2015–09036 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0209; FRL–9926–46–Region 4]

Approval and Promulgation of Implementation Plans; North Carolina; Charlotte; Base Year Emissions Inventory and Emissions Statement Requirements for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan revision submitted by the State of North Carolina, through North Carolina Department of Environment and Natural Resources, on July 7, 2014, to address the base year emissions inventory and emissions statement requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS) for the State's portion of the Charlotte Gastonia-Rock Hill, North Carolina-South Carolina Area. Annual emissions reporting (*i.e.*, emission statement) and a base year emissions inventory are required for all ozone nonattainment areas. The Area is comprised of the entire county of Mecklenburg and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties in North Carolina; and a portion of York County in South Carolina. EPA will consider and take action on the South Carolina submission for the emissions inventory and emissions statement for its portion of this Area in a separate action.

DATES: Written comments must be received on or before May 21, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0209 by one of the following methods:

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

2. *Email: R4–ARMS@epa.gov.*

3. *Fax:* (404) 562–9019.

4. *Mail:* ''EPA–R04–OAR–2015–0209,'' Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Jane Spann, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street

SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9029. Ms. Spann can be reached via electronic mail at *spann.jane@epa.gov*.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: April 9, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–09049 Filed 4–20–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

[LLWO3100 L13100000.PP0000]

RIN 1004–AE41

Oil and Gas Leasing; Royalty on Production, Rental Payments, Minimum Acceptable Bids, Bonding Requirements, and Civil Penalty Assessments

AGENCY: Bureau of Land Management, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Land Management (BLM) is issuing this Advanced Notice of Proposed Rulemaking (ANPR) to solicit public comments and suggestions that may be used to update the BLM's regulations related to royalty rates, annual rental payments, minimum acceptable bids, bonding requirements, and civil penalty assessments for Federal onshore oil and gas leases. As explained below, each of these elements is important to the appropriate management of the public's oil and gas resources. They help ensure a fair return to the taxpayer, diligent development of leased resources, adequate reclamation when development is complete; and that there is adequate deterrence for violations of legal requirements, including trespass and unauthorized removal. Aspects of these elements are fixed by statute and beyond the Secretary's authority to revise; however, in many instances they have been further constrained by regulatory provisions (*e.g.,* minimum bond amounts) that have not been reviewed or adjusted in decades. The purpose of this ANPR is to seek comments on this situation and the need for, and content of, potential changes or updates to the existing regulations in these areas.

Specifically, the BLM is seeking comments and suggestions that would assist the agency in preparing a proposed rule that gives the Secretary of the Interior (Secretary), through the BLM, the flexibility to adjust royalty rates in response to changes in the oil and gas market. Absent near-term enactment of new statutory flexibility for new non-competitively issued leases, a future proposed rule would limit any contemplated royalty rate changes to new competitively issued oil and gas leases on BLM-managed lands, because the royalty rate that is charged on non-competitively issued leases is currently fixed by statute at 12.5 percent. The intent of any anticipated changes to the royalty rate regulations would be to provide the BLM with the necessary tools to ensure that the American people receive a fair return on the oil and gas resources extracted from BLM-managed lands.

In addition to the royalty rate, the BLM is also seeking input on: (1) How to update its annual rental payment, minimum acceptable bid, and bonding requirements for oil and gas leases, and (2) Whether to remove the caps established by existing regulations on civil penalties that may be assessed under the Federal Oil and Gas Royalty Management Act (FOGRMA). With respect to annual rental payments, the intent of any potential increase in annual payments would be to provide a greater financial incentive for oil and gas companies to develop their leases promptly or relinquish them, including for potential re-leasing, as appropriate, by other parties, and to ensure that leases acquired non-competitively provide a fair financial return to the taxpayer. With respect to the minimum acceptable bid, the intent of any potential changes is to ensure that the American taxpayers receive a fair financial return at BLM oil and gas lease sale auctions. With respect to bonding requirements, the intent of any potential bonding updates would be to ensure that bonds required for oil and gas activities on public lands adequately capture costs associated with potential non-compliance with any terms and conditions applicable to a Federal onshore oil and gas lease. The BLM's existing regulations currently set bond minimums that have not been adjusted in 50 years. With respect to penalty assessments, the intent of the potential removal of the regulatory caps would be to ensure that the penalties provide adequate deterrence of unlawful conduct, particularly drilling on Federal onshore leases without authorization and drilling into leased parcels in knowing and willful trespass.

The anticipated updates to BLM's onshore oil and gas royalty rate regulations and other potential changes to its standard lease fiscal terms address recommendations from the Government Accountability Office (GAO), and will help ensure that taxpayers are receiving a fair return from the development of these resources. The anticipated changes to the royalty rate regulations will also support implementation of reform proposals in the Administration's Fiscal Year (FY) 2016 budget.

DATES: The BLM will accept comments and suggestions on this ANPR on or before June 5, 2015.

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

Mail: Director (630) Bureau of Land Management, U.S. Department of the Interior, 1849 C St. NW., Room 2134LM, Washington, DC 20240, Attention: 1004–AE41.

Personal or messenger delivery: U.S. Department of the Interior, Bureau of Land Management, 20 M Street SE., Room 2134LM, Attention: Regulatory Affairs, Washington, DC 20003.

Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions at this Web site.

FOR FURTHER INFORMATION CONTACT: Dylan Fuge, Office of the Director, at 202–208–5235, Steven Wells, Division of Fluid Minerals, at 202–912–7143, or Jully McQuilliams, Division of Fluid Minerals, at 202–912–7156, for information regarding the substance of this ANPR. For information on procedural matters or the rulemaking process generally, you may contact Anna Atkinson, Regulatory Affairs, at 202–912–7438. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, 7 days a week to contact the above individuals.

SUPPLEMENTARY INFORMATION: The Department of the Interior (Department) oversees and manages much of the nation's Federal mineral resources, including onshore oil and natural gas

located on the 245 million surface acres and 700 million subsurface acres managed by the BLM. It is responsible for ensuring that the development of those resources occurs in an environmentally-responsible manner, while also meeting the nation's energy needs. Key components of the Department's management responsibility are ensuring that: (1) The American public receives a fair return from the production of those resources; (2) Issued leases are developed diligently and responsibly; (3) There are adequate financial measures in place to address the risks associated with development; and (4) Appropriate civil penalty provisions are in place to address violations of applicable legal requirements.

With respect to fair return, the BLM recognizes there is a need to periodically assess the onshore oil and gas fiscal system and review existing regulations and policies related to onshore royalty rates and minimum acceptable bids. With respect to diligent development, the BLM believes it may be appropriate to increase annual rental payments to provide a greater incentive for lessees to develop leases promptly or relinquish them so that they may be re-leased to other parties, as appropriate. With respect to lessees' financial assurance obligations, there may be a need to update existing bonding requirements to ensure that the bonds provide adequate resources to reclaim and restore lands and surface resources affected by leasing activities and development. With respect to civil penalty assessments, there may be a need to ensure that civil penalties adequately deter the unauthorized removal of or trespass on leased Federal oil and gas resources, which unlawfully deprive both the taxpayers and the lessees of the leased resources or their value.

The purpose of this ANPR is to solicit public comments and suggestions that would be helpful to the BLM in preparing a subsequent proposed rule, as well as to gather input that is needed to update onshore royalty rates, annual rental payments, the minimum acceptable bid, bonding requirements, and caps on civil penalty assessments. The scope of the anticipated proposed rule is likely to include a combination of existing BLM onshore oil and gas regulations and policies, including onshore royalty rates, oil and gas lease rental payments, minimum acceptable bids, and bonding requirements, and civil penalty assessments. See section III of this ANPR for a list of specific questions relating to these topics.

I. Public Comment Procedures

Commenting on the ANPR

You may submit comments on the ANPR by mail, personal or messenger delivery, or electronic mail.

Mail: Director (630) Bureau of Land Management, U.S. Department of the Interior, 1849 C St. NW., Room 2134LM, Washington, DC 20240, Attention: Regulatory Affairs, 1004–AE41.

Personal or messenger delivery: U.S. Department of the Interior, Bureau of Land Management, 20 M Street SE., Room 2134LM, Attention: Regulatory Affairs, Washington, DC 20003.

Electronic mail: You may access and comment on the ANPR at the Federal eRulemaking Portal by following the instructions at that site (see **ADDRESSES**).

Written comments and suggestions should:

—Be specific;
—Explain the reasoning behind your comments and suggestions; and
—Address the issues outlined in the ANPR.

For comments and suggestions to be the most useful, and most likely to inform decisions on the content of any proposed rule, they should:

—Be substantive; and
—Facilitate the development and implementation of an environmentally and fiscally responsible process for leasing public lands for oil and gas production.

The BLM is particularly interested in receiving comments and suggestions in response to the questions listed in section III of this ANPR. These specific questions will focus the feedback on matters most in need of public input for the development of the regulations. This public input will assist the BLM in considering and proposing appropriate adjustments to onshore lease royalty rates, annual rental payments, minimum acceptable bids, bonding requirements, and civil penalty or other assessments. All communications on these topics should refer to RIN 1004–AE41 and may be submitted by the methods listed under the **ADDRESSES** section of this ANPR.

Comments received after the close of the comment period (see **DATES** section of this ANPR) may not necessarily be considered or included in the Administrative Record for the proposed rule. Likewise, comments delivered to an address other than those listed under the **ADDRESSES** section of this ANPR may not necessarily be considered or included in the Administrative Record for the proposed rule.

Reviewing Comments Submitted by Others

Comments, including names and street addresses of respondents, will be available for public review at the personal or messenger delivery address listed under **ADDRESSES** during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except Federal holidays. They will also be available at the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions at this Web site for submitting, accessing, and/or reviewing comments.

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 can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

Onshore Royalty Rates

The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*) (MLA), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 *et seq.*) (MLAAL), and other statutes pertaining to specific categories of land authorize the Secretary to lease Federal oil and gas resources. The MLA and MLAAL prescribe the minimum percentage of royalty reserved to the United States under an onshore oil and gas lease on most Federal lands, as discussed further below. The BLM is responsible for regulating onshore leasing activities for BLM-managed lands and subsurface estate.

These authorities are implemented by the BLM through regulations at 43 CFR 3100. The BLM utilizes both competitive and non-competitive leasing processes. Pursuant to the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA), which amended the MLA, the BLM must first offer parcels on a competitive basis.[1] Leases are issued to the highest qualified bidder as determined by an auction process.[2] Parcels that do not

[1] The MLA, as amended by the FOOGLRA, directs the BLM to hold lease sales in each State where eligible lands are available for leasing at least quarterly. 30 U.S.C. 226(b)(1)(A).

[2] Under the MLA, lease sale auctions were, until recently, required to be conducted by oral bidding. *Id.* In 2014, the National Defense Authorization Act for Fiscal Year 2015 gave the BLM the authority for the first time to hold Internet auctions. Public Law

Continued

receive bids at auction must be made available for leasing on a non-competitive basis to the first qualified applicant for a period of two years after the lease sale at which those parcels were initially offered. These non-competitive leases can be obtained, as explained below, after payment of the first year's rent and an administrative fee (30 U.S.C. 226(b)(1)(A); 43 CFR 3120.6). In aggregate, approximately 40 percent of the BLM-issued leases that are currently in force have been issued non-competitively (GAO–14–50 at 8). In FY 2014, approximately 10 percent of leases were issued non-competitively.

For all competitively-issued leases, the MLA requires a royalty ''at a rate of *not less than 12.5 percent* in amount or value of the production removed or sold from the lease'' (emphasis added) (30 U.S.C. 226(b)(1)(A); 30 U.S.C. 352 (applying that requirement to leases on acquired land)). Although the BLM is authorized under the MLA to specify a royalty rate higher than 12.5 percent for competitive leases, its existing regulations set a flat rate of 12.5 percent for such leases (43 CFR 3103.3–1(a)(1)).[3] For non-competitive leases, the royalty rate is fixed at a flat 12.5 percent of the value of the production by statute (30 U.S.C. 226(c) and 30 U.S.C. 352 (acquired lands)).

With this ANPR, the BLM seeks comments and suggestions on potential revisions to the royalty rate system that are consistent with the applicable statutory authorities (*e.g.,* the statutory floor of 12.5 percent). Consistent with existing requirements, any potential revisions to royalty rates, like those discussed below, would apply only to new leases obtained competitively; non-competitive leases would remain at the statutorily mandated 12.5 percent. Also, any potential revisions would not apply to leases issued under the Indian Mineral Leasing Act (tribal leases), 25 U.S.C. 396 (allotted leases), or the Indian Mineral Development Act. It should also be noted that any revisions to royalty rates would apply only to leases issued after the effective date of any final rule.

Revenue generated from developing public energy resources that belong to all Americans helps fund critical investments in communities across the United States and creates American jobs, fosters land and water conservation efforts, improves critical infrastructure, and supports education. For FY 2014, onshore Federal oil and gas leases produced about 148 million barrels of oil, 2.48 trillion cubic feet of natural gas, and 2.9 billion gallons of natural gas liquids, with a market value of almost $27 billion and generating royalties of almost $3.1 billion. Nearly half of these revenues are distributed to the States in which the leases are located.

The adequacy of the Department's oil and gas fiscal system has been the subject of many studies by GAO, the Interior Department's Office of the Inspector General (OIG), and other entities. The total government revenues as a share of total lease revenues is the revenue generated from taxes, fees, rental payments, bonus payments, and royalties. This revenue in aggregate is commonly referred to as the ''government take.'' GAO uses government take figures to compare various oil and gas fiscal systems, such as those used on State-managed lands and in certain foreign countries. The BLM's goal is to design an oil and gas fiscal system that both ensures that the United States' oil and gas resources are developed and managed in an environmentally-responsible way that meets our energy needs, while also ensuring that the American people receive a fair return on those resources (GAO–14–50 at 7).

In 2007 and 2008, the GAO released two reports focused on the adequacy of the United States' oil and gas fiscal system. The first report,[4] which compared oil and gas revenues received by the United States Government with the revenues that foreign governments receive from the development of public oil and gas resources in those countries, concluded that the United States Government receives one of the lowest percentages in government revenue from public oil and gas resource development in the world (GAO–07–676R at 2). The second report,[5] which focused on whether the Department received a fair return on the resources it managed, cited the ''lack of price flexibility in royalty rates'' and ''the inability to change fiscal terms on existing leases,'' in support of GAO's finding that the United States could be foregoing significant revenue from the production of Federal oil and gas resources (GAO–08–691 at 6). The report also faulted the Department for not having procedures in place to routinely evaluate the ranking of the Federal oil and gas fiscal system, or the industry rates of return on Federal leases versus other resource owners (GAO–08–691 at 6). As a result, GAO recommended that the U.S. Congress direct the Secretary to convene an independent panel to conduct a review of the Federal oil and gas fiscal system and establish procedures to periodically evaluate the system going forward. The U.S. Congress did not take any action on the GAO's recommendation; however, as explained below, the Department, including the BLM, undertook its own review in response to the GAO's findings.

In an effort to respond to the GAO's findings, the BLM, in coordination with the Bureau of Ocean Energy Management (BOEM), contracted for a comparative assessment of oil and gas fiscal systems on selected Department-managed Federal lands, State-managed lands, and in certain foreign countries (IHS CERA Study).[6] The Study identified four factors that are amenable to relative comparisons: government take, internal rate of return, profit-investment ratio, and progressivity. The Study also considered measures of revenue risk and fiscal system stability. In net, the IHS CERA Study found that as of the time of its report, the Federal Government's fiscal system and overall government take in aggregate were generally in the mainstream nationally and internationally. However, the report estimated a relatively wide range of government take, even within specific geographic regions, and the Study's authors acknowledged that government take varies with commodity prices, reserve size, reservoir characteristics, resource location and development costs, distance from infrastructure, water depth, and other factors. As a result, the IHS CERA Study's authors tended to favor a sliding-scale royalty system over a fixed-rate royalty due to its relative progressivity and ability to respond to changes in commodity market conditions.

In addition to the IHS CERA Study, the BLM also reviewed a separate study that was conducted by industry, independent of the BLM's efforts (Van Meurs Study (2011)).[7] The Van Meurs

113–291, Sec. 3022. The BLM has not yet implemented that authority.

[3] Before the FOOGLRA, the BLM issued leases with royalty rates at or above 12.5 percent. Leases reinstated after termination due to failure to pay annual rental are subject to a higher royalty rate (43 CFR 3103.3–1(a)(2) and (3)).

[4] Government Accountability Office (May 2007). *Oil and Gas Royalties: A Comparison of the Share of Revenue Received from Oil and Gas Production by the Federal Government and Other Resource Owners* (GAO–07–676R).

[5] Government Accountability Office (September 2008). *Oil and Gas Royalties: The Federal System for Collecting Oil and Gas Revenues Needs Comprehensive Reassessment, September 2008* (GAO–08–691).

[6] IHS CERA (October 2011). *Comparative Assessment of the Federal Oil and Gas Fiscal System.* Available at *http://www.blm.gov/wo/st/en/prog/energy/comparative_assessment.html.*

[7] PFC Energy, Van Meurs Corporation, and Rodgers Oil & Gas Consulting (2011). *World Rating of Oil and Gas Terms: Volume 1—Rating of North*

Study looked at a wide range of jurisdictions and regions across North America and provided a comparison of the oil and gas fiscal systems on Federal, State, and private lands throughout the United States and the provinces in Canada. At the time it was published, the Van Meurs Study suggested that in the United States: (1) Government take was generally lower on Federal lands than the lessor's ''take'' on State lands or private lands; (2) Government take was higher for gas than for oil; and (3) The internal rate of return on leases was lower for gas than for oil. The Report also made several recommendations to State and Federal Governments in the United States and Canada, such as the application of different fiscal terms to oil leases relative to gas leases based on the prevailing prices of oil and gas at the time the report was published. The continued growth of natural gas production in the United States since the report was published raises questions about its conclusions related to the intersection of specific prices and individual government fiscal terms.

As reflected by the findings in the reports discussed above, there are challenges and uncertainties involved in comparing the relative government take across regions or among nations. As a result, the BLM is seeking through this ANPR additional points of comparison for evaluating whether or not the BLM could achieve a better return through changes to its royalty rate regulations. One such point of comparison would be an evaluation of royalty rates charged by States on oil and gas activities on State lands. This comparison is important because while the Federal Government is a large player, it is only one of many mineral rights owners in the United States. As a result, the royalty rates charged by other significant mineral rights owners in the United States are relevant to any assessment of the adequacy of the Federal system.

For purposes of discussion and comparison, the Table below presents information about royalty rates charged by the States for production on State lands. The States listed below were selected because they have significant oil and gas production or there is significant production from Federal onshore oil and gas resources there. The information in the Table is current as of December 2014. It should be noted that these States receive all of the royalty from production on State lands. On Federal lands, under the MLA, before the marginal ''net receipts sharing'' deduction of 2 percent before distribution, the States receive 50 percent of the royalty from production under most Federal leases located within that State by way of permanent indefinite appropriation (except Alaska where the State's share is 90 percent) (*see* 30 U.S.C. 191(a)).[8] As thetable below shows, the royalty rates on production from leases on private or State landsvary, but are generally believed to be between 12.5 percent and 25 percent.

SUMMARY OF STATE & PRIVATE LAND ROYALTY RATES

Jurisdiction	Royalty rate	Comment
California (State lands)	Negotiated on a lease-by-lease basis, but generally not less than 16.67 percent.	The California State Lands Commission does not auction parcels. It negotiates lease terms, but it generally cannot issue a lease with a royalty rate below 16.67 percent, by statute. Lease terms are often based on neighboring leases.
Colorado (State lands)	16.67 percent	Information from the Colorado State Land Board Frequently Asked Questions.
Montana (State lands)	16.67 percent	Montana statutes (Mont. Code Ann. § 77–3–432) establishes a royalty of no less than 12.5 percent. Montana's rule (Sec. 36.25.210) sets the royalty rate at 16.67 percent, unless the lease sale notice announces a higher rate; the most recent sale, in December 2014, did not specify a higher rate.
New Mexico (State lands)	18.75 percent for development leases; 16.67 percent for discovery leases.	Information from the December 2014 lease sale notice.
North Dakota (State lands)	18.75 percent or 16.67 percent depending on the county.	Leases in Billings, Divide, Dunn, Golden Valley, McKenzie, Mountrail, and Williams counties carry an 18.75 percent royalty rate. Leases in other counties carry a 16.67 percent royalty rate. The statutory minimum royalty rate for oil is 12.5 percent. N.D. Cent. Code 15–05–10. Current Board of University and School Lands rules (§ 85–06–06–05), as amended in 2012, set the higher rates noted above.
Texas (State lands)	20 to 25 percent depending on the type of State land being leased.	By statute (Tex. Nat. Res. Code Ann. § 52.022), the School Land Board must set a royalty rate of at least 12.5 percent. The effective royalty rates are specified in the notice for bids. The royalty applies to all subsequent wells drilled on a lease, so long as the first well met the time specifications. The specific rate applied to new leases currently varies between 20 to 25 percent depending on the type of State land the lease is located on, with most categories subject to a 25 percent royalty rate.[9] New leases on University Lands are currently subject to 25 percent royalty rate.[10]
Utah (State lands)	12.5 percent or 16.67 percent	By regulation (Utah Admin. Code. R. 652–20–1000), oil and gas leases must have a royalty rate of at least 12.5 percent. The 16.67 percent royalty rate is specified in the October 2014 lease sale notice.

American Terms for Oil and Gas Wells with a Special Report on Shale Plays.

[8] After ''net receipts sharing'' deductions, the percentage of MLA lease revenues distributed to the states is 88.2 percent in Alaska and 49 percent in all other states. Remaining receipts are deposited in the Reclamation Fund and miscellaneous receipts in the U.S. Treasury.

[9] Texas General Land Office, Oil and Gas Lease Bid Application (Jan. 20, 2015), *available at http://www.glo.texas.gov/what-we-do/energy-and-minerals/_documents/sealed-bids/bid01-20-15/web-notice-01-15.pdf.*

[10] University Lands, The University of Texas System, Standard Oil and Gas Lease Agreement Form, *available at http://www.utlands.utsystem.edu/forms/pdfs/LeaseAgreement45.pdf?201410.*

SUMMARY OF STATE & PRIVATE LAND ROYALTY RATES—Continued

Jurisdiction	Royalty rate	Comment
Wyoming (State lands)	16.67 percent; 12.5 percent if the parcel was offered in a previous lease sale but did not receive a bid.	Information from the November 2014 lease sale notice. By statute (Wyo. Stat. Ann. § 36–6–101(c)), royalty rate must not be less than 5 percent of oil and gas produced and saved.
Private Lands	Generally 12.5 percent to 25 percent	Varies by contract.

In 2013, the GAO issued another report identifying specific actions for the Department to take to ensure that the Federal Government is receiving a fair return on the resources it manages for the American public.[11] The GAO acknowledged that actions had been taken in response to its prior recommendations (GAO–14–50 at 11), but remained concerned that the Department has not taken steps to change the onshore royalty rate regulations and had not established procedures for the periodic assessment of the Federal oil and gas fiscal system (GAO–14–50 at 23).

This ANPR directly addresses the GAO's first concern, because through it the BLM is seeking additional information to help it resolve some of the potentially contradictory inferences that can be drawn from the reports described above as it considers potential changes to its onshore royalty rate regulations. The BLM would be particularly interested in information that would help it assess the adequacy of existing rates. With respect to the periodic assessment of the onshore oil and gas fiscal system, the BLM has completed a formal assessment (see IHS CERA Study above) and the Department has taken steps to track market conditions. However, it should be noted that because existing regulations set a fixed royalty rate for new competitive leases, periodic assessments of the fiscal system are of limited utility unless those rules are amended. Because the BLM is considering potential changes that would provide flexibility in setting royalty rates, it poses some questions below on the scope, proper methodologies, and recommended frequency of fiscal system assessments.[12]

In addition to the statutory requirements, there are several general economic factors that should be considered in assessing potential changes to the current royalty rate. First, it should be noted that there would be positive revenue benefits to the Federal Government from adopting reasonable royalty rate increases.[13] In the near term, these benefits may be partially offset by a reduction in the demand for new Federal competitive oil and gas leases. Such demand may decrease to varying degrees depending on the magnitude of an increase in royalty rate and the extent to which operators absorb the added costs. Thus, the BLM is interested in receiving information about how the magnitude of a particular royalty rate change might impact the relative attractiveness of Federal leases compared to State and private leases.

The BLM acknowledges that current oil and gas prices are low, relative to the average price over the past decade; however, recognizing the historic variability of those prices, the BLM would be interested in information on the impacts of any royalty rate change at a range of oil and gas prices. Additionally, the BLM would be interested in information about the interplay between commodity prices and a royalty rate's impact on the relative attractiveness of Federal oil and gas leases.

It may be argued that potential production decreases resulting from higher royalty rates could result in environmental benefits on Federal lands, such as a reduction in the number of surface acres disturbed by drilling and its associated infrastructure. The BLM would be interested in receiving information related to these potential environmental benefits, particularly studies where those benefits are quantified—*e.g.,* to what extent might such benefits be realized? Or, would they be largely offset by drilling and production shifting to State or private lands?

The BLM is also seeking input on how changes to the royalty rate might affect the strategies employed by potential lessees for obtaining Federal onshore oil and gas leases. As explained above, a company can either obtain a parcel during a lease sale (resulting in a competitive lease) or purchase those parcels that were not leased at the sale after-the-fact on a first-come, first-serve basis (resulting in a non-competitive lease). Under the first scenario, the operator has to pay a bonus bid and would be subject to any changes to the royalty rate set under amended regulations. For the non-competitive leases, there would be no bonus bid and the royalty rate on the lease is set by statute at a fixed 12.5 percent.[14] Thus, there is a possibility that prospective lessees may adjust their behavior in response to royalty rate changes, either by bidding less for competitive leases or by trying to obtain more leases non-competitively. The BLM is interested in information about the extent to which such a shift might occur and, if so, how to mitigate the effects of any shift in bidding behavior. However, the current belief is that the most attractive parcels (*i.e.,* those where discovery and development prospects are strongest) will continue to be sold at auction, as there is an inherent risk to the potential lessee of lost opportunity in wagering that there will be no bids on such parcels. For more marginal parcels, prospective lessees may be more likely to take the risk that they can obtain them non-competitively after an auction; however, as a general matter, marginal parcels are also less likely to be developed.

What the foregoing illustrates from the BLM's perspective is that selecting a royalty rate involves a series of trade-offs that have both positive and negative consequences. The goal is to find the right balance between higher revenue collections, oil and gas production, and the relative attractiveness of leasing on Federal lands. According to the GAO, in the royalty rate context, that means finding a government take that ''would strike a balance between encouraging private companies to invest in the development of oil and gas resources on federal lands . . . while maintaining the public's interest in collecting the appropriate level of revenues from the sale of the public's resources'' (GAO–08–691 at 2).

[11] Government Accountability Office (December 2013). *Oil and Gas Resources: Actions Needed for the Interior to Better Ensure a Fair Return* (GAO–14–50).

[12] The BLM notes that rulemaking would not be required to establish procedures for the periodic assessment of the onshore oil and gas fiscal system.

[13] See Draft Reports prepared by Enegis, LLC, for the BLM (Contract No. L10PD03433)—*Benefit-Cost and Economic Impact Analysis of Raising the Onshore Royalty Rate Associated with New Federal Oil Leasing* (April and July 2011 versions).

[14] Parties acquiring a lease non-competitively must also pay an application fee that is indexed for inflation. The fee amount for FY 2015 is $405.

It should also be remembered that oil and gas companies consider a range of factors in deciding where to invest. In addition to government take, they look at the size and availability of the oil and gas resources and the costs associated with extracting those resources (*e.g.*, technological and labor costs) in a given area. They also look at compliance costs, commodity prices, and infrastructure limitations. For example, a company may decide to invest in the United States given its stability, proven resources, and market access, even if government take and certain other costs were higher relative to another country.

Oil and Gas Lease Annual Rental Payments

Under the MLA, as amended by FOOGLRA in 1987, prior to the commencement of production of oil or gas in paying quantities, lessees are required to pay annual rent of ''not less than $1.50 per acre per year for the first through fifth years of the lease and not less than $2 per acre per year for each year thereafter'' (30 U.S.C. 226(d)). Following the commencement of production, this rental requirement converts to a minimum royalty in lieu of rental. The minimum royalty is ''not less than the rental which otherwise would be required for that lease year . . .'' when production began in paying quantities (*Id.*; 43 CFR 3103.2–2(c)) (explaining that rental payments are not due on leases for which royalty or minimum royalty is being paid). The BLM's regulations implementing this requirement fix the rental rates for leases issued after December 22, 1987, at ''$1.50 per acre or fraction thereof for the first 5 years of the lease term and $2 per acre or fraction thereof for any subsequent year'' (43 CFR 3103.2–2(a)).

The BLM has not increased the rental rates since they were initially set in 1987, even though the MLA only sets a floor for the rates that must be charged by the BLM. The BLM anticipates updating its rental rate requirements and seeks comments on appropriate changes as discussed further below. The BLM would be particularly interested in information about the rental rates charged by States and private landowners for acreage leased, but not yet producing.

Minimum Acceptable Bid

In addition to requiring onshore oil and gas leases to first be offered competitively, the MLA, as amended by FOOGLRA, also requires the Secretary to accept ''the highest bid from a responsible qualified bidder which is *equal to or greater than the national minimum acceptable bid*, without evaluation of the value of the lands proposed for lease'' (30 U.S.C. 226(b)(1)(A)) (emphasis added). The MLA sets the minimum bid at $2 per acre for a period of two years from December 22, 1987 (30 U.S.C. 226(b)(1)(B)). Notably, the MLA specifically contemplates that the Secretary may, at the conclusion of the two-year period established by the statute, ''establish by regulation a higher national minimum acceptable bid for all leases based upon a finding that such action is necessary: (i) To enhance financial returns to the United States; and (ii) to promote more efficient management of oil and gas resources on Federal lands'' *Id.*[15] The Secretary (through the BLM) has not exercised this authority.[16]

The minimum acceptable bid is important because it establishes the starting bid at the BLM's oil and gas lease sale auctions. Ideally, the starting bid at any auction should be set at a level to ensure a fair financial return for U.S. taxpayers on parcels acquired by third parties competitively. The BLM's experience indicates that most parcels sell for well in excess of the current minimum acceptable bid, which may suggest the current minimum acceptable bid could be higher. Therefore, the BLM is considering amending its regulations to increase the minimum acceptable bid and seeks comments on appropriate changes as discussed further below. The BLM would be particularly interested in information about any minimum bid requirements imposed by States that offer oil and gas leases competitively.

Additionally, the BLM would also be interested in information about the potential impacts of any increase in the minimum acceptable bid amount. As explained above, the minimum acceptable bid sets the floor at which BLM will accept a bid for a parcel offered at a lease sale auction. If the BLM does not receive bids that are equal to or greater than the minimum bid for a parcel, then it does not lease the parcel at the competitive sale. Parcels that are not leased competitively are available, per the MLA, for lease non-competitively for a period of two years following the auction. Entities leasing such parcels non-competitively are required to pay an administrative fee and the first year's rent, but a minimum acceptable bid or other bonus bid is not required. As a result, the BLM has an interest in ensuring that the minimum acceptable bid is not set so high as to encourage parcels to be leased non-competitively. The BLM would be interested in receiving information about whether or how to adjust the minimum acceptable bid and whether the BLM should consider establishing a different annual rental rate for non-competitively leased parcels to compensate for not receiving a minimum bid when the BLM issues leases non-competitively.

Oil and Gas Lease Bonding

The MLA authorizes the Secretary to establish standards ''. . . as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface-disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease'' (30 U.S.C. 226(g)). Consistent with this statutory direction, the existing regulations at 43 CFR 3104.1 require that, prior to surface disturbing activities related to drilling operations, the lessee, sublessee, or operator submit a surety or personal bond.

The purpose of the bond is to ensure the ''complete and timely plugging of the well(s), reclamation of the lease area(s), and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations'' (43 CFR 3104.1(a)). The regulations at 43 CFR 3104.2–3104.4 set forth four different bond types:

(1) *Lease/Individual Bonds*, which by regulation only provide coverage for one lease and must be in an amount of not less than $10,000;

(2) *Statewide Bonds*, which cover all leases and operations in one State and must be in an amount of not less than $25,000;

(3) *Nationwide Bonds*, which cover all leases and operations nationwide and by regulation must be in an amount of not less than $150,000; and

(4) *Unit Operator's Bonds*, which may be used in lieu of individual lease, statewide, or nationwide bonds for operations conducted on leases committed to an approved unit agreement. Existing regulations do not

[15] The MLA also requires that ''[n]inety days before the Secretary makes any change in the national minimum acceptable bid, the Secretary shall notify the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.'' 30 U.S.C. 226(b)(1)(B).

[16] If the BLM were to increase the minimum acceptable bid, it would also have to amend the regulations at 43 CFR 3120.5–2, which currently require the winning bidder to pay at the day of sale the minimum acceptable bid of $2 per acre, in addition to the first year's rent, and a processing fee.

set a minimum amount for these types of bonds, but rather specify that the amount will be set by the Authorized Officer. The BLM has not increased the minimum bond amounts provided in the existing regulations since 1960. As a result, those minimums do not reflect inflation and likely do not cover the costs associated with the reclamation and restoration of any individual oil and gas operation. The BLM anticipates updating its bonding requirements and seeks comments on appropriate changes as discussed further below.

Civil Penalty Assessment

In a recent report (No. CR–IS–BLM–0004–2014), the Department's OIG expressed concern about the BLM's existing policies and procedures to detect trespass in or drilling without approval on Federal onshore oil and gas leases. Among other things, the OIG expressed concern about the adequacy of the BLM's policies to deter such activities and recommended that the BLM pursue increased monetary fines. In response to these concerns and as explained below, the BLM is seeking input on removing or modifying the caps on civil penalty assessments currently imposed by its existing regulations.

The civil penalty provisions in section 109 of FOGRMA (30 U.S.C. 1719), provide authority for the BLM to assess civil penalties in connection with certain activities on Federal onshore oil and gas leasing and operations. Section 109(a) and (b) (30 U.S.C. 1719(a) and (b)) provide for assessment of civil penalties of up to $500 per violation per day for failure to comply with FOGRMA, any mineral leasing law, any rule or regulation thereunder, or the terms of any lease. Such penalties accrue only after the issuance of a notice of the violation and failure by the party receiving the notice to correct the violation within 20 days after issuance of the notice. Penalties run from the date of the notice. If corrective action is not taken within 40 days, the maximum daily penalty increases to up to $5,000 per violation per day, dating from the date of the notice. Existing regulations at 43 CFR 3163.2(b) impose a cap on the total civil penalty that can be assessed under sections 109(a) and (b) at a maximum of 60 days, which results in a maximum possible civil penalty assessment of $300,000.

Section 109(c)(2) of FOGRMA (30 U.S.C. 1719(c)(2)) provides for a civil penalty of up to $10,000 per violation per day (without a requirement for prior notice and opportunity to correct) for failure or refusal to permit lawful entry or inspection. Current BLM regulations at 43 CFR 3163.2(e) cap the total assessment under section 109(c)(2) at a maximum of 20 days, resulting in a maximum penalty of $200,000.

Finally, section 109(d)(1) and (2) of FOGRMA (30 U.S.C. 1719(d)(1) and (2)), provide for a civil penalty of up to $25,000 per day (again without a requirement for prior notice and opportunity to correct) for knowingly or willfully preparing or submitting false, inaccurate, or misleading reports or information (subsection (d)(1)) or for knowingly or willfully taking, removing, or diverting oil or gas from any lease site without valid legal authority (subsection (d)(2)). Current BLM rules cap this penalty assessment at 20 days, or a maximum of $500,000 (43 CFR 3163.2(f)).

If a lessee or designated operator of a Federal onshore lease drills a well without an approved application for permit to drill (APD), the lessee or operator is liable for civil penalties under section 109(a) and (b) after notice and failure to timely correct. In such circumstances, the corrective action would be to obtain approval of an APD. The maximum penalty under such circumstances is $300,000. A person who knowingly or willfully drills a well into leased Federal land when that person is not a lessee or operator of the Federal lease is liable for civil penalties under section 109(d)(2), which are subject to a maximum penalty of $500,000. The OIG has questioned whether these penalty levels, which were established in the mid-1980s, provide an adequate deterrence given the current costs for completing a well in places like North Dakota, which the OIG reported as ranging between $8 to $12 million dollars.[17] The BLM anticipates updating its civil penalty regulations and seeks comments on appropriate changes as discussed further below.

III. Description of Information Requested

Onshore Royalty Rates and Periodic Assessments of the Onshore Fiscal System

The BLM is interested in receiving feedback on the following questions related to potential revisions to the royalty rate regulations governing competitively-issued onshore oil and gas leases:

1. The various reports and assessments of the Federal oil and gas fiscal system that the BLM has received, prepared, or reviewed, create potentially inconsistent inferences as to the adequacy existing royalty rates. What information should the BLM consider that would help it resolve those inconsistencies?

2. In evaluating whether or not existing royalty rates are providing a fair return to the public for leased oil and gas resources, what should the BLM consider, and on what factors should the BLM place the most weight?

a. Given the uncertainties associated with comparing current information on government take among countries and at different commodity prices, should the BLM primarily rely on comparisons to State and private land royalty rates?

b. To what extent should the BLM factor in the effects on production in assessing the appropriateness of applying a given royalty rate?

3. Should the BLM consider other factors in determining what royalty level might provide a fair return, such as life cycle costs, externalities, or the social costs associated with the extraction and use of the oil and gas resources? If the BLM should consider such factors, please explain how it should do so. The BLM currently offers all new competitive Federal oil and gas leases at a fixed royalty rate of 12.5 percent. Should the BLM:

a. Increase the royalty rate on oil and gas production above 12.5 percent to a different fixed royalty rate? If so, what should that rate be? For example, should the rate be increased to 18.75 percent consistent with the rate set for recent offshore lease sales? If not, why not?

b. Consider a sliding-scale royalty-rate structure based on an established index of oil and gas prices during a given period of time, as suggested by GAO? If so, how many price tiers would be optimal to balance administrative complexity with the opportunity to distinguish between meaningful price swings? What price thresholds would be appropriate for each tier? Should the thresholds be fixed (in real dollar terms), or should they float relative to a published index?

4. Whether the BLM keeps royalty rates fixed or adopts a sliding-scale rate structure, should it:

a. Maintain a national or uniform rate or rate schedule for all new competitive leases?

[17] Trespass actions involving unleased parcels are subject to the regulations at 43 CFR 9239.5–2, which provide as follows:

For oil trespass in a State where there is no State law governing such trespass, the measure of damages will be as follows:

(a) *Innocent trespass.* Value of oil taken, less amount of expense incurred in taking the same.

(b) *Willful trespass.* Value of the oil taken without credit or deduction for the expense incurred by the wrongdoers in getting it. *Mason* v. *United States* (273 Fed. 135).

b. Establish potentially different royalty rates or rate schedules for new leases by region, State, lease sale, formation, resource type (*e.g.*, crude oil, crude oil from tight formations, natural gas, and natural gas from shale formations) or other category? In each case, how should the BLM determine what the royalty rates should be? For instance, if by region, how would the various rates for different regions be determined?

5. What other royalty rate structures (not listed previously) should the BLM consider?

6. Instead of amending the regulations to set a new fixed rate or impose an adjustable rate structure as part of a new formal regulation, should the BLM revise its regulations so that the Secretary (through the BLM) has the authority to set the royalty rate terms for new leases outside of a formal rulemaking process?

a. One option would be to set the rate terms in individual Notice of Lease Sale documents in a manner similar to the existing offshore authorities, but this raises other potential complications (*e.g.*, loss of transparency, greater challenges in revenue tracking and estimation) given the frequency and processes used for BLM lease sales compared to offshore sales. If the terms are set on a lease sale-by-sale basis, what market conditions or factors should be considered in setting the royalty rates for a particular sale? What weight should be given to individual factors?

b. Is there another approach that should be considered to strike a balance between the competing objectives of flexibility, transparency, and simplicity? Should the BLM (or the Secretary) maintain a set national rate schedule that would be updated periodically on a fixed schedule (*e.g.*, annually) or as circumstances warrant (*e.g.*, when certain price triggers are hit)?

7. How should the BLM undertake assessments of the oil and gas fiscal system?

a. What methodologies, information, and resources should it consider as part of such assessments? In responding, please consider whether any factor should be given more weight than another.

b. How often should such assessments occur? Every year? Every five years? Every 10 years? As necessary based on some trigger? If you recommend a trigger-based approach, please identify the trigger.

Annual Rental Payments

The BLM is interested in receiving feedback on the following questions related to potential changes to its annual rental payment requirements:

1. Should the BLM increase the annual rental payments set forth in 43 CFR subpart 3103? If so, by how much? If not, why are current payment levels sufficient to ensure the diligent development of an oil and gas lease?

2. If the BLM were to increase annual rental payments, what factors should it consider in proposing an increase?

a. Should rental payments simply be adjusted to reflect inflation?

b. Are there other factors the BLM should consider?

3. If the BLM were to increase the annual rental payments:

a. How should the BLM implement those changes—*e.g.*, should it consider a phase-in?

b. Is there another way to have annual rentals escalate over time besides the current category of years 1 through 5 and then a higher rental for years 6–10?

4. Are there any other changes or refinements that the BLM should consider to its current annual rental payment requirements?

5. What are the comparable State practices with respect to annual rental payments?

Minimum Acceptable Bid

The BLM is interested in receiving feedback on the following questions related to potential changes to its regulations to increase the minimum acceptable bid required for oil and gas leases offered competitively:

1. Should the BLM increase the current minimum acceptable bid of $2 per acre? If so, by how much?

2. If the BLM were to increase the minimum bid:

a. What factors should it consider in proposing an increase? For any factors, please explain how they relate to: (1) Enhancing financial returns to the United States; and (2) promoting more efficient management of oil and gas resources on Federal lands.

b. What are the potential impacts of any such increase? Does it vary by the magnitude of the increase?

c. Should the BLM amend its regulations to give the Authorized Officer discretion to adjust the minimum bid based upon market conditions?

d. Should the BLM raise the rental rates for leases acquired non-competitively to compensate for not receiving even minimum bids for such leases? If so, what would a reasonable rental rate be for non-competitively issued leases?

3. What are the comparable State practices with respect to minimum bids for leases acquired competitively?

Bonding

The BLM is interested in receiving feedback on the following questions related to potential changes to its bonding requirements:

1. Should the BLM increase the minimum bond amounts set forth in 43 CFR subpart 3104? If so, by how much? If not, why are current bonding levels sufficient?

2. If the BLM were to increase minimum bonds amounts, what factors should it consider?

a. Should bond minimums simply be adjusted to reflect inflation?

b. Should they be adjusted to reflect an estimate of best case, average, or worst case reclamation and restoration costs? In connection with this question, the BLM would be interested in receiving estimates of such reclamation and restoration costs.

c. Are there other factors the BLM should consider? Are there best practices at the State level that the BLM should consider adopting?

3. If the BLM were to increase the minimum bond amounts:

a. Should it provide a way for those amounts to automatically rise, such as if they were to track inflation?

b. How should it implement those changes—*e.g.*, should it consider a phase-in?

c. Existing authorities permit the BLM to adjust bond amounts up and down, but no lower than the minimum amount. In light of those authorities, if the BLM were to increase bond minimums, should it consider provisions to allow a party to request, on a case-by-case basis, a decrease in its bond amount to below the minimum if, for example, the BLM were to determine that the potential liabilities on a particular lease are less than the applicable minimum bond amounts? Please identify any standards the BLM should use to determine whether to approve such a request.

4. Are there any other activities for which the BLM should consider requiring a bond?

a. In the past the BLM has considered adding a new bond for inactive wells; should the BLM revisit such a proposal?

b. Similarly should the BLM consider adding a royalty bond to address issues related to unpaid royalties? Adding a royalty bond would mean that funds available under the other, general bonds would not need to be used for anything other than reclamation. Currently, the bonds can address reclamation and royalty issues, among other things.

c. For any new bond types that you think the BLM should consider, please explain how the bond amounts should

be set and what the scope of coverage should be.

5. Are there any other changes or refinements that the BLM should consider to its current oil and gas bonding, surety and financial arrangement requirements?

Civil Penalty Assessments

The BLM is interested in receiving feedback on the following questions related to changes to the current caps on civil penalty assessments:

1. Should the current regulatory caps on the amount of civil penalties that may be assessed be removed?

2. If regulatory caps on the maximum amount of civil penalty assessments should remain, at what level should they be set to adequately deter improper action—in particular, drilling without an approved APD or drilling into Federal leases in knowing or willful trespass?

Non-Penalty Assessments and Trespass

1. In addition to the caps on civil penalties set forth at 43 CFR 3163.2, should the BLM consider revising any of the assessments set forth in 43 CFR 3163.1? If so, what changes should be made and on what basis?

2. Should the BLM consider revising its oil trespass regulations set forth at 43 CFR 9239.5–2? If so, what changes should be made and on what basis?

In addition to the specific information requests identified above, the BLM is also interested in receiving any other comments you may have regarding royalty rates, annual rental payments, minimum acceptable bids, bonding requirements, or the current regulatory caps on civil penalty assessments for BLM-managed oil and gas leases.

Janice M. Schneider,

Assistant Secretary, Land and Minerals Management.

[FR Doc. 2015–09033 Filed 4–20–15; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 150305219–5219–01]

RIN 0648–BE78

Fisheries Off West Coast States; Highly Migratory Species Fisheries

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

ACTION: Proposed rule; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) is proposing to modify the existing Pacific bluefin tuna (PBF) *Thunnus orientalis* recreational daily bag limit in the Exclusive Economic Zone (EEZ) off California, and to establish filleting-at-sea requirements for any tuna species in the U.S. EEZ south of Point Conception, Santa Barbara County, under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This action is intended to conserve PBF, and is based on a recommendation of the Pacific Fishery Management Council (Council).

DATES: Comments on the proposed rule must be submitted in writing by May 6, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0029, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0029*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Craig Heberer, NMFS West Coast Region Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS–2015–0029'' in the comments.

Instructions: Comments must be submitted by one of the above methods to ensure they are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.*, name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the draft Regulatory Impact Review (RIR) and other supporting documents are available via the Federal eRulemaking Portal: *http://www.regulations.gov*, docket NOAA–NMFS–2015–0029, or contact the Regional Administrator, William W. Stelle, Jr., NMFS West Coast Regional Office, 7600 Sand Point Way, NE., Bldg 1, Seattle, WA. 98115–0070, or *RegionalAdministrator.WCRHMS@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Craig Heberer, NMFS, 760–431–9440, ext. 303.

SUPPLEMENTARY INFORMATION: On April 7, 2004, NMFS published a final rule (69 FR 18444) to implement the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) that included annual specification guidelines at 50 CFR 660.709. These guidelines establish a process for the Council to take final action at its regularly-scheduled November meeting on any necessary harvest guideline, quota, or other management measure and recommend any such action to NMFS. At their November 2014, meeting, the Council adopted a recommendation (*http://www.pcouncil.org/wp-content/uploads/1114decisions.pdf*) to modify the existing daily bag limit regulations at 50 CFR 660.721 for sport caught PBF harvested in the EEZ off the coast of California and to promulgate at-sea fillet regulations applicable south of Santa Barbara as routine management measures for the 2014–2015 biennial management cycle. The Council's recommendation and NMFS' proposed rulemaking are intended to reduce fishing mortality and aid in rebuilding the PBF stock, which is overfished and subject to overfishing (78 FR 41033, July 9, 2013; 80 FR 12621, March 9, 2015) and to satisfy the United States' obligation to reduce catches of PBF by sportfishing vessels in accordance with Inter-American Tropical Tuna Commission (IATTC) Resolution C–14–06. (*http://www.iattc.org/PDFFiles2/Resolutions/C-14-06-Conservation-of-bluefin-2015-2016.pdf*).

Resolution C–14–06 requires that ''in 2015, all IATTC Members and Cooperating non-Members (CPCs) must take meaningful measures to reduce catches of PBF by sportfishing vessels operating under their jurisdiction to levels comparable to the levels of reduction applied under this resolution to the EPO commercial fisheries until such time that the stock is rebuilt.'' The proposed daily bag limit of two fish per day being considered under this proposed rule would reduce the U.S. recreational harvest of PBF by approximately 30 percent, which is consistent with the IATTC scientific staff's conservation recommendation for a 20–45 percent PBF harvest reduction and meets the requirements of IATTC Resolution C–14–06. The filleting-at-sea

measures will assist in the enforcement of the proposed regulations by enabling enforcement personnel to differentiate PBF from other tuna species. This proposed rule is consistent with procedures established at 50 CFR 660.709(a)(4) of the implementing regulations for the HMS FMP.

The proposed regulations would reduce the existing bag limit of 10 PBF per day to 2 PBF per day and the maximum multiday possession limit (*i.e.*, for trips of 3 days or more) from 30 PBF to 6 PBF. For fishing trips of less than 3 days, the daily bag limit is multiplied by the number of days fishing to determine the multiday possession limit (*e.g.*, the possession limit for a 1-day trip would be two fish and for a 2-day trip, four fish). A day is defined as a 24-hour period from the time of departure. Thus a trip spanning 2 calendar days could count as only 1 day for the purpose of enforcing possession limits.

Most PBF caught by U.S. anglers are taken in the EEZ of Mexico, both on private vessels and on Commercial Passenger Fishing Vessels (CPFV). The bulk of these trips originate from and return to San Diego, CA, ports. During 2004 through 2013, approximately 78 percent of the fishing effort for PBF (measured by angler days) by U.S. West Coast recreational fishing vessels occurred in Mexico's EEZ. Fishing by U.S. recreational vessels in Mexico's EEZ is a permitted activity that is subject to management by the Government of Mexico, which has imposed bag and possession limits.

The daily bag and multiday possession limits being proposed for the U.S. EEZ off the coast of California might be more or less conservative than Mexico's limits. The proposed U.S. recreational limits would not apply to U.S. anglers while in Mexico's waters, but to facilitate enforcement and monitoring, the limits would apply to U.S. vessels in the U.S. EEZ or landing to U.S. ports, regardless of where the fish were harvested.

The proposed regulations would also establish requirements for filleting tuna at-sea (*e.g.*, each fish must be cut into six pieces placed in an individual bag so that certain diagnostic characteristics are left intact), which will assist law enforcement personnel in accurately identifying different species given morphometric and phenotypic similarities between tuna species, specifically, yellowfin (*Thunnus albacares*) and PBF. These requirements would apply to any tuna species caught south of Santa Barbara (*i.e.*, south of a line running west true from Point Conception, Santa Barbara County (34°27′ N. lat.)) In addition to enhancing enforcement, the proposed fillet measures would also assist port samplers and fishery biologists conducting fishery surveys in accurately identifying tuna species.

The State of California has informed NMFS that it intends to implement companion regulations to the Federal regulations being proposed here by imposing daily PBF bag limits applicable to recreational angling and possession of fish in state waters (0–3 nm). Currently, California State regulations allow, by special permit, the retention of up to three daily bag limits for a trip occurring over multiple, consecutive days. California State regulations also allow for two or more persons angling for finfish aboard a vessel in ocean waters off California to continue fishing until boat limits are reached. NMFS and the Council consider these additional state restrictions to be consistent with Federal regulations implementing the HMS FMP, including this proposed rule if implemented. The proposed fillet requirements differ from current State of California requirements, which allow tuna filleting as long as a 1-inch square patch of skin is left on the fillet.

Several comments received during public scoping for this action called for an exception to the fillet requirements for skipjack tuna, *Katsuwonus pelamis*. The Council recommendation to NMFS did not provide an exception for skipjack tuna. However, the California Fish and Game Commission is considering a possible exception, such that skipjack tuna taken from and possessed aboard a vessel south of Point Conception (Santa Barbara County) may be processed by removing the entire fillet on each side and shall bear the entire skin attached. Skipjack tuna possess distinct horizontal bands on their belly that remain visible and distinct allowing for accurate identification, even after the fish or fillet has been frozen. NMFS is seeking further guidance from the public on the issue of a possible exception to the proposed fillet requirements for skipjack tuna.

The proposed rule would apply only to recreational fisheries in Federal waters off California. Although PBF are occasionally caught and retained in Oregon and Washington, the catches are negligible. Therefore, the benefits expected from monitoring and regulating PBF catch in waters off those states does not justify the administrative or regulatory burden of doing so.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the HMS FMP, other provisions of the Act, and other applicable law, subject to further consideration after public comment.

National Environmental Policy Act

The Council prepared an environmental assessment (EA) for this action that discusses the impact on the environment as a result of this proposed rule. None of the bag and possession limit alternatives analyzed in the EA are expected to jeopardize the sustainability of the PBF. However, the preferred alternative, which reflects the action proposed in this rule, is likely to have negative economic impacts on the affected fishing communities. The alternatives, including the preferred alternative, for tuna filleting procedures are not expected to result in significant socioeconomic impacts.

Executive Order 12866

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

Regulatory Flexibility Act

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 under the Regulatory Flexibility Act (RFA) is as follows:

The proposed regulations would reduce the existing bag limit of 10 PBF per day to 2 PBF per day and the maximum multiday possession limit (*i.e.*, for trips of 3 days or more) from 30 PBF to 6 PBF. For fishing trips of less than 3 days, the daily bag limit is multiplied by the number of days fishing to determine the multiday possession limit (*e.g.*, the possession limit for a 1-day trip would be two fish and for a 2-day trip, four fish). These limits will apply to recreational anglers in U.S. waters off the West Coast or any other ocean waters that return to U.S. waters and/or ports. This rule also proposes that tunas caught by recreational anglers to be filleted according to specified configurations for bag limit monitoring and enforcement purposes.

This proposed rule, if implemented, would not be expected to directly affect any small entities. This proposed rule would change the PBF recreational bag

limit and the filleting requirements for caught tuna, which affects only individual recreational anglers. Recreational anglers, by definition, may not sell catch, and thus are not considered to be a business. Because recreational anglers are not considered to be a small entity under the RFA, the economic effects of this proposed rule on these anglers are outside the scope of the RFA. Although the for-hire sector of the sport fishery may experience indirect economic impacts due to the imposition of reduced daily bag and possession limits, those impacts are not required elements of the RFA analysis for this action.

Because this proposed rule, if implemented, would not be expected to have a significant direct adverse economic effect on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

Paperwork Reduction Act

There are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act, existing collection-of-information requirements associated with the U.S. West Coast Highly Migratory Species Fishery Management Plan still apply. These existing requirements have been approved by the Office of Management and Budget under Control Number 0648–0204.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 15, 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 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF THE WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.721, revise the section heading, introductory text, paragraph (a) introductory text and paragraph (b), and add paragraph (e) to read as follows:

§ 660.721 Recreational fishing bag limits and filleting requirements.

This section applies to recreational fishing for albacore tuna in the U.S. EEZ off the coast of California, Oregon, and Washington and for bluefin tuna in the U.S. EEZ off the coast of California. In addition to individual fishermen, the operator of a U.S. sportsfishing vessel that fishes for albacore or bluefin tuna is responsible for ensuring that the bag and possession limits of this section are not exceeded. The bag limits of this section apply on the basis of each 24-hour period at sea, regardless of the number of trips per day. The provisions of this section do not authorize any person to take and retain more than one daily bag limit of fish during 1 calendar day. Federal recreational HMS regulations are not intended to supersede any more restrictive state recreational HMS regulations relating to federally-managed HMS.

(a) *Albacore Tuna Daily Bag Limit.* Except pursuant to a multi-day possession permit referenced in paragraph (c) of this section, a recreational fisherman may take and retain, or possess onboard no more than:

* * * * *

(b) *Bluefin Tuna Daily Bag Limit.* A recreational fisherman may take and retain, or possess on board no more than two bluefin tuna during any part of a fishing trip that occurs in the U.S. EEZ off California south of a line running due west true from the California-Oregon border [42°00′ N. latitude].

* * * * *

(e) *Restrictions on Filleting of Tuna South of Point Conception.* South of a line running due west true from Point Conception, Santa Barbara County (34°27′ N. latitude) to the U.S.-Mexico border, any tuna that has been filleted must be individually bagged as follows:

(1) The bag must be marked with the species' common name, and

(2) the fish must be cut into the following six pieces with all skin attached: the four loins, the collar removed as one piece with both pectoral fins attached and intact, and the belly cut to include the vent and with both pelvic fins attached and intact.

[FR Doc. 2015–09093 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 140113035–5354–01]

RIN 0648–XD082

Pacific Island Fisheries; 2014–15 Annual Catch Limits and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish

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

ACTION: Proposed specifications; request for comments.

SUMMARY: NMFS proposes to specify an annual catch limit (ACL) of 346,000 lb for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2014–15 fishing year. If the ACL is projected to be reached, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year. The proposed specifications and fishery closure support the long-term sustainability of Hawaii bottomfish.

DATES: NMFS must receive comments by May 6, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0174, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0174*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. 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).

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808–725–5176.

SUPPLEMENTARY INFORMATION: The bottomfish fishery in Federal waters around Hawaii is managed under the Fishery Ecosystem Plan for the Hawaiian Archipelago (Hawaii FEP), developed by the Western Pacific Fishery Management Council (Council) and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The regulations at Title 50, Code of Federal Regulations, Part 665 (50 CFR 665.4) require NMFS to specify an ACL for MHI Deep 7 bottomfish each fishing year, based on a recommendation from the Council. The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Epinephelus quernus*).

NMFS proposes to specify an ACL of 346,000 lb of Deep 7 bottomfish in the MHI for the 2014–15 fishing year. The Council recommended the ACL at its 160th and 161st meetings held in June and October 2014, respectively. The proposed specification is identical to the ACL that NMFS specified for the past three consecutive fishing years (*i.e.*, 2011–12, 2012–13, and 2013–14). NMFS monitors Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii. If NMFS projects the fishery will reach this limit, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year, as an accountability measure (AM). In addition, if NMFS and the Council determine that the final 2014–15 Deep 7 bottomfish catch exceeds the ACL, NMFS would reduce the Deep 7 bottomfish ACL for the 2015–16 fishing year by the amount of the overage. The fishery did not attain the specified ACL in 2011–12, 2012–13, or 2013–14, and NMFS does not anticipate the fishery will attain the limit in the current fishing year, which began on September 1, 2014, and ends on August 31, 2015.

The Council recommended the ACL and AMs based on a 2011 NMFS bottomfish stock assessment, and in consideration of the risk of overfishing, past fishery performance, the acceptable biological catch (ABC) recommendation from its Scientific and Statistical Committee (SSC), and input from the public. The 2011 NMFS bottomfish stock assessment estimates the overfishing limit (OFL) for the MHI Deep 7 bottomfish stock complex to be 383,000 lb. The proposed ACL of 346,000 lb is equal to the SSC's ABC recommendation, and is associated with a 41 percent probability of overfishing. This risk level is more conservative than the 50 percent risk threshold allowed under NMFS guidelines for National Standard 1 of the Magnuson-Stevens Act.

The Council also considered the results of a NMFS draft 2014 stock assessment update that used the previous 2011 stock assessment's methods for data analysis, modeling, and stock projections, with one improvement—it included the State of Hawaii's commercial marine license (CML) data as a variable to standardize catch-per-unit of effort (CPUE) from 1994 to 2013. The State began issuing CMLs uniquely and consistently to individuals through time starting in 1994. Therefore, beginning in 1994 the CML number assigned to an individual has remained the same, allowing NMFS to improve CPUE standardization from that year onward. However, the Council did not base its ACL recommendation on the 2014 assessment update because the Council had a number of questions and concerns regarding the application of the new CPUE standardization methods. The Council also recommended the 2014 assessment be independently reviewed.

In December 2014, PIFSC contracted the Center for Independent Experts (CIE) to review a final draft of the 2014 stock assessment update. The CIE panel found that including individual CML data as a variable to standardize CPUE over time was an improvement over the method used in the 2011 stock assessment. However, the CIE panel had strong reservations regarding the quality of input catch data and CPUE index of abundance used in both the 2011 and 2014 stock assessments. Specifically, the panel raised concern about the pre-1990 data for CPUE calculation and estimates of unreported catch.

Given the concerns with the incomplete effort information, the CIE panel concluded that the 2014 stock assessment had serious flaws that compromised its utility for management. In particular, the CIE panel noted that because the 2014 stock assessment was an update only, and required improvements in the index and the population model, the science reviewed in the 2014 stock assessment is not considered the best available. The reports of the CIE reviewers are available on NMFS Web site at *http://www.st.nmfs.noaa.gov/science-quality-assurance/cie-peer-reviews/cie-review-2015.*

In March 2015, the NMFS Pacific Island Fisheries Science Center (PIFSC) outlined the reasons why the fisheries data in the 2014 assessment produced results that the CIE panel advised were not ready for management application, and identified two ways in which the fisheries data can be improved for future application in the new CPUE standardization method, as follows:

1. Although catch per day fished is the best available CPUE that is available continuously over the whole time series (1949–2013), it may not be the best available over the most recent time series (1994–2013). If the time series is to be split with CPUE issues addressed differently before and after the split, one could also analyze and include detailed effort data that has been collected only for the last dozen years. These data could strongly influence recent trends. Because it is a complex undertaking, PIFSC did not see this as work that could be done as a simple update in 2014.

The use of CPUE defined as catch per day fished is subject to great criticism, and one way to address this is by using details about hours and numbers of lines and/or hooks used by fishermen over the last dozen years. Only inexplicit, undescribed differences among fishermen linked through time were applied to the recent stanza (1993–2013) in the 2014 CPUE standardization. Using the recent effort detail would still allow differences between individual fishermen to be standardized, and also allow changes in effort details through time, to be addressed. Both were factors of great concern to the reviewers. Differences among areas and seasons and other such factors that can be applied throughout the whole time series have remained part of the CPUE standardization in both 2011 and 2014.

2. Further efforts could be made to apply the CPUE standardization to account for differences among fishermen to more data using various exploratory methods and other data sets. The 2014 assessment overlooked a compilation of confidential non-electronic records held by the State of Hawaii that may help to link fishermen identities back through an earlier stanza of time.

Although the CIE panel noted the improvement in catch rate standardization in the 2014 stock assessment compared to 2011, it had strong reservations regarding the input catch data in both stock assessments. However, because it is a complex undertaking, PIFSC cannot improve the assessment for MHI Deep 7 bottomfish

in the ways described above for the current fishing year.

PIFSC believes that a simpler update of the 2011 assessment using data from the three most recent years available (*i.e.*, 2011–2013) provides the best scientific information available for management. However, this information was not available at the June and October 2014 SSC and Council meetings when these bodies provided their respective ABC and ACL recommendations to NMFS for the ongoing fishing year. Moreover, because the 118th SSC and the 162nd Council were scheduled to meet starting on March 10 and March 16, 2015, respectively, there was insufficient time to publish a notice in the **Federal Register** revising the meeting agendas to include an action item to revisit the SSC and Council's 2014–15 ABC/ACL recommendation of 346,000 lb.

While NMFS will add this topic as an action item to be discussed at the June 2015 SSC and Council meetings, it is unlikely NMFS could implement a revised ABC/ACL recommendation for the 2014–15 fishing year, as the season will end on August 31, 2015. The National Standard 2 Guidelines, 50 CFR 600.315(a)(6)(v), recognize that data collection is a continuous process, and that new information that cannot be considered in decision-making may be reserved for use in subsequent updates. For these reasons, NMFS proposes to implement the recommended ACL of 346,000 lb for the 2014–15 fishing year. NMFS will request the SSC and Council to consider in June 2015 the new information when recommending an ABC and ACL for the 2015–16 fishing year, which begins on September 1, 2015.

NMFS does not expect the proposed ACL and AM specifications for 2014–15 to result in a change in fishing operations or other changes to the conduct of the fishery that would result in significant environmental impacts. After considering public comments on the proposed ACL and AMs, NMFS will publish the final specifications.

To be considered, NMFS must receive any comments on these proposed specifications by May 6, 2015, not postmarked or otherwise transmitted by that date.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator for Fisheries has determined that this proposed specification is consistent with the Hawaii FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This action is exempt from review under Executive Order 12866.

Certification of Finding of No Significant Impact on Substantial Number of Small Entities

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that these proposed specifications, if adopted, would not have a significant economic impact on a substantial number of small entities. A description of the action, why it is being considered, and the legal basis for it are contained in the preamble to these proposed specifications.

NMFS proposes to specify an annual catch limit (ACL) of 346,000 lb for Main Hawaiian Islands (MHI) Deep 7 bottomfish for the 2014–15 fishing year, as recommended by the Western Pacific Fishery Management Council (Council). NMFS monitors MHI Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii. If NMFS projects the fishery to reach this limit, NMFS, as an accountability measure (AM), would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year. The proposed ACL and AM specifications are identical to those that NMFS implemented for the past three consecutive fishing years, (*i.e.*, 2011–12, 2012–13 and 2013–14). The fishery did not reach the ACL in any of those past three fishing years, and NMFS does not expect the fishery to reach the ACL in the 2014–15 fishing year, which began on September 1, 2014 and will end on August 31, 2015.

This rule would impact vessels in the commercial and non-commercial fisheries for MHI Deep 7 bottomfish. In the previous fishing year (2013–14), 419 fishermen reported landing 309,485 lb of Deep 7 bottomfish. On June 12, 2014, the Small Business Administration issued an interim final rule revising small business size standards (79 FR 33647). The rule increased the size standard for Finfish Fishing to $20.5 million. Based on available information, NMFS has determined that all vessels in the commercial and non-commercial fisheries for MHI Deep 7 bottomfish are small entities under the Small Business Administration's definition of a small entity. That is, they are engaged in the business of fish harvesting, independently owned or operated, not dominant in their field of operation, and have annual gross receipts not in excess of $20.5 million, the small business size standard for finfish fishing. Therefore, there would be no disproportionate economic impacts between large and small entities. Furthermore, there are would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

As for the revenues earned by Deep 7 bottomfish fishermen, State of Hawaii records report 343 of the 419 fishermen sold their Deep 7 bottomfish catch. These 343 individuals sold a combined total of 269,571 lb (87% of reported catch) at a value of $1,798,713. Based on these revenues, the average price for MHI Deep 7 bottomfish in 2013–14 was approximately $6.67/lb. NMFS assumes that the remaining 76 commercial fishermen either sold no fish or the State of Hawaii reporting program did not capture their sales.

Assuming the fishery attains the ACL of 346,000 in 2014–15, using the 2013–14 average price of $6.67, the potential fleet wide revenue during 2014–15 is expected to be $2,307,820 ($2,007,803 under the assumption that 87% of catch is sold). If the same number of fishermen sell MHI Deep 7 bottomfish in 2014–15 as in 2013–14, each of these 343 commercial fishermen could potentially sell an average of 1,008.8 lb (878.6 lb if 87% of potential catch is sold) of MHI Deep 7 bottomfish valued at $6,728.34 ($5,860.33 if 87% of potential catch is sold) per individual.

In general, the relative importance of MHI bottomfish to commercial participants as a percentage of overall fishing or household income is unknown, as the total suite of fishing and other income-generating activities by individual operations across the year has not been examined.

In terms of scenarios immediately beyond the 2014–15 fishing year, three possible outcomes may occur. First, if fishery does not reach the ACL in 2014–15, the ACL could remain the same for the 2015–16 fishing year. Second, if the fishery exceeds the ACL for the 2014–15 fishing year, NMFS would reduce the Deep 7 bottomfish ACL for the 2015–16 fishing year by the amount of the overage. The last possible scenario is one where NMFS would prepare a new stock assessment or update that NMFS and the Council would use to set a new 2015–2016 ACL (without inclusion of any overage, even if catch exceeds ACL for the 2014–15 fishing year).

Even though this proposed specification would apply to a substantial number of vessels, *i.e.*, 100 percent of the bottomfish fleet, NMFS does not expect the rule will have a significantly adverse economic impact to individual vessels. Landings

information from the 2013–14 fishing year, and from the catch to date in the 2014–15 fishing year, suggest that Deep 7 bottomfish landings are not likely to exceed the ACL proposed for 2014–15.

Therefore, pursuant to the Regulatory Flexibility Act, this proposed action would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

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

Dated: April 15, 2015.

Samuel D. Rauch III,

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

[FR Doc. 2015–09055 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 80, No. 76
Tuesday, April 21, 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 COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; Management and Organizational Practices 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 22, 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 email 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 Julius Smith, Jr., U.S. Census Bureau, Economy-Wide Statistics Division, Room 7K055, 4600 Silver Hill Road, Washington, DC 20233, (301) 763–7662 (or via the email at *julius.smith.jr@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to conduct the Management and Organizational Practices Survey (MOPS) for survey year 2015 with subsequent data collection activities for this survey pending funding. The MOPS will utilize the Annual Survey of Manufactures (ASM) mail-out sample and will collect information on management and organizational practices at the establishment level. The Census Bureau has conducted the ASM since 1949 to provide key measures of manufacturing activity during intercensal periods. In census years ending in ''2'' and ''7'', we mail and collect the ASM as part of the Economic Census covering the Manufacturing Sector. The ASM is an integral part of the Government's statistical program, furnishing up-to-date estimates of employment and payroll, hours and wages of production workers, value added by manufacture, cost of materials, value of shipments by product class, inventories, and expenditures for both plant and equipment and structures. The data obtained from the MOPS will allow us to estimate a firm's stock of management and organizational assets, specifically the use of decentralized decision rights and establishment performance data such as production targets in decision-making. These data will provide information on investments in management and organizational practices, which will lead to a better understanding of the benefits from these investments when measured in terms of firm productivity or firm market value. This survey on management and organizational practices will provide information on the dimensions of organizational capital for this sector not currently available elsewhere. This clearance request will be for the survey year 2015. Policy makers, such as the Federal Reserve Board and World Bank will use the MOPS to understand the levels and evolution of management practices over time and to forecast future productivity growth.

II. Method of Collection

The 2015 MOPS will be mailed separately from the 2015 ASM and will utilize mail-out/mail-back survey forms. Respondents will have the option of responding electronically through the Census Bureau's Centurion online reporting system. The sample for the 2015 MOPS will consist of the approximately 50,000 establishments in the 2015 ASM mail-out sample. The mail-out sample for the ASM is redesigned at 5-year intervals beginning the second survey year after the Economic Census. For the 2014 ASM, a new probability sample was selected from a frame of approximately 101,000 manufacturing establishments in the 2012 Economic Census that have paid employees, are located in the United States, and are associated with multi-location companies or large single-establishment companies. On an annual basis, the mail-out sample is supplemented with large, newly active single-establishment companies identified from a list provided by the Internal Revenue Service and new manufacturing establishments of multi-location companies identified from the Census Bureau's Company Organization Survey.

III. Data

OMB Control Number: 0607–0963.
Form Number(s): MP–10002.
Type of Review: Regular submission.
Affected Public: Business or Other for Profit, Non-profit Institutions, Small Businesses or Organizations, and State or Local Governments.
Estimated Number of Respondents: 50,000.
Estimated Time per Response: 30 minutes.
Estimated Total Annual Burden Hours: 25,000.
Estimated Total Annual Cost to Public: $0.
Respondent's Obligation: Mandatory.
Legal Authority: Title 13, United States Code, 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: April 16, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–09234 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Current Population Survey (CPS) School Enrollment Supplement

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 22, 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 Karen Woods, U.S. Census Bureau, DSD/CPS HQ–7H110F, Washington, DC 20233–8400, (301) 763–3806.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance for the collection of data concerning the School Enrollment Supplement to be conducted in conjunction with the October 2015 CPS. Title 13, United States Code, Sections 141 and 182, and Title 29, United States Code, Sections 1–9, authorize the collection of the CPS information. The Census Bureau and the Bureau of Labor Statistics (BLS) sponsor the basic annual school enrollment questions, which have been collected annually in the CPS for 50 years.

This survey provides information on public/private elementary school, secondary school, and college enrollment, and on characteristics of private school students and their families, which is used for tracking historical trends, policy planning, and support.

This survey is the only source of national data on the age distribution and family characteristics of college students and the only source of demographic data on preprimary school enrollment. As part of the federal government's efforts to collect data and provide timely information to local governments for policymaking decisions, the survey provides national trends in enrollment and progress in school.

II. Method of Collection

The school enrollment information will be collected by both personal visit and telephone interviews in conjunction with the regular October CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Control Number: 0607–0464.

Form Number: There are no forms. We conduct all interviews on computers.

Type of Review: Regular submission.

Affected Public: Households.

Estimated Number of Respondents: 59,000.

Estimated Time per Response: 3.0 minutes.

Estimated Total Annual Burden Hours: 2,950.

Estimated Total Annual Cost to Public: $0.

Respondents Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Sections 141 and 182, and Title 29, U.S.C., Sections 1–9.

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: April 15, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–09071 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Licensing Responsibilities and Enforcement

AGENCY: Bureau of Industry and Security.

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 22, 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 Mark Crace, BIS ICB Liaison, (202) 482–8093, *mark.crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection supports the various collections, notifications, reports, and information exchanges that are needed by the Office of Export Enforcement and Customs to enforce the Export Administration Regulations and maintain the National Security of the United States.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0122.

Form Number(s): N/A.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,821,891.

Estimated Time per Response: 5 seconds to 2 hours per response.

Estimated Total Annual Burden Hours: 78,576 hours.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 16, 2015.

Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–09095 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Rescission of 2013—2014 Antidumping Duty New Shipper Review

AGENCY: Enforcement and Compliance, International Trade Administration, Commerce.

SUMMARY: The Department of Commerce (''the Department'') is conducting a new shipper review (''NSR'') of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (''PRC''). The NSR covers one exporter and producer of subject merchandise, Hengdian Group DMEGC Magnetics Co., Ltd. (''DMEGC''). The period of review (''POR'') is December 1, 2013, through May 31, 2014. The Department preliminarily determines that DMEGC's sale to the United States was not *bona fide;* therefore, we are preliminarily rescinding this NSR. Interested parties are invited to comment on the preliminary results of this review.

DATES: *Effective:* April 21, 2015.

FOR FURTHER INFORMATION CONTACT: Jeffrey Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2769.

SUPPLEMENTARY INFORMATION:

Background

On July 28, 2014, the Department published a notice of initiation of a new shipper review of the antidumping duty order on solar cells from the PRC.[1] The Department subsequently issued an antidumping duty questionnaire, and supplemental questionnaires, to DMEGC and received timely responses thereto. Also, interested parties submitted comments on surrogate country and surrogate value selection. The Department extended the deadline for issuing the preliminary results of this review until April 7, 2015.[2]

Scope of the Order

The merchandise covered by the order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.[3] Merchandise covered by this review is classifiable under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Methodology

The Department is conducting this review in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (''the Act'') and 19 CFR 351.214. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/enforcement/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Rescission of the Antidumping New Shipper Review of DMEGC

As discussed in the *Bona Fide* Sales Analysis Memorandum,[4] the Department preliminarily finds that the sale made by DMEGC to the United States is not a *bona fide* sale. The Department reached this conclusion based on the totality of circumstances surrounding the reported sale, including, among other things, the price and quantity of the sale and DMEGC's

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Initiation of Antidumping Duty New Shipper Review,* 79 FR 43710 (July 28, 2014).

[2] *See* the memoranda to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Jeff Pedersen, International Trade Analyst, Office IV, Antidumping and Countervailing Duty Operations, entitled, ''Extension of Deadline for Preliminary Results of Antidumping Duty New Shipper Review'' dated January 13, 2015 and February 11, 2015 and the memorandum to Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Valerie Ellis, International Trade Analyst, Office IV, Antidumping and Countervailing Duty Operations, entitled, ''Extension of Deadline for Preliminary Results of Antidumping Duty New Shipper Review'' dated March 16, 2015.

[3] For a complete description of the scope of the order, *see* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entititled ''Preliminary Rescission of the 2013–2014 Antidumping Duty New Shipper Review: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China'' issued concurrently with and hereby adopted by this notice (''Preliminary Decision Memorandum'').

[4] *See* Memorandum from Jeffrey Pedersen, International Trade Analyst, Office IV AD/CVD Operations, to Howard Smith, Acting Director, Office IV, AD/CVD Operations entitled ''2013–2014 Antidumping Duty New Shipper Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Preliminary *Bona Fide* Sales Analysis for Hengdian Group DMEGC Magnetics Co., Ltd.'' dated concurrently with and hereby adopted by this notice (''*Bona Fide* Sales Analysis Memorandum'').

failure to provide evidence that the subject merchandise was resold at a profit. Because the non-*bona fide* sale was the only reported sale of subject merchandise during the POR, and thus there are no reviewable transactions on this record, we are preliminarily rescinding the instant administrative review. *See* 19 CFR 351.213(d)(3). Because much of the factual information used in our analysis of DMEGC's sale involves business proprietary information, a full discussion of the basis for our preliminary determination is set forth in the Memorandum to Howard Smith, Acting Director, AD/CVD Operations, Office IV, ''Preliminary Bona Fide Sales Analysis for Hengdian Group DMEGC Magnetics Co., Ltd.,'' dated April 7, 2015, which is on the record of this proceeding.

Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of the preliminary results of review.[5] Rebuttals to case briefs may be filed no later than five days after the briefs are filed. All rebuttal comments must be limited to comments raised in the case briefs.[6]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement & Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.[7] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Oral argument presentations will be limited to issues raised in the briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined.[8] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time (''ET'') on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022, and stamped with the date and time of receipt by 5 p.m. ET on the due date.[9]

The Department intends to issue the final results of this NSR, which will include the results of its analysis of issues raised in any briefs received, no later than 90 days after the date these preliminary results of review are issued pursuant to section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the ''Act'').

Assessment Rates

If the Department proceeds to a final rescission of DMEGC's NSR, the assessment rate to which DMEGC's shipments will be subject will not be affected by this review. However, the Department initiated an administrative review of the antidumping duty order on solar cells from the PRC covering numerous exporters, including DMEGC, and the period December 1, 2013 through November 30, 2014, which encompasses the POR of this NSR.[10] Thus, if the Department proceeds to a final rescission, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend entries during the period December 1, 2013 through November 30, 2014 of subject merchandise exported by DMEGC until CBP receives instructions relating to the administrative review of this order covering the period December 1, 2013 through November 30, 2014.

If the Department does not proceed to a final rescission of this new shipper review, pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific (or customer) assessment rates based on the final results of this review. However, pursuant to the Department's refinement to its assessment practice in NME cases, for entries that were not reported in the U.S. sales database submitted by DMEGC, the Department will instruct CBP to liquidate such entries at the PRC-wide rate.[11]

Cash Deposit Requirements

Effective upon publication of the final rescission or the final results of this NSR, pursuant to section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e), the Department will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise by DMEGC. If the Department proceeds to a final rescission of this new shipper review, the cash deposit rate will continue to be the PRC-wide rate for DMEGC because the Department will not have determined an individual margin of dumping for DMEGC. If the Department issues final results for this new shipper review, the Department will instruct CBP to collect cash deposits, effective upon the publication of the final results, at the rates established therein.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: April 7, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Scope
2. Bona Fide Sales Analysis

[FR Doc. 2015–09206 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See* 19 CFR 351.309(c).

[6] *See* 19 CFR 351.309(d).

[7] *See* 19 CFR 351.310(c).

[8] *See* 19 CFR 351.310(d).

[9] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[10] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 6041, 6042 (February 4, 2015).

[11] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–916]

Laminated Woven Sacks From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Commerce.

SUMMARY: On January 28, 2015, the Department of Commerce (the ''Department'') published the *Preliminary Results* [1] of the 2013–2014

[1] *See Laminated Woven Sacks from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 4537 (January 28, 2015) (''*Preliminary*

Continued

administrative review of the antidumping duty order on laminated woven sacks (''sacks'') from the People's Republic of China (''PRC''). The period of review (''POR'') is August 1, 2013, through July 31, 2014. We gave interested parties an opportunity to comment on the *Preliminary Results,* but we received none. The final dumping margin for the PRC-wide entity is listed in the ''Final Results of Review'' section below.

DATES: April 21, 2015.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

We received no comments from interested parties on our *Preliminary Results* dated January 28, 2015. The Department conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (''the Act'').

Scope of the Order

The merchandise covered by the *Order* [2] is laminated woven sacks. Laminated woven sacks are bags or sacks consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene (''BOPP'') or to an exterior ply of paper that is suitable for high quality print graphics; [3] printed with three colors or more in register; with or without lining; whether or not closed on one end; whether or not in roll form (including sheets, lay-flat tubing, and sleeves); with or without handles; with or without special closing features; not exceeding one kilogram in weight. Laminated woven sacks are typically used for retail packaging of consumer goods such as pet foods and bird seed.

Effective July 1, 2007, laminated woven sacks are classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 6305.33.0050 and 6305.33.0080. Laminated woven sacks were previously classifiable under HTSUS subheading 6305.33.0020. If entered with plastic coating on both sides of the fabric consisting of woven polypropylene strip and/or woven polyethylene strip, laminated woven sacks may be classifiable under HTSUS subheadings 3923.21.0080, 3923.21.0095, and 3923.29.0000. If entered not closed on one end or in roll form (including sheets, lay-flat tubing, and sleeves), laminated woven sacks may be classifiable under other HTSUS subheadings including 3917.39.0050, 3921.90.1100, 3921.90.1500, and 5903.90.2500. If the polypropylene strips and/or polyethylene strips making up the fabric measure more than 5 millimeters in width, laminated woven sacks may be classifiable under other HTSUS subheadings including 4601.99.0500, 4601.99.9000, and 4602.90.0000.[4] Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Preliminary Results

Upon initiation [5] of the administrative review, we provided all companies [6] initiated for review the opportunity to submit either a ''no shipment'' certification or the separate rate application or certification. None of the nine companies initiated for review submitted ''no shipment'' certifications. Furthermore, none of the nine companies under review submitted separate rate eligibility documentation. As a result, we preliminarily found that these nine companies are part of the PRC-wide entity.[7] The rate previously established for the PRC-wide entity in this proceeding is 47.64 percent.[8]

Final Results of Review

The Department did not receive any comments from interested parties after issuing the *Preliminary Results.* Thus, because nothing has changed since the *Preliminary Results* with respect to the above-noted nine companies initiated for review, we continue to find them to be part of the PRC-wide entity, to which we are assigning the previously established rate of 47.64 percent for the period August 1, 2013, through July 31, 2014.

Assessment

The Department determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review, pursuant to 19 CFR 351.212(b). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. For those companies subject to this review found to be part of the PRC-wide entity, the Department will instruct CBP to assess antidumping duties on entries of subject merchandise at the PRC-wide rate of 47.67 percent.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters not noted above that have separate rates, the cash

Results'') and accompanying Preliminary Decision Memorandum.

[2] *See Notice of Antidumping Duty Order: Laminated Woven Sacks from the People's Republic of China,* 73 FR 45941 (August 7, 2008) (''*Order*'').

[3] ''Paper suitable for high quality print graphics,'' as used herein, means paper having an ISO brightness of 82 or higher and a Sheffield Smoothness of 250 or less. Coated free sheet is an example of a paper suitable for high quality print graphics.

[4] At the request of U.S. Customs and Border Protection (''CBP''), the Department added the USHTS subheading 6305.33.0040 to the ACE CRF for the antidumping duty order. *See* ''Memorandum to the File, from Irene Gorelik, Analyst, re: Addition of U.S. Harmonized Tariff Schedule (''USHTS'') Numbers to the Automated Commercial Enterprise (''ACE'') Case Reference File (''CRF''),'' dated September 24, 2014.

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation, in Part,* 79 FR 58729 (September 30, 2014) (''*Initiation Notice*'').

[6] The nine companies are: Changle Baodu Plastic Co., Ltd., Shangdong Qikai Plastics Product Co., Ltd., Wenzhou Hotsun Plastics Co., Ltd., Zibo Aifudi Plastic Packaging Co., Ltd., Zibo Linzi Luitong Plastic Fabric Co., Ltd., Zibo Linzi Shuaiqiang Plastics Co., Ltd., Zibo Linzi Qitianli Plastic Fabric Co., Ltd., Zibo Linzi Worun Packing Product Co., Ltd., and Zibo Qigao Plastic Cement Co., Ltd.

[7] *See Preliminary Results,* 80 FR 4537–4538 and accompanying Preliminary Decision Memorandum. Pursuant to the Department's change in practice, the Department no longer considers the non-market economy entity as an exporter conditionally subject to administrative reviews. *See 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, 65970 (November 4, 2013). Under this practice, the non-market economy entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the entity, the entity is not under review and the entity's rate is not subject to change.

[8] *See Implementation of Determinations under Section 129 of the Uruguay Round Agreements Act: Certain New Pneumatic Off-the-Road Tires; Circular Welded Carbon Quality Steel Pipe; Laminated Woven Sacks; and Light-Walled Rectangular Pipe and Tube from the People's Republic of China,* 77 FR 52683, 52688 (August 30, 2012).

deposit rate will continue to be the exporter-specific rate published for the most recent period; (2) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 47.64 percent; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to the administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: April 14, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–09229 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NOAA Satellite Ground Station Customer Questionnaire

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 22, 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 Kay Metcalf, 301–817–4558 or *kay.metcalf@noaa.gov;* Scott Rogerson, 301–817–4543 or *scott.rogerson@noaa.gov;* or Paul Seymour, 301–817–4521 or *paul.seymour@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection. NOAA asks people who operate ground receiving stations that receive data from NOAA satellites to complete a questionnaire about the types of data received, its use, the equipment involved, and similar subjects. The data obtained are used by NOAA for short-term operations and long-term planning. Collection of this data assists us in complying with the terms of our Memorandum of Understanding (MOU) with the World Meteorological Organization: United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) on area of common interest (2008).

II. Method of Collection

The information is collected via an online questionnaire.

III. Data

OMB Control Number: 0648–0227.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Not-for-profit institutions; business or other for-profit organizations, individuals or households; federal government; state, local or tribal Government.

Estimated Number of Respondents: 300.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 25.

Estimated Total Annual Cost to Public: $0 in capital and 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: April 16, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–09173 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD906

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will convene a meeting of the Risk of Overfishing (denoted by P*) Working Group (P* WG) for the Main Hawaiian Island Deep 7 Bottomfish Fishery. The P* WG will review the P* dimensions and criteria, provide new scores (as appropriate), and recommend an appropriate risk of overfishing levels. This will be the basis for the specification of Acceptable Biological Catch (ABC) levels for the Scientific and Statistical Committee (SSC) to consider.

DATES: The P* WG meeting will be on May 6, 2015. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The P* WG meeting will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813; telephone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the P* WG Meeting

May 6, 2015—10 a.m.–4 p.m.

1. Introductions
2. Recommendations from previous Council meetings
3. Overview of the P* process
4. State of the Science for the Main Hawaiian Island Deep 7 Bottomfish

a. Summary of comments from the Center for Independent Expert reviewers affecting uncertainties

b. Report on assessment update using 2011 model with 3 years of data

5. Review of the P* Dimensions and Criteria

a. Assessment information

b. Uncertainty characterization

c. Stock status

d. Productivity and susceptibility

6. Working group revision of criteria (if needed)
7. Working group re-scoring session
8. General discussion
9. Public comment
10. Summary of scores and P* recommendations

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least five days prior to the meeting date.

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

Dated: April 16, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–09195 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2014–0008]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (CFPB) is proposing a new information collection titled, ''Consumer Complaint Intake System Company Portal Boarding Form Information Collection System.''

DATES: Written comments are encouraged and must be received on or before May 21, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- Electronic: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- OMB: Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503 or fax to (202) 395–5806. Mailed or faxed comments to OMB should be to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.reginfo.gov (this link active on the day following publication of this notice).* Select ''information Collection Review,'' under ''Currently under review, use the dropdown menu ''Select Agency'' and select ''Consumer Financial Protection Bureau'' (recent submissions to OMB will be at the top of the list). The same documentation is also available at *http://www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this email box.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Consumer Complaint Intake System Company Portal Boarding Form Information Collection System.

OMB Control Number: 3170–XXXX.

Type of Review: New collection (Request for a new OMB control number).

Affected Public: Private sector.

Estimated Number of Annual Respondents: 1,500.

Estimated Total Annual Burden Hours: 1,175.

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, Title X, provides for CFPB's consumer complaint handling function. Among other things, the CFPB is to facilitate the centralized collection of, monitoring of, and response to complaints concerning consumer financial products and services. To support the appropriate routing of complaints to the companies that are the subjects of the complaints, the CFPB is developing a form which will allow companies to proactively participate in the CFPB's Company Portal (Company Portal), a secure, web-based interface between the CFPB's Office of Consumer Response (Consumer Response) and companies. The Company Portal allows companies to view and respond to complaints submitted through the CFPB's complaint handling system. Many companies have sought to register with the Company Portal before consumer complaints have been submitted to the CFPB about their companies to ensure early notice of potential complaints and allow companies' users to acclimate to the software and security protocols needed to access the Company Portal. The CFPB's proposed Form, the Company Portal Boarding Form (Boarding Form), will serve to streamline information collection from these companies, result in a greatly enhanced and efficient experience from both the consumers and companies' perspectives.

Request for Comments: The CFPB issued a 60-day **Federal Register** notice on December 4, 2014 (79 FR 71984). Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CFPB, including whether the information will have practical utility; (b) The accuracy of the CFPB's estimate of the burden of the collection of information, including the validity of the methods and the

assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: April 14, 2015.

Ashwin Vasan,

Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2015–09251 Filed 4–20–15; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Grant Exclusive Patent License to Hydro-Québec; Montreal Canada

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: In compliance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i), the Department of the Army hereby gives notice of its intent to grant to Hydro Québec; a corporation having its principle place of business at 75 René-Lévesque Blvd. West Montréal, Québec, H2Z 1A4, Canada, exclusive license relative to the following U.S. Patent and Patent Application Titled ''High Voltage Lithium Ion Positive Electrode Material'':

- United States Utility Patent Application Serial No. US 14/281,924
- United States Provisional Patent Application Serial No. 61/911,700
- All foreign counterpart applications

DATES: The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the U.S. Army Research Laboratory receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by the U.S. Army Research Laboratory within fifteen (15) days from the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Send written objections to Thomas Mulkern, U.S. Army Research Laboratory, Office of Research and Technology Applications, ATTN: RDRL–DPP, B321, Aberdeen Proving Ground, MD 21005–5425.

FOR FURTHER INFORMATION CONTACT: Thomas Mulkern, (410) 278–0889.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–09170 Filed 4–20–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Inland Waterways Users Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed under the provisions of 33 U.S.C. 2251 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(a). The Board is a non-discretionary Federal advisory committee that shall provide the Secretary of Defense, through the Secretary of the Army and the Assistant Secretary of the Army (Civil Works), independent advice and recommendations on matters relating to construction and rehabilitation priorities and spending levels on the commercial navigation features and components of the U.S. inland waterways and inland harbors. According to 33 U.S.C. 2251(b), the Board shall file their recommendations with the Secretary of the Army and with Congress, annually.

Board members, as determined by the DoD, shall be representative members and, under the provisions of 33 U.S.C. 2251(a), the Board shall be composed of 11 members.

Based upon the Secretary of the Army's recommendation, the Secretary of Defense shall invite primary commercial users and shippers of the inland and intra-coastal waterways to serve on the Board. Commercial users and shippers invited to serve on the Board shall designate an individual, subject to Secretary of Defense approval, to represent the organization's interests. The DoD, shall ensure selections represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intra-coastal waterways for commercial purposes, when considering prospective users and shippers to be represented on the Board. Due consideration shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland and intra-coastal waterways.

A primary user or shipper may be represented on the Board, at the request of the Secretary of the Army and with the approval of the Secretary of Defense, for a two-year term of service. A user or shipper may not be represented on the Board for more than two consecutive terms of service (four years), without prior approval from the Secretary of Defense. A user or shipper may be subsequently represented on the Board, but only after being off the Board for at least two years. In addition to the primary users and shippers invited by the Secretary of Defense, the Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation, and Commerce may each designate, a representative to act as an observer of the Board. These observers, who have no voting rights, shall each be a full-time or permanent part-time employee of his or her respective agency.

Pursuant to 33 U.S.C. 2251(a), the Secretary of the Army shall designate one Board member to serve as the Board's Chairperson. With the exception of travel and per diem for official travel, all Board members shall serve without compensation.

The DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, and working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the DoD Sponsor. All subcommittees, task forces, or working groups shall operate under the provisions of FACA, the Sunshine Act, other governing Federal statutes and regulations, and established DoD policies and procedures.

Currently, the Board does not use subcommittees. If the Department determines that the establishment of subcommittees is warranted, the Board's charter must be amended prior to such establishment.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

Pursuant to 33 U.S.C. 2251(b), the Board shall meet at least semi-annually.

The Board's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee appointed in accordance with governing DoD policies and procedures.

The Board's DFO is required to be in attendance at all meetings of the Board and any of its subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly appointed to the Board according to established DoD policies and procedures, shall attend the entire duration of the Board or any subcommittee meeting.

The DFO, or the Alternate DFO, shall call all meetings of the Board and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Inland Waterways Users Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Inland Waterways Users Board.

All written statements shall be submitted to the DFO for the Inland Waterways Users Board and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Inland Waterways Users Board DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Inland Waterways Users Board. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: April 16, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–09182 Filed 4–20–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2015–ICCD–0046]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Grants Under the Native American-Serving Nontribal Institutions Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before May 21, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0046 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Bora Mpinja, 202–502–7629.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Grants Under the Native American-Serving Nontribal Institutions Program.

OMB Control Number: 1840–0816.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 50.

Total Estimated Number of Annual Burden Hours: 2,000.

Abstract: The Title III, Part A Native American-Serving Nontribal Institutions Program provides grants and related assistance to Native American Serving-Non Tribal Institutions to enable such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native American and low-income individuals.

Dated: April 16, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–09175 Filed 4–20–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. ER15–623–000 ER15–945–000	4–1–15	FERC Staff.[1]
2. CP13–499–000	4–6–15	Pace Environmental Litigation Clinic, Inc.
Exempt:		
1. CP14–347–000	2–24–15	Calcasieu Parish Police Jury.
2. CP14–347–000	2–26–15	Lake Charles Harbor & Terminal District.
3. CP14–347–000	3–9–15	Hon. David Vitter.
4. CP12–507–000	3–31–15	Cities of Portland and Corpus Christi, Texas.
5. CP12–507–000	3–31–15	Hon. J.M. Lozano.
6. CP13–483–000	3–31–15	U.S. Congress.[2]
7. CP12–507–000	4–6–15	Hon. Todd Hunter.
8. CP14–96–000	4–6–15	U.S. Congress.[3]
9. CP12–507–000	4–7–15	Hon. Judith Zaffirini.

[1] Email record.
[2] Hons. Pat Roberts, Jerry Moran, and Kevin Yoder.
[3] Hons. Charles E. Schumer, Kirsten Gillibrand, and Nita M. Lowey.

Dated: April 14, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09046 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1429–000]

Emera Maine; Notice of Filing

Take notice that on April 3, 2015, Emera Maine tendered for filing workpapers in support of a transmission cost of service formula rate that was filed in the above docket on April 1, 2015. A June 1, 2015 effective date is requested for the transmission cost of service formula rate, which was noticed on April 1, 2015.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 22, 2015.

Dated: April 15, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09179 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1471–000]

Blue Sky West, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Blue Sky West, LLC's application for market-based rate authority, with an

accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is May 4, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 14, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09045 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–788–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment per 35.17(b): Thresholds for Uneconomic Prod. Investigation Deficiency Response in E15–788 to be effective 3/1/2014.

Filed Date: 4/13/15.

Accession Number: 20150413–5304.

Comments Due: 5 p.m. ET 5/4/15.

Docket Numbers: ER15–943–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–04–13_SA 6502 Illinois Power-Edwards SSR Renewal Compliance Filing to be effective 1/1/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5165.

Comments Due: 5 p.m. ET 5/4/15.

Docket Numbers: ER15–1211–001.

Applicants: Wisconsin Public Service Corporation.

Description: Tariff Amendment per 35.17(b): Update to WPSC Annual PEB/PBOP Filing to be effective 4/1/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5125.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1498–000.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing per 35: Compliance tariff revs to implement a competitive entry exemption to BSM Rules to be effective 2/26/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5324.

Comments Due: 5 p.m. ET 5/4/15.

Docket Numbers: ER15–1499–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revisions to City of Independence, Missouri Stated Rate to be effective 6/1/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5325.

Comments Due: 5 p.m. ET 5/4/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 14, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09041 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–870–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate PAL Agreement: Koch Energy Services, LLC to be effective 4/10/2015.

Filed Date: 4/9/15.

Accession Number: 20150409–5045.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: RP15–871–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate—BP Energy to be effective 5/1/2015.

Filed Date: 4/9/15.

Accession Number: 20150409–5078.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: RP15–872–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Section 4(d) rate filing per 154.204: Clean Up of Summary of Non-Conforming and Negotiated Rate Agreements to be effective 5/1/2015.

Filed Date: 4/9/15.

Accession Number: 20150409–5129.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: RP15–873–000.

Applicants: Empire Pipeline, Inc.

Description: Section 4(d) rate filing per 154.204: Reservation Charge Credits and ROFR to be effective 5/9/2015.

Filed Date: 4/9/15.

Accession Number: 20150409–5166.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: RP15–874–000.

Applicants: Tres Palacios Gas Storage LLC.

Description: Section 4(d) rate filing per 154.204: Tres Palacios Gas Storage LLC—Tariff Changes to be effective 5/10/2015.

Filed Date: 4/10/15.

Accession Number: 20150410–5158.

Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: RP15–875–000.

Applicants: Alliance Pipeline L.P.

Description: Section 4(d) rate filing per 154.204: April 14–28, 2015 to be effective 4/14/2015.

Filed Date: 4/10/15.

Accession Number: 20150410–5167.

Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: RP15–876–000.

Applicants: Enable Gas Transmission, LLC.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate Filing-April 2015- LER 0222 Att A to be effective 4/14/2015.

Filed Date: 4/10/15.

Accession Number: 20150410–5216.

Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: RP15–877–000.

Applicants: Enable Mississippi River Transmission, L.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate Filing to Amend LER 5680's Attachment A_4–10–15 to be effective 4/10/2015.

Filed Date: 4/10/15.

Accession Number: 20150410–5266.

Comments Due: 5 p.m. ET 4/22/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 13, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09042 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–878–000.

Applicants: Texas Eastern Transmission, LP.

Description: Section 4(d) rate filing per 154.204: Non-conforming and NegRate Agreement—Infinite Energy 911250 to be effective 4/13/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5086.

Comments Due: 5 p.m. ET 4/27/15.

Docket Numbers: RP15–879–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 04/13/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 4/15/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5181.

Comments Due: 5 p.m. ET 4/27/15.

Docket Numbers: RP15–880–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 04/13/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB) 7540–89 to be effective 4/15/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5190.

Comments Due: 5 p.m. ET 4/27/15.

Docket Numbers: RP15–881–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 04/13/15 Negotiated Rates—Sequent Energy Management (HUB) 3075–89 to be effective 4/15/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5197.

Comments Due: 5 p.m. ET 4/27/15.

Docket Numbers: RP15–882–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 04/13/15 Negotiated Rates—United Energy Trading, LLC (HUB) 5095–89 to be effective 4/15/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5216.

Comments Due: 5 p.m. ET 4/27/15.

Docket Numbers: RP15–883–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: Request for Waiver and Extensions of El Paso Natural Gas Company, L.L.C.

Filed Date: 4/13/15.

Accession Number: 20150413–5249.

Comments Due: 5 p.m. ET 4/27/15.

Docket Numbers: RP15–884–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 04/13/15 Negotiated Rates—DTE Energy Trading Inc. (HUB) 1830–89 to be effective 4/15/2015.

Filed Date: 4/13/15.

Accession Number: 20150413–5298.

Comments Due: 5 p.m. ET 4/27/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 14, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09043 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–121–000.

Applicants: Meadow Creek Project Company LLC, Goshen Phase II LLC, Canadian Hills Wind, LLC, Rockland Wind Farm LLC, Burley Butte Wind Park, LLC, Golden Valley Wind Park, LLC, Milner Dam Wind Park, LLC, Oregon Trail Wind Park, LLC, Pilgrim Stage Station Wind Park, LLC, Thousand Springs Wind Park, LLC, Tuana Gulch Wind Park, LLC, Camp Reed Wind Park, LLC, Payne's Ferry Wind Park, LLC, Salmon Falls Wind Park, LLC, Yahoo Creek Wind Park,

LLC, TerraForm AP Acquisition Holdings, LLC, Wolverine Creek Goshen Interconnection L.

Description: Application for Authorization of Disposition of Jurisdictional Facilities and Requests for Waivers, Confidential Treatment and Expedited Consideration of Meadow Creek Project Company LLC, et al.

Filed Date: 4/14/15.

Accession Number: 20150414–5274.

Comments Due: 5 p.m. ET 5/5/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–517–001.

Applicants: ISO New England Inc., Cross-Sound Cable Company, LLC.

Description: Compliance filing per 35: Supplemental Req. for Waiver of Stnds. for Bus. Prac. & Comm. Protocols to be effective 4/15/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5142.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1019–000.

Applicants: Fowler Ridge IV Wind Farm LLC.

Description: Second Supplement to February 10, 2015 Fowler Ridge IV Wind Farm LLC tariff filing.

Filed Date: 4/14/15.

Accession Number: 20150414–5154.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1170–001.

Applicants: Bear Mountain Limited.

Description: Tariff Amendment per 35.17(b): Supplement to MBR Application to be effective 4/30/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5203.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1171–001.

Applicants: Chalk Cliff Limited.

Description: Tariff Amendment per 35.17(b): Supplement to MBR Application to be effective 4/30/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5206.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1172–001.

Applicants: Live Oak Limited.

Description: Tariff Amendment per 35.17(b): Supplement to MBR Application to be effective 4/30/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5209.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1173–001.

Applicants: McKittrick Limited.

Description: Tariff Amendment per 35.17(b): Supplement to MBR Application to be effective 4/30/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5212.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1500–000.

Applicants: Arizona Public Service Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): OATT Non-substantive Revisions to be effective 6/14/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5141.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1501–000.

Applicants: Duquesne Keystone, LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revisions to MBR to be effective 4/15/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5175.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1502–000.

Applicants: Duquesne Conemaugh, LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revisions MBR to be effective 4/15/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5187.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1503–000.

Applicants: Duquesne Power, LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revisions MBR to be effective 4/15/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5190.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1504–000.

Applicants: PJM Interconnection, L.L.C., Virginia Electric and Power Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Dominion submits revisions to OATT Attachment H–16A and H16–C re: OPEB Expense to be effective 1/1/2014.

Filed Date: 4/14/15.

Accession Number: 20150414–5215.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1505–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–04–14_SA 6500 Escanaba SSR Termination to be effective 6/15/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5225.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1506–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–04–14_Cancel Schedule 43 Escanaba SSR to be effective 6/15/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5227.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1507–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Service Agreement No. 3635; Queue No. V4–024 to be effective 6/2/2015.

Filed Date: 4/14/15.

Accession Number: 20150414–5236.

Comments Due: 5 p.m. ET 5/5/15.

Docket Numbers: ER15–1508–000.

Applicants: Duke Energy Florida, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Joint OATT Real Power Loss (2015) to be effective 5/1/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5041.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1509–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Do Not Exceed Real-Time Dispatch to be effective 4/10/2016.

Filed Date: 4/15/15.

Accession Number: 20150415–5062.

Comments Due: 5 p.m. ET 5/6/15.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–19–011; OA07–43–012; ER07–1171–012.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits its annual compliance report on penalty assessments and distributions.

Filed Date: 4/14/15.

Accession Number: 20150414–5276.

Comments Due: 5 p.m. ET 5/5/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 15, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09177 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1475–000]

North Star Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of North Star Solar, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is May 5, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 15, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09180 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2721–005.

Applicants: El Paso Electric Company.

Description: Non-Material Change in Status Filing of El Paso Electric Company.

Filed Date: 4/15/15.

Accession Number: 20150415–5237.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1176–001.

Applicants: South Jersey Energy ISO6, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to Market-Based Rate application to be effective 3/5/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5255.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1177–001.

Applicants: South Jersey Energy ISO7, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to Market-Based Rate Application to be effective 3/5/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5253.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1178–001.

Applicants: South Jersey Energy ISO8, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to Market-Based Rate Application to be effective 3/5/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5250.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1510–000.

Applicants: FirstEnergy Solutions Corp.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Normal filing to be effective 4/16/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5161.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1511–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 1166R23 Oklahoma Municipal Power Authority NITSA and NOA to be effective 4/1/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5238.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1512–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2199 Grand River Dam Authority PTP Notice of Cancellation to be effective 1/27/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5240.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1513–000.

Applicants: Duquesne Conemaugh, LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Conemaugh Revisions to be effective 1/30/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5275.

Comments Due: 5 p.m. ET 5/6/15.

Docket Numbers: ER15–1514–000.

Applicants: Duquesne Keystone, LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revision to MBR to be effective 1/30/2015.

Filed Date: 4/15/15.

Accession Number: 20150415–5280.

Comments Due: 5 p.m. ET 5/6/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–14–000.

Applicants: NorthWestern Corporation.

Description: Supplement to March 19, 2015 Application for Authorization Under Section 204 of the Federal Power Act to Issue Securities of NorthWestern Corporation.

Filed Date: 4/15/15.

Accession Number: 20150415–5155.

Comments Due: 5 p.m. ET 4/27/15.

Docket Numbers: ES15–15–000.

Applicants: ISO New England Inc.

Description: Application of ISO New England Inc. Under Section 204 of the Federal Power Act For An Order Authorizing the Issuance of Securities.

Filed Date: 4/15/15.

Accession Number: 20150415–5165.

Comments Due: 5 p.m. ET 5/6/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern

time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 15, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09178 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1463–000]

Triton Energy, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Triton Energy, Inc.'s application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is May 4, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 14, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09044 Filed 4–20–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9926–65–OECA]

Applicability Determination Index (ADI) Database System Recent Posting: Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and/or the Stratospheric Ozone Protection Program.

FOR FURTHER INFORMATION CONTACT: An electronic copy of each complete document posted on the Applicability Determination Index (ADI) database system is available on the Internet through the Resources and Guidance Documents for Compliance Assistance page of the Clean Air Act Compliance Monitoring Web site under ''Air'' at: *http://www2.epa.gov/compliance/resources-and-guidance-documents-compliance-assistance.* The letters and memoranda on the ADI may be located by control number, date, author, subpart, or subject search. For questions about the ADI or this notice, contact Maria Malave at EPA by phone at: (202) 564–7027, or by email at: *malave.maria@epa.gov.* For technical questions about individual applicability determinations or monitoring decisions, refer to the contact person identified in the individual documents, or in the absence of a contact person, refer to the author of the document.

SUPPLEMENTARY INFORMATION:

Background

The General Provisions of the NSPS in 40 Code of Federal Regulations (CFR) part 60 and the General Provisions of the NESHAP in 40 CFR part 61 provide that a source owner or operator may request a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification. EPA's written responses to these inquiries are commonly referred to as applicability determinations. See 40 CFR 60.5 and 61.06. Although the part 63 NESHAP regulations [which include Maximum Achievable Control Technology (MACT) and/or Generally Available Control Technology (GACT)standards] and § 111(d) of the Clean Air Act (CAA) contain no specific regulatory provision providing that sources may request applicability determinations, EPA also responds to written inquiries regarding applicability for the part 63 and § 111(d) programs. The NSPS and NESHAP also allow sources to seek permission to use monitoring or recordkeeping that is different from the promulgated requirements. See 40 CFR 60.13(i), 61.14(g), 63.8(b)(1), 63.8(f), and 63.10(f). EPA's written responses to these inquiries are commonly referred to as alternative monitoring decisions. Furthermore, EPA responds to written inquiries about the broad range of NSPS and NESHAP regulatory requirements as they pertain to a whole source category. These inquiries may pertain, for example, to the type of sources to which the regulation applies, or to the testing, monitoring, recordkeeping, or reporting requirements contained in the regulation. EPA's written responses to these inquiries are commonly referred to as regulatory interpretations.

EPA currently compiles EPA-issued NSPS and NESHAP applicability determinations, alternative monitoring decisions, and regulatory interpretations, and posts them to the

ADI. In addition, the ADI contains EPA-issued responses to requests pursuant to the stratospheric ozone regulations, contained in 40 CFR part 82. The ADI is an electronic index on the Internet with over one thousand EPA letters and memoranda pertaining to the applicability, monitoring, recordkeeping, and reporting requirements of the NSPS, NESHAP, and stratospheric ozone regulations. Users can search for letters and memoranda by date, office of issuance, subpart, citation, control number, or by string word searches.

Today's notice comprises a summary of 56 such documents added to the ADI on April 7, 2015. This notice lists the subject and header of each letter and memorandum, as well as a brief abstract of the letter or memorandum. Complete copies of these documents may be obtained from the ADI through the OECA Web site at: *www.epa.gov/compliance/monitoring/programs/caa/adi.html*.

Summary of Headers and Abstracts

The following table identifies the database control number for each document posted on the ADI database system on April 7, 2015; the applicable category; the section(s) and/or subpart(s) of 40 CFR part 60, 61, or 63 (as applicable) addressed in the document; and the title of the document, which provides a brief description of the subject matter.

We have also included an abstract of each document identified with its control number after the table. These abstracts are provided solely to alert the public to possible items of interest and are not intended as substitutes for the full text of the documents. This notice does not change the status of any document with respect to whether it is ''of nationwide scope or effect'' for purposes of CAA § 307(b)(1). For example, this notice does not convert an applicability determination for a particular source into a nationwide rule. Neither does it purport to make a previously non-binding document binding.

ADI DETERMINATIONS UPLOADED ON APRIL 7, 2015

Control Number	Categories	Subparts	Title
M110015	MACT, PART 63 NESHAP, NSPS.	CC, G, Kb	Rule Interpretation on Raw Data Definition and Retention for Storage Vessels.
1400038	NSPS	OOO	Applicability of Rule to Gypsum Handling Equipment at a Power Plant with Fuel Gas Desulfurization Units.
1100018	NSPS	J	Alternative Monitoring Plan for Low Sulfur Bearing Fuel Gas Stream.
Z140006	MACT, Part 63 NESHAP.	YYYYY	Performance Test Waiver Request for EAF Secondary Dust Collection System.
M120012	MACT, PART 63 NESHAP.	FFFF	Alternative Monitoring Plan For Grab Sampling in Lieu of Continuous Monitoring of Caustic Scrubbers.
Z120001	Part 61 NESHAP	J, V	Applicability Determination for NESHAP Subparts J and V Benzene Fugitive Equipment Leaks.
M120015	MACT, PART 63 NESHAP, NSPS.	J, UUU	Alternate Work Practice—SRU Sulfur Pit Bypass Lines.
Z140005	Part 63 NESHAP	WWWWWW	Applicability Determination for Research and Development Unit under NESHAP Subpart WWWWWW.
M120018	MACT, PART 63 NESHAP, NSPS.	J, UUU	Alternative Monitoring in Lieu of COMS for Regenerators.
M120020	MACT, PART 63 NESHAP.	NNNNN	Alternative Monitoring for Caustic Scrubber Parametric Monitoring.
1200038	NSPS	D	Stack COMS Relocation Determined By Equivalency Testing.
M120021	MACT, PART 63 NESHAP.	G, H	Approval of a Common Report Schedule—MACT Subparts G and H.
1200039	NSPS	J	Alternative Monitoring for Hydrocracker Feed Surge Drum Vent Stream.
1200040	NSPS	J	Alternative Monitoring for NHT Feed Surge Drum Off—Gas Vent Stream.
1200041	NSPS	J	Alternative Hydrogen Sulfide Monitoring for Oleflex Reactor Vent Stream.
1200042	NSPS	J	Alternative Hydrogen Sulfide Monitoring for Truck Loading, Storage Tank and Well Vent Gas Streams.
1200046	NSPS	JJJJ	Single-Point Testing In Place of Method 1 or 1A—Engine Emission Testing.
1200062	NSPS	KKK, Kb	Applicability of NSPS Subparts Kb and KKK for a Vapor Recovery Unit and Storage Tanks.
M120027	MACT, PART 63 NESHAP.	JJJ	Timing Issues in Determining MACT and Title V Applicability.
M120029	MACT, PART 63 NESHAP.	S	Approval of an Alternative Monitoring Frequency under the Pulp and Paper MACT.
1200087	NSPS	Db	Revision to NSPS Method of Determining Compliance for Combined Effluent NO_X CEMS.
Z140004	MACT, PART 63 NESHAP.	ZZZZ	Exemption for Emergency Engines at Commercial Area Sources from RICE NESHAP—Regulatory Interpretation.
1400016	NSPS	EEEE, FFFF	Applicability Determination for Commercially Operated Contraband Incinerator.
1400019	NSPS	WWW	Guidance on Alternative Compliance Timeline Requests for Landfill.
A140003	Asbestos	M	Applicability of the Asbestos NESHAP as it Applies to Concrete Bridges.
M140006	MACT, PART 63 NESHAP.	A, MMMM	Continuing Requirements when Surface Coating Operations no Longer Meets Affected Source Criteria.
M140008	MACT, PART 63 NESHAP.	CC, G	Interpretation of Required Tank Inspection Frequency.
1400021	NSPS	Dc, Ja	NOx Requirements for Boilers.
M140009	MACT, PART 63 NESHAP.	ZZZZ	Disapproval of an Engine De-Rate Proposal.
M140010	MACT, PART 63 NESHAP.	ZZZZ	Approval of an Engine De-rate Proposal.

ADI DETERMINATIONS UPLOADED ON APRIL 7, 2015—Continued

Control Number	Categories	Subparts	Title
M140011	MACT, PART 63 NESHAP, NSPS.	IIII, ZZZZ	Applicability to a Non-stationary Engine Relocated For Use as a Stationary Engine.
M140012	PART 63 NESHAP	A, JJJJJJ	Determination of Force Majeure.
M140013	PART 63 NESHAP	JJJJJJ	Regulatory Interpretation of Tune-up Requirements for Spreader Stoker Boiler.
M140014	PART 63 NESHAP	JJJJJJ	Compliance Extension for Replacement Energy Source.
Z140007	Part 63 NESHAP	BBBBBBB, VVVVVV.	Rule Applicability to HAP-Containing Mixing Operations to Produce Acrylic-Based Stucco.
A140004	Asbestos	M	Small Residence Exemption.
A140005	Asbestos	M	Interim Method of Determination of Asbestos in Bulk Insulation Samples and Transmission Electron Microscopy.
M140016	MACT, PART 63 NESHAP.	DDDDD	Categorization and applicability of a Boiler using natural gas and tire derived fuel.
1400022	NSPS	J	NSPS Fuel Gas Definition and Alternative Monitoring of Marine Vessel Loading Vapors.
1400023	NSPS	J	Conditional CEMS Exemption Approval for Low Sulfur Combustion of Off-gas Vent Stream.
1400024	NSPS	J	CEMS Exemption in Lieu of Alternative Monitoring for Combustion of Commercial Grade Natural Gas and Refinery Fuel Gas.
1400025	NSPS	KKK	Regulatory Interpretation for Gas Plant Propane Refrigeration System.
1400026	NSPS	OOOO	Applicability Determination for Reciprocating Compressors.
1400027	MACT, PART 63 NESHAP, NSPS.	J, UUU	Alternative Monitoring Plan for Wet Gas Scrubber on a Fluidized Catalytic Cracking Unit.
1400028	NSPS	NNN, RRR	Alternative Monitoring and Waiver of Testing Request for Distillation Vent Gas to Process Heaters.
1400029	NSPS	Ja	Request for Alternative Monitoring of Condensate Splitter Flare.
1400030	NSPS	Ja	Alternative Monitoring Plan for Oxygen in Boiler Stack Emissions.
1400031	NSPS	J, Ja	Alternative Hydrogen Sulfide Monitoring in Tank Degassing Vapors Combusted in Portable Thermal Oxidizers.
1400032	NSPS	OOOO	Regulatory Interpretation—Submission of Photographs For Natural Gas Well Completion Annual Reports.
1400033	NSPS	J, Ja	Alternative Hydrogen Sulfide Monitoring in Tank Degassing Vapors Combusted in Portable Thermal Oxidizers.
1400034	NSPS	A, D	Regulatory Interpretation—Demonstrating Continuous Compliance and Reporting Excess Emissions for NSPS and Title V.
1400035	NSPS	Ec	Alternative Operating Parameters for a Wet Gas Scrubber Followed By Carbon Adsorber and Cartridge Filter at an HMIWI.
1400036	NSPS	Db	Alternative Monitoring Plan for Fuel Analysis from Subpart Db Boiler.
1400037	NSPS	J	Conditional CEMS Exemption Approval for Low Sulfur Combustion of Off-gas Vent Stream.
1100017	NSPS	J	Alternative Monitoring of Opacity for a Wet Gas Scrubber.

Abstracts

Abstract for [M110015]

Q1: What is EPA interpretation of raw data, in reference to 40 CFR 63.654 and 40 CFR 60.115b and the storage vessel recordkeeping provisions in NSPS subpart Kb, and Part 63 NESHAP subparts G and CC?

A1: EPA indicated to the Texas Commission on Environmental Quality Region 14 that although the phrase ''raw data'' does not have a regulatory definition, EPA has issued guidance on this subject to deal with air pollution measurement systems and the quality assurance procedures associated with such systems. In general, raw data is data that is captured and recorded on field data sheets during a measurement of some sort, such as sampling of emissions or testing of control equipment.

Q2: May a source, after transferring data from field data sheets into an electronic database, dispose of the field data sheets?

A2: No. Original field data sheets must be preserved whenever any sort of emissions sampling or equipment testing, such as measuring seal gaps in a storage tank, is performed. Transferring raw data into a database can introduce additional error in data transcription and entry.

Abstract for [1400038]

Q1: Is gypsum handling equipment at the Dominion Chesterfield Power Station in Chester, Virginia, subject to NSPS subpart OOO for Nonmetallic Mineral Processing Plants? Dominion acknowledges that a limestone crushing process at Chesterfield is subject to subpart OOO.

A1: Yes. The gypsum handling equipment is also subject to NSPS subpart OOO. The facility meets the definition of a nonmetallic mineral processing plant, and each affected facility at Chesterfield is subject to subpart OOO, including the belt conveyors used to transfer gypsum to storage sheds or loading docks.

Q2: Must the crushing or grinding of gypsum take place in the ''production line'' to be subject to subpart OOO?

A2: No. The definition of production line does not require that every affected facility be part of a production line with crushing or grinding. If crushing or grinding of a nonmetallic mineral occurs anywhere at the facility, then each affected facility is subject regardless of its location within the plant.

Q3: Are there other power plants with flue gas desulfurization units where the gypsum handling equipment is subject to subpart OOO?

A3: Yes. Based on a brief review of similar permits, EPA found at least three such power plants with permits where subpart OOO was applied to the gypsum handling equipment.

Abstract for [1100018]

Q: Does EPA approve the ConocoPhillips Sweeny, Texas Refinery Alternate Monitoring Plan (AMP) under NSPS subpart J? Conoco claims an exemption per 40 CFR 60.105(a)(4)(iv) because Flare #7 receives fuel gas waste from catalytic reforming units.

A: Yes. EPA conditionally approves ConocoPhillips's AMP. Conditional approval of alternative monitoring parameters is granted based on a requirement that the flare receive low sulfur/sulfide bearing streams waste fuel gas only from catalytic reformers. Any significant increase in the sulfur/sulfide concentration detected in the stream would initiate continuous monitoring under 40 CFR 60.105(a)(3) or (4). Introduction of other streams that are not from catalytic reformers require application of another AMP.

Abstract for [Z140006]

Q1: Does EPA approve of a waiver in the number of performance test sampling locations required to comply with particulate stack sampling requirements under 40 CFR part 63 subpart YYYYY for the electric arc furnace at ArcelorMittal's LaPlace, Louisiana facility?

A1: No. Based on the information provided, EPA could not approve the request to sample only three of the six emission points. Without the results of a previous performance test which included results for all six emission points, EPA could not confirm that emissions from three of the emission points might be representative of all six. Additionally, EPA reserves the right to determine which emission points should be sampled.

Q2: Can the 60-day testing notification requirement be waived, allowing ArcelorMittal a 30-day notification period?

A2: Yes. Based on the timing of ArcelorMittal's testing waiver request and the testing schedule, EPA is allowing a reduced testing notification timeframe. EPA asked that ArcelorMittal provide the Louisiana Department of Environmental Quality (DEQ) a written notice at least ten (10) days prior to the intended testing dates in order that DEQ be afforded the opportunity to observe the testing.

Abstract for [M120012]

Q: Does EPA approve the Alternative Monitoring Plan (AMP) for monitoring the caustic strength of scrubber effluent by a grab sample monitoring system, in lieu of continuously measuring caustic strength, under MACT subpart FFFF for the miscellaneous organic chemical manufacturing process units and caustic scrubbers controlling Group 1 Process Vents at the Dow Chemical plant in La Porte, Texas?

A: Yes. EPA approves the AMP based on the information provided. The plan to monitor scrubber caustic strength by grab sampling, in lieu of continuously measuring caustic strength, is technically acceptable. Subpart FFFF requires that the scrubbers be monitored continuously either via continuous pH measurement and recording as specified in 40 CFR 63.994(c)(1)(i) and 63.998(a)(2)(ii)(D), or via continuously monitoring and recording the caustic strength of the effluent. Use of a continuous pH meter or caustic strength analyzer may be unreliable due to fouling. The AMP includes frequent grab sampling to monitor caustic strength based on a worst case loading scenario.

Abstract for [Z120001]

Q: Is an inter-plant pipeline which transports liquids that are at least 10 percent benzene by weight between two major source facilities, each belonging to Equistar Chemicals in Alvin, Texas, subject to part 61 NESHAP subparts J and V?

A: Yes. An inter-plant pipeline that transports benzene liquids is an emission source that is in benzene service according to 40 CFR 61.110 and 61.111, regardless of whether or not the pipeline is defined as a discrete process unit. 40 CFR 61.110(a) includes valves, connectors or systems in benzene service, regardless of their location, and subpart V applies as the leak detection provision for subpart J, per 40 CFR 61.111.

Abstract for [M120015]

Q: Does EPA approve an alternate work practice for monitoring hydrogen sulfide (H_2S) at bypass lines associated with sulfur recovery unit (SRU) sulfur pits, which are subject to both MACT subpart UUU and NSPS subpart J, and the terms of a Consent Decree (CD), at the Flint Hills Resources Corpus Christi, Texas East and West refineries?

A: No. EPA does not approve the alternate work practice because it would be in direct conflict with both the rule and the intent of the CD, and would result in non-compliance. The SRUs and sulfur pits are subject to a CD that requires sulfur pit emissions to be continuously monitored and counted toward SRU total emissions for compliance demonstration with the NSPS subpart J limit for sulfur dioxide (SO_2). Since the alternative work practice proposed by Flint Hills did not include continuous monitoring per 40 CFR 60.104(a)(2), the data necessary to comply with the portion of the CD requiring aggregation of sulfur pit emissions for compliance demonstration with the NSPS subpart J SO_2 limit would not be collected.

Abstract for [Z140005]

Q: Does EPA approve an exemption from NESHAP subpart WWWWWW under the definition of research and development for the electroplating and surface finishing facility at Los Alamos National Laboratory in New Mexico?

A: Yes. Based on a review of 40 CFR 63.11505(d)(2) and the definition of a research and development process unit at 40 CFR 63.11511, EPA determines that the facility meets the definition and is not subject to NESHAP subpart WWWWWW.

Abstract for [M120018]

Q: Will EPA approve Motiva Enterprises' (Motiva) Alternative Monitoring Plan (AMP) under 40 CFR 60.8 and 60.13(i)(3) for monitoring wet gas scrubbers (WGS) on a refinery Fluid Catalytic Cracking Unit (FCCU), in lieu of a Continuous Opacity Monitoring System (COMS), due to moisture interference on opacity readings in the stack, to demonstrate compliance with the opacity limit under 40 CFR 60.102(a)(2) and requirements of MACT subpart UUU at Motiva's Port Arthur, Texas refinery?

A: Yes. EPA conditionally approves Motiva's AMP. A performance test is necessary to establish Operating Parameter Limits (OPLs) and other operating and monitoring conditions required for demonstrating compliance with NSPS subpart J, MACT subpart UUU and the Consent Decree for each WGS. The EPA response letter specifies the operating conditions, operating parameters, test notice deadlines, and notification content that are conditions of the approval. Interim OPLs are provided.

Abstract for [M120020]

Q: Does EPA approve the Alternative Monitoring Plan (AMP) for parametric monitoring on caustic scrubbers used to control hydrochloric acid emissions from storage tanks, loading, and process vents under 40 CFR part 63 subpart NNNNN at the Rubicon facility in Geismar, Louisiana?

A: Yes. Based on the information provided in Rubicon's request, EPA conditionally approves the AMP. A minimum pH operating parameter limit (OPL), and a minimum recirculating liquid flow rate, pursuant to 40 CFR 63.9020(e)(1)(i), must be established during a performance test conducted

under worst case emissions operating scenario. The scrubbers' effectiveness in meeting subpart NNNNN emission standards during normal operations will be ensured by continuous monitoring of the two OPLs.

Abstract for [1200038]

Q1: Can equivalency testing be approved to relocate the flue gas continuous opacity monitoring system (COMS) on the stack outlet of a wet gas scrubber (WGS) covered under NSPS subpart D at the Texas Municipal Power Agency (TMPA) Gibbons Creek Electric Steam Generating Station Unit 1?

A1: Yes. 40 CFR part 60 Appendix B Performance Specification 1 (PS 1) Section 8.1 (2)(i) and (ii) specify measurement location and light beam path requirements for COMS. If the proposed alternate COMS locations do not meet these requirements, equivalency testing must be conducted in accordance with PS 1 Section 8.1 (2)(iii) for each possible alternative location. Based on the test proposal, EPA approves the request for conducting preliminary equivalency testing only, with a 60-day notification provided to the State authority.

Q2: What if there are separate ducts that split the vent stream gas flow?

A2: Relocation and the preliminary equivalency testing must include the use of two COMS units in order to provide opacity readings representative of total emissions.

Q3: What must the facility do to obtain subsequent approval for permanent relocation of the stack COMS?

A3: TMPA must provide the data and operating information from the preliminary equivalency testing for the alternative location ultimately selected, in accordance with the applicable performance test reporting requirements of NSPS subparts A and D. In accordance with PS 1 Section 8.1 (2)(iii), the average opacity value measured at each temporary COMS at the selected alternate location must be within +/− 10 percent of the average opacity value measured at the existing flue gas stack COMS, and the difference between any two average opacity values must be less than 2 percent opacity (absolute value).

Abstract for [M120021]

Q: Does EPA approve a common schedule for submitting periodic reports under the Hazardous Organic part 63 NESHAP, subparts G and H, at the Union Carbide Texas City, Texas facility?

A: Yes. EPA approves the common schedule provided the reporting requirement of 40 CFR 63.152(c)(1) is satisfied, which only allows a 60-day lag between the end of the reporting period and the due date of a periodic report. EPA reviewed the requirements of 40 CFR 63.10(a)(6) and 63.9(i), and concurred that the proposed reporting schedule satisfies the requirements of 40 CFR 63.152(c)(1).

Abstract for [1200039]

Q: Does EPA approve an Alternative Monitoring Plan (AMP) for monitoring hydrogen sulfide (H_2S) for a refinery hydrocracker feed surge drum off-gas vent stream combusted at four hydrocracker heaters at the Valero Refining Corpus Christi, Texas West refinery?

A: Yes. EPA approves Valero's AMP based on the description of the process vent streams, the design of the vent gas controls, and the H_2S monitoring data furnished. The approval specifies operating parameter limits for total sulfur and temperature. Valero must follow the seven step process detailed in the Valero consent decree appendix on Alternative Monitoring Plans for NSPS subpart J Refinery Fuel Gas.

Abstract for [1200040]

Q: Does EPA approve an Alternative Monitoring Plan (AMP) for monitoring hydrogen sulfide (H_2S) for a refinery process feed surge drum off-gas vent stream combusted at a charge heater under NSPS subpart J at the Valero Refining Corpus Christi, Texas West refinery?

A: Yes. EPA approves Valero's AMP based on the description of the process vent stream, the design of the vent gas controls, and the H_2S monitoring data furnished. The approval specifies operating parameter limits for total sulfur and temperature. Valero must follow the seven step process detailed in the Valero consent decree appendix on Alternative Monitoring Plans for NSPS subpart J Refinery Fuel Gas.

Abstract for [1200041]

Q: Does EPA approve an alternative monitoring request for monitoring hydrogen sulfide (H_2S) the No. 4 vent stream at the Valero Refining West Plant in Corpus Christi, Texas? The request involves vent streams from the Oleflex Reactor Lock Hopper Engager off-gas vent stream combusted at the Oleflex Interheater.

A: Yes. EPA approves Valero's alternative monitoring request based on the description of the process vent stream, the design of the vent gas controls, and the H_2S monitoring data furnished. There will be no points where sour gas can be introduced into the vent gas stream. The effluent is to be sampled and tested daily. Valero must follow the seven step process (Alternative Monitoring Plans for NSPS subpart J Refinery Fuel Gas) in the consent decree for the No. 4 vent stream.

Abstract for [1200042]

Q: Does EPA approve an Alternative Monitoring Plan (AMP) for monitoring hydrogen sulfide (H_2S) of vent gases from the control of diesel and jet fuel truck loading, toluene and reformate storage tanks, and groundwater recovery wells at the Valero Refining Corpus Christi, Texas East refinery? The vent streams are combusted at the truck rack thermal oxidizer enclosed vapor combustor.

A: Yes. EPA approves Valero's AMP based on the description of the process vent stream, the design of the vent gas controls, and the H_2S monitoring data furnished. Valero must follow the seven step process detailed in the Alternative Monitoring Plans for NSPS subpart J Refinery Fuel Gas appendix of Valero's consent decree. The approval specifies an H_2S operating limit from each of the emission sources (*e.g.,* loading, tanks, wells) covered by the AMP.

Abstract for [1200046]

Q: Does EPA approve single-point testing in place of Method 1 or 1A for required testing of engine emissions under 40 CFR part 60 subpart JJJJ, for the ConocoPhillips Lake Pelto Compressor Barge, located offshore in southern Louisiana?

A: Yes. EPA approves ConocoPhillips' single-point testing, since the engines are located over water, and are difficult to test due to limited space.

Abstract for [1200062]

Q1: Is the installation of a backup vapor recovery unit (BU–VRU) to capture emissions from a glycol dehydrator unit, which includes a compressor, at the Marathon Petroleum Indian Basin Gas Plant near Carlsbad, New Mexico, considered a modification of an affected facility and thus subject to NSPS subpart KKK?

A1: Based on the information provided by the Air Quality Bureau of the New Mexico Environment Department (AQB–NMED), EPA determines that the installation of the BU–VRU compressor at the Indian Basin Gas Plant is subject to NSPS subpart KKK. The compressor is an affected facility under NSPS subpart KKK that was constructed after the applicability date and is presumed to be in VOC or wet gas service. The pollution control device exemption in 40 CFR 60.14(e) of

the General Provisions is superseded by 40 CFR 60.630 and therefore does not apply. In addition, the NSPS subpart KKK does not include exemptions for compressor emergency operations or operating less than 500 hours per year. With respect to whether the other affected facility, which includes all other equipment (except compressors), that are part of the glycol dehydrator process unit, EPA cannot make a modification determination since there is no information on emission increases or decreases available.

Q2: Are the two storage tanks at the Indian Basin Gas Plant subject to NSPS subpart Kb, or are they exempt under the custody transfer exemption in 40 CFR 60.110b(d)(4)?

A2: Based on the information provided by AQB–NMED, EPA determines that the storage tanks are subject to NSPS subpart Kb. The Indian Basin Gas Plant is not part of the producing operation and its tanks are after the point of custody transfer as defined at 40 CFR 60.111(b). Therefore, the tanks do not qualify for the ''prior to custody transfer'' exemption in 40 CFR 60.110b(d)(4).

Abstract for [M120027]

Q1: Does EPA agree with the determinations of the Portsmouth Local Air Agency and the Southeast District Office of the Ohio EPA that the America Styrenics Hanging Rock and Marietta, Ohio facilities are subject to the MACT if they changed processes after the compliance date such that their potential emissions are well below the HAP major source thresholds?

A1: Yes. Based on the information provided by the Portsmouth Local Air Agency, EPA determines that the facilities are still subject to the major source MACT standard because it is EPA's position that any source that is a major source of HAP on the first substantive compliance date of an applicable NESHAP will remain subject to that NESHAP regardless of the level of the source's subsequent emissions.

Q2: Are these facilities still subject to Title V if their HAP emissions potential was the only criteria that made them subject to Title V requirements?

A2: Yes. Because the facilities are subject to a major source MACT standard, they are also subject to Title V permitting requirements under Section 502(a) of the CAA, 42 U.S.C. 7661a(a).

Abstract for [M120029]

Q: Does EPA approve an alternative monitoring frequency for inspections of once per month rather than every 30 days under the Pulp and Paper MACT for Smurfit-Stone Container Corporation in Coshocton, Ohio?

A: Yes. EPA approves this minor modification to the monitoring frequency under 40 CFR 63.8(b)(i) provided that the monitoring events are at least 21 days apart.

Abstract for [1200087]

Q: Does EPA approve a request to use a subtractive method for the NOx compliance determination and use of a temporary Continuous Emission Monitoring System (CEMs) for the initial performance test for a NSPS subpart Db affected facility at Valero Refining's Ethanol Plant in Bloomingburg, Ohio? The proposed method uses combined emissions from this subpart Db facility and another affected facility as determined by a Continuous Emission Monitoring System (CEMS), and subtracts the emissions from the other facility as read by a separate CEMS.

A: Yes. EPA approves the subtractive compliance determination approach under 40 CFR 60.8(b) authority for the initial performance testing. This request was necessary because, while the NSPS allows for the location of a CEMS in a stack serving multiple affected sources for the purpose of demonstration of continuous compliance, no such allowance is made for the initial performance testing requirement.

Abstract for [Z140004]

Q1: Are emergency engines located at commercial sources that are used for telecommunications purposes exempt from the Reciprocating Internal Combustion Engines (RICE) NESHAP regulations at 40 CFR part 63, subpart ZZZZ?

A1: Yes. The requirements at 40 CFR part 63.6590(b)(3) state that emergency engines located at area sources that are classified as commercial, institutional or residential emergency stationary RICE are not subject to the requirements at 40 CFR part 63, subpart ZZZZ.

Q2: Are emergency engines used by telecommunication facilities that are installed and located on industrial property also exempt?

A2: The applicability of the RICE NESHAP is dependent on whether the commercial or industrial operation has common control over the emergency engine. If the industrial facility has control, the engine could be subject to the RICE NESHAP.

Abstract for [1400016]

Q1: Is Kippur Corporation's (Kippur) dual chamber, commercial incinerator which thermally destroys contraband for U.S. Customs and Border Protection in El Paso, Texas subject to regulation as an ''other solid waste incineration'' (OSWI) unit under 40 CFR part 60 subparts EEEE and FFFF?

A1: Yes. Based on the information submitted by Kippur, EPA determines that the contraband incinerator is an OSWI unit subject to either NSPS subpart EEEE or subpart FFFF. In addition, the incinerator would not be subject to subpart EEEE because an air pollution abatement equipment is not considered part of an OSWI unit. Therefore, the increased feed rate caused by the higher air flow volume resulting from the addition of a second baghouse on the OSWI unit does not constitute a modification of the incinerator under NSPS subpart EEEE. Based on this and additional supplemental information Kippur provided, the OSWI Unit is therefore subject to NSPS subpart FFFF since subpart EEEE applicability was not trigger with the OSWI unit changes consistent with 40 CFR 60.2992.

Q2: Does EPA approve a petition for approval of operating parameter limits (OPLs) in lieu of installing a wet scrubber to comply with emission limitations?

A2: No. In a separate September 12, 2012 letter, EPA disapproved the petition because specific information was lacking for final approval. Therefore, Kippur must comply with the appropriate NSPS subpart FFFF requirements.

Abstract for [1400019]

Q1: The Cornerstone Environmental Group, LLC. on behalf of American Disposal Services of Illinois, which owns the Livingston Landfill, requests a clarification as to whether the Alternative Compliance Timeline (ACT) requests are due 15 days after an initial exceedance is identified through required monitoring activities, pursuant to the requirements in 40 CFR 60.755(a)(3) and (a)(s).

A1: EPA indicates that 40 CFR 60.755 requires landfill owner/operators to repair the cause of an exceedance within 15 days, or expand the gas collection system within 120 days. In the event that the landfill owner or operator, despite its best efforts, is unable to make the necessary repairs to resolve the exceedance within 15 days, and it believes that an expansion of gas collection is unwarranted, the landfill owner or operator may submit for approval an ACT request for correcting the as soon as possible (*i.e.,* as soon as it knows that it will not be able to correct the exceedance in 15 days and it is unwarranted to expand the gas collection system) to avoid being in

violation of the rule and communicate the reasons for the exceedance, results of the investigation, and schedule for corrective action.

Q2: Are ACT requests necessary if the owner/operator chooses to expand the gas collection system and is unable to complete the expansion project within 120 days?

A2: Yes. The landfill owner or operator may submit an ACT request as soon as it determines that it cannot meet the 120 day deadline to avoid being in violation of the rule. See above response under A1.

Q3: What information is included in an ACT request?

A3: EPA's response describes a number of items that should be included, at a minimum. The request must promptly identify the problem, be very detailed, and contain substantial reasons beyond the control of the facility owner or operator why the exceedances could not and cannot be completed within the prescribed time frame allowed in the rule.

Q4: If a facility makes repairs to a well to restore the well field to its original designed capacity, or replaces the well in-kind, does that constitute an expansion of the gas collection system (thereby causing the 120-day deadline to be applicable)?

A4: No. An expansion of the gas collection system consists of an increase beyond the original design capacity.

Abstract for [A140003]

Q1: Are bridges considered regulated structures under the asbestos NESHAP?

A1: Yes. In a response to the California Air Resource Board, EPA indicated that a bridge is a structure within the definition of a facility. As discussed in the October 1990 Background Information Document for Asbestos, it is prudent not to exclude structures such as bridges.

Q2: Is a thorough inspection of a bridge for the presence of asbestos, including Category I and Category II, required under the asbestos NESHAP?

A2: Yes. Under 40 CFR 61.145(a), a thorough inspection of any facility is required before demolition or renovation to identify friable asbestos, Category I and Category II nonfriable asbestos-containing material (ACM) and Category I and Category II nonfriable ACM that are not friable at the time of the inspection but will be made friable due to the demolition or renovation.

Q3: Is bridge concrete Category I, or is it Category II nonfriable ACM?

A3: Bridge concrete is not listed as Category I nonfriable ACM. According to 40 CFR 61.141, Bridge concrete is considered Category II nonfriable ACM if it contains more than 1 percent asbestos that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Q4: Must bridge concrete be sampled for the presence of asbestos before demolition?

A4: The bridge concrete must be thoroughly inspected. See 40 CFR 61.145(a). Sampling is done to determine whether the material is ACM or not. The amount of ACM that is or will be made friable during the demolition factors into whether asbestos NESHAP requirements apply.

Q5: If the bridge concrete was never tested for the presence of asbestos before demolition and now the concrete is going to be crushed and recycled, must the concrete be tested for asbestos before crushing and recycling?

A5: The concrete at a demolition operation regulated by 40 CFR 61.145 must be thoroughly inspected before the demolition operation to determine whether the material is ACM. The recycling could be considered part of the demolition operation and require the owner/operator to sample to determine whether the concrete is ACM. The results will determine whether the concrete can continue to be recycled or must be managed and disposed of as regulated ACM.

Abstract for [M140006]

Q: Does K&K Ironworks in Chicago, Illinois remain subject to 40 CFR part 63 subpart MMMM given that they no longer use the quantity of coatings required by 40 CFR 63.3881(b) for an affected source to be covered by Subpart MMMM, and they meet the criteria established at 40 CFR 63.3881(c)(1) to be excluded from coverage of subpart MMMM?

A: Although K&K Ironworks of Chicago operations no longer fall under the types of activities subject to Subpart MMMM, there may be requirements of subpart MMMM and 40 CFR part 63 subpart A that did not immediately terminate when the company discontinued the use of coatings that contain HAPs. For example, the records retention and recordkeeping requirements at 40 CFR 63.3931(b) and 63.10(b)(3) are continuing obligations, that were triggered when the company used xylene.

Abstract for [M140008]

Q: Frontier Refining requested an applicability determination regarding the timing of tank inspections to meet the annual tank inspection requirements under NESHAP subpart G for the Holly Frontier facility in Wyoming. Can the annual inspection requirement be accomplished within an 11–13 month window from the prior inspection?

A: Yes. If a regulation does not specifically state what is meant by the ''once per'' (timeframe), the EPA interprets the timeframe to mean at some point within the timeframe and at a reasonable interval between events. See, for example, 40 CFR 63.100(k)(9)(iii). A once per month obligation means sometime within the month, but not the last day of one month and the first day of the next month, because that is not a reasonable time interval. For annual requirements, a reasonable interval between events would be between 11 and 13 months.

Abstract for [1400021]

Q: Does EPA agree that Calumet Superior's two steam generating boilers located at its petroleum refinery in Superior, Wisconsin, and which are fuel gas combustion devices (FGCDs) affected facilities under NSPS subpart Ja, do not meet the definition of a process heaters under NSPS subpart Ja, and therefore are not subject to the emission limits, performance testing, monitoring and excess emission reporting requirements for NOx located at 40 CFR 60.102a(g)(2), 60.104a(i), 60.107a(c), 60.107a(d) and 60.102a(i)?

A: Yes. EPA agrees that Calumet Superior's boilers meet the definition of FGCDs and do not meet the definition of process heaters under NSPS subpart Ja. Therefore, the boilers are not subject to any NOx requirements under NSPS subpart Ja. However, to the extent that the boilers are affected facilities under the Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, NSPS subpart Dc, they may be subject to NOx requirements.

Abstract for [M140009]

Q: May Benson Woodworking in Walpole, New Hampshire de-rate its Caterpillar 3306 Generator Set from its current capacity of greater than 300 brake horsepower hour (bhp) to less than 300 bhp by cutting the existing factory governor seal, resetting the loading screws to the lower output specification, and then resealing the governor with wire and a dealer specific lead stamp, to comply with the Reciprocating Internal Combustion Engines (RICE) NESHAP regulations at 40 CFR part 63, subpart ZZZZ?

A: No. The de-rate method proposal is not approvable by EPA. The proposed method of de-rating the engine is not permanent in nature.

Abstract for [M140010]

Q: Can the following physical changes to Benson Woodworking's Walpole, New Hampshire Caterpillar 3306 Generator Set, including: removal of the current 400 amp circuit breaker and associated frame; destruction of the 400 amp frame; and, fabrication and installation of a new frame to hold a smaller 250 amp circuit that would prevent the engine output from exceeding 299 bhp, result in a de-rating of engine's capacity to less than 300 bhp?

A: Yes. Based on the physical changes that Benson has proposed, EPA approves the de-rating of the unit to less than 300 bhp given the permanent nature of the physical changes to the unit.

Abstract for [M140011]

Q: Does the NSPS for Stationary Compression Ignition Internal Combustion Engines, subpart IIII apply to an existing marine propulsion engine manufactured March 22, 1999 (EU ID#4) that the Alaska Village Electric Cooperative (AVEC) is planning to relocate as a non-stationary engine at its existing power plant in Emmonak, Alaska?

A: No. The EU ID#4 engine is not subject to NSPS subpart IIII because it was manufactured prior to April 1, 2006, and commenced construction prior to July 11, 2005. The conversion of an existing non-stationary engine to use as an engine at a stationary source is not ''commencement of construction'' that would trigger new source status under this rule. However, the EU ID#4 existing engine would be subject to the NESHAP for Stationary Reciprocating Internal Combustion Engines (RICE), 40 CFR part 63 subpart ZZZZ when it is operated as a stationary source.

Abstract for [M140012]

Q1: Did a force majeure event, as defined in 40 CFR part 63 subpart A, occur at the Chena Power Plant in Fairbanks, Alaska?

A1: Yes. EPA determines that on April 28, 2014, a force majeure event occurred at the Chena Power Plant in Fairbanks, Alaska, when a mechanical failure of one of the facility's turbine generator rendered it inoperable.

Q2: Is a 60 day extension of the performance test deadline under NESHAP subpart JJJJJJ appropriate?

A2: Yes. The turbine generator, which is subject to a testing deadline, is needed for representative operation of the boiler when the load from winter district heating is not there to draw steam from the boiler. In 60 days (November 17, 2014) the load from winter district heating will be sufficient. Considering the time estimated to repair the turbine generator, it is reasonable to extend the deadline for the boiler compliance testing by 60 days.

Abstract for [M140013]

Q: Can EPA provide further guidance on how to conduct tune-ups under 40 CFR 63.11223(b), which is Condition 4 of the previously EPA approved one-year compliance deadline extension for the Eielson Air Force Base's Central Heat and Power Plant in Alaska? The four existing coal fired boilers subject to the compliance extension are of the spreader stoker/traveling grate design and do not have burners.

A: Yes. EPA amends the previous approval of the compliance extension to provide further guidance on Condition 4 of the approval, as detailed in the EPA response letter. EPA provides guidance on how to meet the requirements of 40 CFR 63.11223(b) when burners are not present. Some requirements of 40 CFR 63.11223(b) do not apply, while others requirements, such as adjusting the air-to-fuel ratio, and measurement of oxygen and carbon monoxide are still required to be performed.

Abstract for [M140014]

Q: Does EPA approve a one-year compliance extension to meet the NESHAP for Area Sources: Industrial, Commercial and Institutional Boilers, subpart JJJJJJ, for three existing coal-fired boilers (that operate as back-ups) located at the Brigham Young University in Idaho (BYU-Idaho)? The coal-fired boilers will be demolished and replaced with a new energy plant that will be fueled with natural gas.

A: EPA conditionally approves an extension until December 31, 2014, to operate three coal-fired boilers in their backup capacity without the installation of controls that would otherwise be required to meet the NESHAP subpart JJJJJ. The compliance deadline is extended because BYU-Idaho is constructing a natural gas source of energy generation as a replacement source of energy to meet requirements of the CAA standard. The approval is conditional on BYU-Idaho implementing: (1) interim compliance deadlines for the construction of the natural gas replacement energy; and (2) tune-ups specified in 40 CFR 63.11214 for existing coal-fired boilers with a heat input capacity of less than 10 MM BTU/hr that do not meet the definition of limited-use boiler, or an oxygen trim system that maintains an optimum air-to-fuel ratio.

Abstract for [Z140007]

Q: Which area source NESHAP regulation applies to the operations at the BASF Corporation Facility in Lancaster, Texas (Lancaster site)? The NESHAP regulations to evaluate include: NESHAP subpart BBBBBBB applicable to Chemical Preparations Industry area source category; NESHAP subpart VVVVVV applicable to the Chemical Manufacturing Source Category; and NESHAP subpart CCCCCCC applicable to Paints and Allied Products Manufacturing.

A: EPA finds that the NESHAP subpart BBBBBBB is applicable because the operations at the Lancaster site are mixing-type processes, which are typical of the Chemical Preparations Source Category. EPA understands the Lancaster Site produces architectural coatings, primarily acrylic latex-based stucco that contains aggregate, primarily sand. The Lancaster Site mixes latex dispersions produced off-site with aggregate and other additives to produce acrylic-based stucco.

Abstract for [A140004]

Q: Does EPA agree with the City of Sarasota, Florida that the demolition of a single-family residential building acquired by the city is not subject to the asbestos NESHAP subpart M due to the small residence exemption?

A: Yes. Based on facts presented in the Memorandum of Law from Sarasota and the definition of facility in the asbestos NESHAP, EPA determines the building meets the conditions of a small residential building (a building containing four or fewer dwelling units) and is not subject to the asbestos NESHAP regulation. The house was not used for any institutional, commercial, public, or industrial purpose prior to the demolition. It is not part of an installation, nor part of any public or private project.

Abstract for [A140005]

Q: Does EPA approve the Transmission Electron Microscopy test procedure in place of the point counting procedure used to make a determination of the presence of asbestos in bulk materials, as required under the asbestos NESHAP?

A: In a response to Masek Consulting Services, EPA indicates that the current asbestos regulation requires point counting after evaluating the sample by Polarized Light Microscopy. The owner/operator may choose to use Transmission Electron Microscopy only after analyzing the sample by Polarized Light Microscopy and point counting.

Abstract for [M140016]

Q: Does EPA agree that the Boise DeRidder Mill No. l Bark Boiler in DeRidder, Louisiana is a biomass hybrid suspension grate boiler under NESHAP subpart DDDDD?

A: Yes. EPA agrees that the boiler is subject to NESHAP subpart DDDDD. The Bark Boiler has characteristics that are consistent with the definition of hybrid suspension grate boiler at 40 CFR 63.7575. However, natural gas and tire derived fuel are also present as potential fuels in the boiler. Therefore, the facility must keep records to demonstrate that the annual average moisture content is at or above the 40 percent moisture limit, as required in the rule.

Abstract for [1400022]

Q: Does EPA approve the alternative monitoring plan (AMP) for product vapors from marine vessel loading operations which are inherently low in sulfur content, and are combusted in the Marine Vapor Recovery (MVR) Flare No.3, under NSPS 40 CFR 60 subpart J for the Chalmette Refining's Chalmette, Louisiana refinery?

A: EPA determines that the AMP is no longer necessary since the definition of fuel gas has been modified under the September 12, 2012 amendment to subpart J (77 **Federal Register** 56463). The marine vessel loading vapor stream does not meet the definition of a fuel gas, as defined at 40 CFR 60.101(d). Therefore, MVR Flare No.3 does not need to meet the continuous monitoring requirements of either 40 CFR 60.105(a)(3) or 60.105(a)(4).

Abstract for [1400023]

Q: Can an exemption from monitoring be approved for a fuel gas stream that is low in sulfur content under NSPS subpart J, for the off-gas vent stream from the Gasoline Desulfurization Unit Selective Hydrogenation Unit Surge Drum Vent that is routed to the North Flare at the Marathon Oil facility in Garyville, Louisiana?

A: Yes. Based on Marathon's description of the process vent streams, the design of the vent gas controls, and the H_2S monitoring data furnished, EPA conditionally approves the exemption. EPA finds that, when controlled as delineated in the response letter, the vent gas stream combusted is inherently low in sulfur, according to 40 CFR 60.105(a)(4)(iv)(D), and does not need to meet the continuous monitoring requirements of 40 CFR 60.105(a)(3) or 60.105(a)(4). EPA included the facility's proposed operating parameter limits, which the facility must continue to monitor, as part of the conditional approval.

Abstract for [1400024]

Q: Can an exemption in lieu of Alternative Monitoring Plan be approved for a fuel gas stream that is low in sulfur under NSPS 40 CFR 60 subpart J at the ExxonMobil refinery in Baytown, Texas? The refinery proposes to combust commercial grade natural gas as a supplemental fuel, in combination with refinery fuel gas vent streams.

A: Yes. Based on ExxonMobil's description of the process vent streams, the design of the vent gas controls, and the H_2S monitoring data furnished, EPA conditionally approves the exemption. EPA finds that the mixture of non-monitored commercial natural gas and refinery fuel vent gas stream combusted is inherently low in sulfur, according to 40 CFR 60.105(a)(4)(iv)(D), when used and controlled as described in the EPA response letter. EPA included the facility's proposed operating parameter limits, which the facility must continue to monitor, as part of the conditional approval. Therefore, the fuel gas combustion devices listed in the request do not need to meet the continuous monitoring requirements of 40 CFR 60.105(a)(3) or 60.105(a)(4).

Abstract for [1400025]

Q: Is the propane refrigeration system used at the Enbridge Nine Mile Gas Plant in Dewey County, Oklahoma subject to the requirements of NSPS 40 CFR 60 subpart KKK?

A: Yes. EPA determines that propane system is subject to NSPS KKK based upon the information the company provided. The propane refrigeration system is a process unit that can also operate independently if supplied with sufficient feed. The propane refrigeration system is ''equipment'' under 40 CFR 60.631 because it consists of valves, connectors, and compressors in VOC service. These components are in light liquid VOC service because they contain or contact propane, which constitutes at least 97 percent by weight of content of the refrigeration system, and the propane is a liquid within the operating conditions of the refrigeration system.

Abstract for [1400026]

Q: Are two natural gas reciprocating compressors which were transferred from a ''laydown'' yard to the Fayetteville Gathering Hattieville Compressor Station, located in Hattieville, Arkansas, affected facilities subject to the requirements of NSPS subpart OOOO?

A: No. Relocation, by itself, does not trigger NSPS applicability through modification. Based upon the fact that the company commenced construction of the two compressors on a continuous basis prior to the effective date of NSPS subpart OOOO, nor were they modified, these units are not affected facilities under the subpart. EPA clarified in final rule preamble to NSPS OOOO that relocation does not subject a source to new source standards. Additionally, the General Provisions to Part 60 contain similar language, that relocation or change in ownership, by itself, is not a modification.

Abstract for [1400027]

Q1: Does EPA provide final approval of an Alternative Monitoring Plan (AMP) for parametric monitoring in lieu of a continuous opacity monitor for a Wet Gas Scrubber (WGS) on a Fluidized Catalytic Cracking Unit (FCCU) at Holly Refining & Marketing in Tulsa, Oklahoma (Holly) under NSPS 40 CFR 60, subpart J, and NESHAP 40 CFR 63, subpart UUU, based on submittal of test results?

A1: Yes. EPA grants final approval of Holly's AMP request. Holly conducted a performance test and submitted additional data pertaining to a prior, conditionally approved AMP. EPA reviewed the performance test results and found the data supportive for establishing final OPLs for the WGS, which included minimum Liquid-to-Gas Ratios, based on 3-hour, hourly rolling averages, for operation of the WGS with one or two nozzles.

Abstract for [1400028]

Q: May the Ineos Chocolate Bayou facility in Alvin, Texas, which is subject to both 40 CFR part 60, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations (NSPS subpart NNN) and Reactor Processes (NSPS subpart RRR) use the monitoring and testing provisions in NSPS subpart RRR in lieu of NSPS subpart NNN for the process heaters?

A: Yes. EPA approves the request for meeting Subpart RRR in lieu of NSPS subpart NNN requirements for testing, monitoring, and recordkeeping for use of process heaters as control devices for compliance with the standards of both subparts. This would require monitoring of small vent and drain valves utilized for maintenance events during maintenance in accordance with NSPS subpart RRR since they act as bypass valves. In addition, the schematic required by 40 CFR 60.705(s) is required with the initial report and must be maintained on site to ensure that the

affected vent streams are being routed to appropriate control devices without bypass.

Abstract for [1400029]

Q1: Does EPA agree with Kinder Morgan that the Condensate Splitter Flare located at the Galena Park Condensate Processing Facility in Harris County, Texas is subject to NSPS subpart Ja?

A1: No. EPA is unable to verify applicability of NSPS subpart Ja because sufficient information about the facility or the operations and processes vented to the flare were not provided.

Q2: Does EPA approve an Alternative Monitoring Plan (AMP) request for the Condensate Splitter Flare?

A2: No. Kinder Morgan did not furnish sufficient detail about vent streams routed to the flare, or adequately describe the specific refinery process that would produce low sulfur content vent streams. Assuming the vent streams are fuel gas streams subject to NSPS subpart Ja, we cannot approve any AMP that seeks to circumvent a specific emissions monitoring requirement for affected facility operations. Under NSPS, new facilities must be constructed in such a manner that monitors are installed to demonstrate initial compliance and ensure ongoing compliance until such time that an exemption can be met. Furthermore, applications for exemptions to a rule must provide sufficient data at the time of the request in order to be evaluated for approval.

Abstract for [1400030]

Q1: Does EPA approve the HollyFrontier Companies' request for approval of an Alternative Monitoring Plan (AMP) for monitoring oxygen in the stack, in lieu of parametric monitoring to substitute for a Continuous Emissions Monitoring System, for the hydrocracker reboiler at Navajo Refining's Artesia, New Mexico refinery (Navajo), to comply with the NO_X and oxygen standards in NSPS, 40 CFR part 60 subpart Ja?

A1: Yes. EPA determines that Navajo's AMP that combines monitoring oxygen in the stack along with other specific process monitoring parameters is acceptable based on the limited usage of refinery fuel gas and the information submitted, including the performance test results. Navajo sampled the fuel gas at the reboiler to demonstrate that the stream is 100 percent purchased natural gas. Also, to improve the efficiency of the heater, Navajo installed new burner tips to better combust the purchased natural gas. As a result, NO_X and O_2 emissions were reduced, as verified by a performance test.

Abstract for [1400031]

Q: Does EPA approve an Alternative Monitoring Plan (AMP) for PSC Industrial to conduct monitoring of H_2S emissions at various locations in EPA Region 6, in lieu of installing a continuous emission monitoring system (CEMS), when performing tank degassing and other similar operations controlled by portable, temporary thermal oxidizers, at refineries that are subject to NSPS 40 CFR 60 subparts J or Ja?

A: Yes. EPA conditionally approves PSC Industrial's AMP request. Based on the description of the process, the vent gas streams, the design of the vent gas controls, and the H_2S monitoring data furnished, EPA finds that it is impractical to require monitoring via an H2S CEMS as specified by NSPS subparts J and Ja for the specific portable and temporary combustion device use. EPA included operating parameter limits (OPLs) and data which the refineries must furnish as part of the conditional approval. This conditional approval applies to this company's refineries in EPA Region 6 only. EPA's conditional approval should also be referenced and appropriately incorporated into PSC Industrial's new source review permit in each state where degassing operations at refineries will occur, to ensure federal enforceability.

Abstract for [1400032]

Q: Can Samson Exploration, Houston, Texas submit hard copy photographs with the required GIS and date stamp data printed below each photograph in streamlined annual reports required under 40 CFR 60.5420(b)(2) of NSPS subpart OOOO?

A: Yes. The inclusion of such types of submissions in annual reports is acceptable. There is no regulatory prohibition against submitting hard copies which have the date and GIS coordinates printed beneath each photograph, provided that the proximity of each photograph and its associated data ensures clear correlation. EPA further clarified that, in conjunction with the self-certification statement required under 40 CFR 60.5420(b)(1)(iv), a statement should be included that digital images of the photographs for each well completion are retained, such that the digital image files contain embedded date stamps and geographic coordinate stamps to link the photographs with the specific well completion operations.

Abstract for [1400033]

Q: Can EPA approve an Alternative Monitoring Plan (AMP) for Tristar Global Energy Solutions Company (Tristar) to conduct monitoring of hydrogen sulfide (H_2S) emissions, in lieu of installing a continuous emission monitoring system, when performing tank degassing and other similar operations controlled by portable, temporary thermal oxidizers, at refineries at various locations that are subject to NSPS subparts J or Ja?

A: Yes. Based on the description of the process, the vent gas streams, the design of the vent gas controls, and the H_2S monitoring data furnished, EPA conditionally approves the AMP request. EPA included operating parameter limits and data which the refineries must furnish as part of the conditional approval. This conditional approval applies to Tristar's degreasing operations at refineries in EPA Region 6 only.

Abstract for [1400034]

Q1: Does EPA agree with Western Farmers Electric Cooperative (WFEC) that excess emission for the Hugo Generating Station, Choctaw County, Oklahoma coal-fired boiler, an ''affected facility'' under NSPS for Fossil Fuel Fired Steam Generators, subpart D, would only be reported for certain periods of operational status such as when the boiler is firing fuel for the purpose of generating electricity?

A1: No. EPA disagreed that reporting of excess emissions should be limited to certain periods of boiler operational status. EPA reiterated that the NSPS requires reporting of all periods of excess emissions, including those temporary occurrences that may result in a particular emission standard being exceeded. Required recordkeeping and reporting should be viewed, along with O&M and SSM protocols, as a company's substantiation of acting in good faith to demonstrate compliance with emission limitations, standards, and work practice standards at all times. EPA believes that WFEC has misinterpreted certain monitoring, recordkeeping and reporting provisions in the NSPS and MACT standards that a combustion source must meet for continuous compliance demonstration, which we explained in the Regulatory Interpretation enclosure of the EPA response.

Abstract for [1400035]

Q: Does EPA approve the alternative monitoring Operating Parameter Limits (OPLs) under NSPS subpart Ec, for a pollution control system on a new

medical waste incinerator which consists of a wet gas scrubber (WGS) followed by a carbon adsorber and cartridge filter, located at the University of Texas Medical Branch (UTMBG) in Galveston, Texas?

A: Yes. EPA conditionally approves Hydro-Environmental Technologies petition on behalf UTMBG for an AMP. As part of the conditional approval, performance testing must be conducted to demonstrate compliance and establish OPL values for the WGS, carbon adsorber and cartridge filter. Final approval of the AMP will be based on the OPLs established and other provisions that may be deemed necessary from our evaluation of the test results.

Abstract for [1400036]

Q: Will EPA approve the Fuel Analysis Plan for monitoring total sulfur content of fuels in lieu of SO_2 emissions monitoring under NSPS subpart Db for Industrial-Commercial Institutional Steam Generating Units for which construction, reconstruction, or modification commenced after June 19, 1984, at the No. 6 Power Boiler in Westvaco, Texas L.P. facility (Westvaco)?

A: Yes. EPA conditionally approves Westvaco's Fuel Analysis Plan, as delineated within the response letter. 40 CFR 60.45b(k) allows compliance to be demonstrated by a fuel based compliance alternative. The plan ensures that data will be collected to demonstrate that the average percentage sulfur concentration in the wood fuel, plus three standard deviations, will not result in a combined fuel mixture that will exceed the sulfur emission limit. Westvaco will continue to obtain and maintain fuel receipts for the other combusted fuels.

Abstract for [1400037]

Q: Can an exemption from monitoring be approved for a fuel gas stream that is low in sulfur content, under NSPS subpart J, for the off-gas vent stream from the Merox Off-gas Knockout Pot in the Alky Stripper Reboiler Heater, at the Valero Refining Meraux facility in Meraux, Louisiana?

A: Yes. Based on the description of the process vent streams, the design of the vent gas controls, and the H_2S monitoring data furnished, EPA conditionally approves the exemption in light of changes made to NSPS subpart J on June 24, 2008 (73 **Federal Register** 35866). EPA finds that, when used and controlled as described in the response letter, the vent gas stream combusted is inherently low in sulfur according to 40 CFR 60.105(a)(4)(iv)(D) and therefore, the fuel gas combustion device does not need to meet the continuous monitoring requirements of 40 CFR 60.105(a)(3) or 60.105(a)(4) for the Merox Off-gas Knockout Pot fuel gas stream. Valero Meraux is required to monitor and control the relevant process parameters, as summarized in the Enclosure, as a condition of this exemption approval.

Abstract for [1100017]

Q: Can alternative monitoring be approved in lieu of a Continuous Opacity Monitoring System (COMS) since the moisture in the Fluid Catalytic Cracking Unit exhaust from the wet gas scrubber (WGS) will interfere with the ability of the COMS to take accurate opacity readings due to water interference for the Conoco Phillips Sweeny, Texas Refinery?

A: Yes. EPA approves the alternative monitoring based on information provided by Conoco, including a stack test report and three proposed operating parameters limits (OPLs) for the wet gas scrubber. The OPLs address nozzle pressure, pressure drop, and liquid to gas ratio.

Dated: April 13, 2015.

Lisa Lund,

Director, Office of Compliance.

[FR Doc. 2015–09242 Filed 4–20–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 15, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Wintrust Financial Corporation,* Rosemont, Illinois; to acquire North Bank, Chicago, Illinois.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *First Financial Bankshares, Inc.,* Abilene, Texas; to merge with FBC Bancshares, Inc., and thereby indirectly acquire First Bank, National Association, both in Conroe, Texas.

Board of Governors of the Federal Reserve System, April 15, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–09021 Filed 4–20–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per OMB Regulations on Controlling Paperwork Burdens on the Public. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Acting Clearance

Officer—Mark Tokarski—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–5241. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority the extension for three years, with revision, of the following information collection:

Report title: Information Collection Associated with the Recordkeeping and Disclosure Requirements of Regulation B (Equal Credit Opportunity Act (ECOA)).

Agency form number: Regulation B.

OMB control number: 7100–0201.

Frequency: Event-generated.

Reporters: State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.

Estimated annual reporting hours: Notifications: 76,536 hours; Furnishing of credit information: 31,890 hours; Record retention, applications, actions, and prescreened solicitations: 8,504 hours; Information for monitoring purposes: 3,189 hours; Rules on providing appraisal reports, providing appraisal reports: 38,268 hours; Self-testing record retention, incentives, 400 hours and self-correction, 400 hours; Rules concerning requests for information, disclosure for optional self-test: 8,400 hours.

Estimated average hours per response: Notifications: 6 hours; Furnishing of credit information: 2.5 hours; Record retention, applications, actions, and prescreened solicitations: 8 hours; Information for monitoring purposes: 15 minutes; Rules on providing appraisal reports, providing appraisal reports: 3 hours; Self-testing record retention, incentives, 2 hours and self-correction, 8 hours; Rules concerning requests for information, disclosure for optional self-test: 3.5 hours.

Number of respondents: 1,063.

General description of report: This information collection is authorized by 15 U.S.C. 1691b, which authorizes the Consumer Financial Protection Bureau (CFPB) to prescribe regulations to carry out the purposes of ECOA. An institution's recordkeeping and disclosure obligations under Regulation B are mandatory. The Federal Reserve does not collect any information; therefore, no issue of confidentiality normally arises.

Abstract: ECOA was enacted in 1974 and is implemented by Regulation B. ECOA prohibits discrimination in any aspect of a credit transaction because of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to contract), or other specified bases (receipt of public assistance, or the fact that the applicant has in good faith exercised any right under the Consumer Credit Protection Act (15 U.S.C. 1600 *et seq.*)). To aid in implementation of this prohibition, the statute and regulation subject creditors to various mandatory disclosure requirements, notification provisions informing applicants of action taken on the credit application, credit history reporting, monitoring rules, and recordkeeping requirements. These requirements are triggered by specific events and disclosures must be provided within the time periods established by the statute and regulation. There are no required reporting forms associated with the CFPB's Regulation B. To ease the burden and cost of compliance (particularly for small entities), Regulation B provides model disclosure forms.

Current Actions: On January 28, 2015, the Federal Reserve published a notice in the **Federal Register** (80 FR 4571) requesting public comment for 60 days on the extension, with revision, of the information collection associated with Regulation B. The comment period for this notice expired on March 30, 2015. The Federal Reserve did not receive any comments. The revisions will be implemented as proposed.

Final approval under OMB delegated authority the extension for three years, without revision, of the following information collections:

1. Report title: Information Collection Associated with the Recordkeeping, Reporting, and Disclosure Requirements of Regulation BB (Community Reinvestment Act (CRA)).

Agency form number: Regulation BB.

OMB control number: 7100–0197.

Frequency: Annually.

Reporters: State member banks (SMBs).

Estimated annual reporting hours: Recordkeeping requirement, small business and small farm loan register: 16,863 hours; Optional recordkeeping requirements, consumer loan data, 4,238 hours and other loan data, 275 hours; Reporting requirements, assessment area delineation, 164 hours; loan data: Small business and small farm, 616 hours, community development, 1,066 hours, and HMDA out of MSA, 17,963 hours; Optional reporting requirements, data on lending by a consortium or third party, 153 hours; affiliate lending data, 152 hours; request for strategic plan approval, 275 hours; request for designation as a wholesale or limited purpose bank, 4 hours; Disclosure requirement, public file, 8,510 hours.

Estimated average hours per response: Recordkeeping requirement, small business and small farm loan register: 219 hours; Optional recordkeeping requirements, consumer loan data, 326 hours, and other loan data, 25 hours; Reporting requirements, assessment area delineation, 2 hours; loan data: Small business and small farm, 8 hours, community development, 13 hours, and HMDA out of MSA, 253 hours; Optional reporting requirements, data on lending by a consortium or third party, 17 hours; affiliate lending data, 38 hours; request for strategic plan approval, 275 hours; request for designation as a wholesale or limited purpose bank, 4 hours; Disclosure requirement, public file, 10 hours.

Number of respondents: Recordkeeping requirement, small business and small farm loan register, 77; Optional recordkeeping requirements, consumer loan data, 13, and other loan data, 11; Reporting requirements, assessment area delineation, 82; loan data: Small business and small farm, 77, community development, 82, and HMDA out of MSA, 71; Optional reporting requirements, data on lending by a consortium or third party, 9; affiliate lending data, 4; request for strategic plan approval, 1; request for designation as a wholesale or limited purpose bank, 1; Disclosure requirement, public file, 851.

General description of report: This information collection is authorized by section 806 of the CRA, which permits the Board to issue regulations to carry out the purpose of CRA (12 U.S.C. 2905), Section 11 of the Federal Reserve Act (FRA), which permits the Board to require such statements as reports of SMBs as it deems necessary (12 U.S.C. 248(a)(1)), and section 9 of the FRA, which permits the Board to examine SMBs (12 U.S.C. 325). The obligation to comply with the recordkeeping, reporting, and disclosure requirements of Regulation BB is generally mandatory and varies depending on whether the bank is a large bank. Other parts of the

collection—specifically, the request for designation as a wholesale or limited purpose bank, the strategic plan, and the recordkeeping and reporting requirements associated with data regarding consumer loans and lending performance, affiliate lending data, data on lending by a consortium or a third party, are required to obtain a benefit. The data that are reported to the Federal Reserve are not considered confidential.

Abstract: CRA was enacted in 1977 and is implemented by Regulation BB. The CRA directs the federal banking agencies [1] to evaluate financial institutions' records of helping to meet the credit needs of their entire communities, including low- and moderate-income areas consistent with the safe and sound operation of the institutions. The CRA is implemented through regulations issued by the federal banking agencies.[2]

In 1995, the federal banking agencies issued substantially identical regulations under CRA to reduce unnecessary compliance burden, promote consistency in CRA assessments, and encourage improved performance.[3] As a result, the current recordkeeping, reporting, and disclosure requirements under Regulation BB depend in part on a bank's size, and are discussed more fully below in the description of information collection.

Under Regulation BB, large banks are defined as those with assets of $1.202 billion or more for the past two consecutive year-ends; all other banks are considered small or intermediate.[4] The banking agencies amend the definition of a small bank and an intermediate small bank in their CRA regulations each year when the asset thresholds are adjusted for inflation pursuant to Regulation BB, most recently in December 2013.[5]

Other than the information collections pursuant to the CRA, the Board has no information collection that supplies data regarding the community reinvestment activities of SMBs.

Current Actions: On January 28, 2015, the Federal Reserve published a notice in the **Federal Register** (80 FR 4571) requesting public comment for 60 days on the extension, without revision, of the Recordkeeping, Reporting and Disclosure Requirements in Regulation BB. The comment period for this notice expired on March 30, 2015. The Federal Reserve did not receive any comments.

2. Report title: Information Collections Associated with the Recordkeeping and Disclosure requirements of Regulation M (Consumer Leasing).

Agency form number: Regulation M.

OMB control number: 7100–0202.

Frequency: On occasion.

Reporters: Consumer lessors.

Estimated annual reporting hours: Disclosures: 33 hours; Advertising: 7 hours.

Estimated average hours per response: Disclosures: 2.08 hours; Advertising: 25 minutes.

Number of respondents: 4.

General description of report: This information collection is authorized by sections 105(a) and 187 of TILA (15 U.S.C. 1604(a) and 1667f respectively, which authorize the Consumer Financial Protection Bureau (CFPB) to issue regulations to carry out the provisions of the Consumer Leasing Act (CLA). The CFPB's Regulation M, 12 CFR part 1013, implements these statutory provisions. An institution's recordkeeping and disclosure obligations under Regulation M are mandatory. Because the Federal Reserve does not collect any information pursuant to the CFPB's Regulation M, no issue of confidentiality normally arises. Furthermore, the lease information regarding individual leases with consumers is confidential between the institution and the consumer. In the event the Board were to retain regarding consumer leases during the course of an examination, the information regarding the consumer and the lease would be kept confidential pursuant to section (b)(8) of the Freedom of Information Act (5 U.S.C. 522 (b)(8)).

Abstract: The CLA and Regulation M are intended to provide consumers with meaningful disclosures about the costs and terms of leases for personal property. The disclosures enable consumers to compare the terms for a particular lease with those for other leases and, when appropriate, to compare lease terms with those for credit transactions. The CLA and Regulation M also contain rules about advertising consumer leases and limit the size of balloon payments in consumer lease transactions.

The CFPB's Regulation M applies to all types of lessors of personal property (except motor vehicle dealers excluded from the Bureau's authority under Dodd-Frank Act section 1029, which are covered by the Board's Regulation M [6]). The CLA and Regulation M require lessors to disclose to consumers uniformly the costs, liabilities, and terms of consumer lease transactions. Disclosures are provided to consumers before they enter into lease transactions and in advertisements that state the availability of consumer leases on particular terms. The regulation generally applies to consumer leases of personal property in which the contractual obligation does not exceed $53,500 and has a term of more than four months. The CLA does not provide exemptions for small entities.

In April 2011, shortly before primary rule writing authority for the CLA transferred to the CFPB, the Board published a final rule that established a new dollar threshold for lease transactions subject to Regulation M, implementing an amendment to the CLA by the Dodd-Frank Act.[7] This amendment increased the dollar threshold for lease contracts subject to the CLA and Regulation M from $25,000 to $50,000. The amendment also required that this threshold be adjusted annually for inflation by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), as published by the Bureau of Labor Statistics. For 2014, the Regulation M threshold is $53,500,[8] which will be increased to $54,600 effective January 1, 2015.[9]

Current Actions: On January 28, 2015, the Federal Reserve published a notice in the **Federal Register** (80 FR 4571) requesting public comment for 60 days on the extension, without revision, of the Board's information collections associated with the Recordkeeping and Disclosure Requirements of Regulation M. The comment period for this notice expired on March 30, 2015. The Federal Reserve did not receive any comments.

[1] In addition to the Board, the federal banking agencies currently responsible for CRA rules are the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC).

[2] The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 transferred from the Office of Thrift Supervision (OTS) all authorities (including rulemaking) relating to savings associations to the OCC and all authorities (including rulemaking) relating to savings and loan holding companies (SLHCs) to the Board on July 21, 2011.

[3] 60 FR 22156 (May 4, 1995).

[4] Beginning January 1, 2014, banks and savings associations that, as of December 31 of either of the prior two calendar years, had assets of less than $1.202 billion are small banks or small savings associations. Small banks or small savings associations with assets of at least $300 million as of December 31 of both of the prior two calendar years, and less than $1.202 billion as of December 31 of either of the prior two calendar years, are intermediate small banks or intermediate small savings associations.

[5] 78 FR 79283 (December 30, 2013).

[6] 12 U.S.C. 5519; 12 CFR part 213.

[7] Public Law 111–203, 1100E, 124 Stat. 1376 (2010), amending 15 U.S.C. 1667(1). *See* 76 FR 18349 (Apr. 4, 2011).

[8] 78 FR 70193 (Nov. 25, 2013). This threshold adjustment was issued jointly by the Board, for its Regulation M at 12 CFR part 213, and the CFPB, for its Regulation M at 12 CFR 1013.

[9] 79 FR 56482 (Sept. 22, 2014).

Board of Governors of the Federal Reserve System, April 16, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–09193 Filed 4–20–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and section 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 May 5, 2015.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *James F. Kemp, Karen Sybil Kemp, Cynthia Susan Kemp, Keith Keller, Marjorie Keller, Stacy Lynn Loth, Kory Allen Keller, Mark Durst, Kay Keller Durst, and Daniel Wesley Kemp, all of Fredericksburg, Texas; Brian Daniel Kemp, San Marcos, Texas; Stephanie Ann Igle, San Angelo, Texas; Kristy Kay LeJeune, College Station, Texas; Kimberly Durst Bonnen, Friendswood, Texas; Kathleen Keller, Hye, Texas; and James L. Hayne, San Antonio, Texas, as trustee of the James L. Hayne, Ranch Trust of 2001 and Roxana C. Hayne, Ranch Trust of 2001;* collectively, to retain voting shares of Security Holding Company, and thereby indirectly retain voting shares of Security State Bank & Trust, both in Fredericksburg, Texas.

Board of Governors of the Federal Reserve System, April 15, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–09020 Filed 4–20–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the notices must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 15, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Horizon Bancorp,* Michigan City, Indiana; to acquire 100 percent of the voting shares of Peoples Bancorp, and indirectly acquire Peoples Federal Savings Bank of DeKalb County, both in Auburn, Indiana, and thereby engage in operating a savings association, pursuant to section 225.28 (b)(4)(ii).

Board of Governors of the Federal Reserve System, April 15, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–09019 Filed 4–20–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2015–07792) published on page 18404 of the issue for Monday, April 6, 2015.

Under the Federal Reserve Bank of San Francisco heading, the entry for *PacWest Bancorp, and Pacific Western Bank,* both in Los Angeles, California, is revised to read as follows:

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *PacWest Bancorp, and Pacific Western Bank,* both in Los Angeles, California; to merge with Square 1 Financial, Inc., and thereby indirectly acquire Square 1 Bank, both in Durham, North Carolina.

In connection with this application, Applicants have also applied to acquire Square 1 Ventures, LLC, Square 1 Venture Management 1, L.P., and Square 1 Ventures 1, L.P., all in Durham, North Carolina, and thereby engage in funds management, investment advisory, and private placement activities, pursuant to sections 225.28(b)(6)(i), (b)(7)(i) and (b)(7)(iii), respectively.

Comments on this application must be received by May 1, 2015.

Board of Governors of the Federal Reserve System, April 16, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–09185 Filed 4–20–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the notices must be received at the Reserve Bank indicated or the

offices of the Board of Governors not later than May 6, 2015.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *The Desjardins Group and Fédération des caisses Desjardins du Québec,* both in Levis, Canada; to acquire up to 100 percent of the voting shares of Samson Capital Advisors LLC, New York, New York, and thereby engage in financial and investment advisory activities, pursuant to sections 225.28(b)(6)(i) and (b)(6)(iv); private placement services, pursuant to section 225.28(b)(7)(iii); and investment and trading activities, pursuant to section 225.28(b)(8)(ii)(C).

Board of Governors of the Federal Reserve System, April 16, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–09184 Filed 4–20–15; 08:45 am]

BILLING CODE 6210–01–P

FINANCIAL STABILITY OVERSIGHT COUNCIL

Submission for OMB Review; Comment Request

AGENCY: Financial Stability Oversight Council.

ACTION: Notice and request for comments.

SUMMARY: The Financial Stability Oversight Council (the ''Council'') invites members of the public and affected agencies to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995.[1] Section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'')[2] provides the Council the authority to determine that a nonbank financial company shall be subject to supervision by the Board of Governors of the Federal Reserve System (''Board of Governors'') and enhanced prudential standards if the Council determines that material financial stress at the nonbank financial company, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the nonbank financial company, could pose a threat to financial stability. The Council is soliciting comments concerning its extension of a currently approved collection of information related to its authority to determine that certain nonbank financial companies shall be subject to supervision by the Board of Governors and enhanced prudential standards. The Council will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Written comments must be received on or before May 21, 2015 to be assured of consideration.

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

Mail: Attn: Request for Comments (Financial Stability Oversight Council Proposed Information Collection), Office of the Financial Stability Oversight Council, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220 or Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503.

Electronic Submission: FSOC.Comments@treasury.gov or *OIRA_Submission@OMB.EOP.gov.*

Instructions: All submissions received must include the agency name and the **Federal Register** document number that appears at the end of this document. Comments received will be made available to the public via regulations.gov without change, and including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Requests for additional information about the filings or procedures should be directed to Executive Director, Financial Stability Oversight Council, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

SUPPLEMENTARY INFORMATION: On April 11, 2012, the Council published in the **Federal Register** a final rule and interpretive guidance (''Rule and Guidance'') that describe the manner in which the Council intends to apply the statutory standards and considerations, and the processes and procedures the Council intends to follow, in making determinations under section 113 of the Dodd-Frank Act.[3] The Council has made final determinations regarding four nonbank financial companies. The Council uses information collected under its Rule and Guidance to assess whether a nonbank financial company meets the standards for a Council determination under section 113 of the Dodd-Frank Act. The collection of information under 12 CFR 1310.21 affords a nonbank financial company an opportunity to submit materials to contest the Council's consideration of the company for a proposed determination and to contest a proposed determination. The collection of information under 12 CFR 1310.22 provides a nonbank financial company an opportunity to contest the Council's waiver or modification of the notice or other procedural requirements contained in 12 CFR 1310.21 by requesting a hearing. The Council uses information collected under 12 CFR 1310.23 in a reevaluation of its determination regarding a nonbank financial company subject to a Council determination.

In February 2015, the Council adopted Supplementary Procedures Relating to Nonbank Financial Company Determinations (''Supplementary Procedures''), which supplement the Council's Rule and Guidance and are organized into three categories: the Council's engagement with nonbank financial companies during evaluations for potential determinations; engagement during annual reevaluations of determinations; and transparency to the public.[4] The Supplementary Procedures clarify certain aspects of the Council's engagement with nonbank financial companies but do not impose additional burdens on companies.

Title: Determinations Regarding Certain Nonbank Financial Companies.

OMB Control Number: 1505–0244.

Abstract: The Council uses information collected under 12 CFR 1310.20 to assess whether a nonbank financial company meets the standards for a Council determination under section 113 of the Dodd-Frank Act. The collection of information under 12 CFR 1310.21 affords a nonbank financial company an opportunity to submit materials to contest the Council's consideration of the company for a proposed determination and to contest a proposed determination. The collection of information under 12 CFR 1310.22 provides a nonbank financial company an opportunity to contest the Council's waiver or modification of the notice or other procedural requirements contained in 12 CFR 1310.21 by requesting a hearing. The Council uses information collected under 12 CFR 1310.23 in its reevaluation of a determination regarding a nonbank

[1] 44 U.S.C. 3506(c)(2)(A).

[2] 12 U.S.C. 5323.

[3] *See* 12 CFR part 1310.

[4] Supplementary Procedures Relating to Nonbank Financial Company Determinations, Feb. 4, 2015, *available at http://www.treasury.gov/initiatives/fsoc/designations/Documents/Supplemental%20Procedures%20Related%20to%20Nonbank%20Financial%20Company%20Determinations%20-%20February%202015.pdf.*

financial company subject to a Council determination.

Type of Review: Extension of a currently approved collection.

Affected Public: Nonbank financial companies.

Estimated Total Annual Burden Hours for all Collections: 500 hours.

Request For Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; 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.

David G. Clunie,

Executive Secretary.

[FR Doc. 2015–09145 Filed 4–20–15; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0010; Docket 2015–0055; Sequence 1]

Submission to OMB for Review; Federal Acquisition Regulation; Progress Payments (SF–1443)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously information collection requirement concerning progress payments. A notice was published in the **Federal Register** at 80 FR 6970 on February 9, 2015. No comments were received.

DATES: Submit comments on or before May 21, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0010, Progress Payments, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB Control number 9000–0010. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0010, Progress Payments''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0010, Progress Payments'' on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0010, Progress Payments.

Instructions: Please submit comments only and cite Information Collection 9000–0010, Progress Payments, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Kathy Hopkins, Procurement Analyst, Federal Acquisition Policy Division, at 202–969–7226 or *Kathlyn.hopkins@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Certain Federal contracts provide for progress payments to be made to the contractor during performance of the contract. Pursuant to FAR clause 52.232–16 ''Progress Payments,'' contractors are required to request progress payments on Standard Form 1443, ''Contractor's Request for Progress Payment,'' or an agency approved electronic equivalent. Additionally, contractors may be required to submit reports, certificates, financial statements, and other pertinent information, reasonably requested by the Contracting Officer. The contractual requirement for submission of reports, certificates, financial statements and other pertinent information is necessary for protection of the Government against financial loss through the making of progress payments.

B. Annual Reporting Burden

Respondents: 25,161.
Responses per Respondent: 32.
Annual Responses: 805,152.
Hours per Response: .42.
Total Burden Hours: 338,164.

Time required to read and prepare information is estimated at 25.2 minutes (less than one-half hour) per completion. This downward change is attributable to productivity gains (based on data from Bureau of Labor Statistics, 1990–2013) realized through technology. The anticipated number of respondents has been reduced (from 27,000 to 25,161), as well, and is proportional to the lower number of Federal contracts overall.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

D. Obtaining Copies Of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0010, Progress Payments, in all correspondence.

Dated: April 16, 2015.

Edward Loeb,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–09240 Filed 4–20–15; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice–MV–2015–01; Docket No. 2015–0002; Sequence No. 8]

Public Availability of General Services Administration FY 2014 Service Contract Inventory

AGENCY: General Services Administration (GSA).

ACTION: Notice of public availability of FY 2014 Service Contract Inventories.

SUMMARY: In accordance with The Fiscal Year (FY) 2010 Consolidated Appropriations Act, GSA is publishing this notice to advise the public of the availability of the FY 2014 Service Contract Inventories.

DATES: April 21, 2015.

FOR FURTHER INFORMATION CONTACT: Questions regarding the Service Contract Inventory should be directed to Mr. Paul F. Boyle in the Office of Acquisition Policy at 202–501–0324 or *paul.boyle@gsa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with section 743 of Division C of Fiscal Year (FY) 2010 Consolidated Appropriations Act (Pub. L. 111–117), GSA is publishing this notice to advise the public of the availability of the FY 2014 Service Contract Inventories. These inventories provide information on service contract actions over $25,000 that were made in FY 2014. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at: *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.*

The GSA has posted its inventory and a summary of the inventory on the GSA.gov homepage at the following link: *http://www.gsa.gov/gsasci.*

Dated: April 16, 2015.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–09230 Filed 4–20–15; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15KX]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public 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. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 30 days of this notice.

Proposed Project

Assessing Community-Based Organizations' Partnerships with Schools for the Prevention of HIV/STDs—New—Division of Adolescent and School Health (DASH), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

HIV infections remain high among young men who have sex with men (YMSM). The estimated number of new HIV infections increased between 2008 and 2010 both overall and among MSM ages 13 to 24. Furthermore, sexual risk behaviors associated with HIV, other sexually transmitted disease (STD), and pregnancy often emerge in adolescence. For example, 2011 Youth Risk Behavior Surveillance System (YRBSS) data revealed 47.4% of U.S. high school students reported having had sex, and among those who had sex in the previous three months, 39.8% reported having not used a condom during last sexual intercourse. In addition, 2001–2009 YRBSS data revealed high school students identifying as gay, lesbian, and bisexual and those reporting sexual contact with both males and females were more likely to engage in sexual risk-taking behaviors than heterosexual students.

Given the disproportionate risk for HIV among YMSM ages 13–24, it is important to find ways to reach the younger youth (*i.e.,* ages 13–19) in this range to decrease sexual risk behaviors and increase health-promoting behaviors such as routine HIV testing. Schools provide one opportunity for this. Because schools enroll more than 22 million teens (ages 14–19) and often have existing health and social services infrastructure, schools and their staff members are well-positioned to connect youth to a wide range of needed services, including housing assistance, support groups, and sexual health services such as HIV testing. As a result, CDC's DASH has focused a number of HIV and STD prevention efforts on strategies that can be implemented in or centered on schools.

However, conducting HIV and STD prevention work (particularly work that is designed to specifically meet the needs of YMSM) can be challenging. School is not always a welcoming environment for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth. Harassment, bullying, and verbal and physical assault are often reported, and such unsupportive environments and victimization among LGBTQ youth are associated with a variety of negative outcomes, including truancy, substance use, poor mental health, HIV and STD risk, and even suicide. Schools build partnerships with community-based organizations to increase access to needed services of LGBTQ youth.

The Centers for Disease Control and Prevention (CDC) requests a 3-year OMB approval to conduct a new information collection entitled, ''Assessing Community-Based Organizations' Partnerships with Schools for the Prevention of HIV/STDs.'' The information collection will allow CDC to conduct assessment of selected staff from community-based organizations (CBOs) and health and/or wellness centers (HWCs), including school-based health centers, at participating schools or to which YMSM from participating schools are referred. This is part of the HIV and STD prevention efforts that are taking place in conjunction with local education agencies (LEAs) funded by the Centers for Disease Control and Prevention (CDC), Division of

Adolescent and School Health (DASH) under strategy 4 (School-Centered HIV/STD Prevention for Young Men Who Have Sex with Men) of PS13–1308: *Promoting Adolescent Health through School-Based HIV/STD Prevention and School-Based Surveillance.* This information collection will provide data and reports for the three funded LEAs, and will allow each LEA to identify areas of the partnerships with CBOs and HWCs that are working well and other areas that will need additional improvement. In addition, the findings will allow CDC to determine the potential impact of currently recommended strategies and make changes to those recommendations if necessary.

This information collection system involves administration of a web-based questionnaire to no more than 60 total staff members who work for up to 60 CBOs and HWCs that are participating in the HIV/STD prevention project with the three LEAs (Broward County Public Schools in Broward County, Florida; Los Angeles Unified School District in Los Angeles, California; and San Francisco Unified School District in San Francisco, California) funded by CDC cooperative agreement PS13–1308. These LEAs represent all funded LEAs under Strategy 4 of PS13–1308. The questionnaire will include questions on the following topics: Services offered by the organization and the organization's relationships with the school district and participating schools in the LEA.

The Web-based instrument will be administered in 2015 and again in 2016 and 2018. These data collection points coincide with the initiation of project activities, the mid-way point, and endpoint of the PS13–1308 cooperative agreement. Although some respondents may participate in the data collection in multiple years, this is not a longitudinal design and individual staff member responses will not be tracked across the years. No personally identifiable information will be collected and data will only be reported in the aggregate to protect the CBOs and HWCs being represented.

All respondents will receive informed consent forms prior to participation in the information collection. The consent form explains the study and also explains that participants may choose not to complete the Web-based questionnaire with no penalty and no impact on their job or relationship with the LEA. Participation is completely voluntary.

For the Web-based questionnaire, the estimated burden per response is about 60 minutes (1 hour). This estimate of burden is an average and takes into account that the length of the questionnaire for each respondent will vary slightly due to the skip patterns that may occur with certain responses, variations in the reading speed of respondents, and variations in the time required to collect the information needed to complete the questionnaire.

The estimated annualized burden of this data collection is 60 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TO RESPONDENTS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
CBO staff	CBO Assessment Questionnaire	30	1	1
HWC staff	HWC Assessment Questionnaire	30	1	1

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–09086 Filed 4–20–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15DH]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) 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; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Division of Community Health (DCH) Awardee Training Needs Assessment—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) established the Division of Community Health (DCH) to support multi-sector, community-based programs that promote healthy living. To support these efforts, DCH announced two new cooperative agreement programs in 2014, as authorized by the Public Health Service

Act. Both programs will apply public health strategies to reduce tobacco use and exposure, improve nutrition, increase physical activity, and improve access to opportunities for chronic disease prevention, risk reduction, and management.

The Partnerships to Improve Community Health (PICH) program (Funding Opportunity Announcement (FOA) DP14–1417) will promote the use of evidence- and practice-based strategies to create or strengthen healthy environments that make it easier for people to make healthy choices and take charge of their health. The 39 PICH awardees include both state and local governmental agencies and nongovernmental organizations. Awardees will work through multi-sector community coalitions of businesses, schools, nonprofit organizations, and other community organizations. Projects will serve three types of geographic areas: Large cities and urban counties, small cities and counties, and American Indian tribes.

The new Racial and Ethnic Approaches to Community Health (REACH) cooperative agreement (FOA DP14–1419PPHF14) builds on previous REACH program activities that began in 1999 with a focus on racial and ethnic communities experiencing health disparities. The 49 new REACH awardees include local governmental agencies, community-based nongovernmental organizations, tribes and tribal organizations, Urban Indian Health Programs, and tribal and intertribal consortia. Of these awardees, 17 are receiving funds for basic implementation activities, and 32 are receiving funds to immediately expand their scope of work to improve health and reduce health disparities. REACH is financed in part by the Prevention and Public Health Fund of the Affordable Care Act.

CDC proposes to collect information needed to assess and prioritize the training needs of PICH and REACH awardees and key collaborators. A DCH Training Needs Assessment survey will be conducted at two points in time: once near the beginning of the project period (approximately third quarter of 2015) and again in the second year of the project period (last quarter of 2016). The first administration of the survey will provide an initial assessment of awardee needs at program start-up. The second administration of the needs assessment will identify any new or modified training needs that arise as awardees progress in their cooperative agreement activities. Questions within the needs assessment focus on awardee preferences for training modalities as well as facilitators and barriers to training access.

Respondents will be staff members and coalition members associated with the 88 DCH awardees. Information will be requested from four individuals affiliated with each award: The principal investigator or program manager, the lead evaluation staff member, the lead media/communications staff member, and a coalition member. The maximum number of respondents is 352 (88 awardees × 4 respondents/awardee). Because the REACH and PICH awards aim to promote collaborative, multi-sector efforts, respondents will be associated with both private sector entities and state, local, and tribal government entities.

The same survey instrument will be administered to all respondents, however the estimated burden per response varies according to the respondent's project role and responsibilities. Information will be collected using a Web-based platform. Data collection and management will be conducted by a contractor on behalf of CDC. A telephone interview option is available for respondents who prefer this mode of participation.

Findings will enable DCH to develop appropriate training activities that best support awardees' community efforts to fulfill their funded objectives.

OMB approval is requested for two years. Participation is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 237.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response
Private Sector Respondents Associated with PICH or REACH Awards:			
Principal Investigator	24	1	50/60
Program Manager	23	1	50/60
Evaluation Lead	47	1	30/60
Media/Communication Lead	47	1	20/60
Coalition Member	88	1	1
State/Local/Tribal Government Sector Respondents Associated with PICH or REACH Awards:			
Principal Investigator	21	1	50/60
Program Manager	20	1	50/60
Evaluation Lead	41	1	30/60
Media/Communication Lead	41	1	20/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–09085 Filed 4–20–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Special Interest Project (SIP) 15–004, Utilizing a Targeted Media Campaign and Community Health Workers to Increase Breast and Cervical Cancer Screening Among Muslim Women.

Time and Date: 11:00 a.m.–5:00 p.m., May 14, 2015 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Utilizing a Targeted Media Campaign and Community Health Workers to Increase Breast and Cervical Cancer Screening Among Muslim Women, SIP 15–004.''

Contact Person for More Information: Brenda Colley Gilbert, Ph.D., M.S.P.H., Director, Extramural Research Program Operations and Services, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–6295, *BJC4@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–09084 Filed 4–20–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15ZT; Docket No. CDC–2015–0023]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the proposed information collection request for the *Performance Measurement and Program Evaluation of the Autism and Developmental Disabilities Monitoring Network (ADDM).* CDC seeks to collect performance monitoring and program evaluation data from all sites participating in the ADDM network.

DATES: Written comments must be received on or before June 22, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0023 by any of the following methods:

- *Federal eRulemaking Portal: Regulation.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to Regulations.gov, including any personal information provided. For access to the docket to read background documents or comments received, go to Regulations.gov.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Performance Measurement and Program Evaluation of the Autism and Developmental Disabilities Monitoring Network (ADDM)—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC) is a new Information Collection Request.

Background and Brief Description

In January 2015, CDC launched a new phase of funding for its autism spectrum disorder (ASD) surveillance program through a new cooperative agreement: ''Enhancing Public Health Surveillance of Autism Spectrum Disorder and Other Developmental Disabilities through the Autism and Developmental Disabilities Monitoring (ADDM) Network'' under the Funding Opportunity Announcement (FOA) DD15–1501. Through this cooperative agreement, funding is provided to enhance tracking at eight existing sites and to launch two new sites. Awards were made to state/local health departments and/or their designated representatives, including Colorado Department of Public Health and Environment, Johns Hopkins University, Rutgers University, University of Arizona, University of

Arkansas for Medical Sciences, University of North Carolina at Chapel Hill, University of Minnesota, University of Wisconsin-Madison, Vanderbilt University, and Washington University in St. Louis. Four sites received funding to carry out Component A, which focuses on surveillance of ASD and either cerebral palsy or intellectual disability among 8-year-olds. Six sites received funding to carry out both Component A as well as Component B, which focuses on surveillance of ASD among 4-year-olds. In addition to the sites funded under the cooperative agreement, CDC also administers a site in Atlanta, Georgia, commonly known as the Metropolitan Atlanta Developmental Disabilities Surveillance Program (MADDSP).

CDC requests OMB approval to collect performance monitoring and program evaluation information from all sites participating in the Autism and Developmental Disabilities Monitoring Network (including the site administered by CDC). Over the course of the four-year funding cycle, each site will submit a Checklist, Worksheets, and Performance Measures every six month and two-year intervals. The Checklist, Worksheets, and Performance Measures will be submitted to CDC by completing a Microsoft Excel-based data collection tool and uploading the information to a secure, password-protected FTP site. By developing a user-friendly data collection tool in Microsoft Excel, CDC anticipates that the reporting and tracking burden for awardees will be reduced due to: (1) awardees' familiarity with the software, which reduces training burden; and (2) the compatibility of the templates with other record keeping processes that are already in place for many awardees. CDC staff and contractors will be responsible for converting each awardee's submissions into a secure Microsoft Access-based system for reporting and analysis. CDC anticipates that respondent burden will be slightly higher at the initial six-month submission and will also be slightly higher for sites completing Component A&B compared to just Component A.

The information to be collected will help CDC and awardees assure compliance with cooperative agreement requirements, support program evaluation efforts, and obtain information needed to respond to inquiries about program activities and program impact from Congress and other stakeholders.

OMB approval is requested for three years. Participation is required as a condition of cooperative agreement funding. There are no costs to respondents other than their time. The total estimated burden hours are 125.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Component A only (initial six-month submission).	Checklist	5	1	3/60	1
	Worksheets	5	1	1.5	8
	Performance Measures	5	1	30/60	3
Component A&B (initial six-month submission).	Checklist	6	1	3/60	1
	Worksheets	6	1	2	12
	Performance Measures	6	1	4/60	4
Component A only (subsequent six-month and two-year submissions).	Checklist	5	5	3/60	1
	Worksheets	5	5	1	25
	Performance Measures	5	5	18/60	8
Component A&B (subsequent six-month and two-year submissions).	Checklist	6	5	3/60	2
	Worksheets	6	5	1.5	45
	Performance Measures	6	5	30/60	15

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–09087 Filed 4–20–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Effectiveness of Teen Pregnancy Prevention Program Designed specifically for Young Males, DP15–007, initial review.

SUMMARY: This document corrects a notice that was published in the **Federal Register** on April 14, 2015 Volume 80, Number 71, pages 19989. The title of the Special Emphasis Panel should read as above and time and date should read as follows:

TIME AND DATE: 9:00 a.m.–6:00 p.m., April 7–8, 2015 (Closed).

FOR FURTHER INFORMATION CONTACT: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F46, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–09083 Filed 4–20–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–0696; Docket No. CDC–2015–0022]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the information collection request entitled *National HIV Prevention Program Monitoring and Evaluation (NHM&E).* CDC is requesting a 3-year approval for revision to the previously approved project to continue collecting standardized HIV prevention program evaluation data from health departments and community-based organizations (CBOs) who receive federal funds for HIV prevention activities.

DATES: Written comments must be received on or before June 22, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0022 by any of the following methods:

- *Federal eRulemaking Portal: Regulation.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

National HIV Prevention Program Monitoring and Evaluation (NHM&E) (OMB 0920–0696, Expiration 03/31/2016)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting a 3-year approval for revision to the previously approved project. The purpose of this revision is to continue collecting standardized HIV prevention program evaluation data from health departments and community-based organizations (CBOs) who receive federal funds for HIV prevention activities. Grantees have the option of key-entering or uploading data to a CDC-provided web-based software application (EvaluationWeb®).

This revision includes changes to the data variables to adjust to the different monitoring and evaluation needs of new funding announcements without a change in burden.

The evaluation and reporting process is necessary to ensure that CDC receives standardized, accurate, thorough evaluation data from both health department and CBO grantees. For these reasons, CDC developed standardized NHM&E variables through extensive consultation with representatives from health departments, CBOs, and national partners (*e.g.,* The National Alliance of State and Territorial AIDS Directors, Urban Coalition of HIV/AIDS Prevention Services, and National Minority AIDS Council).

CDC requires CBOs and health departments who receive federal funds for HIV prevention to report non-identifying, client-level and aggregate-level, standardized evaluation data to: (1) Accurately determine the extent to which HIV prevention efforts are carried out, what types of agencies are providing services, what resources are allocated to those services, to whom services are being provided, and how these efforts have contributed to a reduction in HIV transmission; (2) improve ease of reporting to better meet these data needs; and (3) be accountable to stakeholders by informing them of HIV prevention activities and use of funds in HIV prevention nationwide.

CDC HIV prevention program grantees will collect, enter or upload, and report agency-identifying information, budget data, intervention information, and client demographics and behavioral risk characteristics with an estimate of 200,846 burden hours. Data collection will include searching existing data sources, gathering and maintaining data,

document compilation, review of data, and data entry or upload into the web-based system.

There are no additional costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Health jurisdiction	Health Department Reporting	69	2	1,377	190,026
Community-Based Organization	Community-Based Organization Reporting.	200	2	40.5	16,200
Total					206,226

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–09088 Filed 4–20–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0314]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) 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; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

The National Survey of Family Growth (NSFG)–(0920–0314, Expiration 04/30/2015—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on ''family formation, growth, and dissolution,'' as well as ''determinants of health'' and ''utilization of health care'' in the United States. This three-year clearance request includes the data collection in 2015–2018 for the continuous NSFG.

The National Survey of Family Growth (NSFG) was conducted periodically between 1973 and 2002, and continuously since 2006, by the National Center for Health Statistics, CDC. Each year, about 15,000 households are screened, with about 5,000 participants interviewed annually. Participation in the NSFG is completely voluntary and confidential. Interviews average 60 minutes for males and 80 minutes for females. The response rate since 2011 has been about 73 percent. The NSFG program produces descriptive statistics which measure factors associated with birth and pregnancy rates, including contraception, infertility, marriage, divorce, and sexual activity, in the U.S. population 15–49; and behaviors that affect the risk of sexually transmitted diseases (STD), including HIV, and the medical care associated with contraception, infertility, and pregnancy and childbirth.

NSFG data users include the DHHS programs that fund it, including CDC/NCHS and nine others (The Eunice Kennedy Shriver National Institute of Child Health and Human Development (NIH/NICHD); the Office of Population Affairs (DHHS/OPA); the Children's Bureau within the Administration for Children and Families (DHHS/ACF/CB); the ACF's Office of Planning, Research, and Evaluation (DHHS/ACF/OPRE); the CDC's Division of HIV/AIDS Prevention (CDC/DHAP); the CDC's Division of STD Prevention (CDC/DSTDP); the CDC's Division of Cancer Prevention and Control (CDC/DCPC); the CDC's Division of Birth Defects and Developmental Disabilities (CDC/DBDDD); and the CDC's Division of Reproductive Health (CDC/DRH). The NSFG is also used by state and local governments; private research and action organizations focused on men's and women's health, child well-being, and marriage and the family; academic researchers in the social and public health sciences; journalists, and many others.

No questionnaire changes are requested in the first 6 months of this clearance; limited changes including (1) the expansion of the age range from 15–44 years of age to 15–49, (2) some revision of the female and male questionnaires to incorporate new and modified items related to contraceptive use, reproductive health, preventive service screening/counseling, sexual orientation, health insurance, cigarette smoking, cancer risk, military service

and sheltered homelessness, and (3) the request to add or modify a small number of questions in 2017 using a non-substantive change request, to be responsive to emerging public policy issues. There is no cost to respondents other than their time. The total estimated annualized burden hours are 7,318.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of responses	Number of responses per respondent	Average burden per response (in hrs)
Individual	Screener Interview	15,000	1	3/60
Individual	Female Interview	2,750	1	90/60
Individual	Male Interview	2,350	1	60/60
Individual	Screener Verification	1,500	1	2/60
Individual	Main Verification	510	1	5/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–09191 Filed 4–20–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.508]

Announcing the Award of Six Single-Source Expansion Supplement Grants Under the Tribal Maternal, Infant, and Early Childhood Home Visiting (Tribal MIECHV) Program

AGENCY: Office of Child Care, ACF, HHS.

ACTION: Notice of the award of six single-source program expansion supplement grants to Tribal Maternal, Infant, and Early Childhood Home Visiting (Tribal MIECHV) grantees.

SUMMARY: The Administration for Children and Families (ACF), Office of Child Care (OCC), Tribal Maternal, Infant, and Early Childhood Home Visiting (Tribal MIECHV) Program, announces the award of single-source program expansion supplement grants to the Confederated Salish and Kootenai Tribes in Pablo, MT, Confederated Tribes of Siletz Indians in Siletz, OR, Inter-Tribal Council of Michigan in Sault Ste. Marie, MI, Native American Health Center, Inc. in Oakland, CA, Red Cliff Band of Lake Superior Chippewa in Bayfield, WI, and Riverside-San Bernardino County Indian Health, Inc. in Banning, CA.

The Fiscal Year 2015 single-source program expansion supplement grants will support the grantees' project activities as they continue to implement their Tribal MIECHV programs and will allow for opportunities for enhanced, or expanded, service delivery.

DATES: The period of support is July 1, 2015 through June 30, 2016 for the Native American Health Center, Inc. and the Riverside-San Bernardino County Indian Health, Inc., and, September 30, 2015 through September 29, 2016 for Confederated Salish and Kootenai Tribes, the Confederated Tribes of Siletz Indians, the Inter-Tribal Council of Michigan, and the Red Cliff Band of Lake Superior Chippewa.

FOR FURTHER INFORMATION CONTACT: Rachel Schumacher, Director, Office of Child Care, 901 D Street SW., Washington, DC 20447. Telephone: (202) 401–6984; Email: *rachel.schumacher@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Tribal Maternal, Infant and Early Childhood Home Visiting (MIECHV) Program, funded from a 3 percent set-aside to the Maternal, Infant, and Early Childhood Home Visiting Program, is designed to strengthen tribal capacity to support and promote the health and well-being of American Indian and Alaska Native (AIAN) families; expand the evidence base around home visiting in tribal communities; and support and strengthen cooperation and linkages between programs that service AIAN children and their families. Funds under the Tribal MIECHV Program support Indian tribes, consortia of tribes, tribal organizations, and urban Indian organizations to provide high-quality, culturally relevant, voluntary, evidence-based home visiting services to families in at-risk communities; conduct a needs and readiness assessment of the at-risk community; engage in collaborative planning and capacity building efforts to address identified needs; establish, measure, and report on progress toward meeting benchmark performance measures for participating children and families; and conduct rigorous local evaluations to answer questions of importance to tribal communities and examine the effectiveness of home visiting programs with AIAN populations.

A single-source supplemental grant of $45,000 was awarded to the Confederated Salish and Kootenai Tribes in Pablo, MT, to support the hire of an additional home visitor. A single-source supplemental grant of $25,000 was awarded to Confederated Tribes of Siletz Indians in Siletz, OR, to support their goal of providing needed services to families with children aged 3 to 5 years old. A single-source supplemental grant of $120,000 was awarded to Inter-Tribal Council of Michigan in Sault Ste. Marie, MI, to support appropriate reflective supervision for its home visitors and to expand services at a high performing site where there is a waiting list. A single-source supplemental grant of $50,000 was awarded to the Native American Health Center, Inc. in Oakland, CA, to provide enhanced mental health support to high-risk families and home visitors. A single-source supplemental grant of $50,000 was awarded to the Red Cliff Band of Lake Superior Chippewa in Bayfield, WI, to support provision of reflective supervision for program staff, including the development of culturally appropriate strategies, and to support enhanced dissemination of information about the community's home visiting program and its early childhood system (*e.g.,* digital storytelling). A single-source supplemental grant of $45,000 was awarded to Riverside-San Bernardino County Indian Health, Inc. in Banning, CA, to support the hire of an additional home visitor.

Statutory Authority: Section 511(h)(2)(A) of Title V of the Social Security Act, as added by Section 2951 of the Patient Protection and Affordable Care Act, Pub. L. 111–148, and

amended by the Protecting Access to Medicare Act of 2014, Pub. L. 113–93.

Christopher Beach,

Senior Grants Policy Specialist, Division of Grants Policy, Office of Administration.

[FR Doc. 2015–09074 Filed 4–20–15; 8:45 am]

BILLING CODE 4184–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No.: 0970–0365]

Submission for OMB Review; Comment Request

Proposed Projects:

Title: Performance Measures for Community-Centered Healthy Marriage, Pathways to Responsible Fatherhood and Community-Centered Responsible Fatherhood Ex-Prisoner Reentry grant programs.

Description: The Office of Family Assistance (OFA), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), intends to request approval from the Office of Management and Budget (OMB) to extend OMB Form 0970–0365 for the collection of performance measures from grantees for the Community-Centered Healthy Marriage, Pathways to Responsible Fatherhood and Community-Centered Responsible Fatherhood Ex-Prisoner Reentry discretionary grant programs. ACF offered a one year extension to all grants in an effort to increase the consistency and stability in program implementation, particularly in view of grantee progress toward achieving program goals. The performance measure data obtained from the grantees will be used by OFA to continue reporting on the overall performance of these grant programs.

Data will be collected from all 60 Community-Centered Healthy Marriage, 54 Pathways to Responsible Fatherhood and 5 Community-Centered Responsible Fatherhood Ex-Prisoner Reentry grantees in the OFA programs. Grantees will report on program and participant outcomes in such areas as participants' improvement in knowledge skills, attitudes, and behaviors related to healthy marriage and responsible fatherhood. Grantees will be asked to input data for selected outcomes for activities funded under the grants. Grantees will extract data from program records and will report the data twice yearly through an on-line data collection tool. Training and assistance will be provided to grantees to support this data collection process.

Respondents: Office of Family Assistance Funded Community-Centered Healthy Marriage, Pathways to Responsible Fatherhood and Community-Centered Responsible Fatherhood Ex-Prisoner Reentry Grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Performance measure reporting form (for private sector affected public)	110	2	0.8	176
Performance measure reporting form (for State, local, and tribal government affected public)	9	2	0.8	14

Estimated Total Annual Burden Hours: 190.

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, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–09189 Filed 4–20–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Office of Refugee Resettlement Individual Development Accounts (ORR–IDA) Program.

OMB No.: New Collection.

Description: Description: The Office of Refugee Resettlement seeks OMB approval to develop three data collection tools for use in the ORR IDA Program.

The ORR IDA Program represents an anti-poverty strategy built on asset accumulation for low-income refugee individuals and families with the goal of promoting refugee economic independence.

IDAs are leveraged or matched, savings accounts. In the ORR Refugee IDA program, IDAs are matched with federal funds that have been allocated as ''match funds'' from at least 65 percent of the annual federal grant award. IDAs are established in insured accounts in qualified financial institutions. The funds are intended for the Asset Goals specified in this announcement. Although the refugee participant maintains control of all funds that the participant deposits in the IDA, including all interest that may accrue on the funds, the participant must sign a Savings Plan Agreement which specifies that the funds in the account will be used only for the participant's qualified Asset Goal(s) or for an emergency withdrawal.

The objectives of this program are to:

1. Establish IDAs for eligible participants;

2. Encourage regular saving habits among refugees;

3. Promote their participation in the financial institutions of this country;

4. Promote refugee acquisition of assets to build individual, family, and community resources;

5. Increase refugee knowledge of financial and monetary topics including developing a household budget;

6. Assist refugees in advancing their education;

7. Increase home ownership among refugees; and

8. Assist refugees in gaining access to capital.

The tools will collect information from grantees that will help ORR determine whether they are meeting the objectives of the program. Data to be collected will only include specialized, and relevant information to the program such as, number of people enrolled, amount in dollar allocated for matching IDA savings, number and value of assets purchased, confirmation of refugee status, and types and quantity of training provided. Tools will be used for semi-annual reports as well as for monitoring to ensure progress towards success, and appropriate use of federal funds.

Respondents: Office of Refugee Resettlement Individual Development Accounts Program grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Program Status Report	22	2	1	44
Community Impact Report	22	2	1	44
Demographic	22	2	1	44

Estimated Total Annual Burden Hours: 132 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. 2015–09192 Filed 4–20–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Request for Nominations on the Allergenic Products Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting that any industry organizations interested in participating in the selection of a nonvoting industry representative to serve on the Allergenic Products Advisory Committee for the Center for Biologics Evaluation and Research notify FDA in writing. FDA is also requesting nominations for a nonvoting industry representative to serve on the Allergenic Products Advisory Committee. A nominee may either be self-nominated or nominated by an organization to serve as a nonvoting industry representative. Nominations will be accepted for current or upcoming vacancies effective with this notice.

DATES: Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests must send a letter stating that interest to the FDA by May 21, 2015, (see sections I and II for further details). Concurrently, nomination materials for prospective candidates should be sent to FDA by May 21, 2015.

ADDRESSES: All statements of interest from interested industry organizations interested in participating in the selection process of nonvoting industry representative nomination should be sent to Janie Kim (see **FOR FURTHER INFORMATION CONTACT**). All nominations for nonvoting industry representatives may be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: Janie Kim, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–9016, FAX: 301–595–1307, email: *janie.kim@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency intends to add a nonvoting industry representative to the following advisory committee:

I. Allergenic Products Advisory Committee

The Committee reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of marketed and investigational allergenic biological products or materials that are administered to humans for the diagnosis, prevention, or treatment of allergies and allergic disease, and makes appropriate recommendations to the Commissioner of Food and Drugs of its findings regarding the affirmation or revocation of biological product licenses, on the safety, effectiveness, and labeling of the products, on clinical and laboratory studies of such products, on amendments or revisions to regulations governing the manufacture, testing and licensing of allergenic biological products, and on the quality and relevance of FDA's research programs which provide the scientific support for regulating these agents.

II. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations; and a list of all nominees along with their current resumes. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the nonvoting member to represent industry interests.

III. Application Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. Contact information, current curriculum vitae, and the name of the committee of interest should be sent to the FDA Advisory Committee Membership Nomination Portal (see **ADDRESSES**) within 30 days of publication of this document (see **DATES**). FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process).

FDA seeks to include the views of women, and men, members of all racial and ethnic groups and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: April 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–09082 Filed 4–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0386]

Agency Information Collection Activities; Proposed Collection; Comment Request; Registration and Product Listing for Owners and Operators of Domestic Tobacco Product Establishments and Listing of Ingredients in Tobacco Products

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 the proposed extension of an existing collection of information pertaining to registration and product listing for owners and operators of domestic tobacco product establishments and listing of ingredients in tobacco products.

DATES: Submit either electronic or written comments on the collection of information by June 22, 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.

Registration and Product Listing for Owners and Operators of Domestic Tobacco Product Establishments and Listing of Ingredients in Tobacco Products (OMB Control Number 0910–0650)—Extension)

On June 22, 2009, the President signed the Tobacco Control Act (Pub. L. 111–31) into law. The Tobacco Control Act amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 301) by, among other things, adding a chapter granting FDA important authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors.

Section 905(b) of the FD&C Act (21 U.S.C. 387e(b)), as amended by the Tobacco Control Act, requires that every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products register with FDA the name, places of business, and all establishments owned or operated by that person. Every person must register by December 31 of each year. Section 905(c) of the FD&C Act requires that first-time persons engaging

in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person. Section 905(d) states that persons required to register under section 905(b) or 905(c) of the FD&C Act shall register any additional establishment that they own or operate in any state which begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products. Section 905(h) of the FD&C Act addresses foreign establishment registration requirements, which will go into effect when regulations are promulgated by the Secretary. Section 905(i)(1) of the FD&C Act, as amended by the Tobacco Control Act, requires that all registrants shall, at the time of registration under any such subsection, file with FDA a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution, along with certain accompanying consumer information, such as all labeling and a representative sampling of advertisements. Section 904(a)(1) of the FD&C Act (21 U.S.C. 387d(a)(1)), as amended by the Tobacco Control Act, requires each tobacco product manufacturer or importer, or agent thereof, to submit a listing of all ingredients, including tobacco, substances, compounds, and additives that are added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand or by quantity in each brand and sub-brand. Since the Tobacco Control Act was enacted on June 22, 2009, the information required under section 904(a)(1) of the FD&C Act must be submitted to FDA by December 22, 2009, and include the ingredients added as of the date of submission. Section 904(c) of the FD&C Act also requires submission of information whenever additives, or the quantities of additives, are changed.

FDA issued guidance documents on both: (1) ''Registration and Product Listing for Owners and Operators of Domestic Tobacco Product Establishments'' and (2) ''Listing of Ingredients in Tobacco Products'' to assist persons making such submissions to FDA under the Tobacco Control Act. While electronic submission of registration and product listing information and ingredient listing information are not required, FDA is strongly encouraging electronic submission to facilitate efficiency and timeliness of data management and collection. To that end, FDA designed electronic submission applications to streamline the data entry process for registration and product listing and for ingredient listing. These tools allow for importation of large quantities of structured data, attachment of files (*e.g.,* in PDFs and certain media files), and automatic acknowledgement of FDA's receipt of submissions.

FDA also developed paper forms (Form FDA 3741—Registration and Listing for Owners and Operators of Domestic Tobacco Product Establishments, and Form FDA 3742—Listing of Ingredients in Tobacco Products) as an alternative submission tool. Both the electronic submission application and the paper forms can be accessed at *http://www.fda.gov/tobacco*. FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
Form FDA 3741: Registration and Product Listing for Owners and Operators of Domestic Establishments (Electronic and Paper Submission)/Section 905(b), 905(c), 905(d) 905(h), or 905(i) of the FD&C Act	125	1.6	200	3.75	750	$0.98
Form FDA 3742: Listing of Ingredients (Electronic and Paper Submissions)/ Section 904(a)(1) or 904(c) of the FD&C Act	125	1.6	200	3	600	0.98
Obtaining a DUNS Number (10% of Total Respondents)	8	1	8	.5 (30 minutes)	4	
Total					1,354	1.96

Since this collection of information was last approved by OMB on October 15, 2012, its burden has remained the same at 1,354 reporting hours. This burden estimate was determined as a result of FDA experience over the past 3 years in the regulation of tobacco products and is based on the actual number of establishment registration and product listings and product ingredient submissions received during this time period. FDA estimates that the submission of registration information as required by section 905 of the FD&C Act will remain at 3.75 hours per establishment and, based on the actual number of registration information submitted in the past 3 years and its experience, the Agency estimates that approximately 200 registrations will be submitted from 125 tobacco product establishments annually, for a total of 750 reporting burden hours. FDA estimates that the submission of ingredient listing information as required by section 904 of the FD&C Act will remain at 3 hours per tobacco product and, based on the actual number of product ingredient listings submitted over the past 3 years and its experience, the Agency estimates that approximately 200 ingredient listings will be submitted from 125 tobacco establishments, for a total of 600 reporting burden hours.

FDA also estimates that obtaining a Dun and Bradstreet (DUNS) number will take 0.5 hours, and that 8 respondents (1 percent (1.25) of establishments required to register under section 905 and 5 percent (6.25) of submitters required to list ingredients under section 904) will not already have a DUNS number. The total burden is estimated to be 4 hours. Total burden hours for this collection, therefore is 1,354 hours.

Dated: April 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–09092 Filed 4–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0882]

Generic Drug User Fees; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting on the Generic Drug User Fee Amendments of 2012 (GDUFA). The legislative authority for GDUFA expires at the end of September 2017. At that time, new legislation will be required for FDA to continue to collect generic drug user fees for future fiscal years. The Federal Food, Drug, and Cosmetic Act (the FD&C Act) requires that before FDA begins negotiations with the regulated industry on GDUFA reauthorization; we publish a notice in the **Federal Register** requesting public input on the reauthorization, hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in the Generic Drug User Fee Act Program Performance Goals and Procedures (*i.e.,* the Commitment Letter), provide a period of 30 days after the public meeting to obtain written comments from the public, and publish the comments on FDA's Web site. FDA invites public comment on the GDUFA program and suggestions regarding the features FDA should propose for the next GDUFA program.

DATES: The public meeting will be held on June 15, 2015, from 9 a.m. to 5 p.m. The public meeting may be extended or may end early depending on the level of public participation.

ADDRESSES: The public meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Connie Wisner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1718, Silver Spring, MD 20993, 240–402–7946, *Connie.Wisner@fda.hhs.gov;* or Kimberly Giordano, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1611, Silver Spring, MD 20993, 301–796–1071, *Kimberly.Giordano@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 9, 2012, the Food and Drug Administration Safety and Innovation Act, which included GDUFA (Pub. L. 112–144, title III), was signed into law by the President. GDUFA authorizes FDA to collect fees from drug companies that submit marketing applications for certain generic human drug applications, certain drug master files, and certain facilities. Designed to speed access to safe and effective generic drugs to the public, GDUFA requires that generic drug manufacturers pay user fees to finance critical and measurable generic drug program enhancements. GDUFA also requires that generic drug facilities around the world provide identification information annually to FDA.

Additional information concerning GDUFA, including the text of the law, the Commitment Letter, key **Federal Register** documents, GDUFA-related guidances, performance reports, and financial reports may be found on the FDA Web site at *http://www.fda.gov/gdufa.*

II. Purpose of Public Meeting

FDA is announcing a public meeting on GDUFA. The authority for GDUFA expires at the end of September 2017. Without new legislation, FDA will no longer be able to collect user fees to fund the human generic drug review process. Section 744(C)(d)(2) (21 U.S.C. 379j–43(d)(2)) of the FD&C Act requires that before FDA begins negotiations with the regulated industry on GDUFA reauthorization, we do the following: (1) Publish a notice in the **Federal Register** requesting public input on the reauthorization, (2) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in the Commitment Letter, (3) provide a period of 30 days after the public meeting to obtain written comments from the public, and (4) publish the comments on the FDA Web site. This notice, the public meeting, the 30-day comment period after the meeting, and the posting of the comments on the FDA Web site will satisfy these requirements. The purpose of the public meeting is to receive public input on the reauthorization of GDUFA, including specific suggestions for changes to the goals referred to in the Commitment Letter. FDA is interested in responses to the following two general questions and welcomes any other relevant information the public would like to share:

- What is your assessment of the overall performance of the GDUFA program to date?
- What aspects of GDUFA should be retained, changed, or discontinued to further strengthen and improve the program?

In general, the meeting format will include presentations by FDA, scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, the generic drug industry, and the general public. The amount of time available for public testimony will be determined by the number of persons who register to present at the meeting. A draft agenda and other background information for the public meeting will be posted at *http://www.fda.gov/gdufa* by June 8, 2015.

III. Meeting Attendance and Participation

FDA is seeking participation (*i.e.,* attendance and oral presentations) at the public meeting by all interested parties, including but not limited to scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, the generic drug industry, and the general public. If you wish to attend the meeting, please email your registration information to *GenericDrugPolicy@fda.hhs.gov* by June 1, 2015. Your email should contain complete contact information for each attendee, including name, title, affiliation, address, email address, and telephone number. Registration is free and is on a first-come, first-served basis. Early registration is recommended because seating is limited. Registrants will receive confirmation once they have been accepted. If registration becomes full prior to the meeting, FDA will place a notice on *http://www.fda.gov/gdufa.* Onsite registration on the day of the

meeting will be based on space availability.

If you wish to present at the meeting, please include your presentation materials along with your registration information to *GenericDrugPolicy@fda.hhs.gov* by June 1, 2015. Early requests for oral presentations are recommended due to possible space and time limitations. FDA will accommodate as many requests for oral presentations as possible and will do so on a first-come, first-served basis. The time allotted for presentations may depend on the number of persons who wish to speak. Those requesting to present will receive confirmation once they have been accepted. If presentations exceed time and space limitations prior to the meeting, FDA will place a notice on *http://www.fda.gov/gdufa.* Onsite requests for oral presentations on the day of the meeting will be based on time and space availability. If the entire meeting time is not needed, FDA may end the public meeting early.

If you need special accommodations because of a disability, please contact Connie Wisner or Kimberly Giordano (see **FOR FURTHER INFORMATION CONTACT**) by June 8, 2015.

For those unable to attend in person, FDA will provide a live Adobe Connect Webcast of the meeting. In order to connect to the Webcast, you must have Adobe Connect. To join the meeting via the Adobe Connect Webcast, please go to: *https://collaboration.fda.gov/gdufaii.*

IV. Comments

Regardless of participation at the public meeting, interested persons may submit either electronic or written comments regarding this document. To ensure consideration, all comments should be received by July 15, 2015. Submission of comments prior to the meeting is strongly encouraged.

Submit electronic comments 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 all comments with the docket number found in the brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

V. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov* and *http://www.fda.gov/gdufa.* It may be viewed at the Division of Dockets Management (see section IV). A transcript also will be available in either hard copy or on CD–ROM upon submission of a Freedom of Information request. Send written requests to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857.

Dated: April 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–09091 Filed 4–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–0975]

Acceptance of Medical Device Clinical Data From Studies Conducted Outside the United States; 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 or Agency) is announcing the availability of the draft guidance entitled ''Acceptance of Medical Device Clinical Data from Studies Conducted Outside the United States; Draft Guidance for Industry and Food and Drug Administration Staff.'' This draft guidance articulates FDA's current policy of accepting scientifically valid clinical data obtained from foreign clinical studies in support of premarket submissions for devices. The guidance describes special considerations that apply when using such data, including applicability to populations within the United States and study design issues and provides recommendations to assist sponsors in ensuring their data are adequate under applicable FDA standards to support approval or clearance of the device in the United States. This guidance is not intended to announce new policy, but to describe FDA's existing approach to this topic. 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 on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by July 20, 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 ''Acceptance of Medical Device Clinical Data from Studies Conducted Outside the United States; Draft Guidance for Industry and Food and Drug Administration Staff'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002 or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Avenue, Bldg. 71, Rm. 3128, Silver Spring, MD 20993. 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: Aaliyah Eaves-Leaños, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5420, Silver Spring, MD 20993–0002, 301–796–2948. For questions regarding this document concerning devices regulated by CBER, contact Stephen Ripley, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

On July 9, 2012, the President signed into law the Food and Drug Administration Safety and Innovation Act (FDASIA), Public Law 112–144 (2012), adding a new provision, section 569B, to the Federal Food, Drug, and Cosmetic Act (FD&C Act) codifying FDA's longstanding policy of accepting adequate, ethically-derived, scientifically valid data without regard to where a clinical study is conducted. Sponsors may choose to conduct multinational clinical studies under a variety of scenarios. FDA acknowledges, however, that certain challenges exist in using data derived from studies of devices from sites from outside the United States (OUS) to support an FDA

marketing decision. These challenges may include differences between the OUS and U.S. clinical conditions, regulatory requirements (including human subject protections), and/or study populations that may be sufficient to affect the adequacy of the data for use in establishing the safety and/or effectiveness of the studied device. This guidance focuses on considerations sponsors of device submissions should take into account when initiating, or relying on previously collected data from, an OUS clinical study to support an Investigational Device Exemption, Premarket Notification (510(k)), De Novo Petition, Humanitarian Device Exemption, or Premarket Approval Application. This guidance also notes other important considerations to take into account when initiating or relying on OUS data. FDA believes that promoting greater clarity concerning FDA's use of foreign study data will minimize the possibility for additional or duplicative U.S. studies, further efforts to harmonize global clinical trial standards, and promote public health and innovation.

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 acceptance of clinical data from foreign studies conducted OUS. 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 Centers for Devices and Radiological Health 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 ''Acceptance of Medical Device Clinical Data from Studies Conducted Outside the United States; Draft Guidance for Industry and Food and Drug Administration Staff'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1741 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to currently approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 50 and 56 have been approved under OMB control number 0910–0755; the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338; the collections of information in 21 CFR parts 801 and 809 have been approved under OMB control number 0910–0485; 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 812 has been approved under OMB control number 0910–0078; the collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231; the collections of information in 21 CFR part 814, subpart H have been approved under OMB control number 0910–0332; and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: April 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–09176 Filed 4–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Committee on Rural Health and Human Services; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 2015.

The National Advisory Committee on Rural Health and Human Services will convene its seventy seventh meeting in the time and place specified below:

Name: National Advisory Committee on Rural Health and Human Services.

Dates and Time: May 27, 2015, 8:45 a.m.—5:00 p.m.; May 28, 2015, 8:30 a.m.—5:15 p.m.; May 29, 2015, 8:30 a.m.—11:00 a.m.

Place: Natural Bridge State Park, 2135 Natural Bridge Rd, Slade, KY 40376, (606) 663–2214.

Status: The meeting will be open to the public.

Purpose: The National Advisory Committee on Rural Health and Human Services provides counsel and recommendations to the Secretary with respect to the delivery, research, development, and administration of health and human services in rural areas.

Agenda: Wednesday morning, at 8:45 a.m., the meeting will be called to order by the Chairperson of the Committee: The Honorable Ronnie Musgrove. The Committee will examine the issue of an increasing difference between life expectancy among the urban and rural populations of the United States. The day will conclude with a period of public comment at approximately 4:45 p.m.

Thursday morning at approximately 8:30 a.m., the Committee will break into Subcommittees and depart for site visits. Subcommittees will visit the Center of Excellence in Rural Health in Hazard, Kentucky, and the Marcum & Wallace Memorial Hospital in Irvine, Kentucky. The day will conclude at the Natural Bridge State Park with a period of public comment at approximately 5:00 p.m.

Friday morning at 8:30 a.m., the Committee will meet to summarize key findings and develop a work plan for the next quarter and the following meeting.

FOR FURTHER INFORMATION CONTACT: Steve Hirsch, MSLS, Executive Secretary, National Advisory Committee on Rural Health and Human Services, Health Resources and Services Administration, Parklawn Building, 17W29–C, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–0835, Fax (301) 443–2803.

Persons interested in attending any portion of the meeting should contact Catherine Fontenot at the Federal Office of Rural Health Policy (FORHP) via telephone at (301) 945–0897 or by email at *cfontenot@hrsa.gov*. The Committee

meeting agenda will be posted on the Committee's Web site at *http://www.hrsa.gov/advisorycommittees/rural/*.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–09080 Filed 4–20–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: National Advisory Council on the National Health Service Corps (NAC).

Date and Time: May 6, 2015 from 2:00 p.m.–3:30 p.m. (EST).

Place: Conference Call Format.

Status: The meeting will be open to the public.

Purpose: The NAC provides advice to the Secretary of the Department of Health and Human Services and the Administrator of the Health Resources and Services Administration (HRSA), with respect to their responsibilities for designating areas of the United States with critical health professional shortages (*i.e.,* Health Professional Shortage Area) and assigning health care personnel to improve the delivery of health services in these areas.

Agenda: The members of the NAC will discuss: (a) The activities and goals for fiscal year 2016 for the National Health Service Corps; (b) their vision and approaches for future NAC meetings; and (c) planning for an in-person meeting. The official agenda will be available 2 days prior to the meeting on the HRSA Web site at: *http://nhsc.hrsa.gov/corpsexperience/aboutus/nationaladvisorycouncil/.* Agenda items are subject to change as priorities dictate.

Public Comment: Requests to make oral comments or provide written comments to the NAC should be sent to CAPT Shari Campbell, Designated Federal Official, using the address and phone number below. Individuals who plan to participate on the conference call should notify CAPT Campbell at least 3 days prior to the meeting, using the address and phone number below. Members of the public will have the opportunity to provide comments. Interested parties should refer to the meeting, in the subject line, as the HRSA National Advisory Council on the National Health Service Corps. The conference call-in number is: 888–566–5974. The passcode is: 4439136.

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding the NAC should contact CAPT Shari Campbell, Designated Federal Official, Bureau of Health Workforce, HRSA, in one of three ways: (1) Send a request to the following address: CAPT Shari Campbell, Designated Federal Official, Bureau of Health Workforce, HRSA, Parklawn Building, Room 8C–26, 5600 Fishers Lane, Rockville, Maryland 20857; (2) call (301) 594–4251; or (3) send an email to *scampbell@hrsa.gov.*

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–09078 Filed 4–20–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 21, 2015.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Enrollment and Re-Certification of Entities in the 340B Drug Pricing Program and Collection of Manufacturer Data to Verify 340B Drug Pricing Program Ceiling Price Calculations.

OMB No. 0915–0327—Revision

Abstract: Section 602 of Public Law 102–585, the Veterans Health Care Act of 1992, enacted as Section 340B of the Public Health Service Act (PHS Act; ''Limitation on Prices of Drugs Purchased by Covered Entities''), provides that a manufacturer who sells covered outpatient drugs to eligible entities must sign a Pharmaceutical Pricing Agreement (PPA) with the Secretary of Health and Human Services in which the manufacturer agrees to charge a price for covered outpatient drugs that will not exceed an amount determined under a statutory formula (''ceiling price'').

A manufacturer subject to a PPA must offer all covered outpatient drugs at no more than the ceiling price to a covered entity listed in the 340B Program database. Manufacturers rely on the information in the 340B database to determine if a covered entity is participating in the 340B Program or for any notifications of changes to eligibility that may occur within a quarter. By signing the PPA, the manufacturer agrees to comply with all applicable statutory and regulatory requirements, including any changes that occur after execution of the PPA.

Covered entities which choose to participate in the 340B Program must comply with the requirements of Section 340B(a)(5) of the PHS Act. Section 340B(a)(5)(A) prohibits a covered entity from accepting a discount for a drug that would also generate a Medicaid rebate. Further, Section 340B(a)(5)(B) prohibits a covered entity from reselling or otherwise transferring a discounted drug to a person who is not a patient of the entity.

Need and Proposed Use of the Information: Section 340B(d)(1)(B)(i) of the PHS Act requires the development of a system to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

(II) Comparing regularly the ceiling prices calculated by the Secretary with

the quarterly pricing data that is reported by manufacturers to the Secretary.

(III) Performing spot checks of sales transactions by covered entities.

(IV) Inquiring into the cause of any pricing discrepancies that may be identified and either taking, or requiring manufacturers to take, such corrective action as is appropriate in response to such price discrepancies.

HRSA's Office of Pharmacy Affairs (OPA) has previously obtained approval for information collections in support of 340B covered entity recertification and registration, as well as registration of contract pharmacy arrangements and the PPA itself. OPA is requesting comments on an additional information collection in response to the above pricing verification requirements, as well as the routine renewal of approval for the existing information collections. The previously approved collections are substantially unchanged, except that HRSA has transitioned completely to online versus hardcopy forms.

Pricing data submission, validation and dissemination: In order to implement Section 340B(d)(1)(B)(i)(II), HRSA has already developed a system to calculate 340B ceiling prices prospectively from data obtained from the Centers for Medicare & Medicaid Services as well as OPA-identified commercial databases. However, in order to conduct the comparison required under the statute, manufacturers must submit the quarterly pricing data as required by section 340B(d)(1)(B)(i)(II).

HRSA is developing a mechanism for secure manufacturer submissions. This notice proposes collecting Average Manufacturer Price, Unit Rebate Amount, Package Sizes, National Drug Code (NDC), period of sale (year and quarter), and manufacturer-determined 340B ceiling price for each NDC produced by a manufacturer subject to a PPA. Once any discrepancies between the manufacturer and OPA-calculated prices have been resolved, the validated prices will be made available to registered covered entities via a secure Internet-accessible platform as required by Section 340B(d)(1)(B)(iii).

Accurate and timely pricing data submissions are critical to successful implementation of the 340B Program, ensuring that covered entities have confidence that the amounts being charged are in accordance with statutorily-defined ceiling prices. The burden imposed on manufacturers by this requirement is low because the information requested is readily available.

Likely Respondents: Drug Manufacturers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Hours per respondent	Total burden hours
Hospital Enrollment, Additions & Recertifications					
340B Program Registrations & Certifications for Hospitals	194	1	194	2	388
Certifications to Enroll Hospital Outpatient Facilities	697	8	5,576	0.5	2,788
Hospital Annual Recertifications	2,134	6	12,804	0.25	3,201
Registrations and Recertifications for Entities Other Than Hospitals					
340B Registrations for Community Health Centers	427	3	1,281	1	1,281
340B Registrations for STD/TB Clinics	647	1	647	1	647
340B Registrations for Various Other Eligible Entity Types	405	1	405	1	405
Community Health Center Annual Recertifications	1,204	5	6,020	0.25	1,505
STD & TB Annual Recertifications	3,123	1	3,123	0.25	780.75
Annual Recertification for entities other than Hospitals, Community Health Centers, and STD/TB Clinics	4,899	1	4,899	0.25	1,224.75
Contracted Pharmacy Services Registration & Recertifications					
Contracted Pharmacy Services Registration	1,758	5	8,790	1	8,790
Other Information Collections					
Submission of Administrative Changes for any Covered Entity	9,396	1	9,396	0.5	4,698
Submission of Administrative Changes for any Manufacturer	350	1	350	0.5	175
Manufacturer Data Required to Verify 340B Ceiling Price Calculations	600	4	2,400	0.5	1,200
Pharmaceutical Pricing Agreement	200	1	200	1	200
Total	26,034				27,283.5

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–09079 Filed 4–20–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Comments on Deliberation and Bioethics Education

AGENCY: Department of Health and Human Services, Office of the Secretary, Presidential Commission for the Study of Bioethical Issues.

ACTION: Notice.

SUMMARY: The Presidential Commission for the Study of Bioethical Issues is requesting public comment on deliberation and bioethics education.

DATES: To ensure consideration, comments must be received by July 20, 2015. Comments received after this date will be considered only as time permits.

ADDRESSES: Individuals, groups, and organizations interested in commenting on this topic may submit comments by email to *info@bioethics.gov* or by mail to the following address: Public Commentary, Presidential Commission for the Study of Bioethical Issues, 1425 New York Ave. NW., Suite C–100, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Hillary Wicai Viers, Communications Director, Presidential Commission for the Study of Bioethical Issues. Telephone: 202–233–3960. Email: *hillary.viers@bioethics.gov.* Additional information may be obtained at *http://www.bioethics.gov.*

SUPPLEMENTARY INFORMATION: On November 24, 2009, the President established the Presidential Commission for the Study of Bioethical Issues (Bioethics Commission) to advise him on bioethical issues generated by novel and emerging research in biomedicine and related areas of science and technology. The Commission is charged with identifying and promoting policies and practices that ensure ethically responsible conduct of scientific research and health care delivery. Undertaking these duties, the Commission seeks to identify and examine specific bioethical, legal, and social issues related to potential scientific and technological advances; examine diverse perspectives and possibilities for international collaboration on these issues; and recommend legal, regulatory, or policy actions as appropriate.

The Bioethics Commission is considering two overarching themes of its work, deliberation and education, focusing on their symbiotic relationship as twin pillars of public bioethics. Democratic deliberation has been a guiding ethical principle in the Commission's work, informing both its processes and its recommendations. The Commission also is committed to supporting bioethics education at all levels and across disciplines, through its own pedagogical materials and its recommendations for improving and integrating ethics education in a range of settings. This new project will explore the relationship between deliberation and bioethics education and the importance of public engagement in the bioethics conversation. For example, the Commission's deliberations not only advise the U.S. federal government, but also play a vital role in civic education. Bioethics education fosters the scientific and ethical literacy that supports public deliberation about science, medicine, public health, and bioethics, and helps to prepare students for their role as citizens in understanding different perspectives on complex issues that are often the subject of public policy debates.

At its meeting on November 6, 2014, the Commission heard from scholars in education, medical ethics, and political philosophy, and began its consideration of the relationship between deliberation and bioethics education and its own role in promoting both of these to advance public understanding of and engagement with bioethical debates. For example, in its most recent report, *Ethics and Ebola: Public Health Planning and Response,* the Commission made recommendations regarding the importance of public education and deliberation in preparing for public health emergencies. The ethical challenges that emerged in the U.S. response to the ongoing Ebola epidemic in western Africa underscore the need for appropriate forums for public engagement and debate on the ethical dimensions of public health decision making.

The Commission is interested in receiving comments from individuals, groups, and professional communities regarding deliberation and education in bioethics. The Commission is particularly interested in receiving public commentary regarding:

- The role of deliberation and deliberative methods to engage the public and inform debate in bioethics;
- Approaches to integrating public dialogue into the bioethics conversation;
- Bioethics education as a forum for fostering deliberative skills and preparing students to participate in public dialogue in bioethics;
- Goals of bioethics education (*e.g.,* empirical training, normative foundations, clinical ethics), and the competencies and skills bioethics education seeks to foster;
- Methods and goals of designing bioethics education and training programs at different levels (*e.g.,* undergraduate foci, master's degree programs, terminal degree programs, and professional certification);
- Potential training in bioethics across the lifespan at different educational levels and settings (*e.g.,* primary/secondary education, community education, continuing professional education), and the role of education in laying the foundation for constructive public deliberation and debate in bioethics;
- The appropriate role of professional standards for bioethicists, including core competencies for bioethicists, and potential accreditation of bioethics training or education programs;
- Integrating bioethics education across different professional contexts, and establishing ''dual competency'' through reciprocal training in bioethics and a home or primary discipline (*e.g.,* engineering and bioethics, medicine and bioethics, law and bioethics).

To this end, the Commission is inviting interested parties to provide input and advice through written comments. Comments will be publicly available, including any personally identifiable or confidential business information that they contain. Trade secrets should not be submitted.

Dated: April 13, 2015.

Lisa M. Lee,

Executive Director, Presidential Commission for the Study of Bioethical Issues.

[FR Doc. 2015–09172 Filed 4–20–15; 8:45 am]

BILLING CODE 4154–06–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting; Privacy, Security & Confidentiality Subcommittee

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Privacy, Confidentiality & Security.

Time And Date: May 6, 2015 9:00 a.m.–5:00 p.m. EST, May 7, 2015 9:00 a.m.–12:00 p.m. EST.

Place: U.S. Department of Health and Human Services, Centers for Disease

Control and Prevention, National Center for Health Statistics, 3311 Toledo Road, Auditorium B and C, Hyattsville, Maryland 20782, (301) 458–4125.

Status: Open.

Purpose: Section 1179 of the Health Insurance Portability and Accountability Act (HIPAA) creates an exemption from compliance with HIPAA and accompanying rules when a financial institution is ''engaged in authorizing, processing, clearing, settling, billing, transferring or collecting payments.'' The purpose of this meeting is to learn how banking and other financial service businesses are using personal health data as their services evolve in support of the health industry.

The objectives of this hearing are as follows:

Increase awareness of current and anticipated financial services involving personal health data, understand section 1179 in light of these practices, and identify areas where outreach, education, technical assistance, or guidance may be useful.

Contact Person For More Information: Debbie M. Jackson, Acting Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Room 2339, Hyattsville, Maryland 20782, telephone (301) 458–4614 or Maya Bernstein, ASPE/OSDP, Room 436E, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201, Phone: (202) 690–5896. Program information as well as summaries of meetings and a roster of committee members are available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/,* where further information including an agenda will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on 770–488–3204 as soon as possible.

Dated: April 15, 2015.

James Scanlon,

Deputy Assistant Secretary for Planning and Evaluation, Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation .

[FR Doc. 2015–09187 Filed 4–20–15; 8:45 am]

BILLING CODE 4151–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Assessing an Online Process To Study the Prevalence of Drugged Driving in the U.S.: Development of the Drugged Driving Reporting System (NIDA)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on November 24, 2014, page 69864 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institute on Drug Abuse (NIDA), the National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact the NIDA Contract Officer's Representative (COR) Harold Perl, Ph.D., Chief, Prevention Research Branch, Division of Epidemiology, Services & Prevention Research, NIDA, 6001 Executive Blvd., Rockville, MD 20852 or call this non-toll-free number (301) 443–6504 or email your request, including your address to: *hperl@nida.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Assessing an Online Process to Study the Prevalence of Drugged Driving in the U.S: Development of the Drugged Driving Reporting System, 0925–New, National Institute on Drug Abuse (NIDA), National Institutes of Health (NIH).

Need and Use of Information Collection: The study seeks to provide an improved understanding of the prevalence of drugged driving among adult drivers in the U.S and will assess the effectiveness of the online survey implementation process. The primary objectives of the study are to: (a) To provide comprehensive data on drugged driving; (b) determine if the Drugged Driving Survey Instrument (DDS) is an effective and accurate measure of drugged driving among licensed U.S. Drivers aged 18 and older. and, (c) to assess the effectiveness of the survey implementation process, including various levels of incentives for participation to determine the appropriate/optimal incentive amount needed to obtain the desired number of total survey respondents within the timeframe within which survey data will be collected. The findings will provide valuable information concerning various aspects of substance use and driving behavior, including: (1) Demographic information about drivers who do and do not drive while impaired by medication and/or drugs (*e.g.* age, zip code, type of driver's license); (2) which drugs/medications are most likely to be used while driving; (3) drivers' beliefs and attitudes toward drugged driving.

OMB approval is requested for 2 years. There are no costs to respondents other than their time. The total annualized estimated burden hours are 750.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Drugged Driving Survey	Adults	3,750	1	12/60	750

Dated: April 14, 2015.

Genevieve deAlmeida,

Project Clearance Liaison, National Institute on Drug Abuse.

[FR Doc. 2015–09089 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Child Health and the Environment Review Committee.

Date: May 12–14, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott at Reagan National Airport, 1999 Jefferson David Highway, Arlington, VA 22202.

Contact Person: Linda K Bass, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat'l Institute Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Cell Differentiation Assays.

Date: May 15, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Chapel Hill, One Europa Drive, Chapel Hill, NC 27517.

Contact Person: Sally Eckert-Tilotta, Ph.D., Scientific Review Officer, Nat. Institute of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446 *eckertt1@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: April 15, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09061 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Prostate, Lung, Colorectal and Ovarian Cancer Screening Trial (PLCO) (NCI)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Kelly Yu, Ph.D., Division of Cancer Prevention, 9609 Medical Center Drive, Room 5E230, Rockville, MD 20850 or call non-toll-free number 240–276–7041 or Email your request, including your address to: *yuke@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Prostate, Lung, Colorectal, and Ovarian Cancer Screening Trial (PLCO), 0925–0407, Extension, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: This is a request for a revision of the Prostate, Lung, Colorectal and Ovarian Cancer Screening Trial (PLCO). This trial was designed to determine if cancer screening for prostate, lung, colorectal, and ovarian cancer can reduce mortality from these cancers which caused an estimated 253,320 deaths in the U.S. in 2014. The design is a two-armed randomized trial of men and women aged 55 to 74 at entry. OMB first approved this study in 1993 and has approved it every 3 years since then. Recruitment was completed in 2001, baseline cancer screening was completed in 2006, and data collection continues on the current cohort of 77,281 participants who are actively being followed. The additional follow-up will provide data that will clarify further the long term effects of the screening on cancer incidence and mortality for the four targeted cancers. Further, demographic and risk factor information may be used to analyze the differential effectiveness of cancer screening in high versus low risk individuals.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 26,320.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average time per response (minutes/hour)	Annual burden hours
Annual Study Update(ASU) Form	Participants who complete the ASU	77,281	1	5/60	6,440
ASU Telephone Script	Non Responders to the ASU	3,091	1	5/60	258
Authorization to Release Medical Records.	Participants who report new cancers	2,700	1	3/60	135
Health Status Questionnaire (Female) (HSQ).	Female participants who complete the HSQ.	960	1	5/60	87
Health Status Questionnaire (Male) (HSQ).	Male participants who complete the HSQ.	1,040	1	5/60	80
Medication Use Questionnaire (MUQ).	Participants who complete the MUQ	77,281	1	15/60	19,320

Dated: April 7, 2015.

Karla Bailey,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2015–09090 Filed 4–20–15; 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; Age-Related Hearing Loss.

Date: May 20, 2015.

Time: 3:00 p.m. to 6:00 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: Elaine Lewis, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2C212, MSC–9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov*.

Name of Committee: National Institute on Aging Special Emphasis Panel; Alzheimer Pathogenesis.

Date: June 18, 2015.

Time: 12:00 p.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: Jeannette L. Johnson, Ph.D., National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *JOHNSONJ9@NIA.NIH.GOV*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 15, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09062 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel; Scholarly Works G13.

Date: June 26, 2015.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Zoe E. Huang, MD, Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 15, 2015.

Michelle Trout,

Program Analyst, Office of the Federal Advisory Committee Policy.

[FR Doc. 2015–09056 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Functions and Development of the Mirror Neuron System.

Date: April 30, 2015.
Time: 11:30 a.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852.
Contact Person: Marita R. Hopmann, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6911, *hopmannm@mail.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. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 15, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09057 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed 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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immuno Therapeutics.
Date: April 14, 2015.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Careen K Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 15, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09059 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mentored Training in Comparative Medicine.
Date: April 30, 2015.
Time: 11:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Raj K. Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301–435–1047, *kkrishna@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurophysiology.
Date: April 30, 2015.
Time: 3:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 15, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09060 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and 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 Advisory Dental and Craniofacial Research Council.
Date: May 20, 2015.
Open: 9:00 a.m. to 12:30 p.m.
Agenda: Report to the Director, NIDCR.

Place: National Institutes of Health, Building 31C, Conference Room 10, 31 Center Drive, 6th floor, Bethesda, MD 20892.

Closed: 1:30 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31C, Conference Room 10, 31 Center Drive, 6th floor, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Inst of Dental and Craniofacial Research, 6701 Democracy Blvd., Room 660, Bethesda, MD 20892, (301) 594–4805, *adombroski@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 14, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09063 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Medical Rehabilitation Research Resource.

Date: June 18–19, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave. NW., Washington, DC 20036.

Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6916, *kielbj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 15, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09058 Filed 4–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Open Federal Advisory Committee Meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet via teleconference on May 7, 2015. The meeting will be open to the public.

DATES: The meeting will take place on Thursday, May 7, from 2:00 to 4:00 p.m. Eastern Daylight Time. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to participate in the teleconference should contact Ruth MacPhail as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business May 5, 2015, to obtain the call-in number and access code. For information on services for individuals with disabilities or to request special assistance, contact Ruth MacPhail as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Comments must be submitted in writing no later than May 5, 2015, and must be identified by Docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FEMA–RULES@fema.dhs.gov.* Include the docket number in the subject line of the message.
- *Mail/Hand Delivery:* Ruth MacPhail, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the Docket ID 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 National Fire Academy Board of Visitors, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By Agency,'' and then click ''Search.'' Prior to the meeting, meeting materials will be posted at *http://www.usfa.fema.gov/nfa/about/bov.shtm* by April 29, 2015.

FOR FURTHER INFORMATION CONTACT:

Alternate Designated Federal Officer: Denis G. Onieal, telephone (301) 447–1117, email *Denis.Onieal@fema.dhs.gov.*

Logistical Information: Ruth MacPhail, telephone (301) 447–1117, fax (301) 447–1173, and email *Ruth.Macphail@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Board of Visitors for the National Fire Academy (Board) will meet via teleconference on Thursday, May 7, 2015. The meeting will be open to the public. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (NFA) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, on the operation of the NFA and any improvements therein that the Board

deems appropriate. In carrying out its responsibilities, the Board examines NFA programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the physical plant of the NFA to determine the adequacy of the NFA's facilities, and examines the funding levels for NFA programs. The Board submits a written annual report through the United States Fire Administrator to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the NFA.

Agenda

1. The Board will receive updates on U.S. Fire Administration data, research, and response support initiatives.
2. The Board will discuss deferred maintenance and capital improvements on the National Emergency Training Center campus and Fiscal Year 2015 Budget Request/Budget Planning.
3. The Board will review and give feedback on NFA program activities, including:
- The Managing Officer Program, a new multiyear curriculum that introduced emerging emergency services leaders to personal and professional skills in change management, risk reduction, and adaptive leadership; a progress report on this new program will be discussed;
- Adoption of the Fire and Emergency Services Higher Education Model by Foreign Countries;
- Training, Resource and Data Exchange (TRADE) policy discussion;
- Review of Professional Development Crosswalk, national standards for Fire Officer competencies and their interrelationships with State, National and Academic programs;
- Volunteer Incentive Program (VIP) policy change discussion;
- Off-Campus delivery program changes;
- Status of staff vacancies and challenges;
- Contract instructor issues and challenges;
- Incremental versus radical course material policy discussion;
- Status of Mediated Online courses;
- Curriculum and Instruction program activities;
- Interagency Agreement with the Department of Transportation with update on Traffic Incident Management Course;
- Policy and program change discussion regarding consolidation of Management and Leadership Curricula;
- Status of the National Professional Development Symposium which brings national training and education audiences together for their annual conference and support initiatives, scheduled to be held June 10–12, 2015;
- Fire and Emergency Services Higher Education (FESHE) Recognition Program Update;
- Program Decision Option budget requests to Department of Homeland Security.

There will be a 10-minute comment period after each agenda item; each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact Ruth MacPhail to register as a speaker.

Dated: April 15, 2015.

Denis G. Onieal,

Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2015–09259 Filed 4–20–15; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0011; OMB No. 1660–NEW]

Agency Information Collection Activities: Proposed Collection; Comment Request, Integrated Public Alert and Warning Systems (IPAWS) Memorandum of Agreement Applications

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Integrated Public Alert and Warning Systems (IPAWS) Memorandum of Agreement Applications.

DATES: Comments must be submitted on or before June 22, 2015.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2015–0011. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street, SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Hans N. Yu, Project Manager, FEMA, National Continuity Programs, Protection & National Preparedness, (202) 646–3910 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 212–4701 or email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Presidential Executive Order 13407 establishes the policy for an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the American people in situations of war, terrorist attack, natural disaster, or other hazards to public safety and wellbeing. The Integrated Public Alert and Warning System (IPAWS) is the Department of Homeland Security's (DHS) response to the Executive Order. The Stafford Act (U.S.C. Title 42, Chapter 68, Subchapter II) requires that FEMA make IPAWS available to Federal, State, and local agencies for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters. The information collected is used by FEMA to create a Memorandum of Agreement (MOA) that regulates the management, operations, and security of the information technology system connection between a Federal, State, territorial, tribal or local alerting authority and IPAWS–OPEN (Open Platform for Emergency Notifications).

Collection of Information

Title: Integrated Public Alert and Warning Systems (IPAWS) Memorandum of Agreement Applications.

Type of Information Collection: New information collection.

OMB Number: 1660–NEW.

FEMA Forms: FEMA Form 007–0–25, IPAWS Memorandum of Agreement (MOA) Application; FEMA Form 007–0–26, Memorandum of Agreement Application for (Tribal Governments).

Abstract: A Federal, State, territorial, tribal, or local alerting authority that applies for authorization to use IPAWS is designated as a Collaborative Operating Group or ''COG'' by the IPAWS Program Management Office (PMO). Access to IPAWS is free; however, to send a message using IPAWS, an organization must procure its own IPAWS compatible software. To become a COG, a Memorandum of Agreement (MOA) governing system security must be executed between the sponsoring organization and FEMA.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 160.

Number of Responses: 160.

Estimated Total Annual Burden Hours: 160 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate	Total annual respondent cost
State, Local or Tribal Government.	IPAWS Memorandum of Agreement Application/. FEMA Form 007–0–25.	150	1	150	1	150	$38.30	$5,745.00
State, Local or Tribal Government.	IPAWS Memorandum of Agreement Application for Tribal Governments/. FEMA Form 007–0–26.	10	1	10	1	10	38.30	383.00
Total		160		160		160		6,128.00

• **Note:** The ''Avg. Hourly Wage Rate'' for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $6,128.00. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $74,343.00.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: April 13, 2015.

Janice Waller,

Acting Director, Records Management Division, U.S. Department of Homeland Security, Federal Emergency Management Agency, Mission Support.

[FR Doc. 2015–09252 Filed 4–20–15; 8:45 am]

BILLING CODE 9111–AB–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0005; OMB No. 1660–0038]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Write Your Own (WYO) Company Participation Criteria; New Applicant

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before May 21, 2015.

ADDRESSES: 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 Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street, SW., Washington, DC 20472–3100, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Changes Since Publication of the 60 Day **Federal Register** *Notice:* The abstract has been updated to remove a reference public risk sharing organization because the authority for allowing such entities to enter the WYO program has sunsetted. The abstract has also been revised for clarity. The burden hours have been updated to reflect the one-time test of the insurance company's ability to use the NFIP

Transaction Record Reporting and Processing Plan (TRRP) System.

Collection of Information

Title: Write Your Own (WYO) Company Participation Criteria; New Applicant.

Type of information collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0038.

Form Titles and Numbers: None.

Abstract: New insurance companies that seek to participate in the WYO program, as well as former WYO companies seeking to return, must meet standards for WYO Financial Control Plan (approved under OMB Control# 1660–0020). Private Insurance Companies wishing to enter or reenter the WYO program must demonstrate the ability to meet the requirements laid out in 44 CFR 62.24. The information allows FEMA to determine the applicant's capability of meeting program goals for, among other things, the marketing and administering of National Flood Insurance Program (NFIP) flood insurance policies, and to meet the financial control and reporting requirements of the NFIP.

Affected Public: Business of other for-profit.

Estimated Number of Respondents: 5.

Estimated Total Annual Burden Hours: 45 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $2,892.60. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $5,409.18.

Dated: April 13, 2015.

Janice Waller,

Acting Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–09255 Filed 4–20–15; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0017]

Agency Information Collection Activities: Application for Advance Permission To Enter as Nonimmigrant Pursuant to Section 212(d)(3)(A)(ii) of the INA, Section 212(d)(13) of the INA, or Section 212(d)(14) of the INA, Form I–192, Form I–192; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on December 18, 2014, at 79 FR 75579, allowing for a 60-day public comment period. USCIS did receive 1 comment in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 21, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0017.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFOMRATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Laura Dawkins, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377 (comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0009 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Advance Permission to Enter as Nonimmigrant Pursuant to Section 212(d)(3)(A)(ii) of the INA, Section 212(d)(13) of the INA, or Section 212(d)(14) of the INA, Form I–192.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–192; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form is provided by the U.S. Citizenship and Immigration Services (USCIS) as a means for certain inadmissible nonimmigrant aliens to

apply for permission to enter the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–192 is 10,448 and the estimated hour burden per response is .5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 5,224 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There is no estimated annual cost burden associated with this collection of information.

Dated: April 15, 2015.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015–09171 Filed 4–20–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0053]

Agency Information Collection Activities: Request for Certification of Military or Naval Service, Form N–426; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: 30-day notice.

SUMMARY: DHS, USCIS will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on December 18, 2014, at 79 FR 75578, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 21, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0053.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Laura Dawkins, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377 (comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0016 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Certification of Military or Naval Service.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–426; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS uses the information collected through Form N–426 to request a verification of the military or naval service claim by an applicant filing for naturalization on the basis of honorable service in the U.S. armed forces.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–426 is 10,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,330 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The total estimated annual cost burden associated with this collection is $245,000.

Dated: April 15, 2015.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015–09157 Filed 4–20–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–20]

30-Day Notice of Proposed Information Collection: Family Unification Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection

requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 21, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 6, 2015 at 80 FR 6739.

A. Overview of Information Collection

Title of Information Collection: Family Unification Program.

OMB Approval Number: 2577–0259.

Type of Request: Extension of currently approved collection.

Form Numbers: HUD–52515; HUD–50058; HUD–2993; HUD- 96011; HUD–2990; HUD–2991; and HUD–2880; SF–424; SF–LLL.

Description of the need for the information and proposed use: The Family Unification Program (FUP) is a program, authorized under section 8(x) of the United States Housing Act of 1937 (42 U.S.C. 1437(X), that provides housing choice vouchers to PHAs to assist families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child or children in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care. Youths at least 18 years old and not more than 21 years old (have not reached 22nd birthday) who left foster care at age 16 or older and who do not have adequate housing are also eligible to receive housing assistance under the FUP. As required by statute, a FUP voucher issued to such a youth may only be used to provide housing assistance for the youth for a maximum of 18 months. Vouchers awarded under FUP are administered by PHAs under HUD's regulations for the Housing Choice Voucher program (24 CFR part 982).

Respondents: Public Housing Agencies.

Description of information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
SF424 (0348–0043) Application for Federal Assistance.	265	Annual ...	1	1	265	$35.00	$9,275
SF LLL (0348–0046) Lobbying Form.	10	Annual ...	1	1	10	35.00	350
HUD–96011 (2535–0118) 3rd Party Documentation Facsimile Transmittal.	265	Annual	1	1	265	35.00	9,275
HUD -2993 Acknowledgement of Application Receipt (2577–0259).	13	Annual	1	1	13	35.00	455
Logic Model-HUD–96010 (2535–0114).	265	Annual	1	1	0	35.00	0
PCWA Statement of Need (maximum of 5 pages).	265	Annual	1	2	596	35.00	20,860
Memorandum of Understanding between PHA and PCWA.	265	Annual	1	6	1590	35.00	55,650
Rating Criteria 1: Area-Wide Housing Opportunities. Narratives (up to 20 pages). Logic Model (HUD–96010).	265	Annual	1	3	795	35.00	27,825
Rating Criteria 2: PCWA Commitments. Narratives (up to 10 pages). Other Documentation.	265	Annual ...	1	1	331	35.00	11,585
Rating Criteria 3: Self-Sufficiency Programs. Narrative: (up to 6 pages) Documentation: Excerpt from Administrative Plan or policies manual for FSS program operations Certification: FUP recipients enrolled in FSS.	265	Annual	1	1	133	35.00	4,655
Rating Criteria 4: Local Coordination Letter of Support.	265	Annual ...	1	1	265	35.00	9,275

Description of information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
PCWA Contractor Documentation.	265	Annual	1	1	265	35.00	9,275
HUD2990, Certification of Consistency with the RC/EZ/EC–IIs Strategic Plan.	265	Annual	1	1	0	35.00	0
Funding Application HUD–52515 (2577–0169). Includes leasing schedule.	265	Annual	1	1	265	35.00	9,275
Affirmatively Furthering Fair Housing Statement (addendum).	265	Annual	1	1	265	35.00	9,275
HUD2880, Applicant/Recipient Disclosure/Update Report (2510–0011).	265	Annual ...	1	1	0	35.00	0
HUD2991, Certification of Consistency with the Consolidated Plan.	265	Annual ...	1	1	0	35.00	0
Subtotal (Application) ...	265	Annual ...	1	25	5058	35	177,030
Family Report HUD–50058 (2577–0083).	242	Annual	75	1	363	35.00	12,705
Baseline adjustment	10	Annual	1	1	5	35.00	175
Program and Accounting Recordkeeping.	242	Annual	1	5	1210	35.00	42,350
Subtotal (Reporting/Recordkeeping).	.....	.....	.....	11	1578	35	55230
Total	265	Annual	1	36	6636	35.00	232,260

Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: *April 15, 2015.*

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–09256 Filed 4–20–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–19]

30-Day Notice of Proposed Information Collection: Procedures for Appealing Rent Adjustments

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: May 21, 2015.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 7, 2015 at 80 FR 901.

A. Overview of Information Collection

Title of Information Collection: Procedure for Appealing Section 8 Rent Adjustments.

OMB Approval Number: 2502–0446.

Type of Request: Extension without change of currently approved collection.

Form Numbers: Owners will submit rent appeal on owner's letterhead providing a written explanation for the appeal.

Description of the need for the information and proposed use: Title II, section 221, of the National Housing Act

requires the Department of Housing and Urban Development (HUD) to establish rents for certain subsidized rental projects. Under this legislation, HUD is charged with the responsibility of determining the method of rent adjustments and with facilitating these adjustments. Because rent adjustments are considered benefits to project owners, HUD must also provide some means for owners to appeal the decisions made by the Department or the Contract Administrator. This appeal process and the information collection play an important role in preventing costly litigation and in ensuring the accuracy of the overall rent adjustment process.

Respondents (*i.e.* affected public): Owners of certain subsidized multifamily rental projects.

Estimated Number of Respondents: 525.

Estimated Number of Responses: 525.

Frequency of Response: 1.

Average Hours per Response: 2.

Total Estimated Burdens: 1050.

Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: April 15, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–09258 Filed 4–20–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invasive Species Advisory Committee; Notice of a Meeting

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Public Meetings of the Invasive Species Advisory Committee.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of meetings of the Invasive Species Advisory Committee (ISAC). Comprised of 30 nonfederal invasive species experts and stakeholders from across the nation, the purpose of the Advisory Committee is to provide advice to the National Invasive Species Council, as authorized by Executive Order 13112, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. The Council is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of the Council is to provide national leadership regarding invasive species issues.

Purpose of Meeting: To convene the full ISAC and to provide expert input and recommendations to NISC federal agencies and their partners on invasive species matters of national importance. While in session, ISAC will discuss the development of the next iteration of the National Invasive Species Management Plan, as well as ongoing progress under a variety of priority initiatives focused on invasive species early detection and rapid response (EDRR). The meeting agenda and supplemental materials are available on the NISC Web site at *http://www.doi.gov/invasivespecies/isac/isac-meetings.cfm.*

DATES: Meeting of the Invasive Species Advisory Committee: Wednesday, May 20, 2015: 8:30 a.m. to 5:00 p.m.; Thursday, May 21, 2015: 8:30 a.m. to 5:30 p.m.; Friday, May 22, 2015; 8:15 a.m.–12:00 p.m.

ADDRESSES: National Oceanic and Atmospheric Association (Building SSMC4), 1305 East-West Highway, Silver Spring, MD 20910. The general session will be held in Room 4527.

Note: All meeting participants and interested members of the public must be cleared through building security prior to being escorted to the meeting.

FOR FURTHER INFORMATION CONTACT: Kelsey Brantley, National Invasive Species Council Program Specialist and ISAC Coordinator, (202) 208–4122; Fax: (202) 208–4118, email: *Kelsey_Brantley@ios.doi.gov.*

Dated: April 15, 2015.

Christopher P. Dionigi,

Acting Executive Director, National Invasive Species Council.

[FR Doc. 2015–09054 Filed 4–20–15; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–PWRO–17356; PXPD004214G001]

Final Environmental Impact Statement for the Channel Islands National Park General Management Plan/Wilderness Study, Santa Barbara County, California

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) announce the availability of a Final Environmental Impact Statement (Final EIS) for the Channel Islands National Park General Management Plan/Wilderness Study (GMP/WS). The Final EIS/GMP/WS evaluates the impacts of three alternatives for management of the park over the next 20 to 40 years.

DATES: The NPS will execute a Record of Decision (ROD) no sooner than 30 days following publication in the **Federal Register** of the Environmental Protection Agency's notice of the filing and release of the Final EIS/GMP/WS.

ADDRESSES: A limited number of printed copies of the Final EIS/GMP/Wilderness Study may be picked up in-person or by making a request in writing to Channel Islands National Park, 1901 Spinnaker Dr., Ventura, CA 93001. The document is also available on the internet at the NPS Planning, Environment, and Public Comment Web site *http://parkplanning.nps.gov/chis.*

FOR FURTHER INFORMATION CONTACT: Mr. Russell Galipeau, Superintendent, Channel Islands National Park, 1901 Spinnaker Dr., Ventura, CA 93001; *russell_galipeau@nps.gov;* (805) 658–5702.

SUPPLEMENTARY INFORMATION: For a park that includes five remote islands spanning 2,228 square miles of land and sea, the GMP defines a clear direction for resource preservation and visitor experience over the next 20 to 40 years. The GMP provides a framework for proactive decision making, which allows managers to effectively address

future opportunities and problems, such as resource, operational, administrative, and visitor use issues facing the park. The GMP serves as the basis for future detailed management documents, such as five-year strategic plans and implementation plans. In addition, the wilderness study component determines if eligible portions of the park should be proposed for wilderness designation.

The Final EIS/GMP/Wilderness Study responds to, and incorporates as appropriate, agency and public comments received on the Draft Plan/Wilderness Study/EIS, which was available for public and agency review and comment during the extended 90-day comment period. Two public meetings were held to gather input on the Draft Plan/Wilderness Study/EIS, one of which also included a public hearing on the wilderness study. One thousand, six hundred and twenty pieces of correspondence were received during the public review period. Agency and public comments and NPS responses are provided in Chapter 5 in the Final EIS/GMP/Wilderness Study.

The Final EIS/GMP/Wilderness Study describes and analyzes three alternatives for Channel Islands National Park. *Alternative 1* (No Action Alternative) reflects current management direction and serves as a baseline for comparison with the other alternatives. Existing facilities, resource programs, and visitor opportunities would continue as they are. No areas of the park would be proposed for wilderness designation.

Alternative 2—This alternative emphasizes ecosystem preservation, restoration, and preservation of large expanses in relatively pristine resource conditions. Resource stewardship including ecosystem preservation and restoration, and preservation of natural landscapes, cultural landscapes, archeological resources, and historic structures would continue to be emphasized. Increased recreational opportunities would be provided for visitors to enjoy and appreciate the park. Under Alternative 2, a total of 66,576 acres of the park would be proposed for eventual wilderness designation, primarily on Santa Rosa and Santa Cruz Islands.

Alternative 3 (Preferred Alternative)—This alternative emphasizes resource stewardship and resource preservation; while also placing more attention on expanding education and recreational opportunities and accommodations to provide diverse visitor experiences on the islands. Under Alternative 3, as under Alternative 2, a total of 65,278 acres would be proposed for eventual wilderness designation.

Dated: March 27, 2015.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 2015–09107 Filed 4–20–15; 8:45 am]

BILLING CODE 4312–55–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0003]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Report of Multiple Sale or Other Disposition of Pistols and Revolvers

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 80, Number 31, page 8347 on February 17, 2015, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until May 21, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Helen Koppe at *fipb-informationcollection@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this Information Collection 1140–0003:

(1) *Type of Information Collection:* Extension of an existing collection.

(2) *Title of the Form/Collection:* Report of Multiple Sale or Other Disposition of Pistols and Revolvers.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 3310.4.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Federal Government, State, Local, or Tribal Government.

Abstract: The information documents certain sales or other dispositions of handguns for law enforcement purposes and determines if the buyer is involved in an unlawful activity, or is a person prohibited by law from obtaining firearms.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 73,799 respondents will take 15 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 82,292 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: April 16, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–09196 Filed 4–20–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0197]

Occupational Safety and Health State Plans; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its request for an extension of the Office of Management and Budget's (OMB) approval of the information collection requirements associated with its regulations and program regarding State Plans for the development and enforcement of state occupational safety and health standards (29 CFR parts 1902, 1952, 1953, 1954, 1955, 1956).

DATES: Comments must be submitted (postmarked, sent, or received) by June 22, 2015.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0197, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2011–0197) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Eric Lahaie at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Eric Lahaie, Directorate of Cooperative and State Programs, Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3700, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2215; email, *lahaie.eric@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* the State Plans) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and cost) is minimized, collection instruments are understandable, and OSHA's estimate of the information collection burden is accurate. Currently, OSHA is soliciting comments concerning the extension of the information collection requirements contained in the series of regulations establishing requirements for the submission, initial approval, continuing approval, final approval, monitoring and evaluation of OSHA-approved State Plans:

- 29 CFR part 1902, State Plans for the Development and Enforcement of State Standards;
- 29 CFR part 1952, Approved State Plans for Enforcement of State Standards;
- 29 CFR part 1953, Changes to State Plans for the Development and Enforcement of State Standards;
- 29 CFR part 1954, Procedures for the Evaluation and Monitoring of Approved State Plans;
- 29 CFR part 1955, Procedures for Withdrawal of Approval of State Plans; and
- 29 CFR part 1956, State Plans for the Development and Enforcement of State Standards Applicable to State and Local Government Employees in States without Approved Private Employee Plans.

Section 18 of the Occupational Safety and Health Act (29 U.S.C. 667) offers an opportunity to the states to assume responsibility for the development and enforcement of state standards through the mechanism of an OSHA-approved State Plan. Absent an approved plan, states are precluded from enforcing occupational safety and health standards in the private sector with respect to any issue for which Federal OSHA has promulgated a standard. Once approved and operational, the state adopts standards and provides most occupational safety and health enforcement and compliance assistance in the state, under the authority of its plan, instead of Federal OSHA. States also must extend their jurisdiction to cover state and local government employees and may obtain approval of State Plans limited in scope to these workers. To obtain and maintain State Plan approval, a state must submit various documents to OSHA describing its program structure and operation, including any modifications thereto as they occur, in accordance with the identified regulations. OSHA funds 50 percent of the costs required to be incurred by an approved State Plan with the state at least matching and providing additional funding at its discretion.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on participating states who must comply;

for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the collection of information requirements associated with its State Plan regulations. The Agency is requesting an adjustment increase of 173 burden hours, from 11,196 to 11,369 hours. This burden hour increase is the result of the anticipated increase in the submission of state plan changes associated with one state (Maine) actively implementing a new State Plan. The burden hour increase was partially offset by the decrease in the estimated number of state-initiated state plan changes. The Agency will summarize the comments submitted in response to this notice and will include this summary in its request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Occupational Safety and Health State Plans.

OMB Control Number: 1218–0247.

Affected Public: Designated state government agencies that are seeking or have submitted and obtained approval for State Plans for the development and enforcement of occupational safety and health standards.

Number of Respondents: 28.

Frequency: On occasion; quarterly; annually.

Total Responses: 1,279.

Average Time per Response: Varies from 30 minutes (.5 hour) to respond to an information inquiry to 80 hours to document state annual performance goals.

Estimated Total Burden Hours: 11,369.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0197). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the OSHA docket number, so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information, such as their social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 15, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–09077 Filed 4–20–15; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–400; NRC–2015–0101]

Shearon Harris Nuclear Power Plant, Unit 1; Consideration of Approval of Transfer of License and Conforming Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for direct transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by Duke Energy Progress, Inc. (Duke Energy) and North Carolina Eastern Municipal Power Agency (NCEMPA), on December 22, 2014, as supplemented by letter dated March 4, 2015. The application seeks NRC approval of the direct transfer of Renewed Facility Operating License No. NPF–63 for the Shearon Harris Nuclear Power Plant, Unit 1, from the current holder, NCEMPA, to Duke Energy. The NRC is also considering amending the license for administrative purposes to reflect the proposed transfer.

DATES: Comments must be filed by May 21, 2015. A request for a hearing must be filed by May 11, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0101. 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.
- *Email comments to: Hearingdocket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Martha Barillas, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2760, email: *Martha.Barillas@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0101 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0101.
- *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.* ''Shearon Harris, Unit 1, Application for Order Approving Transfer of Control of License and for Conforming License Amendment'' and ''Shearon Harris, Unit 1—Supplement to Application for Order Approving Transfer of Control of License and for Conforming License Amendment'' are available in ADAMS under Accession Nos. ML14358A253 and ML15064A010, respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0101 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering the issuance of an order under 10 CFR 50.80 approving the direct transfer of control of Renewed Facility Operating License No. NPF–63 for the Shearon Harris Nuclear Power Plant, Unit 1, to the extent currently held by NCEMPA. The transfer would be to co-owner Duke Energy. The NRC is also considering amending the license for administrative purposes to reflect the proposed transfer.

Following approval of the proposed direct transfer of control of the license, Duke Energy would acquire NCEMPA's ownership interest in the facility and would hold 100 percent ownership of the facility. Duke Energy would be responsible for the operation and maintenance of Shearon Harris Nuclear Power Plant, Unit 1, and would operate it under the same terms and conditions included in the present operating license.

No physical changes to the Shearon Harris Nuclear Power Plant, Unit 1, or operational changes are being proposed in the application.

The NRC's regulations at 10 CFR 50.80 state that no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the direct transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

III. Opportunity to Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days from the date of publication of this notice, any person(s) whose interest may be affected by the Commission's action on the application may request a hearing and intervention via electronic submission through the NRC's E-Filing system. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C, ''Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309, which is available at the NRC's PDR, located at O–1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC regulations are accessible electronically from the NRC Library on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular

reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order that may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Requests for hearing, petitions for leave to intervene, and motions for leave to file contentions after the deadline in 10 CFR 2.309(b) will not be entertained absent a determination by the presiding officer that the new or amended filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1).

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by May 11, 2015. The petition must be filed in accordance with the filing instructions in Section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by June 22, 2015.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in,

is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated December 22, 2014, as supplemented on March 4, 2015.

Dated at Rockville, Maryland, this 13th day of April 2015.

For the Nuclear Regulatory Commission.

Martha Barillas,

Project Manager, Plant Licensing Branch II–2, Division of Operator Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–09262 Filed 4–20–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Proj–0803; NRC–2013–0235]

Northwest Medical Isotopes, LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: Construction permit application; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has received and is making available the first part of the application for a construction permit, submitted by Northwest Medical Isotopes, LLC (NWMI). NWMI proposes to build a medical radioisotope production facility located in Columbia, Missouri.

DATES: April 21, 2015.

ADDRESSES: Please refer to Docket ID NRC–2013–0235 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–2013–0235. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS*): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael Balazik, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone: 301–415–2856; email: *Michael.Balazik@nrc.gov.*

SUPPLEMENTARY INFORMATION: On November 7, 2014, NWMI filed with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), a portion of an application for a construction permit for a medical radioisotope production facility in Columbia, Missouri. By letter dated February 5, 2015 (ADAMS Accession No. ML15086A262), NWMI withdrew and resubmitted this portion of their construction permit application (ADAMS Accession No. ML15086A261) to include a discussion of connected actions in their environmental report in response to a letter from the NRC (ADAMS Accession No. ML14349A501).

An exemption from certain requirements of 10 CFR 2.101(a)(5) granted by the Commission on October 7, 2013 (ADAMS Accession No. ML13238A333), in response to a letter from NWMI dated August 9, 2013 (ADAMS Accession No. ML13227A295), allowed for NWMI to submit its construction permit application in two parts. Specifically, the exemption allowed NWMI to submit a portion of its application for a construction permit up to 6 months prior to the remainder of the application regardless of whether or not an environmental impact statement or a supplement to an environmental impact statement is prepared during the review of its application. On February 5, 2015, in accordance with 10 CFR 2.101(a)(5), NWMI submitted the following in part one of the construction permit application:

- The description and safety assessment of the site required by 10 CFR 50.34(a)(1),
- the environmental report required by 10 CFR 50.30(f),
- the filing fee information required by 10 CFR 50.30(e) and 10 CFR 170.21,
- the general information required by 10 CFR 50.33, and
- the agreement limiting access to classified information required by 10 CFR 50.37.

As stated in NWMI's February 5, 2015, letter, part two of NWMI's application for a construction permit will contain the remainder of the preliminary safety analysis report required by 10 CFR 50.34(a) and will be submitted in accordance with the requirements of 10 CFR 2.101(a)(5).

Subsequent **Federal Register** notices will address the acceptability of this part of the tendered construction permit application for docketing and provisions for public participation in the construction permit application review process.

Dated at Rockville, Maryland, this 13th day of April, 2015.

For the Nuclear Regulatory Commission.

Alexander Adams, Jr.,

Chief, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–09273 Filed 4–20–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–324 and 50–325; NRC–2015–0100]

Brunswick Steam Electric Plant, Units 1 and 2; Consideration of Approval of Transfer of Licenses and Conforming Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for direct transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by Duke Energy Progress, Inc. (Duke Energy) and North Carolina Eastern Municipal Power Agency (NCEMPA), on December 22, 2014, as supplemented by letter dated March 4, 2015. The application seeks NRC approval of the direct transfer of Renewed Facility Operating License Nos. DPR–71 and DPR–62 for the Brunswick Steam Electric Plant, Units 1 and 2 from the current holder, NCEMPA, to Duke Energy. The NRC is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

DATES: Comments must be filed by May 21, 2015. A request for a hearing must be filed by May 11, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0100. 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.
- *Email comments to: Hearingdocket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Martha Barillas, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2760, email: *Martha.Barillas@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0100 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0100.
- *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.* ''Brunswick, Units 1 and 2, Application for Order Approving Transfer of Control of License and for Conforming License Amendment'' and ''Brunswick, Units 1 and 2—Supplement to Application for Order Approving Transfer of Control of License and for Conforming License Amendment'' are available in ADAMS under Accession Nos. ML14358A253 and ML15064A010, respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments Please Include Docket ID NRC–2015–0100 in Your Comment Submission

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering the issuance of an order under § 50.80 of Title 10 of the *Code of Federal Regulations* (10 CFR) approving the direct transfer of control of Renewed Facility Operating License Nos. DPR–71 and DPR–62 for the Brunswick Steam Electric Plant, Units 1 and 2, to the extent currently held by NCEMPA. The transfer would be to co-owner Duke Energy. The NRC is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

Following approval of the proposed direct transfer of control of the licenses, Duke Energy would acquire NCEMPA's ownership interest in the facilities and would hold 100 percent ownership of the facilities. Duke Energy would be responsible for the operation and maintenance of Brunswick Steam Electric Plant, Units 1 and 2, and would operate them under the same terms and conditions included in the present operating licenses.

No physical changes to the Brunswick Steam Electric Plant, Units 1 and 2, or operational changes are being proposed in the application.

The NRC's regulations at 10 CFR 50.80 state that no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the direct transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days from the date of publication of this notice, any person(s) whose interest may be affected by the Commission's action on the application may request a hearing and intervention via electronic submission through the NRC's E-Filing system. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C, ''Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309, which is available at the NRC's PDR, located at O–1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC regulations are accessible electronically from the NRC Library on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*.

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order that may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/

petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Requests for hearing, petitions for leave to intervene, and motions for leave to file contentions after the deadline in 10 CFR 2.309(b) will not be entertained absent a determination by the presiding officer that the new or amended filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1).

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by May 11, 2015. The petition must be filed in accordance with the filing instructions in Section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by June 22, 2015.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated December 22, 2014, as supplemented on March 4, 2015.

Dated at Rockville, Maryland, this 13th day of April 2015.

For the Nuclear Regulatory Commission.

Martha Barillas,

Project Manager, Plant Licensing Branch II–2, Division of Operator Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–09278 Filed 4–20–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8943;ASLBP No. 07–859–03–MLA–BD01]

Crow Butte Resources, Inc. (North Trend Expansion Project); Notice of Atomic Safety and Licensing Board Reconstitution

Pursuant to 10 CFR 2.313(c) and 2.321(b), the Atomic Safety and Licensing Board in the above-captioned *North Trend Expansion Project* license amendment proceeding is hereby reconstituted by appointing Administrative Judge G. Paul Bollwerk, III to serve as Chairman in place of Administrative Judge Ann Marshall Young.

All correspondence, documents, and other materials shall continue to be filed in accordance with the NRC E-filing rule. *See* 10 CFR 2.302 *et seq.*

Issued at Rockville, Maryland this 15th day of April 2015.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board.

[FR Doc. 2015–09261 Filed 4–20–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–039; NRC–2008–0603]

Bell Bend Nuclear Power Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft environmental impact statement; public meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers (USACE), Baltimore District, are issuing for public comment NUREG–2179, ''Environmental Impact Statement for the Combined License (COL) for the Bell Bend Nuclear Power Plant'' to support the environmental review for the COL. PPL Bell Bend, LLC (PPL) submitted an application for the COL to construct and operate one new nuclear power plant at its Bell Bend Nuclear Power Plant (BBNPP) site, located in Luzerne County, Pennsylvania.

DATES: Submit comments by July 7, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0603. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN–O12–H8, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments,'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tomeka Terry, telephone: 301–415–1488, email: *Tomeka.Terry@nrc.gov, or* Patricia Vokoun, telephone: 301–415–3470, email: *Patricia.Vokoun@nrc.gov.* Both are staff of the Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2008–0603 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0603.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the

ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. The draft environmental impact statement (EIS) is available in ADAMS under accession Nos. ML15103A012 and ML15103A025, respectively.

- 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.
- Project Web site: The draft EIS can be accessed online at the Bell Bend COL specific Web page at: *http://www.nrc.gov/reactors/new-reactors/col/bell-bend.html.*

B. Submitting Comments

Please include Docket ID NRC–2008–0603 in the subject line of your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

The NRC is issuing for public comment NUREG–2179, ''Draft Environmental Impact Statement for the Combined License (COL) for the Bell Bend Nuclear Power Plant.'' The PPL submitted an application for the COL to construct and operate one new nuclear power plant at its BBNPP site, located in Luzerne County, Pennsylvania. The application was submitted by letter dated October 10, 2008, pursuant to part 52 of Title 10 of the *Code of Federal Regulations* (CFR). A notice of receipt and availability of the application including the environmental report was published in the **Federal Register** on November 13, 2008 (73 FR 67214). A notice of acceptance for docketing of the COL application was published in the **Federal Register** on December 29, 2008 (73 FR 79519). A notice of intent to prepare a draft EIS and to conduct scoping was published in the **Federal Register** on January 6, 2009 (74 FR 470). On March 30, 2012, PPL submitted a revised environmental report (Part 3 of the COL application), in accordance with 10 CFR 51.45 and 51.50, to provide detailed information regarding the revised site layout that was developed in order to avoid wetland impacts by relocating the power block footprint and other plant components. A notice of intent to conduct a supplemental scoping process on the revised site layout was published in the **Federal Register** on June 15, 2012 (77 FR 36012).

The draft EIS also supports the USACE's review and was prepared in accordance with the National Environmental Policy Act of 1969, as amended. The draft EIS also supports the USACE's review of the Department of the Army permit application from PPL (CENAB–OP–RPA–2008–01401). The USACE's Public Interest Review will be part of its Record of Decision and is not addressed in the draft EIS. As part of the USACE public comment process, the USACE will publish a notice (in the **Federal Register**) within 30 days of the publication of the draft EIS to solicit comments from the public regarding PPL's Department of the Army permit application for proposed work at the BBNPP site.

II. Request for Comment and Public Meetings

The NRC is requesting public comments on the draft EIS. The NRC and USACE staff will conduct two public meetings to present an overview of the draft EIS and to accept public comments on both the document and the associated Department of the Army permit application on Thursday, June 4, 2015, at Bloomsburg University, Monty's Building Upper Campus, 400 East Second Street, Bloomsburg, Pennsylvania 17815. The first meeting will convene at 3:00 p.m. and will continue until 5:30 p.m., as necessary. The second meeting will convene at 7:30 p.m., with a repeat of the overview portions of the first meeting, and will continue until 10:00 p.m., as necessary. For additional information regarding the meetings, see the NRC's Public Meeting Schedule Web site at *https://meetings.nrc.gov/pmns/mtg.* The agenda will be posted no later than 10 days prior to the meetings.

Dated at Rockville, Maryland, this 14th day of April 2015.

For the Nuclear Regulatory Commission.

Mark Delligatti,

Deputy Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–09274 Filed 4–20–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–59; Order No. 2442]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Global Reseller Expedited Package Contracts 1 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 22, 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 April 13, 2015, the Postal Service filed notice that it has entered into an additional Global Reseller Expedited Package Contracts 1 (GREP 1) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 1 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, April 13, 2015 (Notice).

of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2015–59 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 22, 2015. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2015–59 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than April 22, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–09031 Filed 4–20–15; 8:45 am]

BILLING CODE 7710–FW–P

REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION

[BAC 416404]

Annual Public Meeting; Reagan-Udall Foundation for the Food and Drug Administration

ACTION: Notice of annual meeting.

SUMMARY: The Reagan-Udall Foundation for the Food and Drug Administration (FDA), which was created by Title VI of the Food and Drug Administration Amendments Act of 2007, is announcing its annual public meeting. The purpose of this meeting is to provide an opportunity for the Foundation to engage with its stakeholders and receive public input on its efforts. The meeting will include an organizational update, project updates, panel discussion, and open Q & A.

DATES: The public meeting will be held on May 15, 2015, from 10 a.m. until 12 noon. Registration to attend the meeting and requests for oral presentation must be received by May 8, 2015. See the **SUPPLEMENTARY INFORMATION** section for information on how to register for the meeting.

ADDRESSES: The public meeting will be held The Pew Charitable Trusts Conference Center, 901 E St. NW., Washington, DC 20004. Entrance for the meeting is located on 9th St. NW., between F St. NW. and E St. NW.

FOR FURTHER INFORMATION CONTACT: Jane Reese-Coulbourne, Reagan-Udall Foundation for the FDA, 202–828–1205, *Meetings@ReaganUdall.org.*

SUPPLEMENTARY INFORMATION:

I. Background

The Reagan-Udall Foundation for the FDA (the Foundation) is an independent 501(c)(3) not-for-profit organization created by Congress to advance the mission of FDA to modernize medical, veterinary, food, food ingredient, and cosmetic product development; accelerate innovation; and enhance product safety. With the ultimate goal of improving public health, the Foundation provides a unique opportunity for different sectors (FDA, patient groups, academia, other government entities, and industry) to work together in a transparent way to create exciting new research projects to advance regulatory science.

The Foundation acts as a neutral third party to establish novel, scientific collaborations. Much like any other independently developed information, FDA evaluates the scientific information from these collaborations to determine how Reagan-Udall Foundation projects can help the Agency to fulfill its mission.

The Foundation's programmatic efforts are designed to improve the existing scientific tools (methods) used to evaluate products as well as foster the development of innovative tools and approaches. This is exemplified in the Foundation's projects including: The Innovation in Medical Evidence Development and Surveillance Program, which develops and evaluates methods for using observational electronic health care data for postmarket evidence generation, including postmarket safety surveillance; the PredicTox Project, which applies systems biology to develop mechanistic models to predict adverse events; and the Critical Path to Tuberculosis Drug Regimens Project, which looks at novel approaches to development and review of tuberculosis combination therapies. Additionally, the Foundation is establishing regulatory science fellowships as part of its broader education efforts aimed at building capacity in regulatory science.

II. Meeting Attendance and Participation

A. Registration

If you wish to attend the meeting, visit: *http://goo.gl/GX6ysw.* Please register for the meeting by May 8, 2015. Seating may be limited, so early registration is recommended. Registration is free and will be on a first-come, first-served basis. Onsite registration on the day of the meeting will be based on space availability.

B. Requests for Oral Comments

Interested persons may present comments at the public meeting. Comments will be scheduled to begin approximate at 11:40 a.m. Time allotted for comments may be limited to 3 minutes, dependent on number of requests received. Those desiring to make oral comments should notify Jane Reese-Coulbourne (see **FOR FURTHER INFORMATION CONTACT**) by May 8, 2015. Please include a brief statement of the general nature of the comments they wish to present along with your name, address, telephone number, and email.

The agenda for the public meeting will be posted on the event registration page: *http://goo.gl/GX6ysw* and the Reagan-Udall Web site: *http://goo.gl/aSVymH.*

C. Written Comments

Interested persons may submit either electronic or written comments to the Foundation at any time to *Comments@ReaganUdall.org,* or by mail to the Reagan-Udall Foundation for the FDA, 1025 Connecticut Ave. NW., Suite 1000, Washington, DC 20036. Please include your name, address, telephone number, and email when making comments.

III. Post-Meeting Materials

The Foundation plans to make meeting materials and meeting recording available to the public after the meeting. Once available, these materials will be posted at *http://goo.gl/aSVymH.*

Dated: April 15, 2015.

Jane Reese-Coulbourne,

Executive Director, Reagan-Udall Foundation for the FDA.

[FR Doc. 2015–09072 Filed 4–20–15; 8:45 am]

BILLING CODE 4164–04–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74730; File No. SR–NYSEArca–2015–25]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change, and Amendment No. 1 Thereto, To List and Trade Shares of the iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF Under NYSE Arca Equities Rule 5.2(j)(3)

April 15, 2015.

Pursuant to section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 31, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. On April 14, 2015, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the original filing. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02, the shares of the following series of the iShares Trust: iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following series of the iShares Trust (the ''Trust'') under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02, which governs the listing and trading of Investment Company Units (''Units'') based on fixed income securities indexes: iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF (each a ''Fund'' and, collectively, the ''Funds'').[4]

Blackrock Fund Advisors (''BFA'') will be the investment adviser for the Funds.[5]

BlackRock Investments, LLC is the Funds' distributor (''Distributor'').[6]

iShares iBonds Dec 2021 AMT-Free Muni Bond ETF

The Fund will seek to track the investment results of an index composed of investment-grade U.S. municipal bonds maturing after December 31, 2020 and before December 2, 2021. Specifically, the Fund will seek to track the investment results of the S&P AMT-Free Municipal Series December 2021 Index™ (the ''2021 Index''), which measures the performance of investment-grade, non-callable U.S. municipal bonds maturing after December 31, 2020 and before December 2, 2021.[7] As of February 10, 2015, there were 4,217 issues in the 2021 Index.

The 2021 Index includes municipal bonds primarily from issuers that are state or local governments or agencies such that the interest on the bonds is exempt from U.S. federal income taxes and the federal alternative minimum tax (''AMT''). Each bond must have a rating

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Commission previously has approved a proposed rule change relating to listing and trading on the Exchange of Units based on municipal bond indexes. *See* Securities Exchange Act Release Nos. 67985 (October 4, 2012), 77 FR 61804 (October 11, 2012) (SR–NYSEArca–2012–92) (order approving proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 72523 (July 2, 2014), 79 FR 39016 (July 9, 2014) (SR–NYSEArca–2014–37) (order approving proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02). The Commission also has issued a notice of filing and immediate effectiveness of a proposed rule change relating to listing and trading on the Exchange of the iShares Taxable Municipal Bond Fund. *See* Securities Exchange Act Release No. 63176 (October 25, 2010), 75 FR 66815 (October 29, 2010) (SR–NYSEArca–2010–94). The Commission has approved two actively managed funds of the PIMCO ETF Trust that hold municipal bonds. *See* Securities Exchange Act Release No. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving listing and trading of PIMCO Short-Term Municipal Bond Strategy Fund and PIMCO Intermediate Municipal Bond Strategy Fund, among others). The Commission also has approved listing and trading on the Exchange of the SPDR Nuveen S&P High Yield Municipal Bond Fund. *See* Securities Exchange Act Release No. 63881 (February 9, 2011), 76 FR 9065 (February 16, 2011) (SR–NYSEArca–2010–120).

[5] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, BFA and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[6] With respect to the iShares iBonds Dec 2021 AMT-Free Muni Bond ETF, *see* Post-Effective Amendment No. 1,380 to the Trust's registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''1933 Act'') and the Investment Company Act of 1940 (''1940 Act'') (15 U.S.C. 80a–1), dated March 26, 2015 (File Nos. 333–92935 and 811–09729), and, with respect to the iShares iBonds Dec 2022 AMT-Free Muni Bond ETF, see Post-Effective Amendment No. 1,381 to the Trust's registration statement on Form N–1A under the 1933 Act and 1940 Act, dated March 26, 2015 (File Nos. 333–92935 and 811–09729) (each a ''Registration Statement'' and, collectively, the ''Registration Statements''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statements. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 27608 (December 21, 2006) (File No. 812–13208) (''Exemptive Order'').

[7] The 2021 Index and the S&P AMT-Free Municipal Series December 2022 Index™ (or the ''2022 Index'') (described below) are products of S&P Dow Jones Indices LLC, a subsidiary of McGraw Hill Financial, Inc. (the ''Index Provider''), which is independent of the Funds and BFA. The Index Provider determines the composition and relative weightings of the securities in the 2021 Index and 2022 Index and publishes information regarding the market value of the 2021 Index and 2022 Index. The Index Provider is not a broker-dealer or affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the 2021 Index and 2022 Index.

of at least BBB- by Standard & Poor's Ratings Services (''S&P''), Baa3 by Moody's Investors Service, Inc. (''Moody's''), or BBB- by Fitch Ratings, Inc. (''Fitch'') and must have a minimum maturity par amount of $2 million to be eligible for inclusion in the 2021 Index. To remain in the 2021 Index, bonds must maintain a minimum par amount greater than or equal to $2 million as of each rebalancing date. All bonds in the 2021 Index will mature after December 31, 2020 and before December 2, 2021. When a bond matures in the 2021 Index, an amount representing its value at maturity will be included in the 2021 Index throughout the remaining life of the 2021 Index, and any such amount will be assumed to earn a rate equal to the performance of the Standard & Poor's Financial Services LLC's (a subsidiary of The McGraw-Hill Companies, Inc.) Weekly High Grade Index, municipal tax-exempt notes that are not subject to federal AMT. The 2021 Index is a market value weighted index and is rebalanced after the market close on the last business day of each month.

The Fund generally will invest at least 80% of its assets in the securities of the 2021 Index, except during the last months of the Fund's operations, as described below. The Fund may invest the remainder of its assets in cash and cash equivalents (including shares of money market funds affiliated with BFA), as well as in municipal bonds not included in the 2021 Index, but which BFA believes will help the Fund track the 2021 Index. The Fund will seek to track the investment results of the 2021 Index before fees and expenses of the Fund.

The Fund will generally hold municipal bond securities issued by state and local municipalities whose interest payments are exempt from U.S. federal income tax, the federal AMT and a federal Medicare contribution tax of 3.8% on ''net investment income,'' including dividends, interest and capital gains. In addition, the Fund may invest any cash assets in one or more affiliated municipal money market funds. In the last months of operation, as the bonds held by the Fund mature, the proceeds will not be reinvested in bonds but instead will be held in cash and cash equivalents, including, without limitation, shares of money market funds affiliated with BFA, AMT-free tax-exempt municipal notes, variable rate demand notes and obligations, tender option bonds and municipal commercial paper. These cash equivalents may not be included in the 2021 Index. Around December 1, 2021, the Fund will wind up and terminate, and its net assets will be distributed to then-current shareholders.

The Exchange is submitting this proposed rule change because the 2021 Index for the Fund does not meet all of the ''generic'' listing requirements of Commentary .02(a) to NYSE Arca Equities Rule 5.2(j)(3) applicable to the listing of Units based on fixed income securities indexes. The 2021 Index meets all such requirements except for those set forth in Commentary .02(a)(2).[8] Specifically, as of February 10, 2015, 6.8% of the weight of the 2021 Index components have a minimum original principal amount outstanding of $100 million or more.

As of February 10, 2015, 72% of the weight of the 2021 Index components was comprised of individual maturities that were part of an entire municipal bond offering with a minimum original principal amount outstanding of $100 million or more for all maturities of the offering. In addition, the total dollar amount outstanding of issues in the 2021 Index was approximately $38.9 billion and the average dollar amount outstanding of issues in the 2021 Index was approximately $9.2 million. Further, the most heavily weighted component represented 0.57% of the weight of the 2021 Index and the five most heavily weighted components represented 2.51% of the weight of the 2021 Index.[9] Therefore, the Exchange believes that, notwithstanding that the 2021 Index does not satisfy the criterion in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (a)(2), the 2021 Index is sufficiently broad-based to deter potential manipulation, given that it is comprised of approximately 4217 issues. In addition, the 2021 Index securities are sufficiently liquid to deter potential manipulation in that a substantial portion (72%) of the 2021 Index weight is comprised of maturities that are part of a minimum original principal amount outstanding of $100 million or more, and in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of 2021 Index issues, as referenced above.[10]

As of February 10, 2015, 58.2% of the 2021 Index weight consisted of issues with a rating of AA/Aa2 or higher.

The 2021 Index value, calculated and disseminated at least once daily, as well as the components of the 2021 Index and their percentage weighting, will be available from major market data vendors. In addition, the portfolio of securities held by the Fund will be disclosed on the Fund's Web site at *www.iShares.com.*

According to the Registration Statement, BFA expects that, over time, the Fund's tracking error will not exceed 5%. ''Tracking error'' is the difference between the performance (return) of the Fund's portfolio and that of the 2021 Index.

iShares iBonds Dec 2022 AMT-Free Muni Bond ETF

According to the Registration Statement, the iShares iBonds Dec 2022 AMT-Free Muni Bond ETF will seek to track the investment results of an index composed of investment-grade U.S. municipal bonds maturing after December 31, 2021 and before December 2, 2022. The Fund will seek to track the investment results of the S&P AMT-Free Municipal Series December 2022 Index™ (the ''2022 Index''), which measures the performance of investment-grade, non-callable U.S. municipal bonds maturing after December 31, 2021 and before December 2, 2022. As of February 10, 2015, there were 3473 issues in the 2022 Index.

The 2022 Index includes municipal bonds primarily from issuers that are state or local governments or agencies such that the interest on the bonds is exempt from U.S. federal income taxes and the federal alternative minimum tax (''AMT''). Each bond must have a rating of at least BBB- by S&P, Baa3 by Moody's, or BBB- by Fitch Ratings, Inc. and must have a minimum maturity par amount of $2 million to be eligible for inclusion in the 2022 Index. To remain in the 2022 Index, bonds must maintain a minimum par amount greater than or equal to $2 million as of each rebalancing date. All bonds in the 2022 Index will mature in after December 31, 2021 and before December 2, 2022.

[8] Commentary .02(a)(2) to NYSE Arca Equities Rule 5.2(j)(3) provides that components that in the aggregate account for at least 75% of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more.

[9] Commentary .02(a)(4) to NYSE Arca Equities Rule 5.2(j)(3) provides that no component fixed-income security (excluding Treasury Securities and GSE Securities, as defined therein) shall represent more than 30% of the weight of the index or portfolio, and the five most heavily weighted component fixed-income securities in the index or portfolio shall not in the aggregate account for more than 65% of the weight of the index or portfolio.

[10] BFA represents that when bonds are close substitutes for one another, pricing vendors can use executed trade information from all similar bonds as pricing inputs for an individual security. This can make individual securities more liquid, because valuations for a single security are better estimators of actual trading prices when they are informed by trades in a large group of closely related securities. As a result, securities are more likely to trade at prices close to their valuation when they need to be sold.

When a bond matures in the 2022 Index, an amount representing its value at maturity will be included in the 2022 Index throughout the remaining life of the 2022 Index, and any such amount will be assumed to earn a rate equal to the performance of the Standard & Poor's Financial Services LLC's Weekly High Grade Index, which consists of Moody's Investment Grade-1 municipal tax-exempt notes that are not subject to federal AMT. The 2022 Index is a market value weighted index and is rebalanced after the market close on the last business day of each month.

The Fund generally will invest at least 80% of its assets in the securities of the 2022 Index, except during the last months of the Fund's operations, as described below. The Fund may invest the remainder of its assets in cash and cash equivalents (including shares of money market funds affiliated with BFA), as well as in municipal bonds not included in the 2022 Index, but which BFA believes will help the Fund track the 2022 Index. The Fund will seek to track the investment results of the 2022 Index before fees and expenses of the Fund.

The Fund will generally hold municipal bond securities issued by state and local municipalities whose interest payments are exempt from U.S. federal income tax, the federal AMT and a federal Medicare contribution tax of 3.8% on ''net investment income,'' including dividends, interest and capital gains. In the last months of operation, as the bonds held by the Fund mature, the proceeds will not be reinvested in bonds but instead will be held in cash and cash equivalents, including, without limitation, shares of money market funds affiliated with BFA, AMT-free tax-exempt municipal notes, variable rate demand notes and obligations, tender option bonds and municipal commercial paper. These cash equivalents may not be included in the 2022 Index. Around December 1, 2022, the Fund will wind up and terminate, and its net assets will be distributed to then-current shareholders.

The Exchange is submitting this proposed rule change because the 2022 Index for the Fund does not meet all of the ''generic'' listing requirements of Commentary .02(a) to NYSE Arca Equities Rule 5.2(j)(3) applicable to the listing of Units based on fixed income securities indexes. The 2022 Index meets all such requirements except for those set forth in Commentary .02(a)(2).[11] Specifically, as of February 10, 2015, 5.8% of the weight of the 2022 Index components have a minimum original principal amount outstanding of $100 million or more.

As of February 10, 2015, 72.4% of the weight of the 2022 Index components was comprised of individual maturities that were part of an entire municipal bond offering with a minimum original principal amount outstanding of $100 million or more for all maturities of the offering. In addition, the total dollar amount outstanding of issues in the 2022 Index was approximately $30.5 billion and the average dollar amount outstanding of issues in the 2022 Index was approximately $8.8 million. Further, the most heavily weighted component represented 0.55% of the weight of the 2022 Index and the five most heavily weighted components represented 2.67% of the weight of the 2022 Index.[12] Therefore, the Exchange believes that, notwithstanding that the 2022 Index does not satisfy the criterion in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (a)(2), the 2022 Index is sufficiently broad-based to deter potential manipulation, given that it is comprised of approximately 3473 issues. In addition, the 2022 Index securities are sufficiently liquid to deter potential manipulation in that a substantial portion (72.4%) of the 2022 Index weight is comprised of maturities that are part of an offering with a minimum original principal amount outstanding of $100 million or more, and in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of 2022 Index issues, as referenced above.[13]

As of February 10, 2015, 59.7% of the 2022 Index weight consisted of issues with a rating of AA/Aa2 or higher.

The 2022 Index value, calculated and disseminated at least once daily, as well as the components of the 2022 Index and their percentage weighting, will be available from major market data vendors. In addition, the portfolio of securities held by the Fund will be disclosed on the Fund's Web site at *www.iShares.com.*

According to the Registration Statement, BFA expects that, over time, the Fund's tracking error will not exceed 5%. ''Tracking error'' is the difference between the performance (return) of the Fund's portfolio and that of the 2022 Index.

The Exchange represents that: (1) Except for Commentary .02(a)(2) to NYSE Arca Equities Rule 5.2(j)(3), the 2021 Index and 2022 Index currently satisfy all of the generic listing standards under NYSE Arca Equities Rule 5.2(j)(3); (2) the continued listing standards under NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2) applicable to Units shall apply to the Shares of a Fund; and (3) the Trust is required to comply with Rule 10A–3 [14] under the Act for the initial and continued listing of the Shares of a Fund. In addition, the Exchange represents that the Shares of the Funds will comply with all other requirements applicable to Units including, but not limited to, requirements relating to the dissemination of key information such as the value of the 2021 Index and 2022 Index, respectively, and the Intraday Indicative Value (''IIV''),[15] rules governing the trading of equity securities, trading hours, trading halts, surveillance, and the Information Bulletin to Equity Trading Permit Holders (''ETP Holders''), as set forth in Exchange rules applicable to Units and prior Commission orders approving the generic listing rules applicable to the listing and trading of Units.[16]

The current value of the 2021 Index and 2022 Index will be widely disseminated by one or more major market data vendors at least once per day, as required by NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(b)(ii).

[11] Commentary .02(a)(2) to NYSE Arca Equities Rule 5.2(j)(3) provides that components that in the aggregate account for at least 75% of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more.

[12] Commentary .02(a)(4) to NYSE Arca Equities Rule 5.2(j)(3) provides that no component fixed-income security (excluding Treasury Securities and GSE Securities, as defined therein) shall represent more than 30% of the weight of the index or portfolio, and the five most heavily weighted component fixed-income securities in the index or portfolio shall not in the aggregate account for more than 65% of the weight of the index or portfolio.

[13] BFA represents that when bonds are close substitutes for one another, pricing vendors can use executed trade information from all similar bonds as pricing inputs for an individual security. This can make individual securities more liquid, because valuations for a single security are better estimators of actual trading prices when they are informed by trades in a large group of closely related securities. As a result, securities are more likely to trade at prices close to their valuation when they need to be sold.

[14] 17 CFR 240.10A–3.

[15] The IIV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session of 9:30 a.m. to 4:00 p.m., Eastern time. Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IIVs taken from the Consolidated Tape Association (''CTA'') or other data feeds.

[16] *See, e.g.,* Securities Exchange Act Release Nos. 55783 (May 17, 2007), 72 FR 29194 (May 24, 2007) (SR–NYSEArca-2007–36) (order approving NYSE Arca generic listing standards for Units based on a fixed income index); 44551 (July 12, 2001), 66 FR 37716 (July 19, 2001) (SR–PCX–2001–14) (order approving generic listing standards for Units and Portfolio Depositary Receipts); 41983 (October 6, 1999), 64 FR 56008 (October 15, 1999) (SR–PCX–98–29) (order approving rules for listing and trading of Units).

The IIV for Shares of a Fund will be disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session, as required by NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(c).

Correlation Among Municipal Bond Instruments With Common Characteristics

With respect to the Funds, BFA represents that the nature of the municipal bond market and municipal bond instruments makes it feasible to categorize individual issues represented by CUSIPs (*i.e.,* the specific identifying number for a security) into categories according to common characteristics—specifically, rating, geographical region, purpose (*i.e.,* general obligation bonds, revenue bonds or ''double-barreled'' bonds),[17] and maturity. Bonds that share similar characteristics tend to trade similarly to one another; therefore, within these categories, the issues may be considered fungible from a portfolio management perspective, allowing one CUSIP to be represented by another that shares similar characteristics for purposes of developing an investment strategy. Therefore, while 6.8% of the weight of the 2021 Index and 5.8% of the weight of the 2022 Index components have a minimum original principal amount outstanding of $100 million or more, the nature of the municipal bond market makes the issues relatively fungible for investment purposes when aggregated into categories such as ratings, geographical region, purpose and maturity. In addition, within a single municipal bond issuer, there are often multiple contemporaneous or sequential issuances that have the same rating, structure and maturity, but have different CUSIPs; these separate issues by the same issuer are also likely to trade similarly to one another.

BFA represents that iShares municipal bond funds are managed utilizing the principle that municipal bond issues are generally fungible in nature when sharing common characteristics, and specifically make use of the four categories referred to above. In addition, this principle is used in, and consistent with, the portfolio construction process for other iShares funds—namely, portfolio optimization. These portfolio optimization techniques are designed to facilitate the creation and redemption process, and to enhance liquidity (among other benefits, such as reducing transaction costs), while still allowing each fund to closely track its reference index.

In addition, individual CUSIPs within the 2021 Index and 2022 Index that share characteristics with other CUSIPs based on the four categories described above have a high yield to maturity correlation, and frequently have a correlation of one or close to one. Such correlation demonstrates that the CUSIPs within their respective category behave similarly; this reinforces the fungible nature of municipal bond issues for purposes of developing an investment strategy.

Attached as Exhibit 3 to this proposed rule change are two examples reflecting the correlation among CUSIPs in the 2021 Index and 2022 Index, respectively.[18] These examples show the correlation of selected constituents that share three common characteristics: rating, purpose and geographical region. Example 1 relating to the 2021 Index shows the yield to maturity of issues sharing the following characteristics: Rating AA/Aa; [19] West; GO Bonds maturing July 1, 2021. Example 2 relating to the 2022 Index shows the yield to maturity of issues sharing the following characteristics: Rating AA/Aa; West; GO Bonds maturing July 1, 2022.

Creation and Redemption of Shares

According to the Registration Statement, each Fund will issue and redeem Shares on a continuous basis at the net asset value per Share (''NAV'') only in a large specified number of Shares called a ''Creation Unit'', or multiples thereof, with each Creation Unit consisting of 50,000 Shares, provided, however, that from time to time a Fund may change the number of Shares (or multiples thereof) required for each Creation Unit, if a Fund determines such a change would be in the best interests of a Fund.

The consideration for purchase of Creation Units of a Fund generally will consist of the in-kind deposit of a designated portfolio of securities (including any portion of such securities for which cash may be substituted) (*i.e.,* the Deposit Securities), which constitutes a representative sample of the securities of the 2021 Index or 2022 Index, as applicable,[20] and the Cash Component computed as described below. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of a Fund.

The portfolio of securities required for purchase of a Creation Unit may not be identical to the portfolio of securities a Fund will deliver upon redemption of a Fund's Shares. The Deposit Securities and Fund Securities (as defined below), as the case may be, in connection with a purchase or redemption of a Creation Unit, generally will correspond pro rata, to the extent practicable, to the securities held by such Fund. As the planned termination date of a Fund approaches, and particularly as the bonds held by a Fund begin to mature, a Fund would expect to effect both creations and redemptions increasingly for cash.

The Cash Component will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the ''Deposit Amount,'' which will be an amount equal to the market value of the Deposit Securities, and serve to compensate for any differences between the NAV per Creation Unit and the Deposit Amount. A Fund currently will offer Creation Units for in-kind deposits but reserves the right to utilize a ''cash'' option in lieu of some or all of the applicable Deposit Securities for creation of Shares.

BFA will make available through the National Securities Clearing Corporation (''NSCC'') on each business day, prior to the opening of business on the Exchange, the list of names and the

[17] General obligation (''GO'') bonds are backed by the full faith and credit of the issuer and by its taxing power. Revenue bonds (''REV'') are payable solely from net or gross non-tax revenues derived from a specific project. Double barreled (''DB'') GO bonds are secured by both a specific revenue stream and by the taxing power of the issuer. As of February 10, 2015, the market value of GO, REV and DB bonds in the 2021 Index was approximately $14.3 billion, $23.4 billion and $1.3 million, respectively, representing 36.7%, 60.0% and 3.3% of the 2021 Index weight, respectively. As of February 10, 2015, the market value of GO, REV and DB bonds in the 2022 Index was approximately $11.7 billion, $ 17.8 billion and $987 million, respectively, representing 38.4%, 58.4% and 3.2% of the 2022 Index weight, respectively.

[18] Source: Standard and Poor's, January 1, 2014 to January 1, 2015, daily evaluated prices. Evaluated prices, as defined by Standard and Poor's, are based on a methodology that incorporates, among other things, trade data, broker dealer quotes, new issue pricing, and certain fundamental characteristics such as credit quality and sector.

[19] This is a composite rating among Standard & Poor's, Moody's and Fitch ratings. Under BFA's methodology, the median rating is used if all three ratings are available; the lowest rating is used if only two ratings are available; and, if only one rating is available, that one is used.

[20] According to the Registration Statement, ''representative sampling'' is an indexing strategy that involves investing in a representative sample of securities that collectively has an investment profile similar to the 2021 Index or 2022 Index, respectively. The securities selected are expected to have, in the aggregate, investment characteristics (based on factors such as market capitalization and industry weightings), fundamental characteristics (such as return variability, duration, maturity or credit ratings and yield) and liquidity measures similar to those of the Index. A Fund may or may not hold all of the securities in the 2021 Index or 2022 Index.

required number or par value of each Deposit Security and the amount of the Cash Component to be included in the current Fund Deposit (based on information as of the end of the previous business day) for a Fund.

The identity and number or par value of the Deposit Securities will change pursuant to changes in the composition of a Fund's portfolio and as rebalancing adjustments and corporate action events will be reflected from time to time by BFA with a view to the investment objective of a Fund. The composition of the Deposit Securities may also change in response to adjustments to the weighting or composition of the component securities constituting the 2021 Index or 2022 Index.

Each Fund reserves the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the Depository Trust Company (''DTC'').

Creation Units may be purchased only by or through a DTC participant that has entered into an ''Authorized Participant Agreement'' (as described in the applicable Registration Statement) with the Distributor (an ''Authorized Participant''). Except as noted below, all creation orders must be placed for one or more Creation Units and must be received by the Distributor in proper form no later than the closing time of the regular trading session of the Exchange (normally 4:00 p.m., Eastern time) in each case on the date such order is placed in order for creation of Creation Units to be effected based on the NAV of Shares of a Fund as next determined on such date after receipt of the order in proper form. Orders requesting substitution of a ''cash in lieu'' amount generally must be received by the Distributor no later than 2:00 p.m., Eastern time. On days when the Exchange or the bond markets close earlier than normal, a Fund may require orders to create Creation Units to be placed earlier in the day.

Fund Deposits must be delivered through the Federal Reserve System (for cash and government securities) and through DTC (for corporate and municipal securities) by an Authorized Participant. The Fund Deposit transfer must be ordered by the DTC participant in a timely fashion so as to ensure the delivery of the requisite number of Deposit Securities through DTC to the account of a Fund by no later than 3:00 p.m., Eastern time, on the ''Settlement Date''. The Settlement Date is generally the third business day after the transmittal date.

A standard creation transaction fee will be imposed to offset the transfer and other transaction costs associated with the issuance of Creation Units.

Shares of a Fund may be redeemed only in Creation Units at the NAV next determined after receipt of a redemption request in proper form by the Distributor and only on a business day. BFA will make available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). Fund Securities received on redemption may not be identical to Deposit Securities that are applicable to creations of Creation Units.

Unless cash redemptions are available or specified for a Fund, the redemption proceeds for a Creation Unit generally will consist of a specified amount of cash, Fund Securities, plus additional cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after the receipt of a request in proper form, and the value of the specified amount of cash and Fund Securities, less a redemption transaction fee. A Fund currently will redeem Shares for Fund Securities, but a Fund reserves the right to utilize a ''cash'' option for redemption of Shares.

A standard redemption transaction fee will be imposed to offset transfer and other transaction costs that may be incurred by a Fund.

Redemption requests for Creation Units of a Fund must be submitted to the Distributor by or through an Authorized Participant no later than 4:00 p.m. Eastern time on any business day, in order to receive that day's NAV. The Authorized Participant must transmit the request for redemption in the form required by a Fund to the Distributor in accordance with procedures set forth in the Authorized Participant Agreement.

Detailed descriptions of the Funds, the 2021 Index and 2022 Index, procedures for creating and redeeming Shares, transaction fees and expenses, dividends, distributions, taxes, risks, and reports to be distributed to beneficial owners of the Shares can be found in the Registration Statements or on the Web site for the Funds (*www.iShares.com*), as applicable.

Net Asset Value

The NAV of a Fund normally will be determined once daily Monday through Friday, generally as of the regularly scheduled close of business of the New York Stock Exchange (''NYSE'') (normally 4:00 p.m., Eastern time) on each day that the NYSE is open for trading, based on prices at the time of closing provided that (a) any Fund assets or liabilities denominated in currencies other than the U.S. dollar will be translated into U.S. dollars at the prevailing market rates on the date of valuation as quoted by one or more data service providers and (b) U.S. fixed-income assets may be valued as of the announced closing time for trading in fixed-income instruments in a particular market or exchange. The NAV of a Fund will be calculated by dividing the value of the net assets of a Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of outstanding Shares of a Fund, generally rounded to the nearest cent.

The value of the securities and other assets and liabilities held by a Fund will be determined pursuant to valuation policies and procedures approved by the Trust's Board of Trustees (''Board''). A Fund's assets and liabilities will be valued on the basis of market quotations, when readily available.

Each Fund will value fixed-income portfolio securities using prices provided directly from one or more broker-dealers, market makers, or independent third-party pricing services which may use matrix pricing and valuation models, as well as recent market transactions for the same or similar assets, to derive values. Certain short-term debt securities may be valued on the basis of amortized cost.

Generally, trading in non-U.S. securities, U.S. government securities, money market instruments and certain fixed-income securities is substantially completed each day at various times prior to the close of business on the NYSE. The values of such securities used in computing the NAV of a Fund are determined as of such times.

When market quotations are not readily available or are believed by BFA to be unreliable, a Fund's investments will be valued at fair value. Fair value determinations will be made by BFA in accordance with policies and procedures approved by the Trust's Board. BFA may conclude that a market quotation is not readily available or is unreliable if a security or other asset or liability does not have a price source due to its lack of liquidity, if a market quotation differs significantly from recent price quotations or otherwise no longer appears to reflect fair value, where the security or other asset or liability is thinly traded, or where there is a significant event subsequent to the

most recent market quotation. A ''significant event'' is an event that, in the judgment of BFA, is likely to cause a material change to the closing market price of the asset or liability held by a Fund.

Fair value represents a good faith approximation of the value of an asset or liability. The fair value of an asset or liability held by a Fund is the amount a Fund might reasonably expect to receive from the current sale of that asset or the cost to extinguish that liability in an arm's-length transaction.

Availability of Information

On each business day, each Fund will disclose on its Web site the portfolio that will form the basis for a Fund's calculation of NAV at the end of the business day.[21]

On a daily basis, a Fund will disclose for each portfolio security or other financial instrument of a Fund the following information on the Funds' Web site: Ticker symbol (if applicable), name of security and financial instrument, a common identifier such as CUSIP or ISIN (if applicable), number of shares (if applicable), and dollar value of securities and financial instruments held in the portfolio, and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

The current value of the 2021 Index and 2022 Index will be widely disseminated by one or more major market data vendors at least once per day, as required by NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (b)(ii). The IIV for Shares of a Fund will be disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session, as required by NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(c).

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), a Fund's Shareholder Reports, and its Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares of each Fund will be available via the Consolidated Tape Association (''CTA'') high speed line. Quotation information for investment company securities (excluding ETFs) may be obtained through nationally recognized pricing services through subscription agreements or from brokers and dealers who make markets in such securities. Price information regarding municipal bonds, AMT-free tax-exempt municipal notes, variable rate demand notes and obligations, tender option bonds and municipal commercial paper is available from third party pricing services and major market data vendors.

Trading Rules

The Exchange deems the Shares of the Funds to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares of the Funds will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares of each Fund will conform to the initial and continued listing criteria under NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2), respectively (except for those set forth in Commentary .02(a)(2)). The Exchange represents that, for initial and/or continued listing, the Fund [sic] will be in compliance with Rule 10A–3[22] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share of each Fund will be calculated daily and that the NAV per Share will be made available to all market participants at the same time.

Trading Halts

The Exchange will halt trading in the Shares if the circuit breaker parameters of NYSE Arca Equities Rule 7.12 have been reached. In exercising its discretion to halt or suspend trading in the Shares, the Exchange may consider factors such as the extent to which trading in the underlying securities is not occurring or whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present, in addition to other factors that may be relevant. If the IIV (as defined in Commentary .01 to Rule 5.2(j)(3)) or the value of the 2021 Index or 2022 Index is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the 2021 Index value or 2022 Index value occurs. If the interruption to the dissemination of the IIV, 2021 Index value or 2022 Index value persists past the trading day in which it occurred, the Exchange will halt trading.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IIV will not be calculated or publicly disseminated; (4) how information regarding the IIV is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that a Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. Eastern time each trading day.

[21] Under accounting procedures followed by a Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, a Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[22] 17 CFR 240.10A–3.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5)[23] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 5.2(j)(3). The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[24] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares with other markets or other entities that are members of the Intermarket Surveillance group (''ISG''), and FINRA may obtain trading information regarding trading in the Shares from such markets or entities. FINRA also can access data obtained from the Municipal Securities Rulemaking Board relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by a Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). In addition, the Exchange may obtain information regarding trading in the Shares from markets or other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

The Index Provider is not a broker-dealer or affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the 2021 Index and 2022 Index. As of February 10, 2015, there were 4,217 issues in the 2021 Index. As of February 10, 2015, 6.8% of the weight of the 2021 Index components have a minimum original principal amount outstanding of $100 million or more. As of February 10, 2015, 72% of the weight of the 2021 Index components was comprised of individual maturities that were part of an entire municipal bond offering with a minimum original principal amount outstanding of $100 million or more for all maturities of the offering. In addition, the total dollar amount outstanding of issues in the 2021 Index was approximately $38.9 billion and the average dollar amount outstanding of issues in the 2021 Index was approximately $9.2 million. Further, the most heavily weighted component represented 0.57% of the weight of the 2021 Index and the five most heavily weighted components represented 2.51% of the weight of the 2021 Index.[25] Therefore, the Exchange believes that, notwithstanding that the Index does not satisfy the criterion in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (a)(2), the Index is sufficiently broad-based to deter potential manipulation, given that it is comprised of approximately 4217 issues. In addition, the 2021 Index securities are sufficiently liquid to deter potential manipulation in that a substantial portion (72%) of the 2021 Index weight is comprised of maturities that are part of a minimum original principal amount outstanding of $100 million or more, and in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of Index issues.

As of February 10, 2015, there were 3473 issues in the 2022 Index. As of February 10, 2015, 5.8% of the weight of the 2022 Index components have a minimum original principal amount outstanding of $100 million or more. As of February 10, 2015, 72.4% of the weight of the 2022 Index components was comprised of individual maturities that were part of an entire municipal bond offering with a minimum original principal amount outstanding of $100 million or more for all maturities of the offering. In addition, the total dollar amount outstanding of issues in the 2022 Index was approximately $30.5 billion and the average dollar amount outstanding of issues in the 2022 Index was approximately $8.8 million. Further, the most heavily weighted component represented 0.55% of the weight of the 2022 Index and the five most heavily weighted components represented 2.67% of the weight of the 2022 Index.[26] Therefore, the Exchange believes that, notwithstanding that the 2022 Index does not satisfy the criterion in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (a)(2), the 2022 Index is sufficiently broad-based to deter potential manipulation, given that it is comprised of approximately 3473 issues. In addition, the 2022 Index securities are sufficiently liquid to deter potential manipulation in that a substantial portion (72.4%) of the 2022 Index weight is comprised of maturities that are part of an offering with a minimum original principal amount outstanding of $100 million or more, and in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of 2022 Index issues, as referenced above.

The 2021 Index value and 2022 Index value, calculated and disseminated at least once daily, as well as the components of the 2021 Index and 2022 Index and their percentage weightings, will be available from major market data vendors. In addition, the portfolio of securities held by the Funds will be disclosed on the Funds' Web site at *www.iShares.com.* The IIV for Shares of the Funds will be disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session. According to the Registration Statement, BFA expects that, over time, a Fund's tracking error will not exceed 5%. BFA represents that bonds that share similar characteristics, as described above, tend to trade similarly to one another; therefore, within these categories, the issues may be considered fungible from a portfolio management perspective. Within a single municipal bond issuer, BFA represents that separate issues by the same issuer are also likely to trade similarly to one another. In addition, BFA represents that individual CUSIPs within the 2021 Index and 2022 Index that share

[23] 15 U.S.C. 78f(b)(5).

[24] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[25] Commentary .02(a)(4) to NYSE Arca Equities Rule 5.2(j)(3) provides that no component fixed-income security (excluding Treasury Securities and GSE Securities, as defined therein) shall represent more than 30% of the weight of the index or portfolio, and the five most heavily weighted component fixed-income securities in the index or portfolio shall not in the aggregate account for more than 65% of the weight of the index or portfolio.

[26] Commentary .02(a)(4) to NYSE Arca Equities Rule 5.2(j)(3) provides that no component fixed-income security (excluding Treasury Securities and GSE Securities, as defined therein) shall represent more than 30% of the weight of the index or portfolio, and the five most heavily weighted component fixed-income securities in the index or portfolio shall not in the aggregate account for more than 65% of the weight of the index or portfolio.

characteristics with other CUSIPs based on the four categories described above have a high yield to maturity correlation, and frequently have a correlation of one or close to one.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that a large amount of information will be publicly available regarding the Funds and the Shares, thereby promoting market transparency. The Funds' portfolio holdings will be disclosed on the Funds' Web site daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. Moreover, the IIV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. The current values of the 2021 Index and 2022 Index will be disseminated by one or more major market data vendors at least once per day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Web site for the Funds will include the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. If the Exchange becomes aware that the NAV is not being disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. If the IIV, the 2021 Index value or the 2022 Index value are not being disseminated as required, the Corporation may halt trading during the day in which the interruption to the dissemination of the IIV, the 2021 Index value or the 2022 Index value occurs. If the interruption to the dissemination of the IIV, the 2021 Index value or the 2022 Index value persists past the trading day in which it occurred, the Corporation will halt trading. Trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 7.34, which sets forth circumstances under which Shares of the Funds may be halted. In addition, investors will have ready access to information regarding the IIV, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded fund that holds municipal bonds and that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, investors will have ready access to information regarding the IIV and quotation and last sale information for the Shares.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of another exchange-traded product that holds municipal securities and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or 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 self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by 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 Number SR–NYSEArca–2015–25 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–NYSEArca–2015–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–

NYSEArca–2015–25 and should be submitted on or before May 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09066 Filed 4–20–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74729; File No. SR–NYSEArca–2014–100]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment Nos. 1 and 2 to Proposed Rule Change Relating to Listing and Trading of Shares of the SPDR SSgA Global Managed Volatility ETF Under NYSE Arca Equities Rule 8.600

April 15, 2015.

On September 5, 2014, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the SPDR SSgA Global Managed Volatility ETF (''Fund'') under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares. The proposed rule change was published for comment in the **Federal Register** on September 24, 2014.[3] On November 4, 2014, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On December 22, 2014, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] In the Order Instituting Proceedings, the Commission solicited responses to specified matters related to the proposal.[8] The Commission received no comment letters on the proposed rule change. The Exchange subsequently filed Amendment No. 1 to the proposed rule change on January 20, 2015.[9] On March 20, 2015, pursuant to Section 19(b)(2) of the Act,[10] the Commission designated a longer period for Commission action on proceedings to determine whether to disapprove the proposed rule change.[11] On April 7, 2015, the Exchange filed Amendment No. 2 to the proposed rule change.[12] The Commission is publishing this notice to solicit comments from interested persons on Amendment Nos. 1 and 2 to the proposed rule change.

I. Description of Amendment No. 1 to the Proposed Rule Change

As noted above, the Exchange filed Amendment No. 1 to the proposed rule change on January 20, 2015. Amendment No. 1 replaced the original proposed rule change in its entirety, but made only certain, specific changes to the proposed rule change as published in the Notice. The changes effected by Amendment No. 1 are described below.

First, Amendment No. 1 deletes the statement in the original filing that the exchange-listed and traded equity securities in which the Fund would be permitted to invest would be limited to: (1) Equity securities that trade in markets that are members of the Intermarket Surveillance Group (''ISG'') or are parties to a comprehensive surveillance sharing agreement (''CSSA'') with the Exchange; or (2) ''Actively-Traded Securities,'' as defined in Reg M under the Act that are traded on U.S. and non-U.S. exchanges with last sale reporting.[13]

Second, Amendment No. 1 replaces the deleted language described above with the requirement that the Fund's non-U.S. equity securities holdings would be subject to quantitative criteria that are substantially identical to the ''generic'' listing criteria in NYSE Arca Equities Rule 5.2(j)(3), Commentary .01(a)(B), relating to an index or portfolio of U.S. and non-U.S. stocks underlying a series of Investment Company Units. Specifically, the Exchange states that, under normal circumstances, the non-U.S. equity securities in the Fund's portfolio would be required to meet the following criteria at time of purchase: (1) Non-U.S. equity securities each shall have a minimum market value of at least $100 million; (2) non-U.S. equity securities each shall have a minimum global monthly trading volume of 250,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months; (3) the most heavily weighted non-U.S. equity security shall not exceed 25% of the weight of the Fund's entire portfolio, and, to the extent applicable, the five most heavily weighted non-U.S. equity securities shall not exceed 60% of the weight of the Fund's entire portfolio; and (4) each non-U.S. equity security shall be listed and traded on an exchange that has last-sale reporting.[14]

Third, Amendment No. 1 clarifies that the Fund's non-U.S. equity securities holdings would be common stocks and preferred securities of foreign corporations; non-U.S. exchange-traded real estate investment trusts; and ''Depositary Receipts'' (excluding Depositary Receipts that are registered under the Act).[15]

---

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 73141 (Sept. 18, 2014), 79 FR 57161 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 73515, 79 FR 66758 (Nov. 10, 2014). The Commission designated a longer period within which to take action on the proposed rule change and designated December 23, 2014, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 73914, 79 FR 78524 (Dec. 30, 2014) (''Order Instituting Proceedings''). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' *See id.,* 79 FR at 78530.

[8] *See id.* (soliciting public comment on the statements of the Exchange contained in the Notice, including the statements made in connection with information sharing procedures with respect to certain non-U.S. equity security holdings and the Exchange's arguments regarding the applicability of the definition of ''Actively-Traded Securities'' under Regulation M (''Reg M'')).

[9] The text of Amendment No. 1, which amends and replaces the proposed rule change in its entirety, is available on the Exchange's Web site, at the principal office of the Exchange, and at the Commission's Public Reference Room. The text of Amendment No. 1 to the proposed rule change is also available on the Commission's Web site. *See* Letter from Martha Redding, Senior Counsel and Assistant Secretary, New York Stock Exchange, to Kevin M. O'Neill, Deputy Secretary, Commission (Jan. 22, 2015), *available at http://www.sec.gov/comments/sr-nysearca-2014–100/nysearca2014100-1.pdf.*

[10] 15 U.S.C. 78s(b)(2).

[11] *See* Securities Exchange Act Release No. 74559, 80 FR 16047 (Mar. 26, 2015). The Commission designated a longer period within which to take action on the proposed rule change and designated May 7, 2015 as the date by which it should determine whether to disapprove the proposed rule change. *See also* Securities Exchange Act Release No. 74559A (Apr. 13, 2015) (correcting the date by which the Commission must take action on proceedings to determine whether to disapprove the proposed rule change to May 22, 2015).

[12] *See* Amendment No. 2, *available at http://www.sec.gov/comments/sr-nysearca-2014–100/nysearca2014100-2.pdf.*

[13] *See* Notice, *supra* note 3, at 57162.

[14] *See supra* note 9, at 8.

[15] *Id.* at 7. According to the Exchange, Depositary Receipts are defined to include investments in common stock of foreign corporations in the form of American Depositary Receipts (''ADRs''), Global Depositary Receipts (''GDRs''), and European Depositary Receipts (''EDRs''). Depositary Receipts are receipts, typically issued by a bank or trust

Finally, Amendment No. 1 deletes the section in the Notice titled ''Information Sharing Procedures,'' in which the Exchange stated that its ability to monitor trading in the Fund would not be affected by the listing and trading of Actively-Traded Securities on non-ISG-member markets, or by the absence of CSSAs with markets on which ''Actively-Traded Securities'' are listed or traded.[16]

In all other material respects, the proposed rule change as set forth in Amendment No. 1 is otherwise identical to the original proposed rule change set forth in the Notice.[17]

II. Description of Amendment 2 to the Proposed Rule Change

As noted above, the Exchange filed Amendment No. 2 to the proposed rule change on April 7, 2015. The specific changes effected by Amendment No. 2 are described below.

First, Amendment No. 2 adds a statement to the proposed rule change requiring, under normal circumstances, the Portfolio [18] to include a minimum of 20 exchange-listed and -traded equity securities. Second, Amendment No. 2 (a) deletes the statement in the original filing that pricing information regarding each asset class in which the Fund or Portfolio will invest will generally be available through nationally recognized data service providers through subscription arrangements, and (b) replaces the deleted language described in (a) above with a statement clarifying that pricing information regarding each asset class in which the Fund or Portfolio will invest, including Rule 144A securities, repurchase agreements, reverse repurchase agreements, and securities of investment companies (other than ETFs registered under the 1940 Act), will generally be available through nationally recognized data service providers through subscription arrangements.

Additional information regarding the Trust, Fund, Portfolio, and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, trading halts, dissemination and availability of information, distributions, and taxes can be found in Amendment No.1 to the proposed rule change and the Registration Statement, as applicable.[19]

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the filing, as modified by Amendment Nos. 1 and 2, 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–NYSEArca–2014–100 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–NYSEArca–2014–100. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–100 and should be submitted on or before May 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09065 Filed 4–20–15; 8:45 am]

BILLING CODE 8011–01–P

company, which evidence ownership of underlying securities issued by a foreign corporation. For ADRs, the depository is typically a U.S. financial institution and the underlying securities are issued by a foreign issuer. For other Depositary Receipts, the depository may be a foreign or a U.S. entity, and the underlying securities may have a foreign or a U.S. issuer. Depositary Receipts will not necessarily be denominated in the same currency as their underlying securities. Generally, ADRs, in registered form, are designed for use in the U.S. securities market, and EDRs, in bearer form, are designed for use in European securities markets. GDRs are tradable both in the United States and in Europe and are designed for use throughout the world. The Fund's portfolio may invest in unsponsored Depositary Receipts. The issuers of unsponsored Depositary Receipts are not obligated to disclose material information in the United States, and, therefore, there may be less information available regarding such issuers and there may not be a correlation between such information and the market value of the Depositary Receipts. Unsponsored Depositary Receipts will not exceed 10% of the Fund's net assets. *See* Notice, *supra* note 3, at 57162, n.10.

[16] *See* Notice, *supra* note 3, at 57167–57169.

[17] *See* Notice, *supra* note 3.

[18] The ''Portfolio'' is defined as SSgA Global Managed Volatility Portfolio, a separate series of the SSgA Master Trust with an identical investment objective as the Fund. *See* Notice, *supra* note 3, at 57162. In general, the Portfolio (*i.e.,* the master fund) will be where investments will be held, which investments will primarily consist of equity securities, and may, to a lesser extent, include other investments as described under ''Non-Principal Investment Policies.'' The Fund (*i.e.,* the feeder fund) will invest in shares of the Portfolio and will not invest in investments described under ''Non-Principal Investment Policies,'' but may be exposed to such investments by means of the Fund's investment in shares of the Portfolio. In extraordinary instances, the Fund reserves the right to make direct investments in equity securities and other investments. *See* Notice, *supra* note 3, at *id.,* n.11.

[19] *See supra* note 9; *see also* Notice, *supra* note 3, at 57161 n.6 (referring to the Registration Statement on Form N–1A relating to the Fund (File Nos. 333–173276 and 811–22542)).

[20] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74734; File No. SR–FINRA–2015–007]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Waive Trade Reporting Fees Under Rule 7710 Due to an OTC Reporting Facility Systems Issue

April 15, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 10, 2015, Financial Industry Regulatory Authority, Inc. (''FINRA'') 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

prepared by FINRA. FINRA has designated the proposed rule change as ''establishing or changing a due, fee or other charge'' under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon receipt of this filing by 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 the Substance of the Proposed Rule Change

FINRA is proposing to waive fees under Rule 7710 for trade reporting to the OTC Reporting Facility (''ORF'') due to an ORF systems issue on March 24, 2015. The proposed rule change does not make any changes to the text of FINRA rules.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room. [sic]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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

FINRA rules require that members report trades in OTC equity securities, as defined under Rule 6420, to the ORF for public dissemination purposes. Members also may be required or may choose to submit one or more ''non-tape'' reports in connection with the trade (*i.e.,* the transaction is not reported to the tape for publication but is reported for clearing or regulatory purposes). Pursuant to Rule 7710, FINRA charges members various fees for using the ORF, including, *e.g.,* for reporting trades and cancelling or correcting previously reported trades, as set forth below:

Reporting of transactions not subject to comparison through the OTC Reporting Facility.	$0.029/side.
Submission of non-tape, non-clearing (regulatory) reports	No fee.
Clearing report to transfer a transaction fee charged by one member to another member pursuant to Rule 7330(i).	$0.03/side.
Comparison	$0.0144/side per 100 shares (minimum 400 shares; maximum 7,500 shares).
Late Report—T+N	$0.288/trade (charged to the Executing Party).
Corrective Transaction Charge	$0.25/Cancel, Correct transaction, paid by reporting side; $0.25/Break, Decline transaction, paid by each party.

On March 24, 2015, the ORF experienced a systems issue that impacted trade reporting. Specifically, following a server failover, the ORF system erroneously reprocessed and resubmitted trades that had previously been processed and sent to FINRA's Trade Data Dissemination Service for public dissemination.[5] FINRA staff identified approximately 70,000 duplicate trades and worked with members to cancel them. FINRA also determined that, following the server failover, some timely reported trades were incorrectly processed and marked as ''late,'' and for some trades that were designated for submission to clearing, the system erroneously cancelled the clearing information that had been submitted to the National Securities Clearing Corporation. FINRA continues to work with firms to identify trades that were erroneously marked late and clearing submissions that were inadvertently cancelled by the system. Approximately 322 firms reported trades to the ORF from 2:20 p.m. (the time of the server failover) until the close of the system on March 24, 2015 and thus potentially were impacted by the ORF systems issue on that date. During this time frame, there were over 120,000 trade submissions, which include original and duplicate trade reports and cancellations.

As a result of the ORF systems issue, some members were required to take corrective action by making additional submissions to the ORF to cancel duplicate trades or resubmit cancelled clearing transactions. To ensure that members are not charged for such additional submissions, and in recognition that members have had to expend resources to take corrective action as a result of the ORF systems issue, FINRA is proposing to waive all ORF trade reporting fees under Rule 7710 for March 24, 2015, the date the ORF systems issues occurred. As such, fees under Rule 7710 will be waived for all submissions to the ORF made on March 24, 2015, including fees for ''as/of'' reports submitted on March 24, 2015 for trades that were executed prior to that date.

In addition, FINRA recognizes that some members may have been unable to take the necessary corrective steps on March 24, 2015, *i.e.,* some members may not have cancelled the duplicate trades or resubmitted trades for clearing until T+1 or later. Accordingly, FINRA also is proposing to waive the trade reporting fees under Rule 7710 for trades submitted to the ORF with a trade execution date of March 24, 2015 or an original report date of March 24, 2015, provided that such trades were submitted by March 31, 2015. Because the pertinent billing cycle ended on March 31, 2015, trades submitted on or after April 1, 2015 would not be entitled to the fee relief proposed herein, even if they were executed or originally reported on March 24, 2015.[6] FINRA believes that it is most equitable to provide such additional relief to members.

FINRA has filed the proposed rule change for immediate effectiveness. The operative date will be the date of filing.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,[7] which requires, among other things, that

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* ORF Technical Notices dated March 24, 2015 and March 25, 2015, available at *www.finra.org/industry/orf/orf-technical-notices.*

[6] FINRA believes that only a small number of trades were not cancelled or resubmitted, as necessary, by March 31, 2015.

[7] 15 U.S.C. 78*o*–3(b)(5).

FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls. FINRA believes that the proposed rule change to waive trade reporting fees under Rule 7710, as described herein, is appropriate in light of the ORF systems issue on March 24, 2015. FINRA does not believe that members should incur fees for the corrective action they were required to take following the ORF systems issue. FINRA believes that this limited waiver results in reasonable fees and financial benefits that are equitably allocated. The financial benefit of the trade reporting fee waiver is available to all firms that reported to the ORF on March 24, 2015 and to all firms that reported trades with an execution date or original report date of March 24, 2015, provided that such reports were received by March 31, 2015. The proposed rule change is reasonable because the waiver of ORF trade reporting fees—and the financial benefit from such waiver—is of limited amount, duration and application, as noted above. Finally, the proposed trade reporting fee waiver does not unfairly discriminate between or among members in that the waiver is available to any such member that reported transactions to the ORF on the relevant dates.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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. FINRA believes that the proposed rule change to waive the trade reporting fees is appropriate in light of the ORF systems issue, which required members to take corrective action and make additional submissions to the ORF. FINRA believes that the limited trade reporting fee waiver would not place an unreasonable fee burden on members, nor confer an uncompetitive benefit to members that have their trade reporting fees waived, in that such waiver would be available for a very limited period and the financial impact of such a waiver would be *de minimis.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and paragraph (f)(2) of Rule 19b–4 thereunder.[9] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2015–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2015–007. 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–FINRA–2015–007, and should be submitted on or before May 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09070 Filed 4–20–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31552; File No. 812–14302]

Voya Retirement Insurance and Annuity Company *et al.;* Notice of Application

April 15, 2015.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order approving the substitution of certain securities pursuant to section 26(c) of the Investment Company Act of 1940, as amended (the ''1940 Act'' or ''Act'').

Applicants: Voya Retirement Insurance and Annuity Company (''Voya Retirement''), Voya Insurance and Annuity Company (''Voya Insurance''), ReliaStar Life Insurance Company of New York (''ReliaStar NY''), and Security Life of Denver Insurance Company (''Security Life'') (each a ''Company'' and together, the ''Companies''), Variable Annuity Account B of Voya Retirement (''Voya Retirement B''), Variable Annuity Account I of Voya Retirement (''Voya Retirement I''), Separate Account B of Voya Insurance (''Voya Insurance B''), Separate Account EQ of Voya Insurance (''Voya Insurance EQ''), ReliaStar Life Insurance Company of New York Separate Account NY–B (''ReliaStar NY–B''), Security Life Separate Account A1 (''Security Life A1''), Security Life Separate Accounts S–A1 (''Security Life S–A1'') (each, an ''Account'' and

together, the ''Accounts'') and Voya Variable Portfolios, Inc. The Companies, the Accounts, and Voya Variable Portfolios, Inc. are collectively referred to herein as the ''Applicants.''

SUMMARY: *Summary of Application:* Applicants seek an order pursuant to section 26(c) of the 1940 Act, approving the substitution of shares issued by certain series of Voya Variable Portfolios, Inc. (the ''Replacement Funds'') for shares of certain registered investment companies currently held by subaccounts of the Accounts (the ''Existing Funds''), to support certain variable annuity contracts (collectively, the ''Contracts'') issued by the Companies.

DATES:

Filing Date: The application was filed on April 29, 2014, and was amended and restated October 27, 2014, February 23, 2015 and March 31, 2015.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 11, 2015 and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Commission: Brent Fields, Secretary, SEC, 100 F Street, NE., Washington, DC 20549–1090. Applicants: J. Neil McMurdie, Esquire, Senior Counsel, Voya Financial Legal Services, One Orange Way, Windsor, CT 06095.

FOR FURTHER INFORMATION CONTACT: Rochelle Kauffman Plesset, Senior Counsel, at (202) 551–6840, or Nadya Roytblat, Assistant Chief Counsel at (202) 551–0825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an Applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. Voya Retirement is the depositor of Voya Retirement B and Voya Retirement I. Voya Insurance is the depositor of Voya Insurance B and Voya Insurance EQ. ReliaStar NY is the depositor of ReliaStar NY–B. Security Life is the depositor of Security Life A1 and Security Life S–A1. Each Company is an indirect, wholly-owned subsidiary of Voya Financial, Inc.[1]

2. Each Account is a ''separate account'' as defined by Rule 0–1(e) under the 1940 Act and each is registered under the 1940 Act as a unit investment trust. Each of the respective Accounts is used by the Company for which it is a part to support the Contracts that it issues. Each Account is divided into subaccounts, each of which invests exclusively in shares of an Existing Fund or another registered open-end management investment company. The application sets forth the registration statement file numbers for the Contracts and the Accounts.

3. The Contracts are individual variable annuity contracts. Each of the prospectuses for the Contracts discloses that the issuing Company reserves the right, subject to Commission approval and compliance with applicable law, to substitute shares of another registered open-end management investment company for shares of a registered open-end management investment company held by a subaccount of an Account whenever the Company, in its judgment, determines that the investment in the registered open-end management investment company no longer suits the purpose of the Contract.

4. Voya Variable Portfolios is an open-end management investment company of the series type that is registered with the Commission under the 1940 Act (File No. 811–05173).[2] Shares of the series are registered under the Securities Act of 1933 (File No. 333–05173).

5. Voya Investments LLC (''Voya Investments''), a registered investment adviser, has overall responsibility for the management of each Replacement Fund.[3] Voya Investments delegates to a sub-adviser the responsibility for day-to-day management of the investments of each Replacement Fund, subject to Voya Investment's oversight.

6. Applicants propose, as set forth below, to substitute shares of the Replacement Funds for shares of the Existing Funds (''Substitutions''):

Existing fund	Replacement fund
ClearBridge Variable Large Cap Value Portfolio- Class I.	Voya Russell Large Cap Value Index Portfolio- Class I.
Fidelity VIP Equity-Income Portfolio- Initial Class.	Voya Russell Large Cap Value Index Portfolio- Class I.
Fidelity VIP Equity-Income Portfolio- Service 2 Class.	Voya Russell Large Cap Value Index Portfolio- Class S.
Invesco VI Core Equity Fund- Class I.	Voya Russell Large Cap Index Portfolio- Class S.
Invesco VI American Franchise Fund- Class I.	Voya Russell Large Cap Growth Index Portfolio- Class S.
Pioneer Equity Income VCT Portfolio- Class II.	Voya Russell Large Cap Value Index Portfolio- Class S.

7. Applicants state that the investment objectives and investment policies of each Replacement Fund are similar to the corresponding Existing Fund, or each Replacement Fund's underlying portfolio construction and investment results are similar to those of the Existing Fund, and therefore the fundamental objectives, risk and performance expectations of those Contract Owners with interests in subaccounts of the Existing Funds will continue to be met after the Substitutions.

8. The investment objectives of each Existing Fund and its corresponding Replacement Fund are set out below. Additional information for each Existing Fund and Replacement Fund, including principal investment strategies, principal risks and comparative performance history, can be found in the application.

[1] Prior to September 1, 2014, Voya Retirement was known as ING Life Insurance and Annuity Company and Voya Insurance was known as ING USA Annuity and Life Insurance Company. Prior to April 7, 2014, Voya Financial, Inc. was known as ING U.S. Inc.

[2] Effective May 1, 2014 Voya Variable Portfolios changed its name from ING Variable Portfolios, Inc. The names of the Replacement Funds were also changed as of this date to reflect the rebranding of the investment company.

[3] Effective May 1, 2014, Voya Investments changed its name from ING Investments, LLC.

Existing fund	Replacement fund
ClearBridge Variable Large Cap Value Portfolio seeks long-term growth of capital as its primary investment objective. Current income is a secondary objective.	Voya Russell Large Cap Value Index Portfolio seeks investment results (before fees and expenses) that correspond to the total return (which includes capital appreciation and income) of the Russell Top 200 Value Index.
Fidelity VIP Equity-Income Portfolio seeks reasonable income. The fund will also consider the potential for capital appreciation. The fund's goal is to achieve a yield which exceeds the composite yield on the securities comprising the S&P 500 Index.	Voya Russell Large Cap Value Index Portfolio seeks investment results (before fees and expenses) that correspond to the total return (which includes capital appreciation and income) of the Russell Top 200 Value Index.
Invesco VI Core Equity Fund seeks long-term growth of capital	Voya Russell Large Cap Index Portfolio seeks investment results (before fees and expenses) that correspond to the total return (which includes capital appreciation and income) of the Russell Top 200 Index.
Invesco VI American Franchise Fund seeks capital growth.	Voya Russell Large Cap Growth Index Portfolio seeks investment results (before fees and expenses) that correspond to the total return (which includes capital appreciation and income) of the Russell Top 200 Growth Index.
Pioneer Equity Income VCT Portfolio seeks current income and long-term growth of capital from a portfolio consisting primarily of income producing equity securities of U.S. corporations.	Voya Russell Large Cap Value Index Portfolio seeks investment results (before fees and expenses) that correspond to the total return (which includes capital appreciation and income) of the Russell Top 200 Value Index.

9. Applicants state that at the time of the Substitutions the overall fees and expenses of the Replacement Funds will be less than those assessed by the Existing Funds and that for two years following the effective date of the Substitutions (''Effective Date''), the net annual expenses of each of the Replacement Funds will not exceed the net annual expenses of each corresponding Existing Fund. The application sets forth the fees and expenses of each Existing Fund and its corresponding Replacement Fund in greater detail.

10. Applicants state that by substituting unaffiliated funds with funds that are advised and subadvised by affiliates of the Companies, the principal purposes of the Substitutions would, among other things: (1) Help implement the Companies' overall business plan to make the Contracts more competitive (and thus more attractive to customers) and more efficient to administer and oversee; (2) provide the Companies with more influence over the administrative and management aspects of the funds offered through the Contracts, thereby reducing costs and customer confusion; (3) allow each Company the ability to react more quickly to the changes and problems it encounters in its oversight of the funds which are available in its Contracts; (4) allow the Companies to reduce costs by consolidating the administration of the Replacement Funds with its other funds; and (5) allow the Companies to respond to expense, performance and management matters that they have identified in their due diligence review of the funds available through the Contracts.

11. Applicants represent that as of the Effective Date shares of the Existing Funds will be redeemed for cash. The Companies, on behalf of each Existing Fund subaccount of each relevant Account, will simultaneously place a redemption request with each Existing Fund and a purchase order with the corresponding Replacement Fund so that the purchase of Replacement Fund shares will be for the exact amount of the redemption proceeds. Thus, Contract values will remain fully invested at all times. The proceeds of such redemptions will then be used to purchase the appropriate number of shares of the applicable Replacement Fund.

12. The Substitutions will take place at relative net asset value (in accordance with Rule 22c-1 under the 1940 Act) with no change in the amount of any Affected Contract Owner's contract value, cash value, accumulation value, account value or death benefit or in dollar value of his or her investment in the applicable Accounts. No brokerage commissions, fees or other remuneration will be paid by either the Existing Funds or the Replacement Funds or by Affected Contract Owners in connection with the Substitutions.

13. The Affected Contract Owners will not incur any fees or charges as a result of the Substitutions nor will their rights or the Companies' obligations under the Contracts be altered in any way. The Companies or their affiliates will pay all expenses and transaction costs of the Substitutions, including legal and accounting expenses, any applicable brokerage expenses, and other fees and expenses. The Substitutions will not cause the Contract fees and charges currently being paid by Affected Contract Owners to be greater after the Substitutions than before the Substitutions. Moreover, the Substitutions will not impose any tax liability on Affected Contract Owners.

14. As described in the application, after notification of the Substitution and for 30 days after the Effective Date, Affected Contract Owners may reallocate the subaccount value of an Existing Fund to any other investment option available under their Contract without incurring any administrative costs or transfer charges.

15. All Affected Contract Owners affected by the Substitutions were notified of this application by means of supplements to the Contract prospectuses shortly after the date the application was first filed with the Commission. Among other information, the supplements informed Affected Contract Owners that beginning on the date of the supplements, the Companies will not exercise any rights reserved by them under the Contracts to impose restrictions or fees on transfers from an Existing Fund (other than restrictions related to frequent or disruptive transfers) until at least 30 days after the Effective Date.

16. Following the date the order requested by this application is issued, but at least 30 days before the Effective Date, Affected Contract Owners will receive a ''Pre-Substitution Notice,'' consisting of a second supplement to the Contract prospectuses setting forth the intended Effective Date and advising Affected Contract Owners of their right, if they so choose, at any time during the period beginning 30 days before the Effective Date through at least 30 days

following the Effective Date, to reallocate or withdraw accumulated value in the Existing Fund subaccounts under their Contracts or otherwise terminate their interest therein in accordance with the terms and conditions of their Contracts. If Affected Contract Owners reallocate account value during this 60 day period, there will be no charge for the reallocation of accumulated value from the Existing Fund subaccounts and the reallocation will not count as a transfer when imposing any applicable restriction or limit under the Contract on transfers. Additionally, all Affected Contract Owners will be sent prospectuses of the applicable Replacement Funds at least 30 days before the Effective Date.

17. Within five (5) business days after the Effective Date, Affected Contract Owners will be sent a written confirmation, which will include confirmation that the Substitutions were carried out as previously notified, a restatement of the information set forth in the Pre-Substitution Notice and information showing how the allocation of the Affected Contract Owner's account value before and immediately following the Substitution has changed as a result of the Substitutions.

Legal Analysis

1. Applicants request that the Commission issue an order pursuant to section 26(c) of the 1940 Act approving the Substitutions. Section 26(c) requires the depositor of a registered unit investment trust holding the securities of a single issuer to obtain Commission approval before substituting the securities held by the trust. Section 26(c) requires the Commission to issue such an order if the evidence establishes that the substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants submit that the terms and conditions of the Substitutions meet the standards set forth in section 26(c) and assert that the replacement of an Existing Fund with the corresponding Replacement Fund is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the l940 Act. As described in the application, as of the Effective Date of the Substitution, the overall fees and expenses of each Replacement Fund will be less than those of the corresponding Existing Fund and for two years following the Effective Date, the net annual expenses of each Replacement Fund will not exceed the net annual expenses of the corresponding Existing Fund. Applicants further asset that each Replacement Fund has similar investment objectives and investment strategies as the corresponding Existing Fund, or each Replacement Fund's underlying portfolio construction and investment results are similar to those of the corresponding Existing Fund. Accordingly, Applicants believe that the fundamental investment objectives, risk and performance expectations of the Affected Contract Owners will continue to be met after the Substitutions.

3. Applicants also maintain that Affected Contract Owners will be better served by the Substitutions. Applicants anticipate that the substitution of an Existing Fund with the corresponding Replacement Fund will result in a Contract that is administered and managed more efficiently, and one that is more competitive with other variable products. The rights of Affected Contract Owners and the obligations of the Companies under the Contracts will not be altered by the Substitutions. Affected Contract Owners will not incur any additional tax liability or any additional fees and expenses as a result of the Substitutions.

4. Each of the prospectuses for the Contracts discloses that the issuing Company reserves the right, subject to Commission approval and compliance with applicable law, to substitute shares of another registered open-end management investment company for shares of an open-end management investment company held by a subaccount of an Account.

5. Applicants also assert that the Substitutions do not entail any of the abuses that section 26(c) was designed to prevent. Unlike a traditional unit investment trust where a depositor could only substitute an investment security in a manner which permanently affected all the investors in the trust, the Contracts provide each Contract Owner with the right to exercise his or her own judgment and transfer account values into other subaccounts. Moreover, the Contracts will offer Affected Contract Owners the opportunity to transfer amounts out of the affected subaccounts into any of the remaining subaccounts without cost or other disadvantage. The Substitution, therefore, will not result in the type of costly forced redemptions that section 26(c) was designed to prevent. Applicants also maintain that the Substitutions are unlike the type of substitutions which section 26(c) was designed to prevent in that by purchasing a Contract, Contract Owners select much more than a particular registered management open-end investment company in which to invest their account values. They also select the specific type of death benefit and other optional benefits as well as other rights and privileges set forth in the Contracts that will not be changed as a result of the Substitutions.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. The Substitutions will not be effected unless the Companies determine that: (a) The Contracts allow the substitution of shares of registered open-end investment companies in the manner contemplated by the application; (b) the Substitutions can be consummated as described in the application under applicable insurance laws; and (c) any regulatory requirements in each jurisdiction where the Contracts are qualified for sale have been complied with to the extent necessary to complete the Substitutions.

2. The Companies or their affiliates will pay all expenses and transaction costs of the Substitutions, including legal and accounting expenses, any applicable brokerage expenses and other fees and expenses. No fees or charges will be assessed to the Contract Owners to effect the Substitutions.

3. The Substitutions will be effected at the relative net asset values of the respective shares in conformity with section 22(c) of the 1940 Act and Rule 22c-1 thereunder without the imposition of any transfer or similar charges by Applicants. The Substitutions will be effected without change in the amount or value of any Contracts held by Affected Contract Owners.

4. The Substitutions will in no way alter the tax treatment of Affected Contract Owners in connection with their Contracts, and no tax liability will arise for Affected Contract Owners as a result of the Substitutions.

5. The rights or obligations of the Companies under the Contracts of Affected Contract Owners will not be altered in any way. The Substitutions will not adversely affect any riders under the Contracts.

6. Affected Contract Owners will be permitted to make at least one transfer of Contract value from the subaccount investing in the Existing Fund (before the Effective Date) or the Replacement Fund (after the Effective Date) to any other available investment option under the Contract without charge for a period beginning at least 30 days before the Effective Date through at least 30 days following the Effective Date. Except as described in any market timing/short-term trading provisions of the relevant

prospectus, the Company will not exercise any right it may have under the Contract to impose restrictions on transfers between the subaccounts under the Contracts, including limitations on the future number of transfers, for a period beginning at least 30 days before the Effective Date through at least 30 days following the Effective Date.

7. All Affected Contract Owners will be notified, at least 30 days before the Effective Date about: (a) The intended substitution of Existing Funds with the Replacement Funds; (b) the intended Effective Date; and (c) information with respect to transfers as set forth in Condition 6 above. In addition, the Companies will also deliver, at least 30 days before the Effective Date a prospectus for each applicable Replacement Fund.

8. Companies will deliver to each Affected Contract Owner within five (5) business days of the Effective Date a written confirmation which will include: (a) A confirmation that the Substitutions were carried out as previously notified; (b) a restatement of the information set forth in the Pre-Substitution Notice; and (c) before and after account values.

9. After the Effective Date Applicants agree not to change a Replacement Fund's sub-adviser without first (a) obtaining shareholder approval of the sub-adviser change or (b) Voya Variable Portfolios Inc. determining that it can continue to rely on its manager-of-managers exemptive order.

10. For two years following the Effective Date the net annual expenses of each Replacement Fund will not exceed the net annual expenses of the corresponding Existing Fund as of the Fund's most recent fiscal year. To achieve this limitation, the Replacement Fund's investment adviser will waive fees or reimburse the Replacement Fund in certain amounts to maintain expenses at or below the limit. Any adjustments will be made at least on a quarterly basis. In addition, the Companies will not increase the Contract fees and charges including asset based charges such as mortality expense risk charges deducted from the subaccounts that would otherwise be assessed under the terms of the Contracts for a period of at least two years following the Effective Date.

For the Commission, by the Division of Investment Management, under delegated authority.

Brent J. Fields,

Secretary.

[FR Doc. 2015–09067 Filed 4–20–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74728; File No. SR–NASDAQ–2015–013]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving a Proposed Rule Change To List and Trade Shares of the AlphaMark Actively Managed Small Cap ETF of ETF Series Solutions

April 15, 2015.

I. Introduction

On February 17, 2015, The NASDAQ Stock Market LLC (the ''Exchange'' or ''Nasdaq'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [2] and Rule 19b–4 thereunder,[3] a proposed rule change to list and trade the shares (''Shares'') of the AlphaMark Actively Managed Small Cap ETF (the ''Fund'') of ETF Series Solutions (the ''Trust'') under Nasdaq Rule 5735. The proposed rule change was published for comment in the **Federal Register** on March 3, 2015.[4] The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

The Exchange proposes to list and trade the Shares under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares on the Exchange. The Fund will be an actively-managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust.[5] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[6] The Fund is a series of the Trust.

AlphaMark Advisors, LLC will be the investment adviser (''Adviser'') to the Fund. Quasar Distributors, LLC (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. U.S. Bancorp Fund Services, LLC will act as the administrator, accounting agent, and transfer agent to the Fund. U.S. Bank National Association will act as the custodian to the Fund. The Exchange states that the Adviser is not a broker-dealer, and is not affiliated with any broker-dealer.[7] The Exchange has made the following representations and statements regarding the Fund.[8]

Principal Investments

The Fund's primary investment objective is to seek long-term growth of capital. The Fund will pursue its objectives by investing primarily—*i.e.,* at least 80% of its assets under normal market conditions [9]—in a portfolio of equity securities of small cap companies listed on a U.S. exchange.

The Fund defines ''equity securities'' to include common and preferred stock, American Depositary Receipts (''ADRs''), real estate investment trusts, and ETFs that under normal circumstances invest at least 80% of their net assets in equity securities of small cap companies (''Small Cap ETFs''). The Fund may invest up to 30% of its net assets in foreign equity securities of small cap companies traded on a U.S. exchange as ADRs, which may include companies in emerging markets. The Adviser expects that there will generally be between 25 and 40 stocks in the Fund's portfolio.

The Fund is non-diversified, and therefore may invest a larger percentage of its assets in the securities of a single

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 74377 (February 25, 2015), 80 FR 11502 (''Notice'').

[5] The Trust has obtained an order from the Commission granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 31469 (February 24, 2015) (File No. 812–14402).

[6] *See* Post- Effective Amendment No. 43 to the Registration Statement on Form N–1A for the Trust, dated February 4, 2015 (File Nos. 333–179562 and 811–22668).

[7] *See* Notice, *supra* note 4, 80 FR at 11503. In addition, the Exchange states that, in the event (a) the Adviser becomes affiliated with a broker-dealer or registers as a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding such portfolio. According to the Exchange, the Adviser has no present intent or arrangement to become affiliated with any broker-dealer, and the Fund does not currently intend to use a sub-adviser. *Id.*

[8] Additional information regarding, among other things, the Fund, the Shares, the Fund's investment objectives, the Fund's strategies, the Fund's holdings, risks, fees and expenses associated with the Shares, creations and redemptions of Shares, availability of information, trading rules and halts, and surveillance procedures can be found in the Notice and the Registration Statement. *See* Notice, *supra* note 4, and Registration Statement, *supra* note 6, respectively.

[9] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the securities markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

company than diversified funds. The Fund's investment in various sectors may change significantly over time. The Fund's investment in foreign equity securities will be in the form of ADRs and may include ADRs representing companies in emerging markets. With respect to its investments as part of its principal investment strategies in exchange-listed securities, the Fund will invest in such securities that trade in markets that are members of the Intermarket Surveillance Group (''ISG'').[10]

Other Investments

Although the Fund under normal circumstances will invest at least 80% of its assets in U.S. exchange-listed equity securities, the Fund may invest the remaining assets in: Equity securities traded over-the-counter; [11] money market instruments; securities of open-end mutual funds, money market mutual funds, and ETFs other than Small Cap ETFs; and non-exchange-listed ADRs.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Exchange Act,[13] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with section 11A(a)(1)(C)(iii) of the Exchange Act,[14] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information for the Shares will be available via Nasdaq proprietary quote and trade services and via the Consolidated Tape Association (''CTA'') plans for the Shares. Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last-sale information for any underlying exchange-traded products will also be available via the quote and trade services of their respective primary exchanges, as well as in accordance with the Unlisted Trading Privileges and the CTA plans, as applicable.

Intraday, executable price quotations on the securities and other assets held by the Fund (other than investment company securities that are not exchange-listed) will be available from major broker-dealer firms and through subscription or free services that can be accessed by authorized participants and other investors. Intraday price information for exchange-traded securities will be publicly available from the Web sites of the exchanges on which they trade, on public financial Web sites, and through subscription services. Intraday price information regarding over-the-counter equities (including certain investment company securities) and money market instruments, will be available through subscription services.

The Commission also believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. On each business day, before commencement of trading in Shares in the Regular Market Session [15] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'') held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day. The Web site information will be publicly available at no charge. The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the New York Stock Exchange, generally 4:00 p.m., Eastern Time. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.[16] The intraday indicative value, available on the NASDAQ OMX Information LLC proprietary index data service,[17] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session.[18] The Web site for the Fund will include the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.[19]

The Exchange represents that it may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt or pause trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.[20] Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

The Exchange states that it has a general policy prohibiting the distribution of material, non-public

[10] *See* Notice, *supra* note 4, 80 FR at 11504.

[11] The Exchange states that not more than 10% of the net assets of the Fund, in the aggregate, will be invested in unlisted equity securities or equity securities not listed on an exchange that is a member of the ISG or a party to a comprehensive surveillance sharing agreement with the Exchange. *See id.* at 11504, n.12.

[12] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[15] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m. Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. Eastern time).

[16] *See* Notice, *supra* note 4, 80 FR at 11507.

[17] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service. The Exchange represents that GIDS offers real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs, and that GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

[18] *See id.* at 11506.

[19] *See id.* at 11509.

[20] These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. *See id.* at 11507.

information by its employees.[21] The Exchange states that the Adviser is not a broker-dealer, and is not affiliated with any broker-dealer. In addition, the Exchange states that in the event (a) the Adviser becomes affiliated with a broker-dealer or registers as a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding such portfolio.[22]

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and other exchange-traded securities with other markets and other entities that are ISG members, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and other exchange-traded securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[23]

The Commission notes that the Fund and the Shares must comply with the requirements of Nasdaq Rule 5735 to be listed and traded on the Exchange. Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. In support of this proposal, the Exchange represented that:

(1) The Shares will be subject to Nasdaq Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares.

(2) Trading in the Shares will be subject to the existing trading surveillances administered by both Nasdaq and FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

(3) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(4) Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (c) the dissemination of information regarding the Intraday Indicative Value through major index service providers such as NASDAQ OMX proprietary index data services or other major market proprietary index services; (d) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (e) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (f) trading information; and (g) the dissemination of the Disclosed Portfolio through the Fund's Web site.

(5) For initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [24] under the Act.

(6) The Fund may invest up to 30% of its net assets in foreign equity securities of small cap companies traded on a U.S. exchange as ADRs, which may include companies in emerging markets.

(7) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities or other illiquid assets (calculated at the time of investment).

(8) The Fund may not invest more than 25% of the value of its total assets in securities of issuers in any one industry or group of industries. This restriction does not apply to obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities, or securities of other registered investment companies.

(9) Not more than 10% of the net assets of the Fund, in the aggregate, will be invested in unlisted equity securities or equity securities not listed on an exchange that is a member of the ISG or a party to a comprehensive surveillance sharing agreement with the Exchange.

(10) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice. For the foregoing reasons, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act [25] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Exchange Act,[26] that the proposed rule change (SR–NASDAQ–2015–013) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09064 Filed 4–20–15; 8:45 am]

BILLING CODE 8011–01–P

[21] *See id.* at 11508.

[22] *See supra* note 7.

[23] For a list of the current members of ISG, see *www.isgportal.org.*

[24] *See* 17 CFR 240.10A–3.

[25] 15 U.S.C. 78f(b)(5).

[26] 15 U.S.C. 78s(b)(2).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74733; File No. SR–C2–2015–007]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

April 15, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 10, 2015, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') 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 Fees Schedule. The text of the proposed rule change is available on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule.[3] Specifically, the Exchange proposes to amend its fees for the Russell 2000 Index (''RUT''). As of April 1, 2015, RUT is listed exclusively on C2 and Chicago Board Options Exchange, Incorporated (''CBOE''). As such, the Exchange proposes to make conforming changes to its Fees Schedule.

Currently the Exchange assesses different fees and rebates for simple and complex RUT orders. Specifically, for simple, non-complex RUT orders, the Exchange assesses the following per-contract fees structure (rebates in parentheses):

	Maker	Taker fee
Public Customer	* ($.75)	$.80
C2 Market-Maker	.00	.80
All Other Origins (Professional Customer, Firm, Broker/Dealer, non-C2 Market-Maker, JBO, etc.)	.50	.80
Trades on the Open	.00	.00

For complex orders in RUT, the Exchange currently assesses the following per-contract fees structure (rebates in parentheses):

	Maker fee/ (rebate)	Taker fee/ (rebate)
Public Customer	* ($.75)	* ($.75)
C2 Market-Maker	.85	.85
All Other Origins (Professional Customer, Firm, Broker/Dealer, non-C2 Market-Maker, JBO, etc.)	.85	.85
Trades on the Open	.00	.00

The Exchange notes that for both simple and complex RUT orders, rebates do not apply to orders that trade with Public Customer complex orders. In such circumstances, there is no fee or rebate. In light of the new licensing arrangement for RUT, the Exchange seeks to amend its RUT fees structure. Specifically, the Exchange seeks to eliminate the Maker-Taker fee structure for RUT and instead adopt standard transaction fees. The Exchange also proposes to eliminate the Public Customer rebates for RUT, as well as change the current fee amounts assessed. The Exchange notes that Trades on the Open will continue to not be assessed a fee or rebate. For both simple and non-complex RUT orders, the Exchange proposes to assess the following per-contract fees:

RUT	
Public Customer	$.15
C2 Market-Maker	.35
All Other Origins (Professional Customer, Firm, Broker/Dealer, non-C2 Market-Maker, JBO, etc.)	.55
Trades on the Open	.00

Additionally, the Exchange notes that it currently assesses an Index License Surcharge for RUT (''RUT Surcharge'') of $0.30 per contract for all non-Public Customer orders. The Exchange now proposes to increase the RUT Surcharge from $0.30 to 0.45 per contract in order to recoup the increased costs associated with the RUT license. The Exchange will still be subsidizing the costs of the RUT license.

Finally, the Exchange proposes to delete sections (B) and (D) from Section 1 of the Fees Schedule. The Exchange notes that as of January 2015, the fees for simple, non-complex orders in equities, multiply-listed index, ETF, and ETN options classes are the same and the fees for complex orders in equities, multiply-listed index, ETF, and ETN options classes are the same (*i.e.,* there is no longer a distinction between fees and rebates for equities options class and multiply-listed index, ETF, and ETN options classes). As such, the Exchange proposes to consolidate its Fees Schedule and add ''equities'' to Section 1A and the current Section 1C (which will now be renumbered as ''B''). The Exchange believes the proposed rule change will make the Fees Schedule easier to read and alleviate potential confusion. The Exchange notes that no substantive changes are being made by this change.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes it is reasonable to charge different fee amounts to different user types in the manner proposed because the proposed fees are consistent with the price differentiation that exists today at other options exchanges (for example, the proposed fees are comparable with fees for other index option products, traded on CBOE -including RUT[7]). Additionally, while the Exchange notes that the fee structure for RUT is changing from a Maker-Taker structure to a standard transaction fees structure, the Exchange believes the proposed fee amounts for RUT orders are reasonable because the proposed fee amounts are within the range of standard transaction fee amounts

[3] C2 initially filed the proposed fee change on March 31, 2015 (SR–C2–2015–004). On April 10, 2015, C2 withdrew that filing and submitted this filing.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(b)(4).

[7] *See* CBOE Fees Schedule, Specified Proprietary Index Options Rate Table.

charged for RUT at another exchange (*i.e.,* CBOE).[8]

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to eliminate the rebates for Public Customers for RUT transactions because the Exchange devotes a lot of resources to developing and maintain an exclusively-listed product and therefore does not desire to offer a rebate associated with exclusively-listed products. The Exchange notes that this proposed change will apply to all Public Customers for all RUT transactions. The Exchange also believes that it is equitable and not unfairly discriminatory to assess lower fees to Public Customers as compared to other market participants because Public Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Public Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market-Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Moreover, the options industry has a long history of providing preferential pricing to Public Customers, and the Exchange's current Fees Schedule currently does so in many places, as do the fees structures of many other exchanges. Finally, all fee amounts listed as applying to Public Customers will be applied equally to all Public Customers (meaning that all Public Customers will be assessed the same amount).

The Exchange believes that it is equitable and not unfairly discriminatory to, assess lower fees to Market-Makers as compared to other market participants other than Public Customers because Market-Makers, unlike other market participants, take on a number of obligations, including quoting obligations, that other market participants do not have. Further, these lower fees offered to Market-Makers are intended to incent Market-Makers to quote and trade more on C2, thereby providing more trading opportunities for all market participants. Finally, all fee amounts listed as applying to Market-Makers will be applied equally to all Market-Makers (meaning that all Market-Makers will be assessed the same amount). Similarly, the Exchange notes that the RUT fee amounts for each separate type of other market participants will be assessed equally to all such market participants (*i.e.* all Broker-Dealer orders will be assessed the same amount, all Joint Back-Office orders will be assessed the same amount, etc.).

The Exchange believes increasing the RUT Surcharge is reasonable because the Exchange still pays more for the RUT license than the amount of the proposed RUT Surcharge (meaning that the Exchange is, and will still be, subsidizing the costs of the RUT license). This increase is equitable and not unfairly discriminatory because the increased amount will be assessed to all market participants to whom the RUT Surcharge applies. Not applying the RUT Index License Surcharge Fee to Public Customer orders is equitable and not unfairly discriminatory because this is designed to attract Public Customer RUT orders, which increases liquidity and provides greater trading opportunities to all market participants.

The Exchange believes that the proposed new fee structure for simple and complex RUT options is equitable and not unfairly discriminatory because the structure and fee amounts are identical for both simple and complex RUT orders.

Finally, the Exchange believes that eliminating sections B and D of Section 1 of the Fees Schedule and consolidating it with current sections A and C, respectively, maintains clarity in the Fees Schedule and promotes just and equitable principles of trade by eliminating potential confusion and removing impediments to and perfecting the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different fees are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances as discussed above. For example, Market-Makers have quoting obligations that other market participants do not have. Further, the proposed fees structure for RUT is intended to encourage more trading of RUT, which brings liquidity to the Exchange and benefits all market participants.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because RUT will now be exclusively listed on C2 (and CBOE). To the extent that the proposed changes make C2 a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become C2 market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f) of Rule 19b–4[10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2015–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

[8] *See* CBOE Fees Schedule, Specified Proprietary Index Options Rate Table, which shows that standard transaction fees for RUT orders range from $0.18 per contract to $0.65 per contract.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

All submissions should refer to File Number SR–C2–2015–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2015–007 and should be submitted on or before May 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09069 Filed 4–20–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, April 23, 2015 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: April 16, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–09320 Filed 4–17–15; 11:15 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 22, 2015.

ADDRESSES: Send all comments to Melinda Edwards, Program Analyst, Office of Business Development, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Melinda Edwards, Program Analyst, Business Development, *Melinda.edwards@sba.gov* 202–619–1843, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION:

All 8(a) participants are required to provide semiannual information on any agents, representatives, attorneys, and accounts receiving compensation to assist in obtaining a Federal contract for the participant. The information addresses the amount of compensation received and description of the activities performed in return for such compensation. The information is used to ensure that participants do not engage in any improper or illegal activity in connection with obtaining a contract.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Representatives Used and Compensation Paid for Services in Connection with Obtaining Federal Contracts.

Description of Respondents: 8(a) Program Participants.

Form Number: SBA Form 1790.

Total Estimated Annual Responses: 15,628.

Total Estimated Annual Hour Burden: 3,907.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2015–09205 Filed 4–20–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14276 and #14277]

Rhode Island Disaster #RI–00014

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Rhode Island (FEMA–4212–DR), dated 04/03/2015.

Incident: Severe Winter Storm and Snowstorm.

Incident Period: 01/26/2015 through 01/28/2015

Effective Date: 04/03/2015.

Physical Loan Application Deadline Date: 06/02/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 01/04/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/03/2015, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Bristol, Kent, Newport, Providence, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14276B and for economic injury is 14277B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–09105 Filed 4–20–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 22, 2015.

ADDRESSES: Send all comments to Gina Beyer, Program Analyst, Office of Disaster Assistance, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gina Beyer, Program Analyst, Disaster Assistance, *gina.beyer@sba.gov* 202–205–6458, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov;*

SUPPLEMENTARY INFORMATION: SBA is required to survey affected disaster areas within a state upon request by the Governor of that state to determine if there is sufficient damage to warrant a disaster declaration. Information is obtained from individuals, businesses, and public officials.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection:

Title: Disaster Survey Worksheet.

Description of Respondents: Disaster effected individuals and businesses.

Form Number: SBA Form 987.

Total Estimated Annual Responses: 2,880.

Total Estimated Annual Hour Burden: 239.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2015–09190 Filed 4–20–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration (''SBA'') under Section 309 of the Small Business Investment Act of 1958, as amended and Section 107.1900 of the SBA Rules and Regulations, SBA by this notice declares null and void the license to function as a small business investment company under Small Business Investment Company License No.01/01–0365 issued to Citizens Ventures, Inc.

United States Small Business Administration.

Dated: April 15, 2015.

Javier E. Saade,

Associate Administrator for Investment and Innovation.

[FR Doc. 2015–09099 Filed 4–20–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14278 and #14279]

Massachusetts Disaster #MA–00063

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Massachusetts (FEMA–4214–DR), dated 04/13/2015.

Incident: Severe Winter Storm, Snowstorm, and Flooding.

Incident Period: 01/26/2015 through 01/28/2015.

Effective Date: 04/13/2015.

Physical Loan Application Deadline Date: 06/12/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 01/13/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/13/2015, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, Worcester.

The Interest Rates are:

	Percent
For Physical Damage:	

	Percent
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14278B and for economic injury is 14279B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–09104 Filed 4–20–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Interest Rates: Correction

On April 8, 2015, in **Federal Register** Vol. 80, No. 67, Pages 18922–18923, the Small Business Administration (SBA) incorrectly published an interest rate called the optional ''peg'' rate (13 CFR 120.214). This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. The correct rate is 2.125 (2⅛) percent for the April–June quarter of FY 2015.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

Linda S. Rusche,

Director, Office of Financial Assistance.

[FR Doc. 2015–09106 Filed 4–20–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Midwest Mezzanine Fund V SBIC, L.P., License No. 05/05–0318; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Midwest Mezzanine Fund V SBIC, L.P., 55 West Monroe Street, Suite 3650 Chicago, IL 60603, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107). Midwest Mezzanine Fund V SBIC, L.P., proposes providing subordinated debt financing to Microdynamics Corporation, Inc. of 1400 Shore Rd., Naperville, IL 60563–8765. The financing by Midwest Mezzanine Fund V SBIC, L.P. will discharge obligations held by Midwest Mezzanine IV, LLC and Midwest Mezzanine IV Parallel Fund, LLC. This financing is brought within the purview of § 107.730 of the Regulations because Midwest Mezzanine Fund V SBIC, L.P., Midwest Mezzanine IV, LLC and Midwest Mezzanine IV Parallel Fund, LLC are Associates and these Associates hold over five percent of the equity in Microdynamics Corporation, Inc., therefore this transaction requires prior SBA exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Javier E. Saade,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2015–09101 Filed 4–20–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9086]

U.S. Advisory Commission on Public Diplomacy; Notice of Charter Renewal

The Department of State has renewed the Charter for the U.S. Advisory Commission on Public Diplomacy. The Commission appraises U.S. Government activities intended to understand, inform, and influence foreign publics. The Advisory Commission may conduct studies, inquiries, and meetings, as it deems necessary. It may assemble and disseminate information and issue reports and other publications, subject to the approval of the Chairperson, in consultation with the Executive Director. The Advisory Commission may undertake foreign travel in pursuit of its studies and coordinate, sponsor, or oversee projects, studies, events, or other activities that are necessary to fulfill its functions.

The Commission consists of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party. The President designates a member to chair the Commission.

The current members of the Commission are: Mr. William Hybl of Colorado, Chairman; Ambassador Lyndon Olson of Texas, Vice Chairman; Mr. Sim Farar of California, Vice Chairman; Ambassador Penne Korth-Peacock of Texas; Ms. Lezlee Westine of Virginia; and Anne Terman Wedner of Illinois. One seat on the Commission is currently vacant.

To request further information about the meeting or the U.S. Advisory Commission on Public Diplomacy, you may contact its Executive Director, Katherine Brown, at *BrownKA4@state.gov.*

Dated: March 20, 2015.

Katherine Brown,

Executive Director, Department of State.

[FR Doc. 2015–09210 Filed 4–20–15; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice: 9101]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Insolvency-Related Judgments and Enterprise Group Insolvency Issues

The Office of the Assistant Legal Adviser for Private International Law, Department of State, gives notice of a public meeting to discuss ongoing work in the United Nations Commission on International Trade Law (UNCITRAL) related to the recognition and enforcement of insolvency-derived judgments and the insolvency of cross-border enterprise groups. The public meeting will take place on Monday, May 11, 2015 from 9:30 a.m. until 12:00 p.m. EDT. This is not a meeting of the full Advisory Committee.

In 2014, the UNCITRAL Commission gave Working Group V a mandate to develop a model law or model legislative provisions on the recognition and enforcement of insolvency-related judgments. The Working Group began

its discussions of this topic in December 2014. For the report of this session, see document A/CN.9/829, available at *http://www.uncitral.org/uncitral/en/commission/working_groups/5Insolvency.html*.

Also at its December 2014 session, Working Group V continued its efforts to address enterprise group insolvency issues. It plans to develop model legislative provisions that would facilitate the cross-border insolvency of enterprise group members, addressing topics such as provision of access to foreign courts for representatives and creditors of insolvency proceedings involving enterprise group members, provision of standing for group members to participate in the insolvency proceedings of other members, the use of synthetic proceedings, and appropriate forms of relief.

The purpose of the public meeting is to obtain the views of concerned stakeholders on draft instruments prepared by the UNCITRAL Secretariat on both topics: The recognition and enforcement of insolvency-related judgments and the insolvency of cross-border enterprise groups. The drafts will be posted by the Secretariat at *http://www.uncitral.org/uncitral/en/commission/working_groups/5Insolvency.html*

Time and Place: The meeting will take place on May 11, 2015, from 9:30 a.m. until 12:00 p.m. via a teleconference. Those who cannot participate but wish to comment are welcome to do so by email to Tim Schnabel at *SchnabelTR@state.gov.*

Public Participation: This meeting is open to the public. If you would like to participate by telephone, please email *pil@state.gov* to obtain the call-in number and other information.

Dated: April 9, 2015.

Timothy R. Schnabel,

Attorney-Adviser, Office of Private International Law, Office of Legal Adviser, Department of State.

[FR Doc. 2015–09215 Filed 4–20–15; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Request to Release Airport Property at the Colonel James Jabara Airport (AAO), Wichita, Kansas.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at the Colonel James Jabara Airport (AAO), Wichita, Kansas, under the provisions of 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before May 21, 2015.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: John Oswald, Airport Engineer, Colonel James Jabara Airport, Wichita Airport Authority; 2173 Air Cargo Rd., Wichita, KS 67209, (316) 946–4700.

FOR FURTHER INFORMATION CONTACT: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2644, *lynn.martin@faa.gov.* The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release approximately 1.358+ acres of airport property at the Colonel James Jabara Airport (AAO) under the provisions of 49 U.S.C. 47107(h)(2). On September 9, 2014, the City of Wichita's Airport Engineer requested from the FAA that approximately 1.358+ acres of property be released for sale to Sedgwick County Public Works for the purpose of road widening and utilities. On January 22, 2015, the FAA determined that the request to release property at Colonel James Jabara Airport (AAO) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

Colonel James Jabara Airport (AAO) is proposing the release of a parcel, totaling 1.358+ acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at the Colonel James Jabara Airport (AAO) being changed from aeronautical to nonaeronautical use and release the surface lands from the conditions of the AIP Grant Agreement Grant Assurances, but retaining the mineral rights. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Colonel James Jabara Airport.

Issued in Kansas City, MO on April 14, 2015.

Jim A. Johnson,

Manager, Airports Division.

[FR Doc. 2015–09073 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Jack Edwards Airport, Gulf Shores, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: Under the provisions of title 49, U.S.C. 47153(c), notice is being given that the FAA is considering a request from the City of Gulf Shores and the City of Gulf Shores Airport Authority to waive the requirement that a 11.48-acre parcel of surplus property, located at the Jack Edwards Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before *May 21, 2015.*

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Robert Craft, Mayor of Gulf Shores, Alabama at the following address: P.O. Box 299, Gulf Shores, AL 36547–0299.

FOR FURTHER INFORMATION CONTACT: Kevin L. Morgan, Program Manager,

Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9891. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the City of Gulf Shores and City of Gulf Shores Airport Authority to release 11.48 acres of surplus property at the Jack Edwards Airport. The property will be purchased by the City of Gulf Shores at fair market value. The released property will be used for civic and safety facilities or as approved by FAA. The property is located on the northwest corner of airport and is adjacent to Gulf Shores Parkway. The net proceeds from the sale of this property will be used for airport purposes.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the office of the Gulf Shores Airport Authority.

Issued in Jackson, Mississippi on April 13, 2015.

RANS D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 2015–09203 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Ninth Meeting: RTCA Tactical Operations Committee (TOC)

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

ACTION: Ninth meeting notice of RTCA Tactical Operations Committee.

SUMMARY: The FAA is issuing this notice to advise the public of the seventh meeting of the RTCA Tactical Operations Committee.

DATES: The meeting will be held May 20th from 11:00 a.m.–1:00 p.m.

ADDRESSES: The meetings will be held at National Business Aviation Association 1200 G Street NW., Suite 1100 Washington DC 20005 (202) 783–9000.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Trin Mitra, TOC Secretary, *tmitra@rtca.org*, 202–330–0655.

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 the RTCA Tactical Operations Committee. The agenda will include the following:

May 20th

- Opening of Meeting/Introduction of TOC Members—Co Chairs Jim Bowman and Dale Wright
- Official Statement of Designated Federal Official—Elizabeth Ray
- Approval of February 5, 2015 Meeting Summary
- Recommendation from GPS Adjacent Band Compatibility Task Group: Feedback on Exclusion Zones—Bob Lamond and Paul McDuffee
- Briefing from FAA on National Special Activity Airspace Program (NSAAP)—Rob Hunt
- Review Terms of Reference for Airport Construction Task and National Procedures Assessment Initiative Task
- Updates from Ongoing Tasks
- Anticipated Issues for TOC consideration and action at the next meeting
- Other business
- Adjourn

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 April 15, 2015.

Mohannad Dawoud,

Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.

[FR Doc. 2015–09076 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[4910–22]

Notice of Scoping for Highway Project in Pierce County, Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Scoping—Environmental Assessment/Environmental Impact Statement.

SUMMARY: The FHWA is issuing this notice to advise the pubic that environmental impact scoping will be prepared for a proposed highway project in Pierce County, Washington. Based upon this scoping information, a decision will be made as to whether to prepare an environmental assessment or an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Dean Moberg, Area Engineer, Federal Highway Administration, 711 South Capitol Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 534–9344.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation (WSDOT) will prepare either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) on a proposal to provide improvements along the I–5 corridor between the interchanges with Gravelly Lake Drive and Mounts Road to relieve chronic congestion and improve person and freight mobility. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand after receiving all public and private scoping comments and feedback on the project's impacts that will determine the appropriate environmental document.

Alternatives under consideration include: (1) Taking no action; (2) a two-phased proposed action, first phase to be built upon availability of funding. The second phase would be implemented in the future when warranted by traffic demand and resulting congestion. The first phase would add one HOV lane both northbound and southbound, rebuild three interchanges (Thorne Ln.; Berkely St.; and Steilacoom DuPont Rd.), and include other improvements. The future phase would add an additional managed lane both northbound and southbound and include revisions to other interchanges in the corridor.

FHWA and WSDOT are holding a public scoping meeting on May 5, 2015 from 4–7 p.m. at the McGavick Conference Center on the campus of Clover Park Technical College in Lakewood to solicit public comments regarding issues to be addressed in the EA or EIS. The meeting will use an informal, open-house format. Exhibits, maps, and other pertinent information about this project will be displayed. Staff will be present to answer questions as appropriate and as time permits.

Agencies, Tribes, and the public are encouraged to submit comments on the purpose and need and preliminary range of alternatives during the scoping period. Comments must be received by May 18, 2015 to be included in the

formal scoping record. To ensure that the full range of issues related to this proposed action is addressed, and all the significant issues identified, comments and suggestions are invited from interested parties during the scoping period. Comments concerning this proposal will be accepted at the public meeting or can be sent by mail to Bill Elliott, Plans Engineer, Washington State Department of Transportation, 5720 Capitol Blvd. SE Bldg 7, Tumwater, Washington 98501, or *ELLIOTB@wsdot.wa.gov.*

If significant environmental impacts are discovered during the environmental analysis which cannot be mitigated to a non-significant level an environmental impact statement (EIS) will be prepared for the project. If this happens, no additional scoping meetings will be held. However, another Notice of Intent to prepare an EIS will published in the Federal and SEPA registers, announcing a future deadline for submitting written comments on the EIS's scope of the alternatives and impacts to be considered. See Question 13 in the Council on Environmental Quality's Forty Most Asked Questions 46 FR 18026 (March 23, 1981).

Daniel M. Mathis,

Division Administrator, Olympia, Washington.

[FR Doc. 2015–09096 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0081]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillators

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 15 individuals for an exemption from the cardiovascular standard [49 CFR 391.41(b)(4)]. These 15 individuals are requesting an exemption due to the presence of implantable cardioverter defibrillators (ICD) as a result of their underlying cardiac condition. Of the 15 individuals requesting exemptions, three individuals (Craig Bohms, James Dean, and Mark Steiner) were previously published in a January 2014 **Federal Register** under the docket listed above. A final decision was not issued on these three individuals because the Agency was in the process of gathering and analyzing additional data concerning ICDs and commercial motor vehicle (CMV) driving. These three individuals are being published again with 12 new individuals. If granted, an exemption would enable these individuals with ICDs to operate CMVs for up to 2 years in interstate commerce.

DATES: Comments must be received on or before May 21, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2012–0081 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov,* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366–4001, or via email at *fmcsamedical@dot.gov,* or by letter to FMCSA, Room W64–113, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission. To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2012–0081'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this notice, or to submit your comment online, go to *www.regulations.gov* and in the search box insert the docket number ''FMCSA–2012–0081'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)]. The Agency must provide the public an opportunity to inspect the

information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency may grant an exemption subject to specified terms and conditions. The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

The FMCSA provides medical advisory criteria for use by medical examiners in determining whether drivers with certain medical conditions should be certified to operate CMVs in interstate commerce. The advisory criteria are currently set out as part of the medical examination report published with 49 CFR 391.43. The advisory criteria for section 391.41(b)(4) indicate that the term ''has no current clinical diagnosis of'' is specifically designed to encompass: ''*A clinical diagnosis of*'' (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit. The term ''*known to be accompanied by*'' is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse, or congestive cardiac failure.

Summary of Applications

Craig Bohms

Mr. Bohms is a 57-year-old Class A CDL holder in Illinois. Mr. Bohms documents that his ICD was implanted in 2013. A March 13, 2015, letter from his cardiologist reports Mr. Bohms ''is doing well feeling good and has not needed or had any shock therapy from his defibrillator. He is stable from a heart rhythm standpoint and may drive for his job from that standpoint.''

James Dean

Mr. Dean is a 55-year-old from Wisconsin. A November 2014 medical document received from Mr. Dean indicates that his ICD was implanted in August of 2007. An April 2014 routine in-clinic visit document indicates no ventricular tachycardia episodes detected and that the patient states feeling well with no dizziness or syncope. A March 2014 document from St. Mary's Hospital indicates Mr. Dean has a rate responsive dual chamber ICD.

Daniel Donahue

Mr. Donahue is a 72-year-old Class A CDL holder in Wisconsin. A February 4, 2015 letter from his cardiologist reports that Mr. Donahue's ICD was implanted in December 2004. ''[Mr. Donahue]has never required any therapy from his ICD. Since September 2013 to the date of this letter, [Mr. Donahue] has only one event of ventricular tachycardia which lasted 7 seconds, and did not require any therapy from his ICD. His ejection fraction has improved to 42% on his last echocardiogram which was done in September 2013.''

Bernard Fritzon

Mr. Fritzon is a 56-year-old Class A CDL holder in Kansas. A February 16, 2015 letter from his cardiologist reports that ''[Mr. Fritzon] received an ICD for secondary prevention due to non-ischemic cardiomyopathy, and atrial fibrillation. The device was implanted for secondary prevention after witnessed ventricular tachycardia during a cardiac procedure. Mr. Fritzon's last documented shock from his ICD was in April 2014. He has received 3 total inappropriate shocks for atrial fibrillation with rapid ventricular response. He is on optimal medical therapy for his condition and is stable from a cardiac standpoint.''

Terry Goodhile

Mr. Goodhile is a 56-year-old from Pennsylvania. A December 2014 medical form from St. Luke's Occupational Medicine reports that he has ''hypertrophic cardiomyopathy with ICD.'' The report states that ''he is medically stable and is closely monitored by the provider and his cardiologist every 3 months.'' Mr. Goodhile reports in a letter that his ''ICD was implanted in April 2013 and has never delivered a shock.''

Ronald Heinlein

Mr. Heinlein is a 55-year-old from California. His dual chamber ICD was implanted in 2008. A February 6, 2015, letter from his cardiologist reports that his device is ''for the purpose of life saving as a back-up, and that the device has never been used and may never be used.''

David Jensen

Mr. Jensen is a 52-year-old from California. A February 2, 2015, letter from his cardiologist states that his ICD was ''placed in 2011 and he has had no device firings and no clinical events or arrhythmias. He is not prone to syncopal episodes and has never had any in the past. He engages in other high risk activities such as parachuting and hang gliding.'' His cardiologist reports ''there is no contraindication to holding a motor vehicle license for either commercial or non-commercial vehicles based on the presence of his ICD.''

Douglas Lopez

Mr. Lopez is a 32-year-old from New York. His ICD was implanted in 2011. A February 6, 2015, letter from his cardiologist reports that Mr. Lopez's ''device has never fired. His underlying cardiac condition is well compensated and stable with therapy.'' Mr. Lopez wrote in a letter to the FMCSA that he plays sports, coaches various children's athletics, and would be considered an extremely active individual. If granted an exemption, Mr. Lopez would like to resume driving a truck in interstate commerce.

Leslie Mitchell

Mr. Mitchell is a 55-year-old Class A CDL holder in Minnesota. He has a pacemaker ICD/defibrillator that was implanted in March 2014. In July 2014 his cardiologist wrote that ''Mr. Mitchell has had near complete recovery of his heart function thanks in part to medication and pacemaker therapy. We have seen no evidence concerning heart arrhythmias and he does not require defibrillator therapy.'' In August 2014 his cardiology specialists wrote that ''due to his improved cardiac status the tachycardia therapy portion of his biventricular Internal Cardiac Defibrillator was disabled (as recommended by his physicians). The biventricular pacing (pacemaker) portion of his CRT–D device remains functional.''

Michael Politz

Mr. Politz is a 50-year-old non-CDL holder from Washington State. A March 2014 letter from his cardiologist reports that Mr. Politz had a defibrillator implanted ''in 2012 for a primary ventricular fibrillation. A stress test in Jan 2013 demonstrated ejection fraction of 40%, inferior scar but no ischemia. He has had no recurrences of hemodynamically significant

dysrhythmias by monitoring on his implantable defibrillator and no syncope, near syncope, or shocks. His cardiologist's letter states that he is at a relatively low risk for recurrent episodes as he has been revascularized.'' If granted an exemption, Mr. Politz would like to resume driving a truck in interstate commerce.

Mark Register

Mr. Register is a 46-year-old Class B CDL holder in North Carolina. An October 2014 affidavit from his cardiologist reports that his ICD ''was implanted in 2010 for a documented ventricular arrhythmia. Mr. Register's ventricular arrhythmia was determined to be a Right Ventricular Outflow Tract ventricular tachycardia which was treated by ablation in May 2011. His cardiologist is 99.5% confident that the source of Mr. Register's original cardiac arrhythmia has been corrected and removed. Mr. Register has been clinically stable since that time and has experienced no malignant ventricular arrhythmias. His defibrillator is medically checked every three months to ensure proper function and is ''nothing more than a back-up or ''safety net.'' His cardiologist's professional medical opinion is that Mr. Register ''is completely and physically capable of operating a commercial motor vehicle'' and ''poses no risk in operating a commercial motor vehicle.'' His cardiologist cites three recent scholarly articles from the Journal of American College of Cardiology and the European Society of Cardiology, which conclude that ''patients with defibrillators are able to operate motor vehicles just as safely if not more so than the general population.''

Charles Rhodes

Mr. Rhodes is a 59-year-old from Arizona. Mr. Rhodes provided medical reports from 2013–2014 from his cardiologists indicating his ICD was implanted in February 2013. An October 22, 2014, medical history from his cardiologist reports that he follows up regularly in the pacemaker clinic every 3 months.

Mark Steiner

Mr. Steiner is a 65-year-old from Ohio. A January 29, 2015, letter from his cardiologist states that his ICD was implanted in 2012 for primary prevention. An ICD interrogation conducted on January 29, 2015, showed no report of any dysrhythmias or requirement for anti-tachycardia pacing or defibrillation. His cardiologist states Mr. Steiner has had no chest, neck, jaw or arm discomfort, pedal edema, near syncope, syncope, or ICD discharge. If granted an exemption, Mr. Steiner would like to resume driving a truck in interstate commerce.

Stephen Watts

Mr. Watts is a 52-year-old Class A CDL holder in Kansas. A December 2014 letter from his cardiologist reports that his ICD was implanted in 2013. According to a January 2015 letter from his cardiologists, ''from a clinical standpoint he is doing quite well. He has not had any shortness of breath, PND or orthopnea. Review of his pacemaker/defibrillator shows that he has not had any significant dysrhythmias.'' A November 2014 letter from his employer states that he has ''driven over 1 million accident free miles.'' If granted an exemption, Mr. Watts would like to resume driving a truck in interstate commerce.

John Allen Weltz

Mr. Weltz is a 51-year-old Class A CDL holder in Nebraska. A February 2, 2015, letter from his cardiologist reports that Mr. Weltz received an ICD on February 28, 2014, and from Mr. Weltz's records, his cardiologist does not think he has been shocked. A September 2014 letter from his cardiologist states, ''He has had no ventricular arrhythmias since his ICD was implanted and he is quite stable.'' Mr. Weltz reports that for the past 10 years he has been keeping in close contact with all of his doctors, keeping all of his medical appointments and taking all medication as prescribed.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: April 14, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–09068 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on December 19, 2014 (79 FR 75859). No comments were received.

This document describes a collection of information on nine Federal motor vehicle safety standards (FMVSSs) and one regulation, for which NHTSA intends to seek OMB approval. The information collection pertains to requirements that specify certain safety precautions regarding items of motor vehicle equipment must appear in the vehicle owner's manual.

DATES: Comments must be submitted on or before May 21, 2015.

FOR FURTHER INFORMATION CONTACT: Lou Molino, the National Highway Traffic Safety Administration, Office of Rulemaking (NVS–112), (202) 366–1740, 1200 New Jersey Avenue, W43–311, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Consolidated Vehicle Owner's Manual Requirements for Motor Vehicles and Motor Vehicle Equipment.

OMB Number: 2127–0541.

Type of Request: Extension of a currently approved collection.

Abstract: In order to ensure that manufacturers are complying with the FMVSS and regulations, NHTSA requires a number of information collections in FMVSS Nos. 108, 110, 138, 202a, 205, 208, 210, 213, and 226 and Part 575 Sections 103 and 105.

FMVSS No. 108, ''Lamps, reflective devices, and associated equipment.'' This standard requires that certain lamps and reflective devices with certain performance levels be installed on motor vehicles to assure that the roadway is properly illuminated, that vehicles can be readily seen, and the signals can be transmitted to other drivers sharing the road, during day, night and inclement weather. Since the specific manner in which headlamp aim is to be performed is not regulated (only the performance of the device is), aiming devices manufactured or installed by different vehicle and headlamp manufacturers may work in significantly different ways. As a consequence, to assure that headlamps can be correctly aimed, instructions for

proper use must be part of the vehicle as a label, or optionally, in the vehicle owner's manual.

FMVSS No. 110, ''Tire selection and rims.'' This standard specifies requirements for tire selection to prevent tire overloading. The vehicle's normal load and maximum load on the tire shall not be greater than applicable specified limits. The standard requires a permanently affixed vehicle placard specifying vehicle capacity weight, designated seating capacity, manufacturer recommended cold tire inflation pressure, and manufacturer's recommended tire size. The standard further specifies rim construction requirements, load limits of non-pneumatic spare tires, and labeling requirements for non-pneumatic spare tires, including a required placard. Owner's manual information is required for ''Use of Spare Tire.'' FMVSS No. 110 requires additional owner's manual information on the revised vehicle placard and tire information label, on revised tire labeling, and on tire safety and load limits and terminology.

FMVSS No. 138, ''Tire pressure monitoring systems.'' This standard specifies requirements for a tire pressure monitoring system to warn the driver of an under-inflated tire condition. Its purpose is to reduce the likelihood of a vehicle crash resulting from tire failure due to operation in an under-inflated condition. The standard requires the Owner's Manual to include specific information on the low pressure warning telltale and the malfunction indicator telltale.

FMVSS No. 202a, ''Head restraints.'' This standard specifies requirements for head restraints. The standard, which seeks to reduce whiplash injuries in rear collisions, currently requires head restraints for front outboard designated seating positions in passenger cars and in light multipurpose passenger vehicles, trucks and buses. In a final rule published on December 14, 2004 (69 FR 74880), the standard requires that vehicle manufacturers include information in owner's manuals for vehicles manufactured on or after September 1, 2008. The owner's manual must clearly identify which seats are equipped with head restraints. If the head restraints are removable, the owner's manual must provide instructions on how to remove the head restraint by a deliberate action distinct from any act necessary for adjustment, and how to reinstall head restraints. The owner's manual must warn that all head restraints must be reinstalled to properly protect vehicle occupants. Finally, the owner's manual must describe, in an easily understandable format, the adjustment of the head restraints and/or seat back to achieve appropriate head restraint position relative to the occupant's head.

FMVSS No. 205, ''Glazing materials.'' This standard specifies requirement for all glazing material used in windshields, windows, and interior partitions of motor vehicles. Its purpose is to reduce the likelihood of lacerations and to minimize the possibility of occupants penetrating the windshield in a crash. More detailed information regarding the care and maintenance of such glazing items, as the glass-plastic windshield, is required to be placed in the vehicle owner's manual.

FMVSS No. 208, ''Occupant crash protection.'' This standard specifies requirements for both active and passive occupant crash protection systems for passenger cars, multipurpose passenger vehicles, trucks and small buses. Certain safety features, such as air bags, or the care and maintenance of air bag systems, are required to be explained to the owner by means of the owner's manual. For example, the owner's manual must describe the vehicle's air bag system and provide precautionary information about the proper positioning of the occupants, including children. The owner's manual must also warn that no objects, such as shotguns carried in police cars, should be placed over or near the air bag covers.

FMVSS No. 210, ''Seat belt assembly anchorages.'' This standard specifies requirements for seat belt assembly anchorages to ensure effective occupant restraint and to reduce the likelihood of failure in a crash. The standard requires that manufacturers place the following information in the vehicle owner's manual: a. An explanation that child restraints are designed to be secured by means of the vehicle's seat belts, and, b. A statement alerting vehicle owners that children are always safer in the rear seat.

FMVSS No. 213, ''Child restraint systems.'' This standard specifies requirements for child restraint systems and requires that manufacturers provide consumers with detailed information relating to child safety in air bag equipped vehicles. The vehicle owner's manual must include information about the operation and do's and don'ts of built-in child seats.

FMVSS No. 226, ''Ejection mitigation.'' This standard establishes vehicle requirements intended to reduce the partial and complete ejection of vehicle occupants through side windows in crashes, particularly rollover crashes. The standard applies to vehicles with a gross vehicle weight rating of 4,536 kg or less. Written information must be provided with every vehicle describing any ejection mitigation countermeasure that deploys in the event of a rollover and a discussion of the readiness indicator specifying a list of the elements of the system being monitored by the indicator, a discussion of the purpose and location of the telltale, and instructions to the consumer on the steps to take if the telltale is illuminated.

Part 575 Section 103, ''Camper loading.'' This regulation requires manufacturers of slide-in campers to affix to each camper a label that contains information relating to identification and proper loading of the camper and to provide more detailed loading information in the owner's manual. This regulation also requires manufacturers of trucks that would accommodate slide-in campers to specify the cargo weight ratings and the longitudinal limits within which the center of gravity for the cargo weight rating should be located.

Part 575 Section 105, ''Vehicle rollover.'' This regulation requires manufacturers of utility vehicles to alert the drivers of those vehicles that they have a higher possibility of rollover than other vehicle types and to advise them of steps that can be taken to reduce the possibility of rollover and/or to reduce the likelihood of injury in a rollover. A statement is provided in the regulation, which manufacturers shall include, in its entirety or equivalent form, in the Owner's Manual.

Affected Public: Individuals, households, business, other for-profit, not-for-profit, farms, Federal Government and State, Local or Tribal Government.

Estimated Total Annual Burden: 3,724 hours.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2015–09081 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA 2015–0003]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: On February 2, 2015, in accordance with the Paperwork Reduction Act of 1995, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice in the **Federal Register** (80 FR 5617) inviting comments on an information collection titled ''Pipeline Safety: Periodic Underwater Inspection and Notification of Abandoned Underwater Pipelines'' identified by Office of Management and Budget (OMB) control number 2137–0618. This information collection will be expiring on August 31, 2015. PHMSA will request an extension with no change for this information collection.

PHMSA received no comments in response to that notice. PHMSA is publishing this notice to provide the public with an additional 30 days to comment on the renewal of this information collection and announce that the Information Collection will be submitted to OMB for approval.

DATES: Interested persons are invited to submit comments on or before May 21, 2015 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Angela Dow by telephone at 202–366–1246, by email at *angela.dow@dot.gov,* by fax at 202–366–4566, or by mail at U.S. Department of Transportation, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

ADDRESSES: You may submit comments identified by the docket number PHMSA–2015–0003 by any of the following methods:

- *Fax:* 1–202–395–5806.
- *Mail:* Office of Information and Regulatory Affairs, Records Management Center, Room 10102 NEOB, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer for the U.S. Department of Transportation\PHMSA.
- *Email:* Office of Information and Regulatory Affairs, OMB, at the following email address: *OIRA_Submission@omb.eop.gov.*

Requests for a copy of the information collection should be directed to Cameron Satterthwaite by telephone at 202–366–1319, by fax at 202–366–4566, by email at *cameron.satterthwaite@dot.gov*, or by mail at U.S. Department of Transportation, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request PHMSA will submit to OMB for renewal. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a 3-year term of approval for this information collection activity. PHMSA requests comments on the following information collection:

1. Title: Pipeline Safety: Periodic Underwater Inspection and Notification of Abandoned Underwater Pipelines.

OMB Control Number: 2137–0618.

Current Expiration Date: 8/31/2015.

Type of Request: Renewal of a currently approved information collection.

Abstract: The Federal pipeline safety regulations at 49 CFR 192.612 and 195.413 require operators to conduct appropriate periodic underwater inspections in the Gulf of Mexico and its inlets. If an operator discovers that its underwater pipeline is exposed or poses a hazard to navigation, among other remedial actions such as marking and reburial in some cases, the operator must contact the National Response Center by telephone within 24 hours of discovery and report the location of the exposed pipeline.

PHMSA's regulations for reporting the abandonment of underwater pipelines can be found at §§ 192.727 and 195.59. These provisions contain certain requirements for disconnecting and purging abandoned pipelines and require operators to notify PHMSA of each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through a commercially navigable waterway.

Affected Public: Operators of pipeline facilities (except master meter operators).

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 92.

Estimated annual burden hours: 1,372.

Frequency of collection: On occasion.

Comments are invited on:

(a) The need for the renewal and revision of these collections of information 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 of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC, on April 16, 2015, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Office of Standards and Rulemaking.

[FR Doc. 2015–09094 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Office of the Assistant Secretary for Research and Technology; Advisory Council on Transportation Statistics; Notice of Meeting

AGENCY: Bureau of Transportation Statistics, U.S. Department of Transportation.

ACTION: Notice.

This notice announces, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 72–363; 5 U.S.C. app. 2), a meeting of the Advisory Council on Transportation Statistics (ACTS). The meeting will be held on Tuesday, May 19th from 8:30 a.m. to 4:00 p.m. E.S.T. at the U.S. Department of Transportation, Room E37–302, 1200 New Jersey Ave. SE.,

Washington, DC. Section 52011 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) directs the U.S. Department of Transportation to establish an Advisory Council on Transportation Statistics subject to the Federal Advisory Committee Act (5 U.S.C., App. 2) to advise the Bureau of Transportation Statistics (BTS) on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department. The following is a summary of the draft meeting agenda: (1) USDOT Welcome and Introduction of Council Members; (2) Current BTS Activities and Issues; (3) BTS Portions of the GROW AMERICA Act; (4) BTS Research Activities; (5) Public Comments and Closing Remarks. Participation is open to the public.

Members of the public who wish to participate must notify Annette Simpson at *annette.simpson.@dot.gov*, not later than May 1, 2015. Members of the public may present oral statements at the meeting with the approval of Patricia Hu, Director of the Bureau of Transportation Statistics. Noncommittee members wishing to present oral statements or obtain information should contact Annette Simpson via email no later than May 1, 2015.

Questions about the agenda or written comments may be emailed (*Annette.Simpson@dot.gov*) or submitted by U.S. Mail to: U.S. Department of Transportation, Office of the Assistant Secretary for Research and Technology, Bureau of Transportation Statistics, *Attention:* Annette Simpson, 1200 New Jersey Avenue SE., Room # E34–403, Washington, DC 20590, or faxed to (202) 366–3383. BTS requests that written comments be received by May 1, 2015. Access to the DOT Headquarters building is controlled therefore all persons who plan to attend the meeting must notify Annette Simpson at 202–366–0419 prior to May 1, 2015. Individuals attending the meeting must report to the main DOT entrance on New Jersey Avenue SE. for admission to the building. Attendance is open to the public, but limited space is available. Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Annette Simpson at 202–366–0419 at least seven calendar days prior to the meeting.

Notice of this meeting is provided in accordance with the FACA and the General Services Administration regulations (41 CFR part 102–3) covering management of Federal advisory committees.

Issued in Washington, DC, on the 15th day of April 2015.

Rolf Schmitt,

Deputy Director, Bureau of Transportation Statistics.

[FR Doc. 2015–09097 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Submission of Audit Reports—Part 248

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS requiring U.S. large certificated air carriers to submit two true and complete copies of its annual audit that is made by an independent public accountant. If a carrier does not have an annual audit, the carrier must file a statement that no audit has been performed. Comments are requested concerning whether (1) the audit reports are needed by BTS and DOT; (2) BTS accurately estimated the reporting burden; (3) there are other ways to enhance the quality, utility and clarity of the information collected; and (4) there are ways to minimize reporting burden, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted by June 22, 2015.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

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

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET,Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: *Jeff.gorham@dot.gov,* Office of Airline Information, RTS–42, Room E34, Bureau of Transportation Statistics, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0004.

Title: Submission of Audit Reports—Part 248.

Form No.: None.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 63.

Number of Responses: 63.

Total Annual Burden: 20 hours.

Needs and Uses: BTS collects independent audited financial reports from U.S. certificated air carriers. Carriers not having an annual audit must file a statement that no such audit has been performed. In lieu of the audit report, BTS will accept the annual report submitted to the stockholders. The audited reports are needed by the Department of Transportation as (1) a means to monitor an air carrier's continuing fitness to operate, (2) reference material used by analysts in examining foreign route cases (3) reference material used by analyst in

examining proposed mergers, acquisitions and consolidations, (4) a means whereby BTS sends a copy of the report to the International Civil Aviation Organization (ICAO) in fulfillment of a United States treaty obligation, and (5) corroboration of a carrier's Form 41 filings.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on April 16, 2015.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2015–09198 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Reporting Required for International Civil Aviation Organization (ICAO)

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need and usefulness of BTS collecting supplemental data for the International Civil Aviation Organization (ICAO). Comments are requested concerning whether (1) the supplemental reports are needed by BTS to fulfill the United States treaty obligation of furnishing financial and traffic reports to ICAO; (2) BTS accurately estimated the reporting burden; (3) there are other ways to enhance the quality, utility and clarity of the information collected; and (4) there are ways to minimize reporting burden, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted by June 22, 2015.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 OMB Approval No. 2138–0039 by any of the following methods:

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

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3640.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

An electronic copy of this rule, a copy of the notice of proposed rulemaking, and copies of the comments may be downloaded at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: *jeff.gorham@dot.gov,* Office of Airline Information, RTS–42, Room E34, OST–R, 1200 New Jersey Avenue Street SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0039.

Title: Reporting Required for International Civil Aviation Organization (ICAO).

Form No.: BTS Form EF.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 38.

Number of Responses: 38.

Total Annual Burden: 26 hours.

Needs and Uses: As a party to the Convention on International Civil Aviation (Treaty), the United States is obligated to provide ICAO with financial and statistical data on operations of U.S. carriers. Over 99% of the data filled with ICAO is extracted from the air carriers' Form 41 submissions to BTS. BTS Form EF is the means by which BTS supplies the remaining 1% of the air carrier data to ICAO.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on April 16, 2015.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2015–09197 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket: DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Report of Extension of Credit to Political Candidates—Form 183

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the

continuing need and usefulness of BTS collecting reports from air carriers on the aggregated indebtedness balance of a political candidate or party for Federal office. The reports are required when the aggregated indebtedness is over $5,000 on the last day of a month.

DATES: Written comments should be submitted by June 22, 2015.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

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

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–493–2251.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Bureau of Transportation Statistics, 1200 New Jersey Avenue Street SE., Washington, DC 20590–0001, (202) 366–4406.

SUPPLEMENTAL INFORMATION:

OMB Approval No.: 2138–0016.

Title: Report of Extension of Credit to Political Candidates—Form 183 14 CFR part 374a.

Form No.: 183.

Type of Review: Extension of a currently approved collection.

Respondents: Certificated air carriers.

Number of Respondents: 2 (Monthly Average).

Number of Responses: 24.

Estimated Time per Response: 1 hour.

Total Annual Burden: 24 hours.

Needs and Uses: The Department uses this form as the means to fulfill its obligation under the Federal Election Campaign Act of 1971 (the Act). The Act's legislative history indicates that one of its statutory goals is to prevent candidates for Federal political office from incurring large amounts of unsecured debt with regulated transportation companies (*e.g.* airlines). This information collection allows the Department to monitor and disclose the amount of unsecured credit extended by airlines to candidates for Federal office. All certificated air carriers are required to submit this information.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on April 16, 2015.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2015–09194 Filed 4–20–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463; Title 5 U.S.C. App. 2 (Federal Advisory Committee Act) that the subcommittees of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board (JBL/CS SMRB) will meet from 8 a.m. to 5 p.m. on the dates indicated below (unless otherwise listed):

Subcommittee	Date	Location
Endocrinology-B	May 21, 2015	*VA Central Office.
Infectious Diseases-B	May 21, 2015	Crowne Plaza Old Town Alexandria.
Nephrology	May 21, 2015	Crowne Plaza Old Town Alexandria.
Neurobiology-C	May 21, 2015	Westin Crystal City.
Aging and Clinical Geriatrics	May 27, 2015	*VA Central Office.
Surgery	May 27, 2015	*VA Central Office.
Cardiovascular Studies-A	May 28, 2015	Hampton Inn.
Infectious Diseases-A	May 28, 2015	Westin Crystal City.
Neurobiology-F	May 28, 2015	*VA Central Office.
Neurobiology-A	May 29, 2015	Crowne Plaza Old Town Alexandria.
Neurobiology-D	May 29, 2015	Crowne Plaza Old Town Alexandria.
Cellular and Molecular Medicine	June 1, 2015	Westin Crystal City.
Endocrinology-A	June 1, 2015	Westin Crystal City.
Epidemiology	June 2, 2015	*VA Central Office.
Neurobiology-R	June 2, 2015	*VA Central Office (12:00 p.m. ET).
Oncology-E	June 2, 2015	*VA Central Office (10:00 a.m. ET).
Oncology-B	June 2, 2015	*VA Central Office (1:00 p.m. ET).
Mental Health and Behavioral Sciences-A	June 3, 2015	Hampton Inn.
Oncology-D	June 3, 2015	*VA Central Office (10:00 a.m. ET).
Oncology-C	June 3, 2015	*VA Central Office (1:00 p.m. ET).
Pulmonary Medicine	June 4, 2015	Westin Crystal City.

Subcommittee	Date	Location
Special Emphasis on Genomics	June 4, 2015	Westin Crystal City.
Gulf War Research	June 4, 2015	*VA Central Office.
Clinical Trials-B	June 5, 2015	*VA Central Office.
Neurobiology-E	June 5, 2015	Hampton Inn.
Oncology-A	June 5, 2015	*VA Central Office (10:00 a.m. ET).
Clinical Trials-A	June 9, 2015	Hampton Inn.
Gastroenterology	June 9, 2015	Westin Crystal City.
Neurobiology-B	June 9, 2015	Westin Crystal City.
Immunology-A	June 10, 2015	American Association of Airport Executives.
Special Emphasis on Million Veteran Program Projects	June 10, 2015	Hampton Inn.
Cardiovascular Studies-B	June 11, 2015	Crowne Plaza Old Town Alexandria.
Hematology	June 11, 2015	*VA Central Office.
JBL/CS SMRB	June 16, 2015	*VA Central Office (3:00 p.m. ET).
Eligibility	July 20, 2015	Hampton Inn.

The addresses of the meeting sites are:
American Association of Airport Executives, 601 Madison Street, 3rd Floor, Alexandria, VA.
Crowne Plaza Old Town Alexandria, 901 N. Fairfax Street, Alexandria, VA.
Hampton Inn, 1729 H Street NW., Washington, DC.
US Access Board, 1331 F Street NW., Suite 800, Washington, DC.
Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA.
VA Central Office, 1100 First Street NE., 6th Floor, Washington, DC.
*Teleconference.

The purpose of the subcommittees is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review evaluation. Proposals submitted for review include numerous medical specialties within the general areas of biomedical, behavioral and clinical science research.

The subcommittee meetings will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals. However, the JBL/CS SMRB teleconference meeting will be open to the public. Members of the public who wish to attend the open JBL/CS SMRB teleconference may dial 1–800–767–1750, participant code 95562. Members of the public who wish to make a statement at the JBL/CS SMRB meeting must notify Dr. Alex Chiu via email at *alex.chiu@va.gov* by June 9, 2015.

The closed subcommittee meetings involve discussion, examination, and reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly frustrate implementation of proposed agency action regarding the research proposals. As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the subcommittee meetings is in accordance with Title 5 U.S.C. 552b(c)(6) and (9)(B).

Those who would like to obtain a copy of the minutes from the closed subcommittee meetings and rosters of the subcommittee members should contact Alex Chiu, Ph.D., Manager, Merit Review Program (10P9B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5672 or email at *alex.chiu@va.gov.*

Dated: April 16, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–09186 Filed 4–20–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that a meeting of the Advisory Committee on the Readjustment of Veterans will be held Wednesday, Thursday and Friday, May 6–8, 2015. The meeting on Wednesday and Friday will be conducted at the Department of Veterans Affairs (VA) Central Office, 810 Vermont Avenue NW., Washington, DC 20420, in Room 630. The agenda for these two days will begin at 8 a.m. and end at 4:30 p.m. The meeting on both days is open to the public.

The meeting on Thursday will be conducted at two VA Vet Centers located in Silver Spring and Baltimore, MD. The latter meetings will include interviews with Veteran consumers and will be closed to the public.

The purpose of the Committee is to review the post-war readjustment needs of combat Veterans and to evaluate the availability and effectiveness of VA programs to meet Veterans' needs.

On May 6, the Committee will be briefed on current directions and priorities for serving the Nation's war Veterans. The Committee will also be briefed by the Principal Deputy Under Secretary for Health on new directions of care in Veterans Health Administration (VHA) and the coordination of VA healthcare with readjustment counseling.

The May 6 agenda will also include briefings on the current activities of the Readjustment Counseling Service (RCS) Vet Center program to include the full scope of outreach and readjustment counseling services provided to combat Veterans and families. The briefing will focus on the coordination of Vet Center services with VHA health care, mental health, and social work services. The Committee will also receive briefings from VHA mental health program officials focusing on the key role of mental health services for the psychological, social, and economic readjustment of combat Veterans.

On May 7, Committee members will conduct onsite visits at two Vet Centers to meet with groups of Veteran consumers and with VHA service providers from the Vet Centers and the support VA medical facilities.

On May 8 the Committee will receive briefings from additional VHA program officials representing key programs of specific value for the post-war readjustment of Veterans and family

members. The agenda for May 8 will conclude with a Committee strategic planning session for developing the observations and conclusions for the annual Committee Report.

No time will be allocated at this meeting for receiving oral presentations from the public. However, members of the public may direct written questions or submit prepared statements for review by the Committee before the meeting to Mr. Charles M. Flora, M.S.W., Designated Federal Officer, Readjustment Counseling Service, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. Because the meeting will be in a Government building, please provide valid photo identification for check-in. Please allow 15 minutes before the meeting for the check-in process. If you plan to attend or have questions concerning the meeting, please contact Mr. Flora at (202) 461–6525 or by email at *charles.flora@va.gov.*

Dated: April 16, 2015.

Rebecca Schiller,

Advisory Committee Management Office.

[FR Doc. 2015–09183 Filed 4–20–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Tuesday,

No. 76 April 21, 2015

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 660

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Catch Monitor Program; Observer Program; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130503447–5336–02]

RIN 0648–BD30

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Catch Monitor Program; Observer Program

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

ACTION: Final rule.

SUMMARY: This action revises the Pacific Coast Groundfish Fishery regulations pertaining to certified catch monitors and observers required in the Shorebased Individual Fishery Quota Program, the Mothership Coop Program, the Catcher/Processor Coop Program, and for processing vessels in the fixed gear or open access fisheries. This action establishes permitting requirements for persons interested in providing certified catch monitors and observers; updates observer provider and vessels responsibilities relative to observer safety; and makes administrative changes to the observer and catch monitor programs. This action is needed to allow for the entry of new providers, to ensure observer safety provisions are clearly stated and consistent with national observer regulations, and to improve program administration.

DATES: *Effective date:* May 21, 2015.

ADDRESSES: NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is summarized in the Classification section of this final rule. NMFS also prepared an Initial Regulatory Flexibility Analysis (IRFA) for the proposed rule. Copies of the IRFA, FRFA and the Small Entity Compliance Guide are available from William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; or by phone at 206–526–6150. Copies of the Small Entity Compliance Guide are available on the West Coast Region's Web site at *http://www.westcoast.fisheries.noaa.gov/.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Becky Renko, 206–526–6110, *becky.renko@noaa.gov;* or Jamie Goen, 206–526–4656, *jamie.goen@noaa.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule for this action was published on February 19, 2014 (79 FR 9592). This final rule removes regulations requiring vessels to obtain certified observers from providers permitted for the North Pacific Groundfish Observer Program, and establishes provider permitting requirements specific to the Pacific Coast groundfish fishery. Because some provider businesses in the Pacific Coast groundfish fishery provide both observers and catch monitors, a combined permitting process is being implemented at 50 CFR 660.18. There are two types of endorsements that will be associated with a provider permit; an observer endorsement and a catch monitor endorsement.

New providers may obtain permits through an application process. During the application process, persons, which includes individuals and entities, would specify which endorsement(s) they are seeking. Persons that provided observers and catch monitors in the 12 months prior to the effective date of this rule will be issued a provider permit without submitting an application. The existing record regarding performance and the ability to provide observer or catch monitor services will be adequate documentation. Existing providers will not be required to submit a new application unless they were seeking an additional endorsement. Existing providers will be permitted through December 31, 2015, unless there has been a change in ownership. To continue to provide services in 2016, existing providers will be required to apply for a provider permit by October 31, 2015, through the application process at § 660.18(b). A provider permit expires if it is not renewed and endorsements can be revoked when specific services have not been provided for a period of 12 consecutive months.

Observer and catch monitor providers contribute an important service by recruiting, hiring, and deploying motivated individuals to serve as observers and catch monitors. NMFS must ensure that observer providers meet minimum requirements so that this important service is consistently maintained. NMFS can issue permits to applicants who, among other considerations: Demonstrate that they understand the scope of the regulations they will be held to; document how they will comply with those regulations; demonstrate that they have the business infrastructure necessary to carry out the job; are free from conflict of interest; do not have past performance problems on a Federal contract or any history of decertification as either an observer, catch monitor, catch monitor provider or observer provider; and are free from criminal convictions for certain offenses that could impact their ability to successfully carry out the role of application. Upon issuance of a provider permit, the holder must comply with all applicable regulations.

Provider permit applications from persons who do not hold a current provider permit may be submitted at any time during the year. Once a complete application is received, NMFS' review process would begin and take at least a month. Therefore, applicants should plan accordingly. Applications submitted after October 31 may not be processed until the following year because of the time required to review applications, issue permits, and allow for an appeals process. NMFS has discretion to either grant or deny issuance of a catch monitor or observer provider permit.

A permit issued to a catch monitor or observer provider will be effective until the permit expiration date of December 31 of that year, unless, in the meantime, an ownership change occurs that requires a new permit, or the permit is suspended, revoked, or voided. Unless they wish to no longer provide services, existing provider permit holders must annually reapply prior to the December 31 permit expiration date. To be guaranteed issuance by January 1 of a subsequent year, the application must be submitted by October 31. If an existing provider fails to reapply for the permit, it will expire on the permit expiration date.

This action also revises regulations pertaining to observer safety. Fishing vessel responsibilities relative to safety are being revised to ensure consistency with the National Observer Program provisions at §§ 600.725 and 600.746. The prohibitions at § 660.12(e) are being revised to clarify that a vessel required to carry an observer is prohibited from fishing (including processing) if NMFS, the observer provider, or the observer determines that the vessel is inadequate or unsafe. In addition, the observer provider responsibilities will require the use of a current Vessel Safety checklist for pre-cruise checks and for any safety-related findings to be submitted to the Observer Program. Minor regulatory changes in program administration and housekeeping measures are included in this action.

Response to Comments

NMFS received three comment letters on the proposed rule and took verbal comments on the proposed rule during the Pacific Fishery Management Council's (Council) March 2014 meeting. These comments are addressed here:

Comment 1: The definitions at § 660.11 define a catch monitor provider as ''any person or commercial enterprise that is granted a permit by NMFS to provide certified catch monitors as required in § 660.140.'' This would preclude a public agency (state or municipality) from becoming a provider and is therefore too restrictive. Similarly, the conflict of interest limitations could be read to preclude harbor districts, coastal towns, states and similar entities from becoming observer or catch monitor providers. We recommend clarifying the conflict of interest limitations so that community members have the opportunity to monitor fishing activities in their own ports and so that harbor districts, coastal towns, states and similar entities may become certified providers.

Response: The regulations do not preclude a public agency, including harbor districts, coastal towns, states and similar entities, from being a permitted provider. The regulations will allow any ''person'' that meets the qualifying criteria to be permitted as a provider. The term ''person'' is defined in the regulations at § 660.11 and includes, ''any federal, state, or local government.'' A public agency would not be precluded from being a provider.

The conflict of interest limitations do not prohibit catch monitors or observers from living in the same communities in which they work. However, the regulations do specify assignment limitations for both catch monitors and observers. Currently, a catch monitor may not be assigned to the same first receiver for more than 90 calendar days in a 12-month period, unless otherwise authorized by NMFS. Similarly, observers may not be deployed on the same vessel for more than 90 calendar days in a 12-month period, unless otherwise authorized by NMFS.

Comment 2: Other than allowing observer or catch monitor services, the limitations on conflict of interest for catch monitors, observers, and providers prohibit persons with a direct financial interest in the following: (A) Any ownership, mortgage holder, or other secured interest in a vessel, first receiver, shorebased or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish; (B) Any business involved with selling supplies or services to any vessel, first receiver, shorebased or floating stationary processing facility; or (C) Any business involved with purchasing raw or processed products from any vessel, first receiver, shorebased or floating stationary processing facilities. These restrictions are not limited to commercial fishing. Recreational fishers or someone working at Safeway could be prohibited from being a catch monitor, an observer, or a provider.

Response: The conflict of interest limitations for observers, catch monitors, and providers were intended to apply to commercial fishing activity, including commercial activity in the recreational fisheries (*e.g.* charters). The conflict of interest restrictions describe, in part, that a person must not have a direct financial interest in a vessel, or any business buying from or selling to a vessel. The term ''fishing vessel'' as defined in regulation at § 600.10 means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for: (1) Fishing; or (2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing. Conflict of interest restrictions for observers are outlined at a national level in a policy directive (04–109–01) from August 2007 titled, ''National Minimum Eligibility Standards for Marine Fisheries Observers.'' (*http://www.st.nmfs.noaa.gov/Assets/Observer-Program/pdf/Eligibility_Procedural_Directive.pdf*) The national conflict of interest requirements use similar language, including use of the term ''vessel'' on page 3. In addition, the term ''vessel'' and similar conflict of interest requirements have been in Pacific coast groundfish regulations for observers, catch monitors, and providers before the February 2014 proposed rule and, for observers, since well before the trawl rationalization program.

Comment 3: NMFS stated their intent to expand conflict of interest limitations for observer and catch monitor providers. NMFS appears intent on developing these limitations without Council guidance outside of this rulemaking process, this is concerning.

Response: NMFS disagrees with the commenter that actions are being developed without Council input. At the Council's April 2012 meeting, NMFS identified the intent to review observer regulations at § 660.140 (Shorebased IFQ Program), § 660.150 (Mothership Coop Program), § 660.160 (Catcher/processor Coop Program) and the catch monitor regulations (§§ 660.17, 660.18, and 660.140) and revise the regulations to be more clear or more consistent and to improve administration of the two programs (Agenda item I.4.c. NMFS Trailing Actions). In April 2012, the Council recommended that NMFS move forward with the proposed changes. During the development of provider permitting regulations, the issue regarding conflict of interest limitations for providers came to light. To provide adequate notice to the public, the proposed rule preamble specifically discussed the issue of narrowing the conflict of interest limitations for providers and requested public comment. In addition, the issue was brought forward at the Council's March 2014 meeting for further input from the Council.

Comment 4: The current conflict of interest provisions were developed by the Council to help facilitate procurement of observers. A central point of the proposed rule is about facilitating procurement of observers by expanding the pool of observer providers on the Pacific Coast. Therefore, it seems counter-intuitive for NMFS to suggest the need for additional constraints on observer providers that will hinder procurement of observers. Further, during the original deeming of Amendment 20, the Regulatory Deeming Workgroup specifically rejected the more expansive conflict of interest language that NMFS initially proposed at that time. NMFS agreed to go with the narrowed language which is currently in regulation. The conflict of interest provisions should not be expanded beyond those originally developed by the Council.

Response: In 2010, during the deeming of the Amendment 20 rulemaking, more restrictive conflict of interest limitations relative to individual observers and catch monitors were rejected by the Regulatory Deeming Workgroup. The workgroup expressed concern that excessively narrow limitations could affect the availability of individuals to serve as observers and catch monitors. Although the conflict of interest limitations for observers and catch monitors are currently inconsistent with the NMFS policy directive 04–109–01, NMFS did not propose to narrow the conflict of interest limitations for observers and catch monitors in this action. Rather, the rule proposed to narrow the conflict of interest limitations for observer providers. The Regulatory Deeming Workgroup did not specifically consider

the conflict of interest limitations for providers.

Providers are businesses that employ qualified individuals to serve as observers and catch monitors; arrange for their attendance in training and briefings; provide support while they are deployed; and ensure that they meet the obligations. NMFS believes that there is adequate availability of individuals, businesses, colleges, universities, state and local governments to serve as providers to supply personnel for field positions in their natural resource jobs. Because the pool of potential applicants is a broad group, there appears to be an adequate pool of applicants without including those persons with direct financial ties to the fishing industry. For the collection of independent unbiased data, it is important that provider businesses be companies dedicated to providing personnel for the collection of accurate, complete, and reliable marine and ecological data. Broadening the existing conflict of interest limitations to restrict providers from having a direct financial interest in any federal or state managed fisheries is not expected to hinder the procurement of qualified individuals to serve as observers or catch monitors.

Comment 5: The proposed rule includes language that goes far beyond what it takes to become an observer. The observer qualifications include CPR training and certification which are inappropriate. The educational requirements go beyond what is necessary to do the job. The observer qualification requirements conflict with the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act) which simply states that they must have the skills to do the job.

Response: As noted in the preamble of the proposed rule, only minor administrative changes are being made in the regulations pertaining to observer qualifications and certifications. The changes include removing and updating incorrect cross references and standardizing references to the Observer Program. Similar, if not identical, changes are being made in the regulations pertaining to observers in the Mothership and Catcher/Processor Coop Programs.

The proposed rule did not include the reconsideration of eligibility requirements currently in regulation for observers. Observer eligibility criteria are based on NMFS policy directive 04–109–01, National Minimum Eligibility Requirements for Marine Fisheries Observers. Observer safety training and first aid requirements are addressed in policy directive 04–110–01. These directives are available on line at *http://www.nmfs.noaa.gov/op/pds/.* Changes to the national directives for minimum eligibility requirements and first aid are beyond the scope of this action.

Comment 6: The provision of observers and catch monitors by for-profit companies provides employment and secondary economic benefits to West Coast ports. However, for some vessels in remote and small fishing areas, securing an observer or a catch monitor from a traditional for-profit provider may be prohibitively costly or difficult. NMFS should allow non-traditional entities to serve as observers and catch monitors, provided that they meet the requirements for a permit. These applicants could include coastal towns, harbor districts, states and other similar entities. Many individuals affiliated with those groups may be familiar with West Coast groundfish species and the fishery, making them promising candidates for observers and catch monitors.

There are two issues that could constrain non-traditional entities from providing observers and catch monitors: educational requirements for observers/catch monitors, and the conflict of interest limitations. While we understand and support minimum requirements for observers/catch monitors, we encourage NMFS to reconsider the requirement for a Bachelor's degree specifically in the natural sciences. We believe this requirement inadvertently excludes a number of otherwise qualified individuals. As long as applicants are able to successfully complete the NMFS training course, and can demonstrate they have the scientific and statistical skills and knowledge necessary to complete required duties, we believe they should be allowed to serve as observers/catch monitors.

Response: As discussed in the response to Comments 1 and 2, non-traditional entities, such as coastal towns, harbor districts, and states, would not be prohibited from becoming a provider if they meet the qualifying criteria. As discussed in the response to Comment 5, the proposed rule did not include reconsideration of eligibility requirements currently in regulation for observers. Nor did the proposed rule include changes to the educational requirements for catch monitors. Observers and catch monitors have different educational requirements in the groundfish regulations, as specified at § 660.140(h)(5)(i) for IFQ observers and § 660.17(e)(1) for catch monitors. The minimum requirement for a bachelor's degree in one of the natural sciences is specific to observers, not catch monitors. Observers are required, in part, to have a bachelor's degree in one of the natural sciences, with coursework in biological sciences, use of dichotomous keys, at least one math and statistics course, and relevant computer skills, all consistent with national policy. Catch monitors, on the other hand, are required, in part, to have a high school diploma, and a 2-year degree or 1-year of specialized experience.

Observer eligibility criteria are based on NMFS policy directive 04–109–01, National Minimum Eligibility Requirements for Marine Fisheries Observers. The purpose of the procedural directive was to establish national minimum eligibility standards for individuals admitted to and completing observer training. Quality observer data are essential for management decisions. Therefore, observers must meet minimum eligibility standards to help ensure professionalism, provide quality assurance, prevent conflicts of interest and promote agency credibility. These same national directives include conflict of interest limitations.

Comment 7: There are inconsistencies between sections of the regulations describing first aid and cardiopulmonary training required for observers and needed to maintain their certification. Observers in the Shorebased IFQ Program and on catcher vessels in the mothership fishery are required to complete a basic cardiopulmonary resuscitation/first aid course prior to the end of the West Coast Groundfish Observer training class and to maintain their certification they must hold current basic cardiopulmonary resuscitation/first aid certification as per American Red Cross Standards.

Response: The commenter is correct that there are inconsistencies between what must be successfully completed during the West Coast Groundfish Observer training classes to obtain the initial certification and what is required to maintain the certification. This final rule revises those sections to eliminate the inconsistencies. Each section will refer to a Red Cross or equivalent basic cardiopulmonary resuscitation/first aid certification.

Comment 8: The proposed rule regulations require that any concerns about vessel safety be reported in writing to the Observer Program Office by the observer provider within 24 hours after the observer provider becomes aware of the information. Two commenters expressed concern about the timeliness of the vessel safety

information getting back to a vessel owner. The commenters requested that the regulations specify the time when a provider must notify a vessel owner about safety concerns, including an observer's refusal to board a vessel, starting from the time a problem is identified by the observer and ending when the vessel owner is notified of the situation.

Response: Every vessel that carries an observer is required to have a valid USCG Commercial Fishing Vessel Safety Decal that is valid for two years. Although a vessel may meet the requirements for a Vessel Safety Decal at the time of inspection, vessels can be out of compliance between inspections. Equipment can be removed from the vessel, damaged, or out of date. Prior to an observer embarking on the first trip and before the vessel may get underway with an observer aboard, the observer provider must ensure that the Observer Vessel Safety Checklist was completed, and that the vessel has a valid USCG Commercial Fishing Vessel Safety Decal. The provider must submit the Observer Vessel Safety Checklist to the Observer Program. The observers are encouraged to complete an Observer Vessel Safety Checklist as early as possible before the first trip and give the vessel time to correct any deficiencies. In addition, for the protection of observers, the current regulations state that vessels are required to maintain safe conditions, and comply with USCG and other applicable rules, regulations, statutes, and guidelines pertaining to safe operation of the vessel. Those measures include, but are not limited to, rules of the road, vessel stability, emergency drills, emergency equipment, vessel maintenance, vessel general condition and port bar crossings. An observer may refuse to board or reboard a vessel, and may request a vessel to return to port if they believe it is operated in an unsafe manner or if they identify unsafe conditions.

Observers hired by permitted providers are required by regulations to report to NMFS when a vessel has uncorrected safety deficiencies, when an observer refuses to board or reboard a vessel, and when an observer requests to return to port due to unsafe conditions. Vessel owners employing observer services through a permitted provider hold a private contract with the provider. If a vessel owner wants observer safety concerns reported to them within a specific time frame, they are encouraged to work directly with the observer providers to build elements into their private business contract that addresses the concern. To address vessel safety issues before an observer is scheduled to board a vessel, NMFS encourages the vessel owners to work directly with the USCG port personnel including safety inspectors who are available to assist individual vessel owners.

Comment 9: If an observer refuses to board a particular vessel, all of the preparation for going fishing is cost that is a loss for that vessel. There should be a regulatory provision to compensate the vessel's loss.

Response: With respect to permitted providers within the trawl fisheries, the relationship between the vessel and the permitted provider is a private business contract between the two entities. If the individual parties want provisions for compensating each other for losses relative to the fishing preparation costs or the observer's lost work time, the individual parties are encouraged to work together to build elements into their private business contract that addresses the concerns.

With respect to the limited entry fixed gear and open access harvesting vessels, Pacific States Marine Fish Commission holds contracts with observer providers and observers are obtained through the Observer Program Office, not directly from permitted providers. When there is a safety concern on limited entry fixed gear and open access harvesting vessel, NMFS notifies the vessel owner about the safety concerns. If the safety concern was not caused by the vessel or crew, a waiver may be issued and the vessel can go fish. In this case, the loss of fishing time is minimal. However, if an observer refuses a trip due to an issue with the vessel (unsafe conditions, harassment etc.), the Observer Program tends not to issue waivers and the vessel must correct the issue before an observer would be assigned to the vessel. In this case, NMFS believes that compensation would be inappropriate.

Comment 10: The proposed rule would require the submission of a permit renewal application every year in order to maintain certification as an observer provider. We believe this would be both unnecessary and overly burdensome. Providers and NMFS staff already have too many administrative responsibilities. New responsibilities should be considered only when they are truly worthwhile. This one may look good on paper, creating the impression that it somehow increases agency oversight, but in reality it will accomplish nothing. Once certified, we believe a company should remain so unless there is a change of ownership.

Response: The intended purpose of the annual renewal is to verify that the management, organization, and ownership structure of a permitted provider is unchanged; to update provider contact information; and to assure that nothing has changed relative to the conflict of interest limitations or criminal convictions. Based on experience, NMFS believes the renewal process ensures that information required for issuance of a provider permit is maintained over time. If inconsistencies with the standards are found, the situation could be addressed and remedied in a timely manner.

The commenter is correct that annual renewals will be an additional burden on existing providers and NMFS. The burden was specifically considered and NMFS has determined that, at least initially, an annual check-in is needed to ensure that the conditions under which the original permits were issued continue to exist. To reduce the burden of the renewal process on the provider, partially pre-filled renewal forms will be provided. If all information is current, the burden on the provider is expected to be minimal.

At the beginning of the new provider permit requirements, it is important to collect the information through the renewal on an annual basis. After a few years, NMFS could evaluate whether the provider permit could remain valid over a longer period of time and a modification to the regulation is warranted. In addition, after three years, the burden of this collection will be reconsidered under the Paperwork Reduction Act and requiring less frequent renewals for provider permits could be considered.

Comment 11: The gear issued to observers has grown more technically advanced and increasingly expensive. The cost of NMFS-issued scales alone exceeds $10,000. It is unreasonable to make providers or observers responsible for replacement costs of lost or damaged gear. Gear can be damaged through normal at-sea use, and one could argue that gear stolen from an observer's hotel room when the observer is on travel has been lost. It is unreasonable in either of these circumstances to hold the provider responsible for replacing the gear involved. Replacement should be restricted to those instances when gear is misplaced (*i.e.,* truly ''lost'') by the observer and when damage results from an observer's willful misconduct.

Response: When all of the gear is new, the specialized set of safety and sampling gear issued by NMFS to observers can exceed $13,000. The motion-compensating scale alone is valued at approximately $7,000. Current regulations require an observer provider to replace all lost or damaged gear and equipment issued by NMFS to an observer under contract to that provider.

All replacements must be in accordance with requirements and procedures identified in writing by the Observer Program Office. NMFS believes there is a need to ensure that observers properly care for the gear in their possession. Although the regulations provide for the replacement of all lost or damage gear and equipment, to date the Observer Program has not required gear to be replaced when the gear was damaged and taken out of service due to normal wear or where the observer was not at fault for the gear being lost or stolen (*i.e.* stolen from a locked hotel room). However, observer providers have been asked to replace gear that was damaged or lost out of neglect by the observer (*i.e.* equipment stolen from an unlocked vehicle).

Comment 12: The Shorebased IFQ Program regulations currently limit an observer to 22 deployed days in a calendar month. This limit was established in 2011 prior to the start of the Shorebased IFQ Program. Based on our experience as an observer provider during the 2011–2013 period, we question why no changes were made in this rule. In our experience, we've often had to pull observers off vessels when they've had 19 or 20 deployed days in a month because their next trip would take them to a total of 23 or 24 days. The observers generally don't appreciate that they're being denied work for their own good, particularly in a program where work comes in fits and starts and they can't count on making up for lost earnings in subsequent months. For bottom trawl vessels, we'd suggest raising the limit to 24 days per month, and we'd suggest removing it entirely for vessels targeting Pacific whiting in the Shorebased IFQ Program. We believe that the 24 day per month standard would allow more people to work 22 days, which seems to be in the spirit of the regulations, because a provider would not need to pull an observer off a boat at 19 or 20 days out of an abundance of caution.

Regardless of the day specified in the deployment limit, as an observer provider we are not comfortable with waivers being confined to those situations listed in the regulation (long trips, or a shortage of observers due to illness or injury). For instance, an observer in Bellingham, Washington who has already had 21 deployed days in the month of July would be unable to board a vessel that was departing on July 30 for another trip, even though the first 18 hours of that trip would be running out to the fishing grounds. If the regulation as written were to be applied in this situation, we would be expected to send an observer from Westport, Washington or Astoria, Oregon to cover the trip, adding significant travel costs to the vessel's bill, and our Bellingham observer would be left on the beach to contemplate the lost earnings. The rule should give NMFS the latitude to make common sense decisions in situations regardless of the limit on deployment days. The regulations should be revised to allow the Observer Program to issue waivers to allow observers to work more than the number of days in a calendar month specified in the deployment limit.

Response: The current regulations state that an observer must not be deployed for more than 22 days in a calendar month with some exceptions: when the Observer Program specifically issues a waiver in a situation where it is anticipated that a single trip will last over 20 days, or for issues with replacement observer availability due to illness or injury. Because the regulatory text that the commenter is referring to was included in the proposed rule only to revise minor administrative changes without substantive changes from the existing deployment limitations, NMFS believes that further analysis is necessary to determine if the 22 day deployment restriction should be revised and, if so, what would be an appropriate change. NMFS encourages the commenter to bring this issue forward through the Pacific Fishery Management Council process for further consideration.

The commenter also indicates that regardless of the 22 day deployment restriction, the range of exceptions for which waivers may be issued is too narrow and needs to be revised. In looking at the current regulatory text, NMFS agrees that the stated limits for when waivers may be issued is too narrow and does not accurately reflect current program policies. Therefore, this final rule revises the observer deployment limitations and workload regulations to add an allowance for the Observer Program to issue a waiver when it has been predetermined that the extended deployment is not likely to result in data delays or otherwise impact the overall duties and obligations of the observer.

Comment 13: If an observer provider is unable to provide observer coverage to a vessel that they have a contractual relationship with due to the lack of available observers, the observer provider must report it to the Observer Program at least four hours prior to the vessel's estimated embark time. As a provider, the requirement to notify NMFS at least four hours before the vessel's scheduled departure works well enough for processing vessels in the Mothership and Catcher/processor Coop fisheries, but not for vessels in the Shorebased IFQ Program. For vessels in the Shorebased IFQ Program, we're most likely to have difficulty providing observer coverage to vessels that provide only four hour notice. The rule needs to anticipate these situations by stating providers will notify NMFS at least four hours in advance of a trip when an observer isn't available, unless the vessel provides less than four hour notice to the provider, in which case the provider is to notify NMFS as soon as practical after the situation arises.

Response: NMFS agrees the recommendation is consistent with the original intent of the regulations. The basis for the original regulations was that the observer provider was given adequate notice by the vessel. Therefore, the Shorebased IFQ Program regulations for catch monitor and observer providers are revised to reduce the burden on catch monitor or observer providers when less than four hour notice is given to the provider.

Comment 14: After initial issuance, an observer must keep their certification valid. In order to maintain the certification, an observer must meet the ''minimum annual deployment period'' of three months at least once every 12 months. If by ''deployment period,'' the language means a period under contract, then we have no question on this subject. However, if by ''deployment period'' the intent is to say that to maintain the endorsement an observer must have at least 90 deployed days on vessels during a 12 month period that could be too restrictive particularly in ports in Southern California. Based on our experience as an observer provider in Central and Southern California in the 2011 to 2013 period, an observer would have to be under contract, on average, for 9 months out of every 12 months to reach a 90-deployed-day threshold. An observer who spent 6 months out of the year under contract and was deployed 60 days during those months should not be required to attend a full training prior to returning to work the following year.

Response: NMFS agrees with the commenter that regulatory language regarding a minimum annual deployment period for observers does not work for the Shorebased IFQ Program given the amount of variance in activity between ports. Observers in certain ports simply cannot accumulate the required number of days to maintain certification, yet they are perfectly capable of performing their duties. In addition, some ports already have difficulty getting observer coverage and are at more of a disadvantage as a result

of this restriction. After reviewing the number of sea days for all observers, as well as those in the Southern California ports of concern, the minimum annual deployment restriction is being revised in this final rule to a minimum of 45 days. In addition, the Observer Program will have the discretion to waive the 45 day requirement for individuals in good standing with less than 45 days on a case-by-case basis, but have less deployment days given their port assignments. The regulatory revisions reduce the training burden on individual observers and providers.

Comment 15: Limiting the hours of a catch monitor to 12 hours in any 24 hour period for work other than the summary and submission of catch monitor data poses a problem in remote ports. Offloads in Bellingham, Washington, for instance, can sometimes run longer than 12 hours. We only have a single Shorebased IFQ Program observer/catch monitor in Bellingham. At the start of an offload, there's no way to predict with certainty if the offload will run longer than 12 hours. As a catch monitor provider, a 12-hour limit is unworkable in Bellingham. In cases when an offload does exceed 12 hours, the regulation as written would force us to shut down the offload and send someone to Bellingham from either Westport, Washington or Astoria, Oregon to finish the last hour or two of work. In this case, the expense and disruption faced by the first receiver as a result of the work hour restriction is not justified. We're also confused as to why the work limits for catch monitors are expressed in terms of a number of hours ''per 24-hour period.'' Using a ''calendar day'' would be a more common sense approach and is much easier to apply.

Response: The proposed rule changes were intended to address the late submission of catch monitor data and excessive work hours due to long offloads, particularly relative to Pacific whiting landings. The current regulations limit the working hours of each individual catch monitor to no more than 16 hours per calendar day, with maximum of 14 hours being work other than the summary and submission of catch monitor data. In addition, following a monitoring shift of more than 10 hours, each catch monitor must be provided with a minimum 6 hours break before they may resume monitoring. The proposed rule included a reduction in the working hours such that a catch monitor could not work more than 14 consecutive hours in any 24-hour period with a maximum of 12 hours being work other than the summary and submission of catch monitor data. In addition, a break of at least 8 consecutive hours would have been required in the same 24-hour period.

In response to the issues identified by the commenter, changes have been made in the final rule. The term calendar day will continue to be used rather than 24-hour period. The increased burden to a provider to monitor a moving 24-hour period for a large number of individuals appears to outweigh the benefit over continuing to restrict work hours using a calendar day. The limit on working hours of each individual catch monitor will continue to be reduced from 16 to 14 hours; however, the number of hours for work other than the summary and submission of catch monitor data is being removed to provide flexibility. The catch monitor is still obligated to submit catch data within 24 hours of the completion of landing and the provider is responsible for assuring that the catch monitor obligations are met.

Comment 16: The requirement that observers have a physical exam once every twelve months should be revised to better fit the realities of providing observers and catch monitors for the Pacific Coast groundfish fisheries. In the North Pacific program, for instance, an observer is required to have a current physical exam within twelve months of starting a contract or cruise. Since deployments in the North Pacific program can last as long as 90 days, observers can often work for up to 15 months beyond the date of their most recent physical. On the Pacific Coast, since deployments are measured in days, not months, an annual physical requirement will often introduce unnecessary costs.

As an observer provider, typical contracts in the trawl fisheries last 12 to 14 months. Because observers get their pre-employment physical before they begin training, the regulation as written will require observers who decide against signing a second contract to get a physical exam during the final month or two of their employment so as to be able to finish their commitment. Changing the physical exam requirement to once every 15 months would better fit the way contracts run on the West Coast.

Response: The current regulations relative to physical examinations for an observer requires that the physician's statement be submitted to the Observer Program Office prior to certification and must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The proposed regulations had removed the clause which read ''The physician's statement expires 12 months after the physical exam occurred and a new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.'' However, the proposed rule specifically requested public comment on the modification. Physical examinations and requirements of the physician statements are currently being reviewed by the National Observer Program. Modifications will not be made at this time. Future changes would be proposed following completion of the National Observer Program review.

Comment 17: The proposed regulations require observer candidates be registered 10 business days in advance of trainings and briefings. As a provider, we register candidates as soon as they are hired, which is almost always far earlier than the regulations require, but the Pacific Coast fisheries are still dynamic and difficult to predict. We suggest requiring candidates to be registered 5 business days in advance of a training is more realistic, as it is not uncommon that changing fishing plans from the fleet lead us to adjust our training plans just a week or so prior to the start of a training or briefing.

Response: The current regulations required registration information to be submitted to the Observer Program Office at least 7 business days prior to the beginning of a scheduled training or briefing session. The proposed rule would increase the minimum submission time to be 10 business days. NMFS understands the concern and would be willing to consider late submissions. However, the Observer Program would retain the authority to refuse a submission received less than 10 days before the start of the training or briefing.

Comment 18: The commenter recommended removing the current requirement that observer providers on the Pacific Coast be permitted to provide coverage in the North Pacific groundfish fishery. That requirement may limit the available number of Pacific Coast providers thereby limiting competition and driving up costs.

Response: NMFS agrees with the commenter. The Pacific Coast Groundfish provider permits would replace the requirement for observer providers to hold a valid permit issued by the North Pacific observer program in 2010.

Comment 19: The proposed rule is inaccurate relative to the cease fishing reports for the Mothership Coop Program at § 660.150(c)(4)(ii), in the Catcher/processor Coop Program at

§ 660.160(c)(5), and in Trawl Fishery—Recordkeeping and Reporting at § 660.113(c)(4). Cease fishing reports regarding reapportionment of non-whiting allocations are not mandatory. The provision notes two potential triggers for reapportionment of non-whiting—attainment of the mothership sector whiting allocation or notification by participants that they do not intend to harvest remaining allocation. As such, a cease fishing report would only be required if and when the participants in the sector collectively determine not to conduct any more harvesting activities for the year and instruct the designated coop manager accordingly. This paragraph could be clarified to avoid confusion by inserting ''If participants in the sector do not intend to harvest the sector's remaining allocation,'' at the beginning of the following sentence: ''The designated coop manager, or in the case of an inter-coop, all of the designated coop managers must submit a cease fishing report to NMFS indicating that harvesting has concluded for the year.''

Similarly, the proposed rule would move the prohibition against ''Fail[ing] to submit cease fishing reports'' from § 660.12 (General Prohibitions) to § 660.112 (Trawl Fishery Prohibitions). However, cease fishing reports in the trawl rationalization program are not mandatory but rather are contingent on a determination by participants in the sector that they do not intend to harvest their remaining allocations. These prohibitions should be deleted, not moved.

Response: The commenter is correct that cease fishing reports specified at §§ 660.150(c)(4)(ii) and 660.160(c)(5) are required if and when the participants in the sector collectively determine not to conduct any more harvesting activities for the year and instruct the designated coop manager accordingly. NMFS is changing several sections of the regulations to reflect this. NMFS agrees that the commenter's suggested change to cease fishing report requirements at §§ 660.150(c)(4)(ii) and 660.160(c)(5) would further clarify the regulations and is making the change in this final rule. In addition, the prohibition that was proposed to be moved from § 660.12(e)(7) to § 660.112(a)(3)(iv) is being removed from the regulations in this final rule. Finally, this final rule clarifies the recordkeeping and reporting requirements at § 660.113(c)(4) and (d)(4) on cease fishing reports.

Comment 20: The Mothership Coop Program also references cease fishing reports in the subparagraph describing responsibilities of mothership vessels participating in the fishery, § 660.150(b)(1)(ii)(A). This provision is incorrect, as the reference to which it cites contains no requirement for the owner and operator of a mothership vessel to submit a cease fishing report. ''Cease fishing reports'' should be deleted from this provision. *Response:* The commenter is correct that submission of cease fishing reports is not the responsibility of the vessel, but rather a responsibility of the coop manager. The requirement is being removed from § 660.150(b)(1)(ii)(A), as well as § 660.160(b)(1)(ii)(A).

Finally, a comment was submitted to the North Pacific Fishery Management Council and the Pacific Council after the close of the comment period. The president of Alaskan Observers, Inc., submitted to the Pacific Council a copy of a letter dated March 25, 2014, that was addressed to the North Pacific Fishery Management Council. The letter requested action to revise regulations that require observer providers to demonstrate proof of insurance coverage to cover claims under the Jones Act, General Maritime Law, and the U.S. Longshore and Harbor Worker's Compensation Act. This issue is currently under evaluation by NMFS, and to the extent the agency's conclusions may affect the Pacific Coast groundfish observer program regulations, NMFS will notify the Pacific Council, as appropriate.

Changes From the Proposed Rule

The term ''person'' is defined at § 660.11 to mean ''any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12103(b).'' In reviewing the definition for person, it was discovered that the cross reference to 46 U.S.C. 12102(a) is incorrect and is therefore being revised to 46 U.S.C. 12103(b). In addition, use of the term ''anyone'' in the proposed rule regulations was replaced with ''any person'' to clarify the regulations because ''person'' is defined.

The definition for observer provider and catch monitor provider being added at § 660.11 included the term ''commercial enterprise''. Commercial enterprise is an undefined term that is not needed because it is already included within the definition of ''person.'' Therefore, the term commercial enterprise is removed from the definition for observer and catch monitor provider.

As described in the response to comments, the scope of the conflict of interest limitations relative to observer and catch monitor providers is being revised. Under the new provisions, providers must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries.

Inconsistencies between sections of the regulations in the type of first aid and cardiopulmonary training that is being required for observers during training and to maintain their certification are being standardized, as described in the response to comments. Each section will refer to a Red Cross or equivalent basic cardiopulmonary resuscitation/first aid certification. The following sections were modified: §§ 660.140(h)(5)(ii)(B)(*3*), 660.140(h)(6)(vi)(F), 660.150(j)(4)(ii)(B)(*2*)(*iii*), and 660.150(j)(5)(vi)(B)(*6*).

Modifications to the physical fitness examinations and requirements of the physician statements at §§ 660.17(e)(1)(vii)(A), 660.140(h)(5)(xi)(B), and 660.150(j)(5)(xi)(B)(*2*) will not be revised at this time. Therefore, the language has been removed or changed to reflect the current regulations. Physical fitness provisions in all observer programs are being reviewed by the National Observer Program. Changes will be reconsidered after their National Observer Program report on physical fitness provisions is complete.

As described in the response to comments, the range of exceptions for which waivers relative to observer deployment limitations for the Shorebased IFQ Program are revised to add an allowance for the Observer Program to issue a waiver when it has been predetermined that the extended deployment is not likely to result in data delays or otherwise impact the overall duties and obligations of the observer.

At § 660.140(h)(2) on vessel responsibilities, NMFS added a cross reference to § 660.140(h)(1)(ii) on observer deployment which requires the vessel to be in port within 36 hours of the last haul sampled by the observer if an observer is unable to perform their duties for any reason.

The catch monitor and observer providers must report to the Observer Program at least four hours prior to the vessel's estimated embark time if an observer isn't available. For consistency with the original intent of the regulations, the regulatory text at §§ 660.17(f)(5) and 660.140(h)(5)(v) is being amended to reduce the burden on

catch monitor or observer providers for the Shorebased IFQ Program when less than four hour notice is given to the provider.

As described in the response to comments, the minimum annual deployment restrictions are being revised for the Shorebased IFQ Program and observers on catcher vessels in the mothership sector. NMFS believes that observers in certain ports cannot accumulate the required number of days to maintain certification, yet they are capable of performing their duties. Therefore, the restriction is being reduced from 90 days to 45 days, with the Observer Program having discretion to consider individuals with less than 45 days on a case-by-case basis.

The proposed rule required registration information to be submitted to the Observer Program Office at least 10 business days prior to the beginning of a scheduled catch monitor or observer training or briefing session. Consistent with the response to comments, the language is being revised to consider late submissions on a case-by-case basis.

Cease fishing reports for the Mothership Coop Program at § 660.150(c)(4)(ii) and in the Catcher/processor Coop Program at § 660.160(c)(5), in the recordkeeping and reporting requirements at § 660.113(c)(4) and (d)(4), and in §§ 660.150(b)(1)(ii)(A) and 660.160(b)(1)(ii)(A) are being revised to remove regulatory errors relative to the requirements for the submission of Mothership and Catcher/processor Coop cease fishing reports by coop managers. In addition, the prohibition on failure to submit cease fishing reports proposed at § 660.112(a)(3)(iv) is removed in the final rule as well as the current regulation reference to cease fishing reports at § 660.12(e)(7).

Relative to the work hour limitations for catch monitors at § 660.140(i)(3), the term 24-hour period is replaced with calendar day. Other sections in the regulations in this final rule clarified ''day'' by adding ''calendar day.'' The limit on working hours of each individual catch monitor will continue to be 14 hours per calendar day; however the number of hours for work other than the summary and submission of catch monitor data is removed.

Changes were made to § 660.18(b)(2) on the application process to make paragraphs more clear and consistent. Several paragraphs in § 660.18(b)(2) were revised to make the following list consistent among paragraphs, ''owners, board members, and officers if a corporation, authorized agents, and employees.'' Section 660.18(c)(1) was also revised to reflect similar language. In the final rule, the order of paragraphs (b)(2)(ii) and (iii) in § 660.18 were switched to reflect a more logical flow in the application requirements: contact information followed by description of management. Section 660.18(b)(2)(vi) and (vii) from the proposed rule were combined to simplify the required applicant statement in the provider permit application regarding: conflict of interest, criminal convictions, Federal contracts, and previous decertifications. Section 660.18(b)(2)(vi) was also revised to allow an authorized agent to sign under penalty of perjury instead of every owner, board member, officer, authorized agent, and employee. This reduces the number of signatures required for business entities and the time required to complete the application, consistent with the Paperwork Reduction Act.

Changes from the proposed rule were made to § 660.18(c) on the application evaluation to make paragraphs more consistent with § 660.18(b) on the application process and to make it more clear. Section 660.18(c)(2) was changed to more accurately reflect § 660.18(b)(2). The list of specific criminal convictions was removed from § 660.18(c)(2) to simplify regulation because any criminal conviction could be evaluated whether listed or not. Section 660.18(c)(2) was changed by removing the words ''absence of'' and adding the words ''review of'' to give the review board flexibility in their evaluation of applications by reviewing the provided information and statements regarding conflict of interest, criminal convictions, Federal contracts, and previous decertifications.

Section 660.18(c)(3) was changed to add to the limitations on the conflict of interest for providers regarding not accepting gratuity, gift, favor, entertainment, loan, or anything of monetary value. This is a standard approach to conflict of interest requirements that affected industry members are already familiar with. It is consistent with other sections of the Pacific Coast groundfish regulations on conflict of interest for observers and catch monitors as well as Alaska requirements on conflict of interest at § 679.52(c)(4) on observer provider permitting and responsibilities.

Because the final rule published later than originally planned, § 660.18(c)(4) on existing providers changed from the proposed rule. In the final rule, existing providers are permitted through December 31, 2015, unless there has been a change in ownership. To continue to provide services in 2016, existing providers will be required to apply for a provider permit through the application process at § 660.18(b).

Section 660.18(d) on agency determinations was changed from the proposed rule to clarify the process and more closely align with other Pacific coast groundfish permit and licensing processes. The final rule language describes the initial administrative determination (IAD) and appeals process. This process may change in the future to remove the IAD and appeals process and just go straight to final decision because these types of permits are discretionary. However, for this new Pacific coast groundfish provider permit process, NMFS will use a more consistent approach with an IAD and appeal. Similarly, this final rule changes § 660.18(f) on expiration of provider permits to describe an IAD and appeals process.

Section 660.18(e) is revised from the proposed rule to add that permit holders must reapply annually, similar to the Shorebased IFQ Program first receiver site license. This final rule changes § 660.18(g) on provider permit renewals or re-registrations. It changes the date by which NMFS Fisheries Permits Office will annually mail out provider permit applications from October 1 to September 15 to align with mailing out other groundfish permit renewals, such as limited entry and quota share permits. It also changes the date by which those applications must be returned to NMFS from November 30 to October 31. Section 660.18(g)(3) on information providers must submit before their renewal/re-registration is removed. This information on the total number of individual catch monitors and observers that attended training, attended briefings, and were deployed is already provided to NMFS through requirements at §§ 660.17, 660.140, 660.150, and 660.160 and is not necessary to be provided again with the application.

In order to parallel other regulations for the Pacific coast groundfish fishery on non-transferable permits, such as quota share permits and first receiver site license, § 660.18(h) was changed from the proposed rule. This paragraph now not only reflects that the provider permit and endorsement are non-transferable, but it also explains that there cannot be changes in ownership. If there is a change in ownership of the person (including entities) holding the provider permit, the permit is void and they must apply for a new provider permit.

Classification

Pursuant to section 304(b)(1)(A) and 305(d) of the MSA, the NMFS has

determined that this rule is consistent with the Groundfish FMP, the Magnuson-Stevens Act, and other applicable law.

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

A final regulatory flexibility analysis (FRFA) was prepared and incorporates the initial regulatory flexibility analysis (IRFA). A summary of the significant issues raised by the public comments in response to the IRFA, and NMFS responses to those comments, and a summary of the analyses completed to support the action are addressed. NMFS also prepared a Regulatory Impact Review (RIR) for this action. A copy of the RIR/FRFA is available from NMFS (see **ADDRESSES**). A summary of the FRFA, per the requirements of 5 U.S.C. 604(a) follows:

The SBA has established size criteria for all major industry sectors in the U.S., including fish harvesting and fish processing businesses. The size criteria changed between the IRFA and FRFA for this action (see 79 FR 33647, effective July 14, 2014). 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 (previously $19 million) for all its affiliated operations worldwide. For marinas and charter/party boats, a small business is one with annual receipts not in excess of $7.5 million (previously $7 million). For purposes of rulemaking, NMFS is also applying the $20.5 million standard to catcher processors (C/Ps) because they are involved in the commercial harvest of finfish. 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. A small governmental jurisdiction is a government of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000. There are no specific SBA defined size criteria for observer providers. The NMFS Alaska Region has employed the $7.0 million in gross annual receipts size standard based on SBA standards associated with firms engaged in placing technical employees. (See: *http://alaskafisheries.noaa.gov/analyses/observer/ririrfa_soc_observer_0209.pdf*)

This rule affects current and future businesses that supply observers for monitoring fishing and processing activities on a vessel at-sea and catch monitors who observe and document offloads at first receiver/processing plants on shore. The rule revises the Pacific coast groundfish fishery regulations pertaining to certified catch monitors and observers required in the Shorebased IFQ Program, the MS Coop Program, the C/P Coop Program, and for processing vessels in the fixed gear or open access fisheries. The rule establishes permitting requirements for persons interested in providing certified catch monitors and observers; updates observer provider and vessels responsibilities relative to observer safety; and makes administrative changes to the observer and catch monitor programs. The rule is needed to allow for the entry of new providers, to ensure observer safety provisions are clearly stated and consistent with national observer regulations, and to improve program administration.

No significant issues were raised by the public comments in response to the IRFA. Some comments questioned whether public agencies (state or municipal), towns, harbor districts, and other similar entities could be providers (*i.e.* small businesses, small organizations, small governmental jurisdictions) and how the conflict of interest restrictions relate. No changes were made based on these comments, but NMFS clarified that these entities are not precluded from becoming a provider. Other comments questioned the need for annual provider permit renewals, stating that these would be unnecessary and burdensome. No changes were made in the final rule, but NMFS clarified that the intended purpose of the annual renewal is to verify that the management, organization, and ownership structure of a permitted provider is unchanged; to update provider contact information; and to assure that nothing has changed relative to the conflict of interest limitations or criminal convictions. To reduce the burden of the renewal process on the provider, NMFS will partially pre-fill renewal forms with previous information that was provided. Other comments were on minimum advance notice when an observer is unavailable, minimum deployment time to maintain valid observer certification, maximum work hours for catch monitors, and less advance notice to NMFS of observer candidates for training. Based on these comments, NMFS made some changes to increase flexibility. For more information, see the ''Response to Comments'' section of the final rule, specifically comments 1, 2, 4, 6, 10, 13, 14, 15, and 17.

The Pacific coast groundfish fishery currently has permitted five observer provider companies: Alaskan Observers, Inc.; NWO, Inc.; Saltwater Observers, Inc.; TechSea International; and MRAG Americas, Inc. (MRAG). The principal activity of most of these companies has been to provide observers for Alaska groundfish fisheries in the North Pacific, but they also provide observers for other fisheries such as the Pacific coast groundfish fishery. Regulations require observers in all sectors and catch monitors at first landings/processing sites. Therefore, this rule affects participants in the following: Shorebased IFQ Program, Mothership Coop (MS) Program, and Catcher-Processor (C/P) Coop Program. Two companies, Alaskan Observers, Inc. and Saltwater Observers, Inc are providing observers and monitors for the Shorebased IFQ Program. The other sectors may be using the other companies as they typically also fish off Alaska. For 2015, there are 147 shoreside vessel accounts, 34 mothership-endorsed limited entry permits, 6 mothership permits, 10 catcher-processor permits, and 43 shorebased first receiver site licenses. Taking into account cross participation, multiple accounts, and affiliation between entities, NMFS estimates that there are fishery-related entities indirectly affected by these proposed regulations as they need to acquire observers for their vessels and monitors for their shoreside processing plants. Of these entities, NMFS estimates that 107 are ''small'' businesses. The rule directly affects the five providers currently permitted to operate in the fishery. NMFS considers these all small businesses (75 FR 69016, November 10, 2010).

The recordkeeping and reporting requirements for this rule include a provider permit application process and a vessel safety checklist. For the provider permit application process, new providers will have to apply for a provider permit and request to have an observer endorsement or a catch monitor endorsement or both. The five existing providers currently operating in the fishery, all of which are small businesses, will be grandfathered in for the first year. All providers will have to reapply annually to continue providing services in future years. Annual renewal ensures that the business information is

current and the permit holder continues to meet the eligibility criteria. For the vessel safety checklist, observers must complete the vessel safety checklist before their first trip on the vessel and the provider must submit the checklist to NMFS Observer Program. The provider must also verify that the vessel has a valid USCG Commercial Fishing Vessel Safety Decal. Professional skills necessary are basic reading and writing skills, as well as an understanding of the required information for the application, checklist, and other requirements specified in regulation.

There are no significant alternatives that accomplish the stated objectives of applicable statutes and that minimize the impact of the rule on small entities. This rule is largely administrative in nature. The benefits of these regulations include more understandable and less complex regulations and the potential for increased provider companies in the fishery. Additional companies may lower costs to fishing vessels and processors and alleviate logistical/scheduling issues with providing observers and monitors to the various ports.

While there were no other significant alternatives for NMFS to consider, NMFS did take steps to minimize impacts on small entities. To minimize operational impacts, existing provider companies will be issued a provider permit for the first year without submission of an application. Provider permit renewal applications will be pre-filled to the extent possible. Also, to reduce complexity and streamline the permitting process, a single, combined permit application process for catch monitor and observer providers was created. The permit application procedures would be similar to those used in the North Pacific Groundfish Fishery Observer Program and the Pacific coast groundfish catch monitor provider certification process.

This rule contains a new collection-of-information requirement subject to review under the Paperwork Reduction Act (PRA) and which was approved under OMB 0648–0619 and 0648–0500. The estimated public reporting burden for OMB collection 0648–0619, provider permit applications, is an average of 10 hours per response, annual renewal of provider permits is estimated to average 2 hours per response, and appeals of permits that have been expire after a period of 12 continuous months during which no observers or catch monitors are deployed average four hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. NMFS estimates the public reporting burden for OMB collection 0648–0500, the submission of vessel safety checklists, averages 5 minutes per response. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

Pursuant to Executive Order 13175, this rule was developed after meaningful collaboration with tribal officials from the area covered by the Groundfish FMP. Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council must be a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction. The regulations do not require the tribes to change from their current practices.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian fisheries.

Dated: April 13, 2015.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.11:

■ a. Add definitions, in alphabetical order, for ''Catch Monitor Program or Catch Monitor Program Office'', ''Catch monitor provider'' and ''Observer provider''.

■ b. Revise the definitions for ''Observer Program or Observer Program Office'', ''Person'' and ''Sustainable Fisheries Division or SFD''.

The additions and revisions read as follows:

§ 660.11 General definitions.

* * * * *

Catch Monitor Program or Catch Monitor Program Office means the Catch Monitor Program Office of the West Coast Region, National Marine Fisheries Service.

Catch monitor provider means any person that is granted a permit by NMFS to provide certified catch monitors as required in § 660.140.

* * * * *

Observer Program or Observer Program Office means the Observer Program Office of the Northwest Fisheries Science Center, National Marine Fisheries Service, Seattle, Washington. Branch offices within the Observer Program include the West Coast Groundfish Observer Program and the At-sea Hake Observer Program.

Observer provider means any person that is granted a permit by NMFS to provide certified observers as required at §§ 660.140, 660.150, 660.160, 660.216 or 660.316.

* * * * *

Person, as it applies to limited entry and open access fisheries conducted under, subparts C through F of this part means any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12103(b).

* * * * *

Sustainable Fisheries Division or SFD means the Assistant Regional Administrator of the Sustainable Fisheries Division, West Coast Region, NMFS, or a designee.

* * * * *

■ 3. In § 660.12, revise paragraphs (e)(6) through (9) to read as follows:

§ 660.12 General groundfish prohibitions.

* * * * *

(e) * * *

(6) Fish when a vessel is required to carry an observer under subparts C through G of this part if:

(i) The vessel is inadequate for observer deployment as specified at § 600.746 of this chapter;

(ii) The vessel does not maintain safe conditions for an observer as specified at §§ 660.140(h), 660.150(j), or 660.160(g); or

(iii) NMFS, the observer provider, or the observer determines the vessel is inadequate or unsafe pursuant to vessel responsibilities to maintain safe conditions as specified at §§ 660.140(h), 660.150(j), or 660.160(g).

(7) Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members,

including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.

(8) Fail to meet the vessel responsibilities and observer coverage requirements specified at §§ 660.140(h), 660.150(j), 660.160(g), 660.216, or 660.316,

(9) Fail to meet the observer provider responsibilities specified at §§ 660.140(h), 660.150(j), 660.160(g), 660.216 or 660.316.

* * * * *

■ 4. In § 660.16, revise paragraph (a) and the table in paragraph (c), and add paragraphs (d) and (e) to read as follows:

§ 660.16 Groundfish observer program.

(a) *General.* Vessel owners, operators, and managers are jointly and severally responsible for their vessel's compliance with observer requirements specified in this section and within §§ 660.140, 660.150, 660.160, 660.216, or 660.316.

* * * * *

(c) * * *

West coast groundfish fishery	Regulation section	Observer program branch office
(1) Shorebased IFQ Program—Trawl Fishery	§ 660.140(h)	West Coast Groundfish.
(2) MS Coop Program—Whiting At-sea Trawl Fishery	§ 660.150(j).	
(i) Motherships		At-sea Hake.
(ii) Catcher Vessels		West Coast Groundfish.
(3) C/P Coop Program—Whiting At-sea Trawl Fishery	§ 660.160(g)	At-sea Hake.
(4) Fixed Gear Fisheries	§ 660.216.	
(i) Harvester vessels		West Coast Groundfish.
(ii) Processing vessels		West Coast Groundfish.
(5) Open Access Fisheries	§ 660.316.	
(i) Harvester vessels		West Coast Groundfish.
(ii) Processing vessels		West Coast Groundfish.

(d) *Observer certifications and responsibilities.* For the Shorebased IFQ Program see § 660.140(h), for the MS Coop Program see § 660.150(j), and, for the C/P Coop Program see § 660.160(g).

(e) *Application process to become an observer provider.* See § 660.18.

■ 5. In § 660.17:

■ a. Revise the section heading;

■ b. Remove paragraphs (b) and (d);

■ c. Redesignate paragraphs (a), (c), and (e) as (d), (e), and (f) respectively.

■ d. Revise newly redesignated paragraphs (d), (e), (f)(1)(vii), (f)(2), (f)(4) through (6), (f)(8)(i)(B), (C), and (F), (f)(9)(ii), (f)(11) through (13); and

■ e. Add paragraphs (a) through (c), and (g).

The revisions and additions read as follows.

§ 660.17 Catch monitor program.

(a) *General.* The first receiver site license holder, the first receiver site license authorized representative, facility operators and managers are jointly and severally responsible for the first receiver being in compliance with catch monitor requirements specified in this section and at § 660.140 (i).

(b) *Purpose.* The purpose of the Catch Monitor Program is to, among other related matters, confirm that the IFQ landings are accurately sorted, weighed and reported on electronic fish tickets.

(c) *Catch monitor coverage requirements.* Catch monitor coverage requirements for the Shorebased IFQ Program are specified at § 660.140(i).

(d) *Catch monitor certification and responsibilities.* Catch monitor certification authorizes an individual to fulfill duties as specified by NMFS while under the employ of a catch monitor provider.

(1) *Catch monitor training certification.* A training certification signifies the successful completion of the training course required to obtain catch monitor certification. This certification expires when the catch monitor has not been deployed and performed sampling duties as required by the Catch Monitor Program Office for a period of time, specified by the Catch Monitor Program, after his or her most recent debriefing. The certification is renewed by successful completion of the training course.

(2) *Catch Monitor Program annual briefing.* Each catch monitor must attend a briefing prior to his or her first deployment within any calendar year subsequent to a year in which a training certification is obtained. To maintain a certification, a catch monitor must successfully complete any required briefing specified by the Catch Monitor Program. All briefing attendance, performance, and conduct standards required by the Catch Monitor Program must be met prior to any deployment.

(3) *Catch monitor certification requirements.* NMFS may certify individuals who:

(i) Are employed by a catch monitor provider at the time of the issuance of the certification and qualified, as described at paragraph (f)(1)(i) through (viii) of this section and have provided proof of qualifications to NMFS, through the catch monitor provider.

(ii) Have successfully completed catch monitor certification training.

(A) Successful completion of training by an applicant consists of meeting all attendance and conduct standards; meeting all performance standards for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Catch Monitor Program.

(B) If a candidate fails training, he or she will be notified in writing on or before the last day of training. The notification will indicate: The reasons the candidate failed the training; whether the candidate can retake the training, and under what conditions.

(iii) Have not been decertified as an observer or catch monitor under provisions in §§ 660.17(g), and 660.140(h)(6), 660.150(j)(5), 660.160(g)(5) or 679.53(c) of this chapter.

(4) *Maintaining the validity of a catch monitor certification.* After initial issuance, a catch monitor must keep their certification valid by meeting all of the following requirements specified below:

(i) Successfully perform their assigned duties as described in the Catch Monitor Manual or other written instructions from the Catch Monitor Program.

(ii) Accurately record their data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(iii) Consistent with NOAA data confidentiality guidance, not disclose data and observations made on board a vessel to any person except the owner or operator of the observed vessel, an authorized state or OLE officer, NMFS or the Catch Monitor Program; and, not disclose data and observations made at

a first receiver to any person other than the first receiver site license holder, the first receiver site license authorized representative, facility operators and managers an authorized state or OLE officer, NMFS or the Catch Monitor Program.

(iv) Successfully complete any required briefings as prescribed by the Catch Monitor Program.

(v) Successful completion of a briefing by a catch monitor consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Catch Monitor Program.

(vi) Successfully meet all debriefing expectations including catch monitor performance standards and reporting for assigned debriefings.

(vii) Submit all data and information required by the Catch Monitor Program within the program's stated guidelines.

(viii) Have been deployed as a catch monitor within the 12 months prior to any required briefing, unless otherwise authorized by the Catch Monitor Program.

(e) *Catch monitor standards of behavior.* Catch monitors must do the following:

(1) Perform authorized duties as described in training and instructional manuals or other written and oral instructions provided by the Catch Monitor Program.

(2) Accurately record and submit the required data, which includes fish species composition, identification, sorting, and weighing information.

(3) Write complete reports, and report accurately any observations of suspected violations of regulations.

(4) Returns phone calls, emails, text messages, or other forms of communication within the time specified by the Catch Monitor Program.

(5) Not disclose data and observations made on board a vessel to any person except the owner or operator of the observed vessel, an authorized officer, NMFS or the Catch Monitor Program; and not disclose data and observations made at a first receiver to any person other than the first receiver site license holder, the first receiver site license authorized representative, facility operators and managers an authorized officer, NMFS or the Catch Monitor Program.

(f) * * *

(1) * * *

(vii) Have had health and physical fitness exams and been found to be fit for the job duties and work conditions;

(A) Physical fitness exams shall be conducted by a medical doctor who has been provided with a description of the job duties and work conditions and who provides a written conclusion regarding the candidate's fitness relative to the required duties and work conditions. A signed and dated statement from a licensed physician that he or she has physically examined a catch monitor or catch monitor candidate. The statement must confirm that, based on that physical examination, the catch monitor or catch monitor candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the catch monitor or catch monitor candidate from performing his or her duties satisfactorily. The physician's statement must be submitted to the Catch Monitor Program office prior to certification of a catch monitor. The physical exam must have occurred during the 12 months prior to the catch monitor's or catch monitor candidate's deployment. The physician's statement expires 12 months after the physical exam occurred and a new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(B) Copies of ''certificates of insurance,'' that names the Catch Monitor Program Coordinator as the ''certificate holder,'' shall be submitted to the Catch Monitor Program Office by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

(*1*) Coverage under the U.S. Longshore and Harbor Workers' Compensation Act ($1 million minimum).

(*2*) States Worker's Compensation as required.

(*3*) Commercial General Liability.

* * * * *

(2) *Catch monitor conduct and behavior.* A catch monitor provider must develop and maintain a policy addressing conduct and behavior for their employees that serve as catch monitors.

(i) The policy shall address the following behavior and conduct regarding:

(A) Catch monitor use of alcohol;

(B) Catch monitor, possession, or distribution of illegal drugs; and

(C) Sexual contact with personnel off the vessels or processing facility to which the catch monitor is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the catch monitor's official duties.

(ii) A catch monitor provider shall provide a copy of its conduct and behavior policy to each observer candidate and to the Catch Monitor Program by February 1 of each year.

* * * * *

(4) *Catch monitors provided to a first receiver.* (i) Must have a valid catch monitor certification;

(ii) Must not have informed the catch monitor provider prior to the time of assignment that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement, as required in paragraph (f)(1)(vii)(A) of this section that would prevent him or her from performing his or her assigned duties; and

(iii) Must have successfully completed all Catch Monitor Program required training and briefing before assignment.

(5) *Respond to industry requests for catch monitors.* A catch monitor provider must provide a catch monitor for assignment pursuant to the terms of the contractual relationship with the first receiver to fulfill first receiver requirements for catch monitor coverage under § 660.140(i)(1). An alternate catch monitor must be supplied in each case where injury or illness prevents the catch monitor from performing his or her duties or where the catch monitor resigns prior to completion of his or her duties. If the catch monitor provider is unable to respond to an industry request for catch monitor coverage from a first receiver for whom the catch monitor provider is in a contractual relationship due to the lack of available catch monitors, the catch monitor provider must report it to NMFS at least four hours prior to the expected assignment time, unless the first receiver provides less than four hour notice to the provider, in which case the provider is to notify the Catch Monitor Program as soon as practical after the situation arises.

(6) *Ensure that catch monitors complete duties in a timely manner.* Catch monitor providers must ensure that catch monitors employed by that catch monitor provider do the following in a complete and timely manner:

(i) Submit to NMFS all data, logbooks and reports as required under the Catch Monitor Program deadlines.

(ii) Report for his or her scheduled debriefing and complete all debriefing responsibilities.

* * * * *

(8) * * *

(i) * * *

(B) Has Internet access for Catch Monitor Program communications and data submission;

(C) Remains available to OLE and the Catch Monitor Program until the completion of the catch monitors' debriefing.

* * * * *

(F) While under contract with a catch monitor provider, each catch monitor shall be provided with accommodations in accordance with the contract between the catch monitor and the catch monitor provider. If the catch monitor provider is responsible for providing accommodations under the contract with the catch monitor, the accommodations must be at a licensed hotel, motel, bed and breakfast, or other accommodations that have an assigned bed for each catch monitor that no other person may be assigned to for the duration of that catch monitor's stay.

* * * * *

(9) * * *

(ii) Not exceed catch monitor assignment limitations and workload as outlined in § 660.140(i)(3)(ii).

* * * * *

(11) *Maintain communications with the Catch Monitor Program office.* A catch monitor provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(i) *Catch monitor training, briefing, and debriefing registration materials.* This information must be submitted to the Catch Monitor Program at least 10 business days prior to the beginning of a scheduled catch monitor certification training or briefing session. Submissions received less than 10 business days prior to the beginning of a scheduled catch monitor certification training or briefing session will be approved by the Catch Monitor Program on a case-by-case basis.

(A) Training registration materials consist of the following:

(*1*) Date of requested training;

(*2*) A list of catch monitor candidates that includes each candidate's full name (*i.e.,* first, middle and last names), date of birth, and gender;

(*3*) A copy of each candidate's academic transcripts and resume;

(*4*) A statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions;

(B) Briefing registration materials consist of the following:

(*1*) Date and type of requested briefing session;

(*2*) List of catch monitors to attend the briefing session, that includes each catch monitor's full name (first, middle, and last names);

(C) The Catch Monitor Program will notify the catch monitor provider which catch monitors require debriefing and the specific time period the catch monitor provider has to schedule a date, time, and location for debriefing. The catch monitor provider must contact the Catch Monitor Program within 5 business days by telephone to schedule debriefings.

(*1*) Catch monitor providers must immediately notify the Catch Monitor Program when catch monitors end their contract earlier than anticipated.

(2) [Reserved]

(ii) *Catch monitor provider contracts.* If requested, catch monitor providers must submit to the Catch Monitor Program a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the catch monitor provider and those entities requiring catch monitor services under § 660.140(i)(1). Catch monitor providers must also submit to the Catch Monitor Program upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to catch monitor compensation or salary levels) between the catch monitor provider and the particular entity identified by the Catch Monitor Program or with specific catch monitors. The copies must be submitted to the Catch Monitor Program via email, fax, or mail within 5 business days of the request. Signed and valid contracts include the contracts a catch monitor provider has with:

(A) First receivers required to have catch monitor coverage as specified at paragraph § 660.140(i)(1); and

(B) Catch monitors.

(iii) *Change in catch monitor provider management and contact information.* A catch monitor provider must submit to the Catch Monitor Program any change of management or contact information as required at § 660.18(h).

(iv) *Catch monitor status report.* Each Tuesday, catch monitor providers must provide the Catch Monitor Program with an updated list of deployments per Catch Monitor Program protocol. Deployment information includes provider name, catch monitor last name, catch monitor first name, trip start date, trip end date, status of catch monitor, vessel name and vessel identification number, date monitored offload, and first receiver assignment.

(v) *Informational materials.* Catch monitor providers must submit to NMFS, if requested, copies of any information developed and used by the catch monitor providers and distributed to first receivers, including, but not limited to, informational pamphlets, payment notification, and description of catch monitor duties.

(vi) *Other reports.* Reports of the following must be submitted in writing to the Catch Monitor Program by the catch monitor provider via fax or email address designated by the Catch Monitor Program within 24 hours after the catch monitor provider becomes aware of the information:

(A) Any information regarding possible catch monitor harassment;

(B) Any information regarding any action prohibited under § 660.12(f);

(C) Any catch monitor illness or injury that prevents the catch monitor from completing any of his or her duties described in the catch monitor manual; and

(D) Any information, allegations or reports regarding catch monitor conflict of interest or breach of the standards of behavior described in catch monitor provider policy.

(12) *Replace lost or damaged gear.* Lost or damaged gear issued to a catch monitor by NMFS must be replaced by the catch monitor provider. All replacements must be provided to NMFS and be in accordance with requirements and procedures identified in writing by the Catch Monitor Program.

(13) *Confidentiality of information.* A catch monitor provider must ensure that all records on individual catch monitor performance received from NMFS under the routine use provision of the Privacy Act 5 U.S.C. 552a or as otherwise required by law remain confidential and are not further released to any person outside the employ of the catch monitor provider company to whom the catch monitor was contracted except with written permission of the catch monitor.

(g) Certification and decertification procedures for catch monitors.

(1) *Catch monitor certification official.* The Regional Administrator (or a designee) will designate a NMFS catch monitor certification official who will make decisions on whether to issue or deny catch monitor certification.

(2) *Agency determinations on catch monitor certifications*—(i) *Issuance of certifications.* Certification may be issued upon determination by the catch monitor certification official that the candidate has successfully met all

requirements for certification as specified in § 660.17(d).

(ii) *Denial of a certification.* The catch monitor certification official will issue a written determination identifying the reasons for denial of a certification.

(3) *Limitations on conflict of interest for catch monitors.* (i) Catch monitors must not have a direct financial interest, other than the provision of observer or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal Governments in waters off Washington, Oregon, or California, including but not limited to:

(A) Any ownership, mortgage holder, or other secured interest in a vessel, first receiver, shorebased or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish;

(B) Any business involved with selling supplies or services to any vessel, first receiver, shorebased or floating stationary processing facility; or

(C) Any business involved with purchasing raw or processed products from any vessel, first receiver, shorebased or floating stationary processing facilities.

(ii) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any person who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the catch monitor's official duties.

(iii) May not serve as a catch monitor at any shoreside or floating stationary processing facility owned or operated where a person was previously employed in the last two years.

(iv) May not solicit or accept employment as a crew member or an employee of a vessel, or shoreside processor while employed by a catch monitor provider.

(v) Provisions for remuneration of catch monitors under this section do not constitute a conflict of interest.

(4) *Catch monitor decertification*—(i) *Catch monitor decertification review official.* The Regional Administrator (or a designee) will designate a catch monitor decertification review official(s), who will have the authority to review certifications and issue IADs of decertification.

(ii) *Causes for decertification.* The catch monitor decertification official may initiate decertification proceedings when it is alleged that any of the following acts or omissions have been committed:

(A) Failed to satisfactorily perform the specified duties and responsibilities;

(B) Failed to abide by the specified standards of conduct;

(C) Upon conviction of a crime or upon entry of a civil judgment for:

(*1*) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties and responsibilities specified in this section;

(*2*) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(*3*) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of catch monitors.

(iii) *Issuance of IAD.* Upon determination that decertification is warranted, the catch monitor decertification official will issue a written IAD. The IAD will identify the specific reasons for the action taken. Decertification is effective 30 calendar days after the date on the IAD, unless there is an appeal.

(iv) *Appeals.* A certified catch monitor who receives an IAD that suspends or revokes his or her catch monitor certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to § 660.19.

■ 6. Revise § 660.18 to read as follows:

§ 660.18 Observer and catch monitor provider permits and endorsements.

(a) *Provider permits.* Persons seeking to provide observer or catch monitor services must obtain a provider permit from NMFS before providing certified catch monitors or certified observers for the Shorebased IFQ Program, the MS Coop Program, the C/P Coop Program, or for processing vessels in the fixed gear or open access fisheries. There are two types of endorsements for provider permits, an observer endorsement and a catch monitor endorsement. Provider permits must have at least one endorsement and it must be appropriate for the services being provided. Provider permits are obtained through an application process and must be renewed annually to remain valid in the following year. A provider permit and associated endorsements expire if not renewed or if services have not been provided for 12 consecutive months.

(b) *Application process to become an observer or catch monitor provider*—(1) *New provider applications.* An applicant seeking a provider permit may submit an application at any time during the calendar year. Any provider permit issued during a given year will expire on December 31. Application forms must be submitted by mail to the West Coast Region Fisheries Permits Office, 7600 Sand Point Way NE., Bldg 1, Seattle, WA 98115. Only complete applications will be considered for approval by the review board.

(2) *Contents of provider application.* A complete application for a provider permit shall contain the following:

(i) An indication of which endorsement the applicant is seeking: observer provider, catch monitor provider, or both endorsements. A single application may be used to apply for both endorsements.

(ii) Applicant contact information.

(A) Legal name of applicant organization. If the applicant organization is United States business entity, include the state registration number.

(B) The primary business mailing address, phone and fax numbers where the owner(s) can be contacted for official correspondence.

(iii) Description of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and employees. List all office locations and their business mailing address, business phone, fax number, and email addresses. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(iv) A narrative statement describing relevant direct or indirect prior experience or qualifications the applicant may have that would enable them to be a successful provider.

(A) For applicants seeking an observer provider endorsement, the applicant should describe experience in placing individuals in remote field and/or marine work environments. This includes, but is not limited to, recruiting, hiring, deployment, and personnel administration.

(B) For applicants seeking a catch monitor provider endorsement, a narrative statement should identify prior relevant experience in recruiting, hiring, deploying, and providing support for individuals in marine work environments in the groundfish fishery or other fisheries of similar scale.

(v) A narrative description of the applicant's ability to carry out the required responsibilities and duties as described at §§ 660.140(h), 660.150(j), and 660.160(g) for observer providers

and/or § 660.17(f) for catch monitor providers.

(vi) A statement signed under penalty of perjury by an authorized agent of the applicant about each owner, or owners, board members, and officers if a corporation, authorized agents, and employees, regarding:

(A) Conflict of interest as described in § 660.18 (c)(3),

(B) Criminal convictions,

(C) Federal contracts they have had and the performance rating they received on the contract, and

(D) Previous decertification action while working as an observer, catch monitor, observer provider, or catch monitor provider.

(vii) NMFS may request additional information or clarification from the applicants.

(c) *Application evaluation.* Complete applications will be forwarded to Observer Program and/or the Catch Monitor Program for review and evaluation.

(1) A provider permit application review board will be established and be comprised of at least three members. The review board will evaluate applications submitted under paragraph (a) of this section. If the applicant is an entity, the review board also will evaluate the application criteria for each owner, board member, officer, authorized agent, and employee.

(2) The provider permit application will, at a minimum, be evaluated on the following criteria:

(i) The applicant's ability to carry out the responsibilities and relevant experience and qualifications.

(ii) Review of any conflict of interest as described in § 660.18(c)(3).

(iii) Review of any criminal convictions.

(iv) Satisfactory performance ratings on any Federal contracts held by the applicant.

(v) Review of any history of decertification as an observer, catch monitor, observer provider, or catch monitor provider.

(3) *Limitations on conflict of interest for providers.* (i) Providers must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries, including but not limited to:

(A) Any ownership, mortgage holder, or other secured interest in a vessel, first receiver, shorebased or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish;

(B) Any business involved with selling supplies or services to any vessel, first receiver, shorebased or floating stationary processing facility; or

(C) Any business involved with purchasing raw or processed products from any vessel, first receiver, shorebased or floating stationary processing facilities.

(ii) Providers must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any person who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of the provider.

(4) *Existing providers.* Businesses that provided observers and/or catch monitors in the 12 months prior to May 21, 2015 will be issued a provider permit without submission of an application. This permit will be effective through December 31, 2015.

(i) Providers who deployed catch monitors in the Shorebased IFQ Program in the 12 months prior to May 21, 2015 will be issued a provider permit with a catch monitor provider endorsement effective through December 31, 2015, except that a change in ownership of an existing catch monitor provider after January 1, 2015, requires a new permit application under this section.

(ii) Providers who deployed certified observers in the Pacific Coast groundfish fishery in the 12 months prior to May 21, 2015 will be issued a provider permit with an observer provider endorsement effective through December 31, 2015, except that a change in ownership of an existing observer provider after January 1, 2015, requires a new permit application under this section.

(iii) To receive a provider permit for 2016 and beyond, the existing providers must follow the provider permit renewal process set forth in this section.

(d) *Agency determination on an application.*

(1) *Initial administrative determination.* For all complete applications, NMFS will issue an IAD that either approves or disapproves the application. If approved, the IAD will be the provider permit and any associated endorsements. If disapproved, the IAD will provide the reasons for this determination. If the applicant does not appeal the IAD within 30 calendar days, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(2) *Appeal.* The applicant may appeal the IAD consistent with the observer, catch monitor, and provider appeals process defined at § 660.19.

(e) *Effective dates.* The provider permit will be valid from the effective date identified on the permit until the permit expiration date of December 31. Provider permit holders must reapply annually by following the application process specified in paragraph (b) of this section.

(f) *Expiration of the provider permit—*

(1) *Expiration due to inactivity.* After a period of 12 continuous months during which no observers or catch monitors are deployed by the provider in the Pacific coast groundfish fishery, NMFS will issue an IAD describing the intent to expire the provider permit or to remove the appropriate endorsement(s) and the timeline to do so. A provider that receives an IAD may appeal under § 660.19. The provider permit and endorsements will remain valid until a final agency decision is made or until December 31, whichever is earlier.

(2) *Expiration due to failure to renew.* Failure to renew annually will result in expiration of the provider permit and endorsements on December 31.

(3) *Obtaining a new permit or endorsement following an expiration or voided permit.* A person holding an expired or void permit or endorsement may reapply for a new provider permit or endorsement at any time consistent with § 660.18(b).

(g) *Provider permit renewal process.* To maintain a valid provider permit, provider permit holders must reapply annually prior to the permit expiration date.

(1) NMFS will mail a provider permit application form to existing permit holders on or about September 15 each year.

(2) Providers who want to have their permits effective for January 1 of the following calendar year must submit their complete application form to NMFS by October 31. If a provider fails to renew the provider permit, the provider permit and endorsements will expire on December 31.

(h) *Change of provider permit ownership and transfer restrictions.* Neither a provider permit nor the endorsements are transferable. Ownership of a provider permit cannot be registered to another individual or entity. The provider permit owner cannot change, substitute, or add individuals or entities as owners of the permit (*i.e.,* cannot change the legal name of the permit owner(s) as given on the permit). Any change in ownership of the provider permit requires the new owner(s) to apply for a provider permit, and is subject to approval by NMFS.

(i) *Provider permit sanctions.* Procedures governing sanctions of permits are found at subpart D of 15 CFR part 904.

(j) *Permit fees.* The Regional Administrator may charge fees to cover administrative expenses related to issuance of permits including initial issuance, renewal replacement, and appeals.

■ 7. Add § 660.19 to read as follows:

§ 660.19 Appeals process for catch monitors, observers, and provider permits.

(a) *Allowed appeals.* This section describes the procedure for appealing IADs described at §§ 660.17(g), 660.18(d) and (f), 660.140(h), 660.150(j), and 660.160(g) for catch monitor decertification, observer decertification and provider permit expirations due to inactivity. Any person whose interest is directly and adversely affected by an IAD may file a written appeal. For purposes of this section, such person will be referred to as the ''applicant.''

(b) *Appeals process.* In cases where the applicant disagrees with the IAD, the applicant may appeal that decision. Final decisions on appeals of IADs will be made in writing by the Regional Administrator or designee acting on behalf of the Secretary of Commerce and will state the reasons therefore.

(1) *Submission of appeals.* (i) The appeal must be in writing and comply with this paragraph.

(ii) Appeals must be mailed or faxed to: National Marine Fisheries Service, West Coast Region, Sustainable Fisheries Division, ATTN: Appeals, 7600 Sand Point Way NE., Seattle, WA 98115; Fax: 206–526–6426; or delivered to National Marine Fisheries Service at the same address.

(2) *Timing of appeals.* The appeal must be filed within 30 calendar days after the IAD is issued. The IAD becomes the final decision of the Regional Administrator or designee acting on behalf of the Secretary of Commerce if no appeal is filed within 30 calendar days. The time period to submit an appeal begins with the date on the IAD. If the last day of the time period is a Saturday, Sunday, or Federal holiday, the time period will extend to the close of business on the next business day.

(3) *Address of record.* The address used by the applicant in initial correspondence to NMFS concerning the application will be the address used by NMFS for the appeal. Notifications and correspondence associated with all actions affecting the applicant will be mailed to the address of record unless the applicant provides NMFS, in writing, an address change. NMFS bears no responsibility if NMFS sends a notification or correspondence to the address of record and it is not received because the applicant's actual address has changed without notification to NMFS.

(4) *Statement of reasons for appeals.* Applicants must submit a full written statement in support of the appeal, including a concise statement of the reasons the IAD determination has a direct and adverse effect on the applicant and should be reversed or modified. The appellate officer will limit his/her review to the issues stated in the appeal; all issues not set out in the appeal will be waived.

(5) *Decisions on appeals.* The Regional Administrator or designee will issue a final written decision on the appeal which is the final decision of the Secretary of Commerce.

■ 8. In § 660.60, revise paragraph (c)(1)(iv) to read as follows:

§ 660.60 Specifications and management measures.

* * * * *

(c) * * *

(1) * * *

(iv) *List of IFQ species documented on Observer Program reporting form.* As specified at § 660.140(h)(1)(i), to be exempt from observer coverage while docked in port depends on documentation of specified retained IFQ species on the Observer Program reporting form. The list of IFQ species documented on the Observer Program form may be modified on a biennial or more frequent basis under routine management measures § 660.60(c)(1).

* * * * *

■ 9. In § 660.112:

■ a. Revise paragraph (a)(4);

■ b. Remove paragraph (b)(1)(xiii).

■ c. Redesignate paragraphs (b)(1)(xiv), (b)(1)(xv), (b)(1)(xvi), and (b)(1)(xvii) as (b)(1)(xiii), (b)(1)(xiv), (b)(1)(xv), and (b)(1)(xvi), respectively, and revise newly redesignated paragraphs (b)(1)(xiii) and (b)(1)(xiv); and

■ d. Revise paragraphs (d)(12), (d)(14) and (d)(15).

The revisions read as follows:

§ 660.112 Trawl fishery—prohibitions.

* * * * *

(a) * * *

(4) *Observers.* (i) Fish in the Shorebased IFQ Program, the MS Coop Program, or the C/P Coop Program without observer coverage.

(ii) Fish in the Shorebased IFQ Program, the MS Coop Program, or the C/P Coop Program if the vessel is inadequate or unsafe for observer deployment as described at § 660.12(e).

(iii) Fail to maintain observer coverage in port as specified at § 660.140(h)(1)(i).

* * * * *

(b) * * *

(1) * * *

(xiii) Discard or attempt to discard IFQ species/species group at sea unless the observer has documented or estimated the discards.

(xiv) Begin a new fishing trip until all fish from an IFQ landing have been offloaded from the vessel, consistent with § 660.12(a)(11).

* * * * *

(d) * * *

(12) Sort or discard any portion of the catch taken by a catcher vessel in the MS Coop Program before the catcher vessel observer completes sampling of the catch, except for minor operational amounts of catch lost by a catcher vessel provided the observer has accounted for the discard (*i.e.,* a maximized retention fishery).

* * * * *

(14) Take deliveries without a valid scale inspection report signed by an authorized scale inspector on board the MS vessel.

(15) Sort, process, or discard catch delivered to MS vessels before the catch is weighed on a scale that meets the requirements of § 660.15(b), including the daily test requirements.

* * * * *

■ 10. In § 660.113, revise paragraphs (c)(4) and (d)(4) to read as follows:

§ 660.113 Trawl fishery—recordkeeping and reporting.

* * * * *

(c) * * *

(4) *Cease fishing report.* If required, as specified at § 660.150(c)(4)(ii), the designated coop manager, or, in the case of an inter-coop agreement, all of the designated coop managers must submit a cease fishing report to NMFS indicating that harvesting has concluded for the year.

* * * * *

(d) * * *

(4) *Cease fishing report.* If required, as specified at § 660.160(c)(5), the designated coop manager must submit a cease fishing report to NMFS indicating that harvesting has concluded for the year.

* * * * *

■ 11. In § 660.140:

■ a. Revise paragraphs (b)(2)(iv), (b)(2)(vi), (b)(2)(viii), (h)(1), (h)(2) introductory text, (h)(2)(i)(B), and (h)(2)(ii)(B);

■ b. Add paragraph (h)(2)(xi); and

■ c. Revise paragraphs (h)(3) through (4), (h)(5)(ii)(B)(*1*) and (*3*), (h)(5)(iii)(D), (h)(5)(iv)(A) and (B), (h)(5)(v), (h)(5)(vii)(A)(*2*) through (*5*), (h)(5)(ix) introductory text, (h)(5)(xi) through (xv), (h)(6)(i), (h)(6)(iii)(A), (h)(6)(v) through

(ix), (i)(2), (i)(3)(ii), (j)(2)(ii) through (iv), (j)(3)(i), and (j)(4).

The revisions and addition read as follows:

§ 660.140 Shorebased IFQ Program.

* * * * *

(b) * * *

(2) * * *

(iv) Provide unrestricted access to all areas where fish are or may be sorted or weighed to catch monitors, NMFS staff, NMFS-authorized personnel, or authorized officers at any time when a delivery of IFQ species, or the processing of those species, is taking place.

* * * * *

(vi) Retain and make available to catch monitors, NMFS staff, NMFS-authorized personnel, or authorized officers, all printed output from any scale used to weigh catch, and any hand tally sheets, worksheets, or notes used to determine the total weight of any species.

* * * * *

(viii) Ensure that sorting and weighing is completed prior to catch leaving the area that can be monitored from the observation area described paragraph (i) of this section.

* * * * *

(h) * * *

(1) *Observer coverage requirements*—(i) *Coverage.* The following observer coverage pertains to certified observers obtained from an observer provider permitted by NMFS.

(A) Any vessel participating in the Shorebased IFQ Program:

(*1*) Must carry a certified observer on any fishing trip from the time the vessel leaves port and until the completion of landing (until all catch from that fishing trip has been offloaded—see landing at §§ 660.11 and 660.60(h)(2)).

(*2*) Must carry an observer at any time the vessel is underway in port, including transit between delivery points when fish is offloaded at more than one IFQ first receiver.

(*3*) Is exempt from the requirement to maintain observer coverage as specified in this paragraph while remaining docked in port when the observer makes available to the catch monitor an Observer Program reporting form documenting the weight and number of bocaccio, yelloweye rockfish, canary rockfish, and cowcod retained during that trip and which documents any discrepancy the vessel operator and observer may have in the weights and number of the overfished species, unless modified inseason under routine management measures at § 660.60(c)(1).

(B) Any vessel 125 ft (38.1 m) LOA or longer that is engaged in at-sea processing must carry two certified observers, and any vessel shorter than 125 ft (38.1 m) LOA that is engaged in at-sea processing must carry one certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(ii) *Observer deployment limitations and workload.* If an observer is unable to perform their duties for any reason, the vessel is required to be in port within 36 hours of the last haul sampled by the observer. An observer must not be deployed for more than 22 calendar days in a calendar month, except for when a waiver has been issued by the Observer Program. The Observer Program may issue waivers to the observer provider to allow observers to work more than 22 calendar days per month in the following circumstances:

(A) When it's anticipated that one trip will last over 20 days.

(B) When a replacement observer is not available due to injury or illness.

(C) When the Observer Program has predetermined that the extended deployment is not likely to result in data delays or otherwise impact the overall duties and obligations of the observer.

(iii) *Refusal to board.* Any boarding refusal on the part of the observer or vessel must be immediately reported to the Observer Program and OLE by the observer provider. The observer must be available for an interview with the Observer Program or OLE if necessary.

(2) *Vessel responsibilities.* As specified at § 660.140(h)(1)(ii), if an observer is unable to perform their duties for any reason, the vessel is required to be in port within 36 hours of the last haul sampled by the observer. An operator and/or crew of a vessel required to carry an observer must provide:

(i) * * *

(B) Accommodations and food for trips of 24 hours or more must be equivalent to those provided for the crew and must include berthing space, a space that is intended to be used for sleeping and is provided with installed bunks and mattresses. A mattress or futon on the floor or a cot is not acceptable if a regular bunk is provided to any crew member, unless other arrangements are approved in advance by the Regional Administrator or designee.

(ii) * * *

(B) Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

* * * * *

(xi) *Housing on vessel in port.* During all periods an observer is housed on a vessel, the vessel operator must ensure that at least one crew member is aboard.

(3) *Procurement of observer services.* Owners of vessels required to carry observers under paragraph (h)(1) of this section must arrange for observer services from an observer provider, except that:

(i) Vessels are required to procure observer services directly from the Observer Program when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by an observer provider.

(ii) Vessels are required to procure observer services directly from the Observer Program and an observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by an observer provider.

(4) *Application to become an observer provider.* See § 660.18.

(5) * * *

(ii) * * *

(B) * * *

(*1*) That the observer will return all phone calls, emails, text messages, or other forms of communication within the time specified by the Observer Program;

* * * * *

(*3*) That every observer successfully completes a Red Cross (or equivalent) basic cardiopulmonary resuscitation/first aid certification course prior to the end of the West Coast Groundfish Observer Training class.

(iii) * * *

(D) Immediately report to the Observer Program Office and the OLE any refusal to board an assigned vessel.

(iv) * * *

(A) Must have a valid West Coast Groundfish observer certification with the required endorsements;

(B) Must not have informed the observer provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement, as required in paragraph

(h)(5)(xi)(B) of this section that would prevent him or her from performing his or her assigned duties; and

* * * * *

(v) *Respond to industry requests for observers.* An observer provider must provide an observer for deployment pursuant to the terms of the contractual relationship with the vessel to fulfill vessel requirements for observer coverage under paragraphs (h)(5)(xi)(D) of this section. An alternate observer must be supplied in each case where injury or illness prevents an observer from performing his or her duties or where an observer resigns prior to completion of his or her duties. If the observer provider is unable to respond to an industry request for observer coverage from a vessel for whom the observer provider is in a contractual relationship due to the lack of available observers by the estimated embarking time of the vessel, the observer provider must report it to NMFS at least four hours prior to the vessel's estimated embarking time, unless the vessel provides less than four hour notice to the provider, in which case the provider is to notify NMFS as soon as practical after the situation arises.

* * * * *

(vii) * * *

(A) * * *

(*2*) Has a check-in system in which the observer is required to contact the observer provider each time they depart and return to port on a vessels.

(*3*) Remains available to OLE and the Observer Program until the conclusion of debriefing.

(*4*) Receives all necessary transportation, including arrangements and logistics to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to and from the location designated for an observer to be interviewed by the Observer Program; and

(*5*) Receives lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(*i*) An observer under contract may be housed on a vessel to which he or she is assigned: Prior to their vessel's initial departure from port; for a period not to exceed 24 hours following the completion of an offload when the observer has duties and is scheduled to disembark; or for a period not to exceed 24 hours following the vessel's arrival in port when the observer is scheduled to disembark.

(*ii*) Otherwise, each observer between vessels, while still under contract with an observer provider, shall be provided with accommodations in accordance with the contract between the observer and the observer provider. If the observer provider is responsible for providing accommodations under the contract with the observer, the accommodation must be at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations that has an assigned bed for each observer that no other person may be assigned to for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

* * * * *

(ix) *Verify vessel's Commercial Fishing Vessel Safety Decal.* An observer provider must ensure that the observer completes a current observer vessel safety checklist, and verify that a vessel has a valid USCG Commercial Fishing Vessel Safety Decal as required under paragraph (h)(2)(ii)(B) of this section prior to the observer embarking on the first trip and before an observer may get underway aboard the vessel. The provider must submit all vessel safety checklists to the Observer Program, as specified by Observer Program. One of the following acceptable means of verification must be used to verify the decal validity:

* * * * *

(xi) *Maintain communications with the Observer Program Office.* An observer provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(A) *Observer training, briefing, and debriefing registration materials.* This information must be submitted to the Observer Program Office at least 10 business days prior to the beginning of a scheduled West Coast groundfish observer certification training or briefing session. Submissions received less than 10 business days prior to a West Coast groundfish observer certification training or briefing session will be approved by the Observer Program on a case-by-case basis.

(*1*) Training registration materials consist of the following:

(*i*) Date of requested training;

(*ii*) A list of observer candidates that includes each candidate's full name (*i.e.,* first, middle and last names), date of birth, and gender;

(*iii*) A copy of each candidate's academic transcripts and resume;

(*iv*) A statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions;

(*v*) Length of each observer's contract.

(*2*) Briefing registration materials consist of the following:

(*i*) Date and type of requested briefing session;

(*ii*) List of observers to attend the briefing session, that includes each observer's full name (first, middle, and last names);

(*iii*) Length of each observer's contract.

(*3*) *Debriefing.* The Observer Program will notify the observer provider which observers require debriefing and the specific time period the observer provider has to schedule a date, time, and location for debriefing. The observer provider must contact the Observer Program within 5 business days by telephone to schedule debriefings.

(*i*) Observer providers must immediately notify the observer program when observers end their contract earlier than anticipated.

(*ii*) [Reserved]

(B) *Physical examination.* A signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared information. The physician's statement must be submitted to the Observer Program Office prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement expires 12 months after the physical exam occurred and a new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(C) *Certificates of insurance.* Copies of ''certificates of insurance,'' that name the Northwest Fisheries Science Center Observer Program manager as the ''certificate holder,'' shall be submitted to the Observer Program Office by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

(*1*) Maritime Liability to cover ''seamen's'' claims under the Merchant Marine Act (Jones Act) and General Maritime Law ($1 million minimum).

(*2*) Coverage under the U.S. Longshore and Harbor Workers' Compensation Act ($1 million minimum).

(*3*) States Worker's Compensation as required.

(*4*) Commercial General Liability.

(D) *Observer provider contracts.* If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraph (h)(1)(i) of this section. Observer providers must also submit to the Observer Program Office, upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted to the Observer Program Office via email, fax, or mail within 5 business days of the request. Signed and valid contracts include the contracts an observer provider has with:

(*1*) Vessels required to have observer coverage as specified at paragraph (h)(1)(i) of this section; and

(*2*) Observers.

(E) *Change in observer provider management and contact information.* An observer provider must submit to the Observer Program Office any change of management or contact information as required at § 660.18(h).

(F) *Biological samples.* The observer provider must ensure that biological samples are stored/handled properly prior to delivery/transport to NMFS.

(G) *Observer status report.* Observer providers must provide NMFS with an updated list of observer trips per Observer Program protocol. Trip information includes observer provider name, observer last name, observer first name, trip start date, trip end date, status of observer, vessel name, and vessel identification number.

(H) *Other information.* Observer providers must submit to NMFS, if requested, copies of any information developed and used by the observer providers distributed to vessels, such as informational pamphlets, payment notification, description of observer duties, etc.

(I) *Other reports.* Reports of the following must be submitted in writing to the Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(*1*) Any information regarding possible observer harassment;

(*2*) Any information regarding any action prohibited under § 660.12(e); § 660.112(a)(4); or § 600.725(o), (t) and (u) of this chapter;

(*3*) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1(a)(1) through (7);

(*4*) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(*5*) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(xii) *Replace lost or damaged gear.* Lost or damaged gear issued to an observer by NMFS must be replaced by the observer provider. All replacements must be provided to NMFS and be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xiii) *Maintain confidentiality of information.* An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act U.S.C. 552a or as otherwise required by law remain confidential and are not further released to any person outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(xiv) *Limitations on conflict of interest.* Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries, including, but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel or shoreside processor facility involved in the catching, taking, harvesting or processing of fish;

(*2*) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington, or

(*3*) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value except for compensation for providing observer services from any person who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or non-performance of the official duties of observer providers.

(xv) *Observer conduct and behavior.* An observer provider must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers.

(A) The policy shall address the following behavior and conduct regarding:

(*1*) Observer use of alcohol;

(*2*) Observer use, possession, or distribution of illegal drugs in violation of applicable law; and;

(*3*) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(B) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to: observers, observer candidates and the Observer Program Office.

* * * * *

(6) * * *

(i) *Applicability.* Observer certification authorizes an individual to fulfill duties as specified in writing by the Observer Program Office while under the employ of an observer provider and according to certification requirements as designated under paragraph (h)(6)(iii) of this section.

* * * * *

(iii) * * *

(A) *Initial certification.* NMFS may certify individuals who, in addition to any other relevant considerations:

(*1*) Are employed by an permitted observer provider at the time of the of the certification is issued;

(*2*) Have provided, through their observer provider:

(*i*) Information identified by NMFS at § 679.52 (b) of this chapter regarding an observer candidate's health and physical fitness for the job;

(*ii*) Meet all observer candidate education and health standards as specified in § 679.52 (b) of this chapter; and

(*iii*) Have successfully completed NMFS-approved training as prescribed by the Observer Program. Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(*iv*) Have not been decertified under paragraph (h)(6)(ix) of this section, or pursuant to § 679.53(c) of this chapter.

* * * * *

(v) *Issuance of an observer certification.* An observer certification may be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification as specified at paragraph (h)(6)(iii) of this section. The following endorsements as prescribed by the Observer Program must be obtained in addition to observer certification.

(A) *West Coast Groundfish Observer Program training endorsement.* A training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The Observer can renew the endorsement by successfully completing training once more.

(B) *West Coast Groundfish Observer Program annual general endorsement.* Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(C) *West Coast Groundfish Observer Program deployment endorsement.* Each observer who has completed an initial deployment, as defined by the Observer Program, after receiving a training endorsement or annual general endorsement, must complete all applicable debriefing requirements specified by the Observer Program. A deployment endorsement is issued to observers who meet the performance standards specified by the Observer Program. A deployment endorsement must be obtained prior to any subsequent deployments for the remainder of that calendar year. If a deployment endorsement is not issued, certification training must be repeated.

(vi) *Maintaining the validity of an observer certification.* After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(A) Successfully perform their assigned duties as described in the observer manual or other written instructions from the Observer Program.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(D) Successfully complete any required trainings or briefings as prescribed by the Observer Program.

(E) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of briefing for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(F) Hold a Red Cross (or equivalent) basic cardiopulmonary resuscitation/first aid certification.

(G) Successfully meet Observer Program performance standards reporting for assigned debriefings or interviews.

(H) Submit all data and information required by the Observer Program within the program's stated guidelines.

(I) Meet the minimum annual deployment period of 45 days every 12 months. On a case-by case basis, the Observer Program may consider waiving the 45 day requirement.

(vii) *Limitations on conflict of interest.* Observers:

(A) Must not have a direct financial interest, other than the provision of observer services or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal Governments in waters off Washington, Oregon, or California, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(*3*) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(B) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any person who either conducts activities that are regulated by NMFS in the Pacific coast or North Pacific regions or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(C) May not serve as observers on any vessel or at any shore-based or floating stationary processor owned or operated by a person who employed the observer in the last two years.

(D) May not solicit or accept employment as a crew member or an employee of a vessel or shore-based or floating stationary processor while employed by an observer provider.

(E) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(viii) *Standards of behavior.* Observers must:

(A) Perform their duties as described in the observer manual or other written instructions from the Observer Program Office.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to the conservation of marine resources of their environment.

(C) Not disclose collected data and observations made on board the vessel to any person except the owner or operator of the observed vessel, an authorized officer, or NMFS.

(ix) *Suspension and decertification*—(A) *Suspension and decertification review official.* The Regional Administrator (or a designee) will designate an observer suspension and decertification review official(s), who will have the authority to review observer certifications and issue IAD of observer certification suspension and/or decertification.

(B) *Causes for suspension or decertification.* In addition to any other supported basis connected to an observer's job performance, the suspension and decertification official may initiate suspension or decertification proceedings against an observer:

(*1*) When it is alleged that the observer has not met applicable standards, including any of the following:

(*i*) Failed to satisfactorily perform duties as described or directed by the Observer Program; or

(*ii*) Failed to abide by the standards of conduct for observers, including conflicts of interest;

(*2*) Upon conviction of a crime or upon entry of a civil judgment for:

(*i*) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the NMFS Observer Program;

(*ii*) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(*iii*) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(C) *Issuance of an IAD.* Upon determination that suspension or decertification is warranted, the suspension/decertification official will issue a written IAD to the observer via certified mail at the observer's most current address provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. Decertification is effective 30 calendar days after the date on the IAD, unless there is an appeal.

(D) *Appeals.* A certified observer who receives an IAD that suspends or revokes his or her observer certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to § 660.19.

(i) * * *

(2) *Procurement of catch monitor services.* Owners or managers of each IFQ first receiver must arrange for catch monitor services from a catch monitor provider prior to accepting IFQ landings.

(3) * * *

(ii) Unless alternative arrangements are approved by the Catch Monitor Program Office, the working hours of each individual catch monitor will be limited as follows: the time required for a catch monitor to conduct monitoring duties must not exceed 14 consecutive hours in a calendar day. Following a monitoring shift of more than 10 hours, each catch monitor must be provided with a minimum 8 hours break before they may resume monitoring.

* * * * *

(j) * * *

(2) * * *

(ii) *Printed record.* All scales identified in the catch monitoring plan accepted by NMFS during the first receiver site license application process, must produce a printed record as specified at § 660.15(c).

(iii) *Scales that may be exempt from printed report.* An IFQ first receiver that receives no more than 200,000 pounds of groundfish in any calendar month will be exempt from the requirement to produce a printed record provided that:

(A) The first receiver has not previously operated under a catch monitoring plan where a printed record was required;

(B) The first receiver ensures that all catch is weighed; and

(C) The catch monitor, NMFS staff, or authorized officer can verify that all catch is weighed.

(iv) *Retention of printed records.* An IFQ first receiver must maintain printouts on site until the end of the fishing year during which the printouts were made consistent with § 660.113(a)(2).

* * * * *

(3) * * *

(i) *General.* Ensure that all IFQ landings are sorted and weighed as specified at § 660.130(d) and in accordance with an approved catch monitoring plan.

* * * * *

(4) *Scale tests.* All testing must meet the scale test standards specified at § 660.15(c).

* * * * *

■ 12. In § 660.150:

■ a. Revise paragraphs (b)(1)(ii)(A) through (C), (c)(4)(ii), (j)(1)(i), (j)(1)(ii)(A), (j)(1)(iii), (j)(2)(i)(A), (j)(2)(i)(B)(*2*), (j)(2)(ii) introductory text, (j)(2)(ii)(B), (j)(2)(iii), (j)(2)(ix)(A) introductory text, and (j)(2)(x) introductory text;

■ b. Add paragraph (j)(2)(xi);

■ c. Revise paragraphs (j)(3), (j)(4) and (j)(5); and

■ d. Remove paragraph (j)(6).

The revisions and addition read as follows:

§ 660.150 Mothership (MS) Coop Program.

* * * * *

(b) * * *

(1) * * *

(ii) *MS vessel responsibilities.* The owner and operator of a MS vessel must:

(A) *Recordkeeping and reporting.* Maintain a valid declaration as specified at § 660.13(d); and, maintain and submit all records and reports specified at § 660.113(c) including, economic data, scale tests records, and cost recovery.

(B) *Observers.* As specified at paragraph (j) of this section, procure observer services, maintain the appropriate level of coverage, and meet the vessel responsibilities.

(C) *Catch weighing requirements.* The owner and operator of a MS vessel must: Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements described in § 660.15(b);

* * * * *

(c) * * *

(4) * * *

(ii) *Between the mothership and catcher/processor sectors.* The Regional Administrator may make available for harvest to the catcher/processor sector of the Pacific whiting fishery, the amounts of the mothership sector's non-whiting catch allocation remaining when the Pacific whiting allocation is reached or participants in the sector do not intend to harvest the remaining allocation. If participants in the sector do not intend to harvest the sector's remaining allocation, the designated coop manager, or in the case of an inter-coop, all of the designated coop managers must submit a cease fishing report to NMFS indicating that harvesting has concluded for the year. At any time after greater than 80 percent of the Mothership sector Pacific whiting allocation has been harvested, the Regional Administrator may contact designated coop managers to determine whether they intend to continue fishing. When considering redistribution of non-whiting catch allocation, the Regional Administrator will take in to consideration the best available data on total projected fishing impacts. Reapportionment between permitted MS coops and the non-coop fishery within the mothership sector will be in proportion to their original coop allocations for the calendar year.

* * * * *

(j) * * *

(1) * * *

(i) *Coverage.* The following observer coverage pertains to certified observers obtained from an observer provider permitted by NMFS.

(A) *MS vessels.* Any vessel registered to an MS permit 125 ft (38.1 m) LOA or longer must carry two certified observers, and any vessel registered to an MS permit shorter than 125 ft (38.1 m) LOA must carry one certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(B) *Catcher vessels.* Any vessel delivering catch to any MS vessel must carry one certified observer each day that the vessel is used to take groundfish.

(ii) * * *

(A) *MS vessels.* The time required for the observer to complete sampling duties must not exceed 12 consecutive hours in each 24-hour period.

* * * * *

(iii) *Refusal to board.* Any boarding refusal on the part of the observer or vessel must be reported to the Observer Program and OLE by the observer provider. The observer must be available for an interview with the Observer Program or OLE if necessary.

(2) * * *

(i) * * *

(A) *MS vessels.* Provide accommodations and food that are equivalent to those provided for officers, engineers, foremen, deck-bosses or other management level personnel of the vessel.

(B) * * *

(*2*) Accommodations and food for trips of 24 hours or more must be equivalent to those provided for the crew and must include berthing space, a space that is intended to be used for sleeping and is provided with installed bunks and mattresses. A mattress or futon on the floor or a cot is not acceptable if a regular bunk is provided to any crew member, unless other arrangements are approved in advance by the Regional Administrator or designee.

(ii) *Safe conditions.* MS vessels and catcher vessels must:

* * * * *

(B) Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

(iii) *Computer hardware and software.* MS vessels must:

(A) Provide hardware and software pursuant to regulations at § 679.51(e)(iii)(B) of this chapter.

(B) Provide the observer(s) access to a computer required under paragraph (j)(2)(iii)(A) of this section, and that is connected to a communication device that provides a point-to-point connection to the NMFS host computer.

(C) Ensure that the MS vessel has installed the most recent release of NMFS data entry software or other approved software prior to the vessel receiving, catching or processing IFQ species.

(D) Ensure that the communication equipment required in paragraph (j)(2)(iii) of this section and that is used by observers to enter and transmit data, is fully functional and operational. ''Functional'' means that all the tasks and components of the NMFS supplied, or other approved, software described at paragraph (j)(2)(iii) of this section and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

* * * * *

(ix) * * *

(A) *MS vessels.* To allow the observer to carry out required duties, the vessel owner must provide an observer sampling station that meets the following requirements:

* * * * *

(x) *Transfer at sea.* Observers may be transferred at-sea between MS vessels, between MS vessels and C/P vessels, or between a MS vessel and a catcher vessel. Transfers at-sea between catcher vessels is prohibited. For transfers, both vessels must:

* * * * *

(xi) *Housing on vessel in port.* During all periods an observer is housed on a vessel, the vessel operator must ensure that at least one crew member is aboard.

(3) *Procurement of observer services*—(i) *MS vessels.* Owners of vessels required to carry observers under paragraph (j)(1)(i) of this section must arrange for observer services from an observer provider, except that:

(A) Vessels are required to procure observer services directly from the Observer Program when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by an observer provider.

(B) Vessels are required to procure observer services directly from the Observer Program and an observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by an observer provider.

(ii) *Catcher vessels.* Owners of vessels required to carry observers under paragraph (j)(1)(i) of this section must arrange for observer services from an observer provider, except that:

(A) Vessels are required to procure observer services directly from the Observer Program when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by an observer provider.

(B) Vessels are required to procure observer services directly from the Observer Program and an observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by an observer provider.

(4) *Observer provider responsibilities.* (i) Provide qualified candidates to serve as observers. Observer providers must provide qualified candidates to serve as observers. To be qualified, a candidate must have:

(A) A Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences;

(B) Successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course;

(C) Successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and

(D) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(ii) *Hiring an observer candidate*—(A) *MS vessels.* (*1*) The observer provider must provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties (*i.e.* The At-Sea Hake Observer Program's Observer Manual) prior to hiring the candidate. Observer job information is available from the Observer Program Office's Web site at *http://www.nwfsc.noaa.gov/research/divisions/fram/observer/index.cfm.*

(*2*) The observer provider must have a written contract or a written contract addendum that is signed by the observer and observer provider prior to the observer's deployment with the following clauses:

(*i*) That the observer will return all phone calls, emails, text messages, or other forms of communication within the time specified by the Observer Program;

(*ii*) That the observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required as a qualified observer candidate that

would prevent him or her from performing their assigned duties.

(B) *Catcher vessels.* (*1*) Provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties, for example, the West Coast Groundfish Observer Program's sampling manual. Observer job information is available from the Observer Program Office's Web site at *http://www.nwfsc.noaa.gov/research/divisions/fram/observer/index.cfm.*

(*2*) The observer provider must have a written contract or a written contract addendum that is signed by the observer and observer provider prior to the observer's deployment with the following clauses:

(*i*) That the observer will return all phone calls, emails, text messages, or other forms of communication within the time specified by the Observer Program;

(*ii*) That the observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required as a qualified observer candidate that would prevent him or her from performing their assigned duties; and

(*iii*) That the observer successfully completes a Red Cross (or equivalent) basic cardiopulmonary resuscitation/first aid certification course prior to the end of the Observer Program Training class.

(iii) *Ensure that observers complete duties in a timely manner*—(A) *MS vessels.* An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(*1*) Submit to NMFS all data, logbooks, and reports as required by the observer manual;

(*2*) Report for his or her scheduled debriefing and complete all debriefing responsibilities;

(*3*) Return all sampling and safety gear to the Observer Program Office;

(*4*) Submit all biological samples from the observer's deployment by the completion of the electronic vessel and/or processor survey(s); and

(*5*) Immediately report to the Observer Program Office and the OLE any refusal to board an assigned vessel.

(B) *Catcher vessels.* An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(*1*) Submit to NMFS all data, logbooks, and reports and biological samples as required under the Observer Program policy deadlines;

(*2*) Report for his or her scheduled debriefing and complete all debriefing responsibilities;

(*3*) Return all sampling and safety gear to the Observer Program Office; and

(*4*) Immediately report to the Observer Program Office and the OLE any refusal to board an assigned vessel.

(iv) *Observers provided to vessel*—(A) *MS vessels.* Observers provided to MS vessels:

(*1*) Must have a valid North Pacific groundfish observer certification with required endorsements and an At-Sea Hake Observer Program endorsement;

(*2*) Must not have informed the observer provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement that would prevent him or her from performing his or her assigned duties; and

(*3*) Must have successfully completed all NMFS required training and briefing before deployment.

(B) *Catcher vessels.* Observers provided to catcher vessels:

(*1*) Must have a valid West Coast Groundfish observer certification with the required endorsements;

(*2*) Must have not informed the observer provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement (required in paragraph (j)(4)(xi)(B)(2) of this section) that would prevent him or her from performing his or her assigned duties; and,

(*3*) Must have successfully completed all NMFS required training and briefing before deployment.

(v) *Respond to industry requests for observers.* An observer provider must provide an observer for deployment pursuant to the terms of the contractual relationship with the vessel to fulfill vessel requirements for observer coverage specified at paragraph (j)(1)(i) of this section. An alternate observer must be supplied in each case where injury or illness prevents an observer from performing his or her duties or where the observer resigns prior to completion of his or her duties. If the observer provider is unable to respond to an industry request for observer coverage from a vessel for whom the observer provider is in a contractual relationship due to lack of available observers by the estimated embarking time of the vessel, the observer provider must report it to the Observer Program at least four hours prior to the vessel's estimated embarking time.

(vi) *Provide observer salaries and benefits.* An observer provider must provide to its observer employees salaries and any other benefits and personnel services in accordance with the terms of each observer's contract.

(vii) *Provide observer deployment logistics*—(A) *MS vessels.* An observer provider must provide to each of its observers under contract:

(*1*) All necessary transportation, including arrangements and logistics, to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to and from the location designated for an observer to be interviewed by the Observer Program; and

(*2*) Lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(*3*) An observer under contract may be housed on a vessel to which he or she is assigned:

(*i*) Prior to their vessel's initial departure from port;

(*ii*) For a period not to exceed 24 hours following the completion of an offload when the observer has duties and is scheduled to disembark; or

(*iii*) For a period not to exceed 24 hours following the vessel's arrival in port when the observer is scheduled to disembark.

(*iv*) An observer under contract who is between vessel assignments must be provided with shoreside accommodations pursuant to the terms of the contract between the observer provider and the observers. If the observer provider is responsible for providing accommodations under the contract with the observer, the accommodations must be at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations for the duration of each period between vessel or shoreside assignments. Such accommodations must include an assigned bed for each observer and no other person may be assigned that bed for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(B) *Catcher vessels.* An observer provider must ensure each of its observers under contract:

(*1*) Has an individually assigned mobile or cell phones, in working order, for all necessary communication. An observer provider may alternatively compensate observers for the use of the observer's personal cell phone or pager for communications made in support of, or necessary for, the observer's duties.

(*2*) Has a check-in system in which the observer is required to contact the

observer provider each time they depart and return to port on a vessel.

(*3*) Remains available to OLE and the Observer Program until the conclusion of debriefing.

(*4*) Receives all necessary transportation, including arrangements and logistics to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to and from the location designated for an observer to be interviewed by the Observer Program; and

(*5*) Receives lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(*i*) An observer under contract may be housed on a vessel to which he or she is assigned: Prior to their vessel's initial departure from port; for a period not to exceed 24 hours following the completion of an offload when the observer has duties and is scheduled to disembark; or for a period not to exceed 24 hours following the vessel's arrival in port when the observer is scheduled to disembark.

(*ii*) Otherwise, each observer between vessels, while still under contract with an observer provider, shall be provided with accommodations in accordance with the contract between the observer and the observer provider. If the observer provider is responsible for providing accommodations under the contract with the observer, the accommodations must be at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations that has an assigned bed for each observer that no other person may be assigned to for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(viii) *Observer deployment limitations*—(A) *MS vessels.* Unless alternative arrangements are approved by the Observer Program Office, an observer provider must not:

(*1*) Deploy an observer on the same vessel more than 90 days in a 12-month period;

(*2*) Deploy an observer for more than 90 days in a single deployment;

(*3*) Include more than four vessels assignments in a single deployment, or

(*4*) Disembark an observer from a vessel before that observer has completed his or her sampling or data transmission duties.

(B) *Catcher vessels.* Unless alternative arrangements are approved by the Observer Program Office, an observer provider must not deploy an observer on the same vessel more than 90 calendar days in a 12-month period.

(ix) *Verify vessel's Commercial Fishing Vessel Safety Decal.* An observer provider must ensure that the observer completes an observer vessel safety checklist, and verify that a vessel has a valid USCG Commercial Fishing Vessel Safety Decal as required under paragraph (j)(2)(ii)(B) of this section prior to the observer embarking on the first trip and before an observer may get underway aboard the vessel. The provider must submit all vessel safety checklists to the Observer Program, as specified by Observer Program policy. One of the following acceptable means of verification must be used to verify the decal validity:

(A) The observer provider or employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or

(B) The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

(x) *Maintain communications with observers.* An observer provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, in transit, or in port awaiting vessel reassignment.

(xi) *Maintain communications with the Observer Program Office.* An observer provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(A) *Motherships*—(*1*) *Training and briefing registration materials.* The observer provider must submit training and briefing registration materials to the Observer Program Office at least 5 business days prior to the beginning of a scheduled observer at-sea hake training or briefing session.

(*i*) *Registration materials.* Registration materials consist of the date of requested training or briefing with a list of observers including each observer's full name (*i.e.,* first, middle and last names).

(*ii*) *Projected observer assignments.* Prior to the observer's completion of the training or briefing session, the observer provider must submit to the Observer Program Office a statement of projected observer assignments that include the observer's name; vessel, gear type, and vessel/processor code; port of embarkation; and area of fishing.

(*2*) *Observer debriefing registration.* The observer provider must contact the At-Sea Hake Observer Program within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the observer's name, cruise number, vessel name(s) and code(s), and requested debriefing date.

(*3*) *Observer provider contracts.* If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraph (j)(1)(i) of this section. Observer providers must also submit to the Observer Program Office upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted to the Observer Program Office via fax or mail within 5 business days of the request. Signed and valid contracts include the contracts an observer provider has with:

(*i*) Vessels required to have observer coverage as specified at paragraph (j)(1)(i) of this section; and

(*ii*) Observers.

(*4*) *Change in observer provider management and contact information.* Observer providers must submit notification of any other change to provider contact information, including but not limited to, changes in contact name, phone number, email address, and address.

(*5*) *Other reports.* Reports of the following must be submitted in writing to the At-Sea Hake Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(*i*) Any information regarding possible observer harassment;

(*ii*) Any information regarding any action prohibited under § 660.12(e); § 660.112(a)(4); or § 600.725(o), (t) and (u) of this chapter;

(*iii*) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1(a)(1) through (7);

(*iv*) Any observer illness or injury that prevents the observer from completing

any of his or her duties described in the observer manual; and

(*v*) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(B) *Catcher vessels.* An observer provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(*1*) *Observer training, briefing, and debriefing registration materials.* This information must be submitted to the Observer Program Office at least 10 business days prior to the beginning of a scheduled West Coast groundfish observer certification training or briefing session. Submissions received less than 10 business days prior to a West Coast groundfish observer certification training or briefing session will be approved by the Observer Program on a case-by-case basis.

(*i*) Training registration materials consist of the following: Date of requested training; a list of observer candidates that includes each candidate's full name (*i.e.,* first, middle and last names), date of birth, and gender; a copy of each candidate's academic transcripts and resume; a statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions; and length of observer contract.

(*ii*) Briefing registration materials consist of the following: Date and type of requested briefing session; list of observers to attend the briefing session, that includes each observer's full name (first, middle, and last names); and length of observer contract.

(*iii*) The Observer Program will notify the observer provider which observers require debriefing and the specific time period the observer provider has to schedule a date, time, and location for debriefing. The observer provider must contact the Observer Program within 5 business days by telephone to schedule debriefings. Observer providers must immediately notify the Observer Program when observers end their contract earlier than anticipated.

(*2*) *Physical examination.* A signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared information. The physician's statement must be submitted to the Observer Program Office prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement expires 12 months after the physical exam occurred and a new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(*3*) *Certificates of insurance.* Copies of ''certificates of insurance,'' that names the Northwest Fisheries Science Center Observer Program manager as the ''certificate holder,'' shall be submitted to the Observer Program Office by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

(*i*) Maritime Liability to cover ''seamen's'' claims under the Merchant Marine Act (Jones Act) and General Maritime Law ($1 million minimum).

(*ii*) Coverage under the U.S. Longshore and Harbor Workers' Compensation Act ($1 million minimum).

(*iii*) States Worker's Compensation as required.

(*iv*) Commercial General Liability.

(*4*) *Observer provider contracts.* If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraph (j)(1)(i) of this section. Observer providers must also submit to the Observer Program Office upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted to the Observer Program Office via fax or mail within 5 business days of the request. Signed and valid contracts include the contracts an observer provider has with:

(*i*) Vessels required to have observer coverage as specified at paragraph (j)(1)(i) of this section; and

(*ii*) Observers.

(*5*) *Change in observer provider management and contact information.* An observer provider must submit to the Observer Program office any change of management or contact information as required at § 660.18(f).

(*6*) *Biological samples.* The observer provider must ensure that biological samples are stored/handled properly prior to delivery/transport to NMFS.

(*7*) *Observer status report.* Observer providers must provide NMFS with an updated list of observer trip per Observer Program protocol. Trip information includes observer provider name, observer last name, observer first name, trip start date, trip end date, status of observer, vessel name, and vessel identification number.

(*8*) *Other information.* An observer provider must submit to NMFS, if requested, copies of any information developed and used by the observer providers distributed to vessels, such as informational pamphlets, payment notification, description of observer duties, etc.

(*9*) *Other reports.* Reports of the following must be submitted in writing to the Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(*i*) Any information regarding possible observer harassment;

(*ii*) Any information regarding any action prohibited under § 660.12(e); § 660.112(a)(4); or § 600.725(o), (t) and (u) of this chapter;

(iii) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1(a)(1) through (7);

(*iv*) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(*v*) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(xii) *Replace lost or damaged gear.* Lost or damaged gear issued to an observer by NMFS must be replaced by the observer provider. All replacements must be provided to NMFS and be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xiii) *Maintain confidentiality of information.* An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act under 5 U.S.C. 552a or as otherwise required by law remain confidential and are not further released to any person outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(xiv) *Limitations on conflict of interest.* Observer providers must meet limitations on conflict of interest. Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel, or shoreside processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington, or

(*3*) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value except for compensation for providing observer services from any person who conducts fishing or fish processing activities that are regulated by NMFS in the Pacific coast or North Pacific regions, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(xv) *Observer conduct and behavior.* An observer provider must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers. The policy shall address the following behavior and conduct regarding:

(A) Observer use of alcohol;

(B) Observer use, possession, or distribution of illegal drugs in violation of applicable law; and

(C) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(D) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to: observers, observer candidates and the Observer Program Office.

(xvi) *Refusal to deploy an observer.* Observer providers may refuse to deploy an observer on a requesting vessel if the observer provider has determined that the requesting vessel is inadequate or unsafe pursuant to those regulations described at § 600.746 of this chapter or U.S. Coast Guard and other applicable rules, regulations, statutes, or guidelines pertaining to safe operation of the vessel.

(5) *Observer certification and responsibilities*—(i) *Applicability.* Observer certification authorizes an individual to fulfill duties as specified in writing by the NMFS Observer Program Office while under the employ of a NMFS-permitted observer provider and according to certification endorsements as designated under paragraph (j)(6)(iii) of this section.

(ii) *Observer certification official.* The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certifications and endorsements.

(iii) *Certification requirements*—(A) *Initial certification.* NMFS may certify individuals who, in addition to any other relevant considerations:

(*1*) Are employed by an observer provider company permitted pursuant to § 660.16 at the time of the issuance of the certification;

(*2*) Have provided, through their observer provider:

(*i*) Information identified by NMFS at § 679.52(b) of this chapter regarding an observer candidate's health and physical fitness for the job;

(*ii*) Meet all observer education and health standards as specified in § 679.52(b) of this chapter; and

(*iii*) Have successfully completed NMFS-approved training as prescribed by the Observer Program. Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(*iv*) Have not been decertified under paragraph (j)(5)(ix) of this section, or pursuant to § 679.53(c) of this chapter.

(B) [Reserved]

(iv) *Denial of a certification.* The NMFS observer certification official will issue a written determination denying observer certification if the candidate fails to successfully complete training, or does not meet the qualifications for certification for any other relevant reason.

(v) *Issuance of an observer certification.* An observer certification will be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification as specified at paragraph (j)(6)(iii) of this section. The following endorsements must be obtained, in addition to observer certification, in order for an observer to deploy.

(A) *MS vessels*—(*1*) *North Pacific Groundfish Observer Program certification training endorsement.* A certification training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The observer can renew the endorsement by successfully completing certification training once more.

(*2*) *North Pacific Groundfish Observer Program annual general endorsements.* Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a certification training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(*3*) *North Pacific Groundfish Observer Program deployment endorsements.* Each observer who has completed an initial deployment after certification or annual briefing must receive a deployment endorsement to their certification prior to any subsequent deployments for the remainder of that year. An observer may obtain a deployment endorsement by successfully completing all pre-cruise briefing requirements. The type of briefing the observer must attend and successfully complete will be specified

in writing by the Observer Program during the observer's most recent debriefing.

(*4*) *At-Sea Hake Observer Program endorsements.* A Pacific whiting fishery endorsement is required for purposes of performing observer duties aboard vessels that process groundfish at sea in the Pacific whiting fishery. A Pacific whiting fishery endorsement to an observer's certification may be obtained by meeting the following requirements:

(*i*) Have a valid North Pacific groundfish observer certification;

(*ii*) Receive an evaluation by NMFS for his or her most recent deployment that indicated that the observer's performance met Observer Program expectations for that deployment; successfully complete any required briefings as prescribed by the Observer Program; and comply with all of the other requirements of this section.

(B) *Catcher vessels.* The following endorsements as prescribed by the Observer Program must be obtained in addition to observer certification, in order for an observer to deploy.

(*1*) *West Coast Groundfish Observer Program training endorsement.* A training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The observer can renew the endorsement by successfully completing training once more.

(*2*) *West Coast Groundfish Observer Program annual general endorsement.* Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a training certification endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(*3*) *West Coast Groundfish Observer Program deployment endorsement.* Each observer who has completed an initial deployment, as defined by the Observer Program, after receiving a training endorsement or annual general endorsement, must complete all applicable debriefing requirements specified by the Observer Program. A deployment endorsement is issued to observers who meet the performance standards specified by the Observer Program. A deployment endorsement must be obtained prior to any subsequent deployments for the remainder of that calendar year. If a deployment endorsement is not issued, certification training must be repeated.

(vi) *Maintaining the validity of an observer certification.* After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(A) *MS vessels.* (*1*) Successfully perform their assigned duties as described in the observer manual or other written instructions from the Observer Program.

(*2*) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(*3*) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(*4*) Successfully complete any required briefings as prescribed by the At-Sea Hake Observer Program.

(*5*) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(*6*) Successfully meet all debriefing expectations including meeting Observer Program performance standards reporting for assigned debriefings or interviews.

(*7*) Submit all data and information required by the Observer Program within the program's stated guidelines.

(B) *Catcher vessels.* After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(*1*) Successfully perform their assigned duties as described in the observer manual or other written instructions from the Observer Program.

(*2*) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(*3*) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(*4*) Successfully complete any required trainings or briefings as prescribed by the Observer Program.

(*5*) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(*6*) Hold current a Red Cross (or equivalent) basic cardiopulmonary resuscitation/first aid certification.

(*7*) Successfully meet all expectations in all debriefings including reporting for assigned debriefings or interviews and meeting program standards.

(*8*) Submit all data and information required by the observer program within the program's stated guidelines.

(*9*) Meet the minimum annual deployment period of 45 days every 12 months. On a case-by case basis, the Observer Program may consider waiving the 45 day requirement.

(vii) *Limitations on conflict of interest.* Observers:

(A) Must not have a direct financial interest, other than the provision of observer services or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal Governments in waters off Washington, Oregon, or California, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(*3*) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(B) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any person who either conducts activities that are regulated by NMFS in the Pacific coast or North Pacific regions or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(C) May not serve as observers on any vessel or at any shore-based or floating

stationary processor owned or operated by a person who employed the observer in the last two years.

(D) May not solicit or accept employment as a crew member or an employee of a vessel or shore-based or floating stationary processor while employed by an observer provider.

(E) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(viii) *Standards of behavior.* Observers must:

(A) Perform their assigned duties as described in the observer manual or other written instructions from the Observer Program Office.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel to any person except the owner or operator of the observed vessel, an authorized officer, or NMFS.

(D) Not disclose collected data and observations made on board the vessel to any person except the owner or operator of the observed vessel, an authorized officer, or NMFS.

(ix) *Suspension and decertification*—(A) *Suspension and decertification review official.* The Regional Administrator (or a designee) will designate an observer suspension and decertification review official(s), who will have the authority to review observer certifications and issue IADs of observer certification suspension and/or decertification.

(B) *Causes for suspension or decertification.* The suspension/decertification official may initiate suspension or decertification proceedings against an observer:

(*1*) When it is alleged that the observer has not met applicable standards, including any of the following:

(*i*) Failed to satisfactorily perform duties of observers as specified in writing by the NMFS Observer Program; or

(*ii*) Failed to abide by the standards of conduct for observers, including conflicts of interest;

(*2*) Upon conviction of a crime or upon entry of a civil judgment for:

(*i*) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the NMFS Observer Program;

(*ii*) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(*iii*) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(C) *Issuance of an IAD.* Upon determination that suspension or decertification is warranted, the suspension/decertification official will issue a written IAD to the observer via certified mail at the observer's most current address provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. Decertification is effective 30 calendar days after the date on the IAD, unless there is an appeal.

(D) *Appeals.* A certified observer who receives an IAD that suspends or revokes his or her observer certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to § 660.19.

* * * * *

■ 13. In § 660.160:

■ a. Revise paragraphs (b)(1)(ii) introductory text, (b)(1)(ii)(A), (b)(1)(ii)(C), (c)(5), (g)(1), (g)(2)(ii)(B), (g)(2)(iii), (g)(2)(ix) introductory text, and (g)(3);

■ b. Add paragraph (g)(2)(xi);

■ c. Remove paragraph (g)(4);

■ d. Redesignate paragraphs (g)(5) and (g)(6) as (g)(4) and (g)(5), respectively;

■ e. Revise newly redesignated paragraphs (g)(4)(ii), (g)(4)(iii)(A) and (E), (g)(4)(iv) and (v), (g)(4)(vii), (g)(4)(ix), (g)(4)(xi) through (xvi), (g)(5)(i) and (ii), (g)(5)(iii)(A)(*2*), (g)(5)(v)(D), (g)(5)(vi), (g)(5)(vii)(A), and (g)(5)(viii) and (ix).

The revisions and addition read as follows:

§ 660.160 Catcher/processor (C/P) Coop Program.

* * * * *

(b) * * *

(1) * * *

(ii) *C/P vessel responsibilities.* The owner and operator of a C/P vessel must:

(A) *Recordkeeping and reporting.* Maintain a valid declaration as specified at § 660.13(d); maintain records as specified at § 660.113(a); and maintain and submit all records and reports specified at § 660.113(d) including, economic data, scale tests records, and cost recovery.

* * * * *

(C) *Catch weighing requirements.* The owner and operator of a C/P vessel must ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements described in § 660.15(b).

* * * * *

(c) * * *

(5) *Non-whiting groundfish species reapportionment.* The Regional Administrator may make available for harvest to the mothership sector of the Pacific whiting fishery, the amounts of the catcher/processor sector's non-whiting catch allocation remaining when the catcher/processor sector reaches its Pacific whiting allocation or participants in the catcher/processor sector do not intend to harvest the remaining sector allocation. If participants in the sector do not intend to harvest the sector's remaining allocation, the designated coop manager must submit a cease fishing report to NMFS indicating that harvesting has concluded for the year. At any time after greater than 80 percent of the catcher/processor sector Pacific whiting allocation has been harvested, the Regional Administrator may contact the designated coop manager to determine whether they intend to continue fishing. When considering redistribution of non-whiting catch allocation, the Regional Administrator will take into consideration the best available data on total projected fishing impacts.

* * * * *

(g) * * *

(1) *Observer coverage requirements*—(i) *Coverage.* The following observer coverage pertains to certified observers obtained from an observer provider permitted by NMFS. Any vessel registered to a C/P-endorsed limited entry trawl permit that is 125 ft (38.1 m) LOA or longer must carry two certified observers, and any vessel registered to a C/P-endorsed limited entry trawl permit that is shorter than 125 ft (38.1 m) LOA must carry one certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(ii) *Observer workload.* The time required for the observer to complete sampling duties must not exceed 12 consecutive hours in each 24-hour period.

(iii) *Refusal to board.* Any boarding refusal on the part of the observer or vessel must be reported to the Observer Program and OLE by the observer provider. The observer must be available for an interview with the Observer Program or OLE if necessary.

(2) * * *

(ii) * * *

(B) Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I,

a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

(iii) *Computer hardware and software.* C/P vessels must:

(A) Provide hardware and software pursuant to regulations at § 679.51 (e)(iii)(B) of this chapter.

(B) Provide the observer(s) access to a computer required under paragraph (g)(2)(iii) of this section that is connected to a communication device that provides a point-to-point connection to the NMFS host computer.

(C) Ensure that the C/P vessel has installed the most recent release of NMFS data entry software, or other approved software prior to the vessel receiving, catching or processing IFQ species.

(D) Ensure that the communication equipment required in paragraph (g)(2)(iii) of this section and used by observers to enter and transmit data, is fully functional and operational. ''Functional'' means that all the tasks and components of the NMFS supplied, or other approved, software described at paragraph (g)(2)(iii) of this section and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

* * * * *

(ix) *Sampling station and operational requirements for C/P vessels.* This paragraph contains the requirements for observer sampling stations. To allow the observer to carry out the required duties, the vessel owner must provide an observer sampling station that meets the following requirements:

* * * * *

(xi) *Housing on vessel in port.* During all periods an observer is housed on a vessel, the vessel operator must ensure that at least one crew member is aboard.

(3) *Procurement of observer services.* Owners of vessels required to carry observers under paragraph (g)(1) of this section must arrange for observer services from an observer provider permitted by NMFS, except that:

(i) Vessels are required to procure observer services directly from the Observer Program when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by an observer provider.

(ii) Vessels are required to procure observer services directly from the Observer Program and an observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by an observer provider.

(4) * * *

(ii) *Hiring an observer candidate.* (A) The observer provider must provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties (*i.e.* The At-Sea Hake Observer Program's Observer Manual) prior to hiring an observer candidate. Observer job information is available from the Observer Program Office's Web site at *http://www.nwfsc.noaa.gov/research/divisions/fram/observer/index.cfm.*

(B) The observer provider must have a written contract or a written contract addendum that is signed by the observer and observer provider prior to the observer's deployment with the following clauses:

(*1*) That the observer will return all phone calls, emails, text messages, or other forms of communication within the time specified by the Observer Program;

(*2*) That the observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required as a qualified observer candidate that would prevent him or her from performing their assigned duties.

(iii) * * *

(A) Submit to NMFS all data, logbooks and reports as required by the observer manual;

* * * * *

(E) Immediately report to the Observer Program Office and the OLE any refusal to board an assigned vessel.

(iv) *Observers provided to vessel.* Observers provided to C/P vessels:

(A) Must have a valid North Pacific groundfish observer certification with required endorsements and an At-Sea Hake Observer Program endorsement;

(B) Must not have informed the observer provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement that would prevent him or her from performing his or her assigned duties; and

(C) Must have successfully completed all NMFS required training and briefing before deployment.

(v) *Respond to industry requests for observers.* An observer provider must provide an observer for deployment as requested pursuant to the contractual relationship with the vessel to fulfill vessel requirements for observer coverage specified under paragraph (g)(1) of this section. An alternate observer must be supplied in each case where injury or illness prevents the observer from performing his or her duties or where the observer resigns prior to completion of his or her duties. If the observer provider is unable to respond to an industry request for observer coverage from a vessel for whom the observer provider is in a contractual relationship due to lack of available observers by the estimated embarking time of the vessel, the observer provider must report it to the Observer Program at least four hours prior to the vessel's estimated embarking time.

* * * * *

(vii) *Provide observer deployment logistics.* An observer provider must provide to each of its observers under contract:

(A) All necessary transportation, including arrangements and logistics, to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to and from the location designated for an observer to be interviewed by the Observer Program; and

(B) Lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(*1*) An observer under contract may be housed on a vessel to which he or she is assigned:

(*i*) Prior to their vessel's initial departure from port;

(*ii*) For a period not to exceed 24 hours following the completion of an offload when the observer has duties and is scheduled to disembark; or

(*iii*) For a period not to exceed 24 hours following the vessel's arrival in port when the observer is scheduled to disembark.

(*2*) [Reserved]

(C) An observer under contract who is between vessel assignments must be provided with shoreside accommodations in accordance with the contract between the observer and the observer provider. If the observer provider is providing accommodations, it must be at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations for the duration of each period between vessel or shoreside assignments. Such accommodations must include an assigned bed for each observer and no other person may be

assigned that bed for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

* * * * *

(ix) *Verify vessel's Commercial Fishing Vessel Safety Decal.* An observer provider must ensure that the observer completes an observer vessel safety checklist, and verify that a vessel has a valid USCG Commercial Fishing Vessel Safety decal as required under paragraph (h)(2)(ii)(B) of this section prior to the observer embarking on the first trip and before an observer may get underway aboard the vessel. The provider must submit all vessel safety checklists to the Observer Program, as specified by Observer Program policy. One of the following acceptable means of verification must be used to verify the decal validity:

(A) The observer provider or employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or

(B) The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

* * * * *

(xi) *Maintain communications with the Observer Program Office.* An observer provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(A) *Observer training and briefing.* Observer training and briefing registration materials must be submitted to the Observer Program Office at least 5 business days prior to the beginning of a scheduled observer at-sea hake training or briefing session. Registration materials consist of the following: The date of requested training or briefing with a list of observers including each observer's full name (*i.e.,* first, middle and last names).

(B) *Observer debriefing registration.* The observer provider must contact the Observer Program within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the observer's name, cruise number, vessel name(s) and code(s), and requested debriefing date.

(C) *Observer provider contracts.* If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraph (g)(1) of this section. Observer providers must also submit to the Observer Program Office upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted to the Observer Program Office via fax or mail within 5 business days of the request. Signed and valid contracts include the contracts an observer provider has with:

(*1*) Vessels required to have observer coverage as specified at paragraph (g)(1) of this section; and

(*2*) Observers.

(D) *Change in observer provider management and contact information.* Observer providers must submit notification of any other change to provider contact information, including but not limited to, changes in contact name, phone number, email address, and address.

(E) *Other reports.* Reports of the following must be submitted in writing to the Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(*1*) Any information regarding possible observer harassment;

(*2*) Any information regarding any action prohibited under §§ 660.12(e), 660.112 or 600.725(o), (t) and (u) of this chapter;

(*3*) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1(a)(1) through (7);

(*4*) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(*5*) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(xii) *Replace lost or damaged gear.* Lost or damaged gear issued to an observer by NMFS must be replaced by the observer provider. All replacements must be provided to NMFS and be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xiii) *Maintain confidentiality of information.* An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act 5 U.S.C. 552a or other applicable law remain confidential and are not further released to any person outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(xiv) *Limitations on conflict of interest.* An observer provider must meet limitations on conflict of interest. Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel or shoreside processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington, or

(*3*) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value except for compensation for providing observer services from any person who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(xv) *Observer conduct and behavior.* An observer provider must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers. The policy shall address the following behavior and conduct:

(A) Observer use of alcohol;

(B) Observer use, possession, or distribution of illegal drugs in violation of applicable law; and

(C) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(D) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to observers, observer candidates, and the Observer Program Office.

(xvi) *Refusal to deploy an observer.* Observer providers may refuse to deploy an observer on a requesting vessel if the observer provider has determined that the requesting vessel is inadequate or unsafe pursuant to those regulations described at § 600.746 of this chapter or U.S. Coast Guard and other applicable rules, regulations, statutes, or guidelines pertaining to safe operation of the vessel.

(5) * * *

(i) *Applicability.* Observer certification authorizes an individual to fulfill duties as specified in writing by the Observer Program Office while under the employ of an observer provider and according to certification endorsements as designated under paragraph (g)(5)(iii) of this section.

(ii) *Observer certification official.* The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certifications and endorsements.

(iii) * * *

(A) * * *

(*2*) Have provided, through their observer provider:

(*i*) Information set forth at § 679.52(b) of this chapter regarding an observer candidate's health and physical fitness for the job;

(*ii*) Meet all observer education and health standards as specified in § 679.52(b) of this chapter; and

(*iii*) Have successfully completed NMFS-approved training as prescribed by the Observer Program. Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(*iv*) Have not been decertified under paragraph (g)(5)(ix) of this section, or pursuant to § 679.53(c) of this chapter.

* * * * *

(v) * * *

(D) *At-Sea Hake Observer Program endorsements.* A Pacific whiting fishery endorsement is required for purposes of performing observer duties aboard vessels that process groundfish at sea in the Pacific whiting fishery. A Pacific whiting fishery endorsement to an observer's certification may be obtained by meeting the following requirements:

(*1*) Have a valid North Pacific groundfish observer certification.

(*2*) Receive an evaluation by NMFS for his or her most recent deployment that indicated that the observer's performance met Observer Program expectations for that deployment;

(*3*) Successfully complete any required briefings as prescribed by the Observer Program; and

(*4*) Comply with all of the other requirements of this section.

(vi) *Maintaining the validity of an observer certification.* After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(A) Successfully perform their assigned duties as described in the observer manual or other written instructions from the Observer Program.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(D) Successfully complete any required briefings as prescribed by the At-Sea Hake Observer Program.

(E) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(F) Successfully meet all debriefing expectations including meeting Observer Program performance standards reporting for assigned debriefings or interviews.

(G) Submit all data and information required by the Observer Program within the program's stated guidelines.

(vii) * * *

(A) Must not have a direct financial interest, other than the provision of observer services or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal Governments in waters off Washington, Oregon, or California, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(*3*) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

* * * * *

(viii) *Standards of behavior.* Observers must:

(A) Perform their assigned duties as described in the observer manual or other written instructions from the Observer Program Office.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel to any person except the owner or operator of the observed vessel, an authorized officer, or NMFS.

(ix) *Suspension and decertification*—(A) *Suspension and decertification review official.* The Regional Administrator (or a designee) will designate an observer suspension and decertification review official(s), who will have the authority to review observer certifications and issue IADs of observer certification suspension and/or decertification.

(B) *Causes for suspension or decertification.* The suspension/decertification official may initiate suspension or decertification proceedings against an observer:

(*1*) When it is alleged that the observer has committed any acts or omissions of any of the following: Failed to satisfactorily perform the duties of observers as specified in writing by the Observer Program; or failed to abide by the standards of conduct for observers (including conflicts of interest);

(*2*) Upon conviction of a crime or upon entry of a civil judgment for: Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in

writing by the Observer Program; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(C) *Issuance of an IAD.* Upon determination that suspension or decertification is warranted, the suspension/decertification official will issue a written IAD to the observer via certified mail at the observer's most current address provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. Decertification is effective 30 calendar days after the date on the IAD, unless there is an appeal.

(D) *Appeals.* A certified observer who receives an IAD that suspends or revokes the observer certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to § 660.19.

* * * * *

■ 14. In § 660.216, revise paragraphs (a) through (d), (e)(2), (e)(3)(i), and (f) to read as follows:

§ 660.216 Fixed gear fishery—observer requirements.

(a) *Observer coverage requirements*—(1) *Harvesting vessels.* When NMFS notifies the owner, operator, permit holder, or the manager of a harvesting vessel of any requirement to carry an observer, the harvesting vessel may not be used to fish for groundfish without carrying an observer.

(2) *Processing vessels.* Unless specified otherwise by the Observer Program, any vessel 125 ft (38.1 m) LOA or longer that is engaged in at-sea processing must carry two certified observers procured from a permitted observer provider, and any vessel shorter than 125 ft (38.1 m) LOA that is engaged in at-sea processing must carry one certified observer procured from a permitted observer provider, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish. Owners of vessels required to carry observers under this paragraph must arrange for observer services from a permitted observer provider except when the Observer Program has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in addition to or in lieu of an observer provided by a permitted observer provider.

(b) *Notice of departure basic rule.* At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a harvesting vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure.

(1) *Optional notice—weather delays.* A harvesting vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (b) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than four hours prior to departure, in order to enable NMFS to place an observer.

(2) *Optional notice—back-to-back fishing trips.* A harvesting vessel that intends to make back-to-back fishing trips (*i.e.,* trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (b) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(c) *Cease fishing report.* Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that fishing has ceased. This requirement applies to any harvesting and processing vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(d) *Waiver.* The West Coast Regional Administrator (or designee) may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(e) * * *

(2) *Safe conditions.* Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter. Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311.

(3) * * *

(i) *Observer use of equipment.* Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s), the observer provider or NMFS.

* * * * *

(f) *Observer sampling station.* This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(1) *Accessibility.* The observer sampling station must be available to the observer at all times.

(2) *Location.* The observer sampling station must be located within four meters of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

■ 15. In § 660.316, revise paragraphs (a) through (d), (e)(2), (e)(3)(i), and (f) to read as follows:

§ 660.316 Open access fishery—observer requirements.

(a) *Observer coverage requirements*—(1) *Harvesting vessels.* When NMFS notifies the owner, operator, permit holder, or the manager of a harvesting vessel of any requirement to carry an observer, the harvesting vessel may not be used to fish for groundfish without carrying an observer.

(2) *Processing vessels.* Unless specified otherwise by the Observer Program, any vessel 125 ft (38.1 m) LOA or longer that is engaged in at-sea processing must carry two certified observers procured from a permitted observer provider, and any vessel shorter than 125 ft (38.1 m) LOA that is engaged in at-sea processing must carry one certified observer procured from a permitted observer provider, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish. Owners of vessels required to carry observers under this paragraph must arrange for observer services from a permitted observer provider except when the Observer Program has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in addition to or in lieu of an observer provided by a permitted observer provider.

(b) *Notice of departure—basic rule.* At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a harvesting vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(1) *Optional notice—weather delays.* A harvesting vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (b) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than four hours prior to departure, in order to enable NMFS to place an observer.

(2) *Optional notice—back-to-back fishing trips.* A harvesting vessel that intends to make back-to-back fishing trips (*i.e.,* trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (b) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(c) *Cease fishing report.* Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that fishing has ceased. This requirement applies to any harvesting or processing vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(d) *Waiver.* The West Coast Regional Administrator (or designate) may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(e) * * *

(2) *Safe conditions.* Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter. Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311.

(3) * * *

(i) *Observer use of equipment.* Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s), observer provider or NMFS.

* * * * *

(f) *Observer sampling station.* This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(1) *Accessibility.* The observer sampling station must be available to the observer at all times.

(2) *Location.* The observer sampling station must be located within four meters of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

[FR Doc. 2015–08814 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–22–P

FEDERAL REGISTER

Vol. 80 Tuesday,
No. 76 April 21, 2015

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224
Endangered and Threatened Species; Identification of 14 Distinct Population Segments of the Humpback Whale (*Megaptera novaeangliae*) and Proposed Revision of Species-Wide Listing; Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 130708594–5298–02]

RIN 0648–XC751

Endangered and Threatened Species; Identification of 14 Distinct Population Segments of the Humpback Whale (*Megaptera novaeangliae*) and Proposed Revision of Species-Wide Listing

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

ACTION: Proposed rule; 12-month findings.

SUMMARY: We, NMFS, have completed a comprehensive status review of the humpback whale (*Megaptera novaeangliae*) under the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. 1531 *et seq.*) and announce a proposal to revise the listing status of the species. We propose to divide the globally listed endangered species into 14 distinct population segments (DPSs), remove the current species-level listing, and in its place list 2 DPSs as endangered and 2 DPSs as threatened. The remaining 10 DPSs are not proposed for listing based on their current statuses. This proposal also constitutes a negative 12-month finding on a petition to delineate and ''delist'' a DPS of humpback whales spanning the entire North Pacific and a positive 12-month finding on a petition to delineate and ''delist'' a DPS in the Central North Pacific (Hawaii breeding population).

At this time, we do not propose to designate critical habitat for the two listed DPSs that occur in U.S. waters (Western North Pacific, Central America) because it is not currently determinable. In order to complete the critical habitat designation process, we also solicit information on essential physical and biological features of the habitat of these two DPSs.

DATES: Comments must be submitted to NMFS by July 20, 2015. For specific dates of the public hearings, see **SUPPLEMENTARY INFORMATION.** Requests for additional public hearings must be made in writing and received by June 5, 2015.

ADDRESSES: Four public hearings will be held, one each in Juneau, AK, Honolulu, HI, Plymouth, MA, and Virginia Beach, VA. For specific locations of these hearings, see **SUPPLEMENTARY INFORMATION.**

You may submit comments, identified by NOAA–NMFS–2015–0035, by any of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal eRulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D= NOAA-NMFS-2015-0035,*

2. Click the ''Comment Now!'' icon, complete the required fields

3. Enter or attach your comments.

—Or—

Mail: Submit written comments to Marta Nammack, NMFS, 1315 East-West Highway, Room 13536, Silver Spring, MD 20910.

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).

The proposed rule, Status Review report and other materials relating to this proposal can be found on the NMFS Web site at: *http://nmfs.noaa.gov/pr/.*

FOR FURTHER INFORMATION CONTACT: Marta Nammack, NMFS, (301) 427–8469.

SUPPLEMENTARY INFORMATION: On August 12, 2009, we announced the initiation of a status review of the humpback whale to determine whether an endangered listing for the entire species was still appropriate (74 FR 40568). We sought information from the public to inform our review, hired two post-doctoral students to compile the best available scientific and commercial information on the species (Fleming and Jackson, 2011), including the past, present, and foreseeable future threats to this species, and appointed a Biological Review Team (BRT) to analyze that information, make conclusions on extinction risk, and prepare a status review report (Bettridge et al., 2015).

On April 16, 2013, we received a petition from the Hawaii Fishermen's Alliance for Conservation and Tradition, Inc., to classify the North Pacific humpback whale population as a DPS and ''delist'' the DPS under the Endangered Species Act (ESA). On February 26, 2014, the State of Alaska submitted a petition to delineate the Central North Pacific (Hawaii) stock of the humpback whale as a DPS and remove the DPS from the List of Endangered and Threatened Species under the ESA. After reviewing the petitions, the literature cited in the petitions, and other literature and information available in our files, we found that both petitioned actions may be warranted and issued positive 90-day findings (78 FR 53391, August 29, 2013; 79 FR 36281, June 26, 2014). We extended the deadline for receiving information by 30 days to help us respond to the petition to delist the Central North Pacific population (79 FR 40054; July 11, 2014). We incorporated the consideration of both petitioned actions into the status review.

Based on information presented in the status review report, an assessment of the ESA section 4(a)(1) factors, and efforts being made to protect the species, we have determined: (1) 14 populations of the humpback whale meet the DPS policy criteria and are therefore considered to be DPSs; (2) the Cape Verde Islands/Northwest Africa and Arabian Sea DPSs are in danger of extinction throughout their ranges; (3) the Western North Pacific and Central America DPSs are likely to become endangered throughout all of their ranges in the foreseeable future; and (4) the West Indies, Hawaii, Mexico, Brazil, Gabon/Southwest Africa, Southeast Africa/Madagascar, West Australia, East Australia, Oceania, and Southeastern Pacific DPSs are not in danger of extinction throughout all or a significant portion of their ranges or likely to become so in the foreseeable future. Accordingly, we issue a proposed rule to revise the species-wide listing of the humpback whale by replacing it with 2 endangered species listings (Cape Verde Islands/Northwest Africa and Arabian Sea DPSs) and 2 threatened species listings (Western North Pacific and Central America DPSs). We solicit comments on these proposed actions. We also propose to extend the ESA section 9 prohibitions to the 2 threatened DPSs.

Outline

ESA Statutory Provisions, Regulations, and Policy Considerations
Distinct Population Segment Policy
''Foreseeable Future''
''Significant Portion of its Range''
Background
Behavior
Feeding
Reproduction
Natural Mortality
Status Review Report
Humpback Whale Subspecies

Reproductive Seasonality
Behavior
Color patterns
Genetics
Subspecies Discussion and Conclusions
Distinct Population Segment Analysis, By Subspecies
North Atlantic
Overview
Discreteness
Significance
North Pacific
Overview
Discreteness
Significance
Southern Hemisphere
Overview:
Discreteness
Significance
Extinction Risk Assessment
Abundance and Trends for Each DPS
West Indies DPS
Cape Verde Islands/Northwest Africa DPS
Western North Pacific DPS
Hawaii DPS
Mexico DPS
Central America DPS
Brazil DPS
Gabon/Southwest Africa DPS
Southeast Africa/Madagascar DPS
West Australia DPS
East Australia DPS
Oceania DPS
Southeastern Pacific DPS
Arabian Sea DPS
Summary of Abundance and Trends
Summary of Section 4(a)(1) Factors Affecting the 14 Humpback Whale DPSs
Section 4(a)(1) Factors Applicable to All DPSs
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes:
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
West Indies DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Cape Verde Islands/Northwest Africa DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Western North Pacific DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Hawaii DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Mexico DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Central America DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Brazil DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Gabon/Southwest Africa DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Southeast Africa/Madagascar DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
West Australia DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
East Australia DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Oceania DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Southeastern Pacific DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Arabian Sea DPS
A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes
C. Disease or Predation
D. Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting its Continued Existence
Ongoing Conservation Efforts
Rationale for Revising the Current Global Listing and Replacing It with Listings of DPSs
Conclusions on the Status of Each DPS under the ESA
Endangered DPSs
Threatened DPSs

DPSs Not Warranted for Listing under the ESA
Post-delisting Monitoring Plan
Description of Proposed Regulatory Changes
Prohibitions and Protective Measures
Identification of Those Activities That Would Constitute a Violation of Section 9 of the ESA
Effects of this Rulemaking
Peer Review
Critical Habitat
Public Comments Solicited
Public Hearings
Classification
National Environmental Policy Act (NEPA)
Executive Order (E.O.) 12866, Regulatory Flexibility Act, and Paperwork Reduction Act
E.O. 13132, Federalism
E.O. 13175, Consultation and Coordination with Indian Tribal Governments

ESA Statutory Provisions, Regulations, and Policy Considerations

Pursuant to the ESA, any interested person may petition to list or delist a species, subspecies, or DPS of a vertebrate species that interbreeds when mature (5 U.S.C. 553(e), 16 U.S.C. 1533(b)(3)(A)). ESA-implementing regulations issued by NMFS and the U.S. Fish and Wildlife Service (FWS) also establish procedures for receiving and considering petitions to revise the lists of endangered and threatened species and for conducting periodic reviews of listed species (50 CFR 424.01).

Once we receive a petition to delist a species, the ESA requires the Secretary of Commerce (Secretary) to make a finding on whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted (16 U.S.C. 1533(b)(3)(A)). In the context of a petition to delist a species, the ESA-implementing regulations provide that ''substantial information'' is that amount of information that would lead a reasonable person to believe that delisting may be warranted (50 CFR 424.14(b)(1)). In determining whether substantial information exists, we take into account several factors, in light of any information noted in the petition or otherwise readily available in our files. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition (16 U.S.C. 1533(b)(3)(A)) and published promptly in the **Federal Register**. Section 4(b)(3)(B) of the ESA requires that, when a petition to revise the List of Endangered and Threatened Wildlife and Plants is found to present substantial scientific and commercial information, we make a finding that the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. This finding (the ''12-month finding'') is to be made within 1 year of the date the petition was received, and the finding is to be published promptly in the **Federal Register**. The Secretary has delegated the authority for these actions to the NOAA Assistant Administrator for Fisheries.

Section 3 of the ESA defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, we interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened). In determining whether to reclassify or delist a species, subspecies, or DPS, the ESA and implementing regulations require that we consider the following ESA section 4(a)(1) factors in relation to the definitions of ''endangered species'' or ''threatened species'' (16 U.S.C. 1533(a)(1) and 1533(c)(2); 50 CFR 424.11(d)): The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization of the species for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; and other natural or manmade factors affecting a species' continued existence. These are the same factors that we must consider when making an initial determination whether to list a species, subspecies, or DPS as threatened or endangered under the ESA.

Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any State or foreign nation or political subdivision thereof to protect the species. In evaluating the efficacy of protective efforts not yet implemented or not yet proven to be effective, we rely on the *Policy on Evaluation of Conservation Efforts When Making Listing Decisions* (''PECE''; 68 FR 15100; March 28, 2003) issued jointly by NMFS and the FWS (together, the Services). The ESA regulations require that a species listed as endangered or threatened be removed from the list if the best scientific or commercial data available indicate that the species is no longer endangered or threatened because it has recovered (50 CFR 424.11(d)).

Distinct Population Segment Policy

To be considered for listing under the ESA, a group of organisms must constitute a ''species,'' which the ESA defines to include ''. . . any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature'' (16 U.S.C. 1532 (16)). Thus, an ESA listing (or delisting) determination can address a species, subspecies, or a DPS of a vertebrate species.

On February 7, 1996, the Services adopted a policy describing what constitutes a DPS of a taxonomic species (61 FR 4722). The joint DPS policy identified two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the remainder of the species (or subspecies) to which it belongs. A population segment of a vertebrate species may be considered discrete if it satisfies either one of the following conditions:

(1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation.

(2) It is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA.

If a population segment is considered discrete under one or more of the above conditions, its biological and ecological significance is then considered in light of Congressional guidance (see Senate Report 151, 96th Congress, 1st Session) that the authority to list DPSs be used ''sparingly'' while encouraging the conservation of genetic diversity. This consideration may include, but is not limited to, the following:

(1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon;

(2) Evidence that loss of the discrete population segment would result in a significant gap in the range of a taxon;

(3) Evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; or

(4) Evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics.

''Foreseeable Future''

To determine whether listing of a species is warranted, a status review must conclude that the species is ''in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range.'' The ESA uses the term ''foreseeable future'' to refer to the time over which identified threats are likely to impact the biological status of the species. The duration of the ''foreseeable future'' in any circumstance is inherently fact-specific and depends on the particular kinds of threats, the life-history characteristics, and the specific habitat requirements for the species under consideration. The existence of a threat to a species and the species' response to that threat are not, in general, equally predictable or foreseeable. Hence, in some cases, the ability to foresee a threat to a species is greater than the ability to foresee the species' exact response, or the timeframe of such a response, to that threat. For purposes of making these 12-month findings, the relevant consideration is whether the species' population response (*i.e.,* abundance, productivity, spatial distribution, diversity) is foreseeable, not merely whether the emergence of a threat is foreseeable. The foreseeable future extends only as far as we are able to reliably predict the species' population response to a particular threat. We consider the extent to which we can foresee the species' response to each threat.

''Significant Portion of its Range''

NMFS and FWS recently published a final policy to clarify the interpretation of the phrase ''significant portion of the range'' in the ESA definitions of ''threatened species'' and ''endangered species'' (79 FR 37577; July 1, 2014) (Final Policy). The Final Policy reads:

> *Consequences of a species being endangered or threatened throughout a significant portion of its range:* The phrase ''significant portion of its range'' in the Act's definitions of ''endangered species'' and ''threatened species'' provides an independent basis for listing. Thus, there are two situations (or factual bases) under which a species would qualify for listing: A species may be endangered or threatened throughout all of its range or a species may be endangered or threatened throughout only a significant portion of its range.
>
> If a species is found to be endangered or threatened throughout only a significant portion of its range, the entire species is listed as endangered or threatened, respectively, and the Act's protections apply to all individuals of the species wherever found.
>
> *Significant:* A portion of the range of a species is ''significant'' if the species is not currently endangered or threatened throughout its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range.
>
> *Range:* The range of a species is considered to be the general geographical area within which that species can be found at the time FWS or NMFS makes any particular status determination. This range includes those areas used throughout all or part of the species' life cycle, even if they are not used regularly (*e.g.,* seasonal habitats). Lost historical range is relevant to the analysis of the status of the species, but it cannot constitute a significant portion of a species' range.
>
> *Reconciling SPR with DPS authority:* If the species is endangered or threatened throughout a significant portion of its range, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

The Final Policy explains that it is necessary to fully evaluate a portion for potential listing under the ''significant portion of its range'' authority only if substantial information indicates that the members of the species in a particular area are likely *both* to meet the test for biological significance *and* to be currently endangered or threatened in that area. Making this preliminary determination triggers a need for further review, but does not prejudge whether the portion actually meets these standards such that the species should be listed:

> To identify only those portions that warrant further consideration, we will determine whether there is substantial information indicating that (1) the portions may be significant and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is endangered or threatened throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required.
>
> 79 FR 37586.

Thus, the preliminary determination that a portion may be both significant and endangered or threatened merely requires NMFS to engage in a more detailed analysis to determine whether the standards are *actually* met. *Id.* at 37587. Unless both are met, listing is not warranted. The Final Policy explains that, depending on the particular facts of each situation, NMFS may find it is more efficient to address the significance issue first, but in other cases it will make more sense to examine the status of the species in the potentially significant portions first. Whichever question is asked first, an affirmative answer is required to proceed to the second question. *Id.* (''[I]f we determine that a portion of the range is not ''significant,'' we will not need to determine whether the species is endangered or threatened there; if we determine that the species is not endangered or threatened in a portion of its range, we will not need to determine if that portion was ''significant.''). Thus, if the answer to the first question is negative—whether in regard to the significance question or the status question—then the analysis concludes and listing is not warranted.

Background

The humpback whale (*Megaptera novaeangliae*) was listed as endangered in 1970 under the Endangered Species Conservation Act of 1969, the precursor to the ESA. When the ESA was enacted in 1973, the humpback whale was transferred to the List of Endangered and Threatened Wildlife and Plants, retaining endangered status, and, because of its endangered ESA status, was considered ''depleted'' under the Marine Mammal Protection Act (MMPA). NMFS issued a recovery plan for the humpback whale in 1991, and its long-term numerical goal was to increase humpback whale populations to at least 60 percent of the number existing before commercial exploitation or of current environmental carrying capacity. The recovery team recognized that those levels could not then be determined, so in the meantime, the interim goal of the recovery plan was to double the population size of extant populations within the next 20 years (*http://www.nmfs.noaa.gov/pr/pdfs/recovery/whale_humpback.pdf*). In fact, the historical size of humpback whale populations continues to be uncertain (Ruegg *et al.,* 2013, and references therein; Bettridge *et al.,* 2015).

The taxonomy, life history, and ecology of the humpback whale are thoroughly reviewed in Fleming and Jackson (2011) and summarized in the BRT's status review report (Bettridge *et al.,* 2015; available at *http://www.nmfs.noaa.gov/pr/species/statusreviews.htm*). The humpback whale is a large baleen whale of the

family Balaenopteridae. It is found around the world in all oceans. The humpback whale has long pectoral flippers, distinct ventral fluke patterning, dark dorsal coloration, a highly varied acoustic call (termed 'song'), and a diverse repertoire of surface behaviors.

Its body coloration is primarily dark grey, but individuals have a variable amount of white on their pectoral fins, flukes, and belly. This variation is so distinctive that the pigmentation pattern on the undersides of their flukes is used to identify individual whales. Coloring of the ventral surface varies from white to marbled to fully black. Dorsal surfaces of humpback whale pectoral flippers are typically white in the North Atlantic and black in the North Pacific (Perrin *et al.,* 2002), and the flippers are about one-third of the total body length. Similar to all baleen whales, body lengths differ between the sexes, with adult females being approximately 1–1.5m longer than males. The humpback whale reaches a maximum of 16–17 m, although lengths of 14–15 m are more typical. Adult body weights in excess of 40 tons make them one of the largest mammals on earth (Ohsumi, 1966).

With one exception, humpback whales are highly migratory, spending spring, summer, and fall feeding in temperate or high-latitude areas of the North Atlantic, North Pacific, and Southern Ocean and migrating to the tropics in winter to breed and calve. The Arabian Sea humpback whale population does not migrate extensively, remaining in tropical waters year-round (Baldwin, 2000; Minton *et al.,* 2010b).

There are 14 known breeding grounds for humpback whales, and there may be other breeding grounds of unknown location. Whales using the unknown breeding grounds may be associated to some degree with whales from the known breeding grounds.

Whales from all known breeding grounds except the Arabian Sea migrate to summer feeding areas. Humpback whales have high site fidelity to both the winter breeding grounds and summer feeding grounds. Whales from a single breeding ground may migrate to different feeding grounds. In addition, feeding grounds may host whales from different breeding grounds. Because humpback whales can be individually identified through unique fluke patterns, researchers are able to match photos of whales on breeding grounds and feeding grounds, thereby tracing their migrations.

Although the patterns of migration and distribution are clear for many breeding groups, researchers have identified whales on some feeding grounds that have never been sighted in any of the known breeding grounds. Depending on the strength of the evidence, scientists may infer that an additional breeding population exists but that its breeding grounds are unknown. We explore this subject further in the ''Distinct Population Segment Analysis, By Subspecies'' section below.

Behavior

Humpback whales travel great distances during migration, the farthest migration of any mammal. The longest recorded migration between a breeding area and a feeding area was 5,160 miles (8,300 km). This trek from Costa Rica to Antarctica was completed by seven individuals, including a calf (Rasmussen *et al.,* 2007). One of the more closely studied routes has shown whales making the 3,000-mile (4,830 km) trip between Alaska and Hawaii in as little as 36 days (Allen and Angliss, 2010).

During summer and fall, humpback whales spend much of their time feeding and building fat stores for winter. In their low-latitude wintering grounds, humpback whales congregate and are believed to engage in mating and other social activities. Humpback whales are generally polygynous, with males exhibiting competitive behavior on wintering grounds (Tyack, 1981; Baker and Herman, 1984; Clapham, 1996). A complex behavioral repertoire exhibited in these areas can include aggressive and antagonistic behavior, such as chasing, vocal and bubble displays, horizontal tail thrashing, and rear body thrashing. Males within these groups also make physical contact, striking or surfacing on top of one another.

Also on wintering grounds, males sing complex songs that can last up to 20 minutes and may be heard up to 20 miles (30 km) away (Clapham and Mattila, 1990; Cato, 1991). A male may sing for hours, repeating the song numerous times. All males in a population sing the same song, but that song continually evolves over time (Darling and Sousa-Lima, 2005). Humpback whale singing has been studied for decades, but its function remains in dispute.

Humpback whales are a favorite of whale watchers, as the species frequently performs aerial displays, including breaching, lobtailing, and flipper slapping, the purposes of which are not well understood. Diving behavior varies by season, with average lengths of dives ranging from <5 minutes in summer to 10–15 minutes (and sometimes more than 30 minutes) in winter months (Clapham and Mead, 1999). Typically, humpback whale groups are small (e.g., <10 individuals, but can vary depending on social context and season), and associations between individuals do not last long, with the exception of the mother/calf pairs (Clapham and Mead, 1999).

Feeding

Humpback whales have a diverse diet that varies slightly across feeding areas. The species is known to feed on both small schooling fish and on euphausiids (krill). Known prey organisms include species representing *Clupea* (herring), *Scomber* (mackerel), *Ammodytes* (sand lance), *Sardinops* (sardine), *Engraulis* (anchovy), *Mallotus* (capelin), and krills such as *Euphausia, Thysanoessa,* and *Meganyctiphanes* (Baker, 1985; Geraci *et al.,* 1989; Clapham *et al.,* 1997). Humpback whales also exhibit flexible feeding strategies, sometimes foraging alone and sometimes cooperatively (Clapham, 1993). During the winter, humpback whales subsist on stored fat and likely feed little or not at all.

In the Northern Hemisphere, feeding behavior is varied and frequently features novel capture methods involving the creation of bubble structures to trap and corral fish; bubble nets, clouds, and curtains can be observed when humpback whales are feeding on schooling fish (Hain *et al.,* 1982). Lobtailing and repeated underwater 'looping' movements (referred to as kick feeding) have also been observed during surface feeding events, and it may be that certain feeding behaviors are spread through the population by cultural transmission (Weinrich *et al.,* 1992; Friedlaender *et al.,* 2006). On Stellwagen Bank, in the Gulf of Maine, repeated side rolls have been recorded when whales were near the bottom, which likely serves to startle prey out of the substrate for better foraging (Friedlaender *et al.,* 2009). In many locations, feeding in the water column can vary with time of day, with whales bottom feeding at night and surface feeding near dawn (Friedlaender *et al.,* 2009).

Humpback whales are 'gulp' or 'lunge' feeders, capturing large mouthfuls of prey during feeding rather than continuously filtering food, as may be observed in some other large baleen whales (Ingebrigtsen, 1929). In the Southern Hemisphere, only one style of foraging ('lunge' feeding) has been reported. When lunge feeding, whales advance on prey with their mouths wide open, then close their mouths around the prey and trap them by forcing engulfed water out past the baleen

plates. Southern Hemisphere humpback whales forage in the Antarctic circumpolar current, feeding almost exclusively on Antarctic krill (*Euphausia superba*) (Matthews, 1937; Mackintosh, 1965; Kawamura, 1994).

Stomach content analysis from hunted whales taken in sub-tropical waters and on migratory routes indicated that stomachs were nearly always empty (Chittleborough, 1965a). Infrequent sightings of feeding activity and stomach content data suggest that some individuals may feed opportunistically during the southward migration toward Antarctic waters (Matthews, 1932; Dawbin, 1956; Kawamura, 1980).

In the Southern Ocean, Antarctic krill tend to be most highly concentrated around marginal sea ice zones, where they feed on sea ice algae. As a result, Southern Hemisphere humpback whale distribution is linked to regions of marginal sea ice (Friedlaender *et al.,* 2006) and zones of high euphausiid density (Murase *et al.,* 2002), with foraging mainly concentrated in the upper 100m of the water column (Dolphin, 1987; Friedlaender *et al.,* 2006). There is evidence of a positive relationship between prey density and humpback whale abundance (Friedlaender *et al.,* 2006).

Reproduction

The mating system of humpback whales is generally thought to be male-dominance polygyny, also described as a 'floating lek' (Clapham, 1996). In this system, multiple males compete for individual females and exhibit competitive behavior. Humpback whale song is a long, complex vocalization (Payne and McVay, 1971) produced by males on the winter breeding grounds, and also less commonly during migration (Clapham and Mattila, 1990; Cato, 1991) and on feeding grounds (Clark and Clapham, 2004b). The exact function has not been determined, but behavioral studies suggest that song is used to advertise for females, and/or to establish dominance among males (Tyack, 1981; Darling and Bérubé, 2001; Darling *et al.,* 2006). It is widely believed that, while occasional mating may occur on feeding grounds or on migration, the great majority of mating and conceptions take place in winter breeding areas (Clapham, 1996; Clark and Clapham, 2004a). Breeding in the Northern and Southern Hemisphere populations is out of phase by approximately 6 months, corresponding to their respective winter periods.

Sexual maturity of humpback whales in the Northern Hemisphere occurs at approximately 5–11 years of age, and appears to vary both within and among populations (Clapham, 1992; Gabriele *et al.,* 2007b; Robbins, 2007). Average age of sexual maturity in the Southern Hemisphere is estimated to be 9–11 years. In the Northern Hemisphere, calving intervals are between 1 and 5 years, though 2–3 years appears to be most common (Wiley and Clapham, 1993; Steiger and Calambokidis, 2000). Estimated mean calving rates are between 0.38 and 0.50 calves per mature female per year (Clapham and Mayo, 1990; Straley *et al.,* 1994; Steiger and Calambokidis, 2000) and reproduction is annually variable (Robbins, 2007). In the Southern Hemisphere, most information on humpback whale population characteristics and life history was obtained during the whaling period. Post-partum ovulation is reasonably common (Chittleborough, 1965a) and inter-birth intervals of a single year have occasionally been recorded. This may be a consequence of early calf mortality; the associated survival rates for annually born calves are unknown in the Southern Hemisphere.

Humpback whale gestation is 11–12 months and calves are born in tropical waters (Matthews, 1937). Lactation lasts from 10.5–11 months (Chittleborough, 1965a), weaning begins to occur at about age 6 months, and calves attain maternal independence around the end of their first year (Clapham and Mayo, 1990). Humpback whales exhibit maternally directed fidelity to specific feeding regions (Martin *et al.,* 1984; Baker *et al.,* 1990).

The average generation time for humpback whales (the average age of all reproductively active females at carrying capacity) is estimated at 21.5 years (Taylor *et al.,* 2007). Empirically estimated annual rates of population increase range from a low of 0 to 4 percent to a maximum of 12.5 percent for different times and areas throughout the range (Baker *et al.,* 1992; Barlow and Clapham, 1997; Steiger and Calambokidis, 2000; Clapham *et al.,* 2003a); however, Zerbini *et al.* (2010) concluded that any rate above 11.8 percent per year is biologically implausible for this species.

Natural Mortality

Annual adult mortality rates have been estimated to be 0.040 (standard error (SE) = 0.008) (Barlow and Clapham, 1997) in the Gulf of Maine and 0.037 (95 percent confidence interval (CI) 0.022–0.056) (Mizroch *et al.,* 2004) in the Hawaiian Islands populations. In the Southern Hemisphere, estimates of annual adult survival rates have been made using photo-identification studies in Hervey Bay, east Australia (1987–2006), and range between 0.87 and 1.00 (Chaloupka *et al.,* 1999).

Robbins (2007) estimated calf (0–1 year old) survival for humpback whales in the Gulf of Maine at 0.664 (95 percent CI: 0.517–0.784), which is low compared to other areas. Barlow and Clapham (1997) estimated a theoretical calf mortality rate of 0.125 on the Gulf of Maine feeding ground. Using associations of calves with identified mothers on North Pacific breeding and feeding grounds, Gabriele (2001) estimated mortality of juveniles at 6 months of age to be 0.182 (95 percent CI: 0.023–0.518). Survival of calves (6–12 months) and juveniles (1–5 years) has not been described in detail for the Southern Hemisphere. Killer whales are likely the most common natural predators of humpback whales.

Status Review Report

The BRT's status review report compiled the best available scientific and commercial information on: (1) Population structure of humpback whales within the North Pacific, North Atlantic, and Southern Oceans, used to determine whether any populations within these ocean basins meet the DPS policy criteria; (2) the abundance and trend information for each DPS; (3) those ESA section 4(a)(1) factors currently affecting the status of these DPSs; (4) ongoing conservation efforts affecting the status of these DPSs; and (5) the extinction risk of each DPS. See the status review report for further information on the biology and ecology of the humpback whale (Bettridge et al., 2015).

Humpback Whale Subspecies

The BRT reviewed the best scientific and commercial data available on the humpback whale's taxonomy and concluded that there are likely three unrecognized subspecies of humpback whale: North Pacific, North Atlantic, and Southern Hemisphere. In reaching this conclusion, the BRT considered available life history, morphological, and genetic information.

Humpback whales routinely make extensive migrations between breeding and feeding areas within an ocean basin. Despite this potential for long distance dispersal, there is considerable evidence that dispersal or interbreeding of individuals from different major ocean basins is extremely rare and that whales from the major ocean basins are differentiated by a number of characteristics.

Reproductive Seasonality: Humpback whales breed and calve in July–

November in the Southern Hemisphere and in January–May in the Northern Hemisphere (including the Arabian Sea). It is not known if reproductive seasonality in baleen whales is determined genetically or whether it results from a learned behavior (migration to a particular feeding destination) combined with a physiological response to day length.

Behavior: The most obvious behavioral difference is that migrations to and from high latitudes are in opposite times of the calendar year for Southern Hemisphere and most Northern Hemisphere populations, following the difference in reproductive seasonality. A Northern Hemisphere exception to this migration pattern is found in the Arabian Sea where a non-migratory population is found. Although these behavioral differences could be learned, they could also be innate, genetically determined traits. Seasonality in singing and other mating behaviors also follows the differences in reproductive seasonality.

Color patterns: Humpback whales in the Southern Hemisphere tend to have much more white pigmentation on their bodies which is especially noticeable laterally (Matthews, 1937; Chittleborough, 1965b). This has been noted in eastern and western Australia, the Coral Sea, and Oceania, but might not be characteristic of all Southern Hemisphere populations. Rosenbaum *et al.* (1995) ranked ventral fluke coloration patterns from one (nearly all white) to five (nearly all black) and compared whales from several breeding areas. He found that over 80 percent of humpback whales in eastern and western Australia were in Category 1, and that less than 10 percent of whales in three breeding areas in the North Pacific were ranked in that category. Only 36 percent of Southern Hemisphere whales in Colombia were classified in Category 1, but Colombian whales were still, on average, whiter than North Pacific whales. A higher frequency of flippers with white dorsal pigmentations is found in the North Atlantic compared to the North Pacific (Clapham, 2009).

Genetics: Baker and Medrano-Gonzalez (2002) reviewed the worldwide distribution of mtDNA haplotypes.[1] They found three major clades (groups consisting of an ancestor and all its descendants) with significant differences among major ocean basins, though there were no completely fixed differences among these areas. The North Pacific included only the AE and CD clades, the North Atlantic included only the CD and IJ clades, and the Southern Oceans included all three. In a more recent comparison, Jackson *et al.* (2014) found no shared haplotypes between the North Pacific and North Atlantic. Based on patterns of mtDNA variation, Rosenbaum *et al.* (2009b) estimated an average migration rate of less than one per generation between the Arabian Sea and neighboring populations in the southern Indian Ocean, and Jackson *et al.* (2014) also estimated generally <1 migrant per generation among the North Pacific, North Atlantic and Southern Hemisphere populations. Ruegg *et al.* (2013) also found a high degree of genetic differentiation between samples from the North Atlantic and the Southern Hemisphere.

Subspecies Discussion and Conclusions

The BRT considered the possibility that humpback whales from different ocean basins might reasonably be considered to belong to different subspecies. Sub-specific taxonomy is relevant to the identification of DPSs because, under the 1996 DPS policy, the discreteness and significance of a potential DPS is evaluated with reference to the taxon (species or subspecies) to which it belongs. In some cases previous BRTs have determined that sub-specific taxonomy has a large influence on DPS structure (*e.g.,* southern resident killer whales—Krahn *et al.,* 2004a)), while in other cases sub-specific taxonomy has not been relevant (*e.g.,* steelhead trout DPS—Busby *et al.,* 1996).

Rice (1998) reviewed previous subspecies designations for humpback whales. Tomilin (1946) named a Southern Hemisphere subspecies (*M. n. lalandii*) based on body length, but this length difference was not substantiated in subsequent studies. The populations around Australia and New Zealand were described as another subspecies (*M. n. novazelandiae*) based on color patterns and length (Ivashin, 1958). Rice (1998) noted that the statistical ability to classify these proposed subspecies is ''not quite as high as is customarily required for division into subspecies'' and that genetic analyses using restriction-fragment length polymorphisms is not congruent with the proposed regional division. Rice (1998) therefore recommended that *Megaptera novaeangliae* be considered monotypic. As was summarized above, however, since 1998, additional information has accumulated on the genetic distinctiveness of different geographic populations of humpback whales, and some new subspecies have been proposed (Jackson *et al.,* 2014).

One criterion for separation of subspecies is the ability to differentiate 75 percent of individuals found in different geographic regions (Reeves *et al.,* 2004). Based on this criterion, differences in the calendar timing of mating and reproduction could be used to distinguish close to 100 percent of Northern Hemisphere from Southern Hemisphere individuals, but it is not known if this is genetically determined. Based on mtDNA haplotypes that have been identified to date, haplotype could be used to distinguish 100 percent of North Pacific from North Atlantic individuals, but some haplotypes from both ocean basins are shared with the Southern Ocean. Ventral fluke color patterns can be used to correctly differentiate >80 percent of whales in eastern and western Australia from the whales in the North Pacific (Rosenbaum *et al.,* 1995).

The BRT also considered the advice of the Committee on Taxonomy of the Society for Marine Mammalogy (SMM). The BRT asked the Committee: ''Are humpback whales (*Megaptera novaeangliae*) that feed in the North Atlantic, North Pacific, Southern Oceans and Arabian Sea *likely* to belong to different sub-species?'' The SMM was asked only for its scientific opinion on the likelihood of the existence of humpback whale subspecies and was not asked to comment on the relevance of their opinion to the identification of DPSs for humpback whales. The SMM chairman summarized responses from members of the SMM:

> The balance of opinion in the SMM Committee on Taxonomy is that given the evidence on genetics, morphology, distribution and behavior, if a taxonomic revision of the humpback whale were undertaken, it is likely that the North Atlantic, North Pacific and Southern Hemisphere populations would be accorded subspecific status. Whether the Arabian Sea population would merit recognition as a subspecies separate from the Southern Hemisphere whales, with which it is most closely related genetically, is less certain. However, it is clearly geographically isolated and genetically differentiated.

Using its structured decision making process (whereby each BRT member distributed 100 likelihood points among different scenarios), the BRT considered the likelihood of a single global species with no subspecies scenario, a three-subspecies scenario (North Atlantic, North Pacific, and Southern

[1] A mtDNA haplotype is a group of genes, or alleles, that is maternally inherited; genetic differentiation is generally based on allele frequency differences between populations, which are measured by F_{ST} or related statistics; F_{ST} is a measure of the genetic distance between populations, or difference in the allele frequency between two populations.

Hemisphere), and a four-subspecies scenario (North Atlantic, North Pacific, Southern Hemisphere, and Arabian Sea). The BRT's allocation of likelihood points indicates that in the opinion of the BRT, the most likely scenario is the 3-subspecies scenario.

In October 2014, after the BRT report was completed, the SMM updated its species and subspecies list to recognize the North Atlantic, North Pacific, and Southern Hemisphere humpback whale populations as subspecies: *Megaptera novaeangliae kuzira* (North Pacific), *M. n. novaeangliae* (North Atlantic) and *M. n. australis* (Southern Hemisphere) (*http://www.marinemammalscience.org/index.php?option=com_content&view=article&id=758&Itemid=340*). This update was based on mtDNA and DNA relationships and distribution, as described in Jackson *et al.* (2014). We therefore consider whether the various humpback whale population segments identified by the BRT satisfy the DPS criteria of discreteness and significance relative to the subspecies to which they each belong: North Atlantic, North Pacific, and Southern Hemisphere subspecies.

Distinct Population Segment Analysis, By Subspecies

North Atlantic

Overview

In the Northern Hemisphere, humpback whales summer in the biologically productive, northern latitudes and travel south to warmer waters in winter to mate and calve. Migratory routes and migratory behavior are likely to be maternally directed (Martin *et al.,* 1984; Baker *et al.,* 1990). Feeding areas are often near or over the continental shelf and are associated with cooler temperatures and oceanographic or topographic features that serve to aggregate prey (Moore *et al.,* 2002; Zerbini *et al.,* 2006a).

Primary humpback whale feeding areas in the North Atlantic Ocean range from 42° to 78°N and include waters around Iceland, Norway, and the Barents Sea in the central and eastern North Atlantic Ocean, and western Greenland, Newfoundland, Labrador, the Gulf of St. Lawrence and the Gulf of Maine in the western North Atlantic Ocean. Known breeding areas occur in the West Indies and, to a much lesser extent, around the Cape Verde Islands (Katona and Beard, 1990; Clapham, 1993; Palsbøll *et al.,* 1997). A relatively small proportion of whales in the North Atlantic Ocean feed in U.S. waters. The predominant breeding and calving area lies in the territorial sea of the Dominican Republic, although whales are also found scattered throughout the rest of the Antilles and coastal waters of Venezuela. The Silver/Navidad/Mouchoir Bank complex hosts the largest single breeding aggregation of humpback whales in the West Indies.

Recently, a few humpback whales have also been found in the Mediterranean Sea but little is known about humpback whale use of this region and there is no evidence of a large humpback whale presence there, either currently or in historical times (Frantzis *et al.,* 2004). There are also sporadic sightings of humpback whales in a wide range of places, including waters offshore from the mid-Atlantic and Southeast United States, in the Gulf of Mexico, and in the waters around Ireland. Bermuda is a known mid-ocean stopover point for humpback whales on their northbound migration (Stone *et al.,* 1987).

Discreteness

Genetic studies have identified 25 humpback whale haplotypes in the western North Atlantic, 12 haplotypes in eastern North Atlantic samples, and 19 haplotypes in whales that feed during the summer in the Gulf of Maine (Palsbøll *et al.,* 1995; Larsen, 1996a; Rosenbaum *et al.,* 2002). Humpback whales in the North Atlantic Ocean appear to have higher haplotype diversity than humpback whales in the North Pacific Ocean (Baker and Medrano-González, 2002). Haplotype diversity is lowest in populations around Norway and Iceland and higher around the northwestern feeding areas off Greenland, Gulf of St. Lawrence and Gulf of Maine (Baker and Medrano-González, 2002). Observed nucleotide diversity is also higher in the North Atlantic than in the North Pacific (Baker and Medrano-González, 2002).

Whales that breed in the West Indies and Cape Verde Islands co-mingle in North Atlantic feeding areas. Palsboll *et al.* (1995) and Valsecchi *et al.* (1997) found significant (F_{ST}= ~0.04) levels of mtDNA and nuclear genetic variation among North Atlantic feeding areas, suggesting there are genetically distinct breeding areas (there are no published genetic studies directly comparing whales in the West Indies breeding areas with whales in the Cape Verde Islands breeding areas). Photo-ID and genetic matching data suggest no evidence for substructure within the West Indies breeding population (reviewed by Fleming and Jackson (2011)), so this differentiation likely is due to genetic divergence between the West Indies and another North Atlantic breeding population, likely associated with the Cape Verde Islands or possibly other areas in the Northeastern Atlantic.

Most of the humpback whales on the western North Atlantic feeding grounds (Gulf of Maine, Gulf of St. Lawrence, West Greenland, and eastern Canada) come from the well-studied West Indies breeding ground (approximately 90 percent) (Clapham *et al.,* 1993; Mattila *et al.,* 2001). Some of the whales from the Iceland and Norway feeding grounds also come from the West Indies breeding grounds, but genetic evidence suggests that most whales from the Iceland and Norway feeding grounds migrate from some other breeding ground. The location of possible breeding grounds of these whales is not well understood, but Clapham *et al.* (1993) suggest it may be in the eastern tropical Atlantic Ocean. Sighting histories of the Cape Verde Islands whales link them to feeding grounds in the waters off Iceland or Norway (Katona and Beard, 1990; Jann *et al.,* 2003), and the Cape Verde Islands is the only candidate breeding ground from historical whaling records. However, current studies show only a small number of whales in the Cape Verde Islands—far fewer than the non-West Indies whales known to exist in the northeastern Atlantic. The Cape Verde Islands may therefore be part of a larger breeding area, or there may be a third separate breeding area that is as yet undiscovered (Charif *et al.,* 2001; Reeves *et al.,* 2002). The possibility of a third breeding area unassociated with the Cape Verde Islands is supported by nuclear DNA, as there is a significant degree of heterogeneity in nuclear DNA among populations in the western, central (Iceland) and eastern (Norway) North Atlantic feeding grounds (Larsen, 1996b).

The BRT concluded there are two populations of humpback whales in the North Atlantic Ocean meeting the discreteness criteria under the DPS policy—one with breeding grounds in the West Indies and another with breeding grounds near Cape Verde Islands and a possible associated breeding area, likely off Northwest Africa. In particular, whales from the West Indies and the Cape Verde Islands breeding grounds are discrete based on: (1) No photographic matches between individuals using the West Indies and Cape Verde Islands areas (acknowledging that there is a large sample size for the West Indies breeding grounds and a small sample size for the Cape Verde Islands breeding grounds); (2) occupation of both breeding grounds at the same time; (3) evidence from 19th century whaling data of a historically larger population at the Cape Verde Islands than exists today; and (4) genetic

heterogeneity in the feeding grounds indicating that the West Indies is not the only breeding ground. Because the Cape Verde Islands cannot account for the abundance of whales estimated from the eastern North Atlantic feeding grounds that are not documented using the West Indies, there must be an additional breeding area, likely near Northwest Africa, and possibly associated with the Cape Verde Islands.

Significance

The West Indies breeding ground includes the Atlantic margin of the Antilles from Cuba to northern Venezuela, with the Silver/Navidad/Mouchoir Bank complex comprising a major breeding ground. Whales from this breeding ground have a feeding range that primarily includes the Gulf of Maine, eastern Canada, and western Greenland. While many West Indies whales also use feeding grounds in the central North Atlantic (Iceland) and eastern North Atlantic (Norway), many whales from these feeding areas appear to winter in another location.

The BRT concluded this discrete group of whales is significant to the North Atlantic subspecies due to the significant gap in the breeding range that would occur if it were extirpated. Loss of the West Indies population would result in the loss of humpback whales from all of the western North Atlantic breeding grounds (Caribbean/West Indies) and feeding grounds (United States, Canada, Greenland).

The Cape Verde Islands/Northwest Africa breeding grounds include waters surrounding the Cape Verde Islands as well as an undetermined breeding area in the eastern tropical Atlantic, which may be more geographically diffuse than the West Indies breeding ground. The population of whales breeding in Cape Verde Islands plus this unknown area likely represents the remnants of a historically larger population breeding around Cape Verde Islands and Northwest Africa (Reeves *et al.,* 2002). There is no known overlap in breeding range with North Atlantic humpback whales that breed in the West Indies. As noted above, the BRT determined the population was discrete from the West Indies population based upon genetic evidence that suggests a second breeding ground occupied by whales that feed primarily off Norway and Iceland. It also determined that this population was significant to the North Atlantic subspecies because of the gap that would exist in the breeding range if it were extirpated.

We agree with the BRT and we therefore identify two DPSs of the North Atlantic humpback whale subspecies: (1) West Indies DPS; and (2) Cape Verde Islands/Northwest Africa DPS.

North Pacific

Overview

Humpback whales in the North Pacific migrate seasonally from northern latitude feeding areas in summer to low-latitude breeding areas in winter. Feeding areas are dispersed across the Pacific Rim from California, United States, to Hokkaido, Japan. Within these regions, humpback whales have been observed to spend the majority of their time feeding in coastal waters. Breeding areas in the North Pacific are more geographically separated than the feeding areas and include: (1) Regions offshore of mainland Central America; (2) mainland, Baja Peninsula and the Revillagigedos Islands, Mexico; (3) Hawaii; and (4) Asia including Ogasawara and Okinawa Islands and the Philippines. About half of the humpback whales in the North Pacific Ocean breed and calve in the U.S. waters off Hawaii; more than half of North Pacific Ocean humpback whales feed in U.S. waters.

Humpback whales in the North Pacific rarely move between these breeding regions. Strong fidelity to both feeding and breeding sites has been observed, but movements between feeding and breeding areas are complex and varied (Calambokidis *et al.,* 2008). An overall pattern of migration has recently emerged. Asia and Mexico/Central America are the dominant breeding areas for humpback whales that migrate to feeding areas in lower latitudes and more coastal areas on each side of the Pacific Ocean, such as California and Russia. The Revillagigedo Archipelago and Hawaiian Islands are the primary winter migratory destinations for humpback whales that feed in the more central and higher latitude areas (Calambokidis *et al.,* 2008). However, there are exceptions to this pattern, and it seems that complex population structure and strong site fidelity coexist with lesser known, but potentially high, levels of plasticity in the movements of humpback whales (Salden *et al.,* 1999).

Discreteness

Baker *et al.* (2013) recently analyzed genetic variation in a large (n = 2,193) sample of whales from 8 breeding and 10 feeding regions within the North Pacific. The 8 possible breeding regions included the Philippines, Okinawa, Ogasawara, Hawaii, Revillagigedo, Baja California, the Mexican mainland coast, and Central America. In addition, results from Calambokidis *et al.* (2008) indicate the existence of at least one additional breeding area whose location has not been identified. Overall, the level of genetic divergence among breeding areas at the mtDNA control region was substantial (F_{ST} = 0.093). Pairwise estimates of divergence among breeding areas ranged from none (F_{ST} = ~0.000; Philippines vs Okinawa) to very high (F_{ST} > 0.2 for Hawaii versus Okinawa and Philippines, and Hawaii versus Central America). In addition to little divergence between Okinawa and the Philippines, the three Mexican areas (mainland coast, Baja California, and Revillagigedos Islands) were not significantly differentiated. In contrast to the mtDNA variation, the breeding areas were less strongly (but still significantly) differentiated at 10 nuclear microsatellite loci (F_{ST} = 0.006), suggesting the possibility of some male mediated gene flow among breeding areas. After application of an adjustment for diversity (Hedrick, 2005; Baker *et al.,* 2013), the effect size increased to F'_{ST} = 0.0128 and F'_{ST} = 0.0214 for feeding and breeding grounds, respectively. Of these nine areas, two are likely migratory routes to other locations and might therefore not be primary breeding grounds: the waters off Baja California and the Ogasawara Islands.

Similarly, some humpback whales migrating to the Okinawa Islands pass by the Ogasawara Islands, and the Ogasawara Islands are also thought likely to be along the migration route to the unidentified breeding area that was described in Calambokidis *et al.* (2008). Because of the existence of an unidentified breeding area, the population structure of the western North Pacific populations proved more challenging. Humpback whales in Okinawa were not significantly different in either mtDNA or nDNA from whales in the Philippines (Baker *et al.,* 2013). Mitochondrial DNA and nDNA markers from the pooled populations from Okinawa and the Philippines populations differ significantly from those of humpback whales in the Ogasawara Islands and all other populations (Baker *et al.,* 2013). However, given the likelihood that Ogasawara whales are only passing through en route to two or more migratory destinations, the BRT members concluded that there are likely two discrete populations consisting of an Okinawa/Philippines population and an unknown breeding group, both using the Ogasawara area as a migratory corridor. Given the uncertainty about the location of the other breeding ground, and the use of a common migratory corridor by the known group

and the unknown group, we have decided to include the unknown breeding group in the Okinawa/Philippines population. We refer to this combined discrete population as the Western North Pacific population.

The Hawaii population of humpback whales is separated by the greatest geographic distance from neighboring populations and was significantly different from other populations in both frequencies of mtDNA haplotypes and nDNA (microsatellite) alleles (Baker *et al.,* 2013). The BRT therefore concluded that whales wintering in Hawaii constitute a discrete population.

In Mexico, available genetic and demographic studies indicate that humpback whales migrating to mainland Mexico and to the Revillagigedos Islands pass by the tip of Baja California. The BRT therefore concluded that humpback whales off Baja California should not be considered a discrete population. Further, the mainland population in Mexico does not differ significantly from the Revillagigedos population in its mtDNA haplotype frequencies (Baker *et al.,* 2013). Photo-identification studies also indicate considerable movement of individuals between mainland and offshore island breeding areas in Mexico (Calambokidis *et al.,* 2008). The BRT therefore concluded that mainland Mexico and the Revillagigedos populations are a single Mexico population discrete from all other populations.

In the eastern North Pacific, humpback whales in Central America have a unique mtDNA signature, as reflected in the frequencies of haplotypes (Baker *et al.,* 2008a; Baker *et al.,* 2008b). This frequency composition is significantly different from that in whales from all other breeding grounds in the North Pacific. The BRT concluded that humpback whales in Central America are a discrete population.

Thus while the BRT concluded there are five breeding populations of humpback whales in the North Pacific that meet the criteria for being discrete under the DPS Policy guidelines, we propose to identify four: (1) Western North Pacific (includes Okinawa/Philippines and the unidentified breeding area in the western North Pacific); (2) Hawaii (3) Mexico (includes mainland Mexico and the Revillagigedos Islands); and (4) Central America.

Significance

In evaluating whether any discrete population differed in its ecological characteristics from others, the BRT weighted ecological differences among feeding areas more heavily than among breeding areas, since it concluded that the ecological characteristics of humpback whales in their breeding ranges were largely similar among populations. In contrast, the BRT concluded whales largely foraging in different large marine ecosystems inhabit different ecological settings and that this is relevant in evaluating the significance of these populations. The BRT stated that, within the North Pacific, the Okinawa/Philippines, Hawaii, Mexico, and Central America populations tend to feed in different marine ecosystems, although there is some overlap. The Western North Pacific population, which feeds in the Western Bering Sea (the Okinawa/Philippines population) and the Aleutian Islands (the unidentified breeding population), feeds in an ecosystem entirely different from the others in the North Pacific. The BRT also noted that the Central America population's breeding habitat is ecologically unique for the species as it is the only area where documented geographic overlap of populations that feed in different hemispheres occurs, potentially creating a conduit for genetic exchange between the two hemispheres. While a minority of members believed that this was an example of temporal and geographic overlap rather than a unique ecological setting, we conclude that the Central America population is significant to the ocean-basin based North Pacific subspecies because of its ecologically unique breeding habitat. We agree with the BRT that the Western North Pacific and Central America populations occupy unique ecological settings (unique breeding and feeding grounds for the Western North Pacific, unique breeding habitat for the Central America population), and therefore, they both are significant to the North Pacific subspecies.

The BRT noted that in the North Pacific Ocean, loss of the Okinawa/Philippines population would likely result in a significant gap in the North Pacific feeding range as these individuals are the only breeding population to migrate primarily to Russia, and loss of this population would therefore result in a loss of feeding range along the Russian coast. We concur with this conclusion, but because we have combined the unknown breeding group that feeds in the Aleutian Islands with the Okinawa/Philippines population, we need to assess whether this combined Western North Pacific population is significant to the ocean-basin based North Pacific subspecies. We conclude that the loss of the Western North Pacific population would result in a significant gap in the range of the North Pacific subspecies because if loss of the Okinawa/Philippines population would result in a significant gap, then the loss of a larger combined population would, too. The loss of humpback whales from the Hawaii breeding population would result in loss of humpbacks from the Hawaiian Islands, and this would represent a significant gap in the range of the North Pacific subspecies. We conclude that the Western North Pacific and the Hawaii populations both meet the significance criterion of the DPS Policy because loss of these populations would result in a significant gap in the range of the North Pacific subspecies. While the loss of the Mexico or Central America populations would not result in a significant gap in the range of their feeding grounds because their feeding grounds overlap, it would result in a significant gap in their breeding grounds, and therefore, we consider the Mexico and Central America populations also to be significant to the North Pacific subspecies.

The BRT discussed whether there was evidence for marked genetic divergence among any of the discrete populations. Although there was not clear agreement on the definition of ''marked,'' the BRT concluded that strong patterns of genetic differentiation in mtDNA sequence among most of the North Pacific breeding populations indicated marked genetic divergence, consistent with the conclusions in Baker *et al.* (2013). The overall level of differentiation among breeding populations within the North Pacific (F_{ST} = 0.09) was similar to the level of divergence among ocean basins and is consistent with a relatively high degree of divergence of these populations. Further, in reviewing Baker *et al.* (2013), all populations that we have identified as discrete in the North Pacific are strongly differentiated from each other at the p-value [2] of 0.01 level or better, except for the Central America/Philippines pair, which are differentiated from each other at p-value of 0.05. Therefore, we agree with the BRT and conclude that all four of the discrete populations we have identified in the North Pacific (Western North Pacific, Hawaii, Mexico, and Central

[2] The p-value is the probability of obtaining a test statistic result at least as extreme as the one that was actually observed, assuming that the null hypothesis is true; a small p-value (typically ≤ 0.05) indicates strong evidence against the null hypothesis; a null hypothesis is a general statement or default position that there is no relationship between two measured phenomena.

America) are significant to the North Pacific subspecies because of marked genetic differentiation.

Although the petitioned North Pacific population could also satisfy the discreteness and significance criteria of the DPS Policy, there are other plausible and scientifically supported approaches to dividing the species into DPSs. We conclude that our modification of the BRT's approach for humpback whales in the North Pacific (*i.e.,* combining the unknown breeding group with the Okinawa/Philippines population) is more appropriate to further the purposes of the ESA because it represents a more risk-averse approach with respect to the unknown breeding group. As discussed above, identification of the Western North Pacific, Hawaii, Mexico, and Central America populations as DPSs is supported by the best available scientific and commercial information. We are exercising the discretion afforded to us as an expert agency charged with administering the ESA in the face of conflicting proposals (*i.e.,* petitions to delist North Pacific and Central North Pacific populations) to recognize these four populations as DPSs. Therefore, we will evaluate the status of each of these four DPSs in the North Pacific rather than recognizing a single North Pacific DPS and evaluating its combined status (*i.e.,* the approach offered by the Hawaii Fishermen's Alliance). The petition to delineate the North Pacific population as a DPS and ''delist'' it is therefore denied (*i.e.,* the petitioned action is not warranted). The petitioned Central North Pacific population is the same as the Hawaii DPS we have identified; therefore, we will evaluate the status of the Hawaii DPS to determine whether it is warranted for listing.

The following populations of the North Pacific humpback whale subspecies meet the discreteness and significance criteria for being a DPS under the DPS Policy: (1) Western North Pacific; (2) Hawaii; (3) Mexico; and (4) Central America.

Southern Hemisphere

Overview

There are at least eleven breeding grounds identified in the Southern Hemisphere at temperate latitudes: Brazil, Gabon and central West Africa, Mozambique, the Comoros Archipelago, Madagascar, West Australia, East Australia, New Caledonia, Tonga, French Polynesia, and the southeastern Pacific, (Stevick *et al.,* 2006; Zerbini *et al.,* 2006b; Engel and Martin, 2009; IWC, 2011). The Arabian Sea breeding ground is also at a temperate latitude and, while it is in the Northern Hemisphere, we discuss it here because we determined earlier that it was part of the Southern Hemisphere subspecies of the humpback whale.

The primary mating/calving ground of humpback whales in the western South Atlantic Ocean is the coast of Brazil. This population migrates to feeding grounds located east of the Scotia Sea near South Georgia and the South Sandwich Archipelagos (Stevick *et al.,* 2006; Zerbini *et al.,* 2006b; Engel *et al.,* 2008; Engel and Martin, 2009; Zerbini *et al.,* 2011). The winter breeding distribution of humpback whales in the southwestern Atlantic (June to December) is concentrated around the Abrolhos Bank region in Brazil (15–18° S.) and 500 km north, along the north coast of Bahia State and Espirito Santo State (Rossi-Santos *et al.,* 2008) and near Salvador and Recife.

A humpback whale winter breeding and calving ground is located off central western Africa between ~6° S. and ~6° N. in the eastern Atlantic. Periods of peak abundance are found between July and September, with some whales still present as late as December and January in Angola, Gabon and São Tomé (Weir, 2007). The Gabon/Southwest Africa region appears to serve a variety of purposes with some individual whales remaining in the area through the year while some use the area for feeding and others for mating (Bettridge *et al.,* 2015).

At least three winter breeding aggregations of humpback whales have been suggested in the southwestern Indian Ocean from historical whaling records and contemporary surveys (Wray and Martin, 1983; Best *et al.,* 1998). One is associated with the mainland coastal waters of southeastern Africa, extending from Mozambique (24° S., Findlay *et al.,* 1994) to as far north as Tanzania and southern Kenya (Wamukoya *et al.,* 1996; Berggren *et al.,* 2001; O'Connor *et al.,* 2009). The second is found in the coastal waters of the northern Mozambique Channel Islands (Comoros Archipelago) and the southern Seychelles (Bettridge *et al.,* 2015). The third is associated with the coastal waters of Madagascar (15–25° S.), best described in Antongil Bay on the east coast (Rosenbaum *et al.,* 1997).

At least three migratory pathways to Antarctic summer feeding grounds in this region have been proposed using a compilation of data from surveys, whaling and acoustic records and sightings (Best *et al.,* 1998). Humpback whale wintering grounds and coastal migratory routes in the eastern Indian Ocean are located between 15–35° S. along the west coast of Australia, with major calving grounds occurring in the Kimberley Region (15–18° S.) and resting areas on the southern migration at Exmouth Gulf (21° S.) and at Shark Bay (25° S.) (Bannister and Hedley, 2001; Jenner *et al.,* 2001).

Humpback whales along the east coast of Australia are thought to breed primarily in waters inside the Great Barrier Reef (16–21° S.) (Chittleborough, 1965; Simmons and Marsh, 1986) and are seen as far north as Murray Island at ~10° S. (Simmons and Marsh, 1986). Discovery marks and satellite telemetry suggest east Australian whales feed in a broad swath of the Antarctic between 100° E. and 175° W., or that they frequent at least two feeding regions, one due south of eastern Australia stretching to the east beneath New Zealand, and one south of west Australia at ~100° E. and accessed via migration through Bass Strait.

The longitudinal distribution boundaries of humpback whales wintering in Oceania lie between ~160° E. (west of New Caledonia) and ~120° W. (east of French Polynesia) and latitudinally between 0° and 30° S. (Reeves *et al.,* 1999), a range that includes American Samoa (United States), the Cook Islands, Fiji, French Polynesia (France), Republic of Kiribati, Nauru, New Caledonia (France), Norfolk Island, New Zealand, Niue, the Independent State of Samoa, Solomon Islands, Tokelau, Kingdom of Tonga, Tuvalu, Vanuatu, Wallis and Futuna (France).

The wintertime breeding distribution of humpback whales in the southeastern Pacific (May to November) includes the coastal waters between Panama and northern Peru, with the main wintering areas concentrated in Colombia (Gorgona Island, Málaga Bay and Tribugá Gulf), Panama, and Ecuador. Low densities of whales are also found around the Galápagos Islands (Félix *et al.,* 2006b), and coastal sightings have been made as far north as Costa Rica (Coco Island and Golfo Dulce, 8° N.) (Acevedo and Smultea, 1995; May-Collado *et al.,* 2005). In the summer months, these whales migrate to feeding grounds located in waters off southern Chile, the Magellan Strait, and the Antarctic Peninsula (May-Collado *et al.,* 2005; Félix *et al.,* 2006b; Acevedo *et al.,* 2008).

Sightings and survey data suggest that humpback whales in the Arabian Sea are primarily concentrated in the shallow near-shore areas off the coast of Oman, particularly in the Gulf of Masirah and Kuria Muria Islands regions (Minton, 2004); sightings and strandings suggest a population range that encompasses the northern Gulf of

Aden, the Balochistan coast of Pakistan, and western India and Sri Lanka, with occasional sightings on the Sistan and Baluchistan coasts of Iran, and also Iraq (Al Robaae, 1974; Braulik *et al.,* 2010). Photo-identification re-sightings suggest humpback whales move seasonally between the Dhofar region (Kuria Muria Islands) in winter and the Gulf of Masirah to the north in summer, with similar re-sighting rates between and within regions (Minton *et al.,* 2010b).

Despite extensive comparisons of photo-identification catalogues and genotyped individuals between Oman and the other Indian Ocean catalogues and genetic datasets, no matches have been detected between regions (Pomilla *et al.,* 2006; Minton *et al.,* 2010a). Humpback whales from this region carry fewer and smaller barnacles than Southern Hemisphere whales, and do not exhibit the white oval scars indicative of cookie cutter shark (*Isistius brasiliensis*) bites, a feature commonly seen on some Southern Hemisphere humpback whales (Mikhalev, 1997).

Connections between the Arabian Sea population with the other Northern Hemisphere populations are highly unlikely as there is no accessible northward passage from the Arabian Sea. Furthermore, there are no mitochondrial DNA haplotypes or song patterns shared with North Pacific humpback whales (Whitehead, 1985; Rosenbaum *et al.,* 2009); thus, on current evidence, and in the absence of comparisons with far western North Pacific humpbacks, it appears that whales from these populations have no recent biological connectivity. Analysis of fetal lengths in pregnant females killed by Soviet whalers clearly indicate that this population exhibits a Northern Hemisphere reproductive cycle, with births occurring in the boreal winter (Mikhalev, 1997).

Discreteness

Olavarría *et al.* (2007) analyzed patterns of mtDNA control region variation obtained from 1,112 samples from 6 breeding grounds in the South Pacific: New Caledonia, Tonga, Cook Islands, eastern Polynesia, Colombia, and Western Australia. Of these areas, the samples from Colombia were most differentiated (F_{ST} = 0.06—0.08 in pairwise comparison to other areas). Pairwise divergence among the other areas was lower (F_{ST} = 0.01—0.05). All pairwise comparisons were statistically >0, however, and indicated a lack of free exchange among these breeding areas. Levels of haplotype diversity were generally very high (0.90—0.97). Rosenbaum *et al.* (2009) conducted a similar study of breeding areas in the Southern Atlantic and Western Indian Oceans, including the coastal areas of Brazil, Southwestern Africa, and Southeastern Africa. Levels of differentiation among these are statistically significant but relatively low, with F_{ST} ranging from 0.003 (among two Southwestern African locations) to 0.017 (between Brazil and Southeastern Africa). Although there was some detectable differentiation among samples from Southwestern and Southeastern African coastal locations (B1/B2 and C1/C2/C3 International Whaling Commission (IWC) stocks, respectively), the levels of divergence within these areas were very low (F_{ST} = 0.003–0.009 within the ''B'' stock and 0.002–0.005 within the ''C'' stock). The estimated number of migrants per generation was 26 between Brazil and Southwestern Africa, and 33 between Southwestern and Southeastern Africa.

A report on an IWC workshop devoted to Southern Hemisphere stock structure issues (IWC, 2011) recognizes at least seven ''breeding stocks'' associated with low-latitude, winter breeding grounds and, in some cases, migratory corridors. These seven breeding stocks are referred to alphabetically, from A to G, to distinguish them from the six management areas on feeding grounds of the Antarctic, referred to as Areas I–VI. The current breeding stock designations are southwestern Atlantic (A), southeastern Atlantic (B), southwestern Indian Ocean (C), southeastern Indian Ocean (D), southwestern Pacific (E), Oceania (E and F) and southeastern Pacific (G). These designations have been subdivided to reflect improved understanding of substructure within some of these regions: Gabon (B1) and Southwest Africa (B2) in the southeastern Atlantic; Mozambique (C1), the Comoros Archipelago (C2), Madagascar (C3) and the Mascarene Islands (C4) in the southwestern Indian Ocean, east Australia (E1), New Caledonia (E2), Tonga (E3), the Cook Islands (F1) and French Polynesia (F2) in the southwestern Pacific and Oceania. The IWC has also chosen to include in this assessment, a year-round population of humpback whales found in the Arabian Sea, north of the equator in the northern Indian Ocean (formerly referred to as breeding stock X).

The BRT noted that the magnitude of mitochondrial DNA differentiation (as measured by F_{ST}) was generally lower among Southern Hemisphere breeding areas than it is in the Northern Hemisphere, indicating greater demographic connectivity among these areas. Even so, significant differentiation was present among major breeding areas, and the estimated number of migrants/generation among areas was small compared to the estimated sizes of the populations.

The BRT members concluded that the seven breeding stocks of humpback whales currently formally recognized by the IWC in the Southern Hemisphere meet the criteria for being discrete populations under the DPS Policy guidelines, except that they agreed that the dividing line between IWC stocks E and F was between eastern Australia and Oceania (defined here to include New Caledonia, Tonga, Samoa, American Samoa, and French Polynesia), as there are large differences in the rates of recovery between these two regions, indicating they are demographically independent. Breeding populations in New Caledonia and east Australia are separate, but some overlap between the populations occurs: some whales bound for New Caledonia use the same migratory pathways as some whales headed past east Australia. There was consensus among the BRT to divide the Southern Hemisphere into seven discrete populations: Brazil, Gabon/Southwest Africa, Southeast Africa/Madagascar, West Australia, East Australia, Oceania (including New Caledonia, Tonga, Cook Islands, Samoa, American Samoa and French Polynesia), and Southeastern Pacific (Colombia and Ecuador). We agree with the BRT's conclusions, based on the significant mitochondrial DNA differentiation among major breeding populations.

With regard to the Arabian Sea population, nuclear and mitochondrial DNA diversity of humpback whales from Oman (up to 47 individuals sampled) is the lowest among all breeding grounds (Pomilla *et al.,* 2006; Olavarría *et al.,* 2007; Rosenbaum *et al.,* 2009). Mitochondrial DNA analysis revealed only eight distinct haplotypes, half of which are exclusive to Oman (not detected on other breeding grounds, Pomilla *et al.,* 2006). Haplotype diversity at the mtDNA control region is markedly lower than in other populations (0.69 vs 0.90–0.98 for Southern Hemisphere populations and 0.84 for North Pacific populations) (Olavarría *et al.,* 2007; Rosenbaum *et al.,* 2009; Baker *et al.,* 2013).

Genetic data (nuclear microsatellites and mitochondrial control region) and fluke pigmentation markings indicate that the Arabian Sea breeding population is significantly differentiated from Southern Indian Ocean breeding grounds (Rosenbaum *et al.,* 2009). Nuclear genetic analysis suggests that this population is the most strongly and significantly differentiated in all

comparisons among other Indian Ocean and South Atlantic breeding populations (pair-wise F_{ST} range between Oman and Southern Indian Ocean breeding populations = 0.38–0.48) (Pomilla *et al.,* 2006). Levels of mitochondrial DNA differentiation between Oman and other Indian Ocean breeding grounds are around ten times higher than among the other breeding grounds (pair-wise F_{ST} range between Oman and other Indian Ocean breeding populations 0.11–0.15) (Rosenbaum *et al.,* 2009).

The BRT concluded, and we agree, that the Arabian Sea population is discrete from all other populations because of its low haplotype diversity compared to Southern Hemisphere and North Pacific populations, its differentiation in mtDNA and nDNA markers, and fluke pigmentation differences between whales in the Arabian Sea and in the Southern Indian Ocean.

Significance

The BRT noted that, within the Southern Hemisphere, most breeding populations feed in the same Antarctic marine ecosystem. One exception is the Brazil population, which feeds north of 60° S. in the South Georgia and South Sandwich Islands area (IWC, 2011). In addition to feeding in the Antarctic system, the Gabon/Southwest Africa population may also feed along the west coast of South Africa in the Benguela Current, but this is uncertain (IWC, 2011). Like the Central America population, the Southeastern Pacific breeding population may also be ecologically unique as it is the only population in the Southern Hemisphere to occupy an area also used by a Northern Hemisphere population. We conclude that the Brazil, Gabon/Southwest Africa, and Southeastern Pacific populations occupy unique ecological settings and are therefore significant to the Southern Hemisphere subspecies of the humpback whale.

For the Southern Hemisphere, determination of feeding range is more difficult since Antarctic feeding areas are less well studied and fewer connections between breeding and feeding populations have been made. However, some populations such as Brazil, Southwest Africa, Southeast Africa, and the Southeastern Pacific are believed to have fairly discrete and non-overlapping feeding areas, suggesting that if any of these feeding areas were lost it would, in combination with the lost breeding area, result in a significant gap in the range. We conclude, therefore, that the Brazil, Gabon/Southwest Africa, Southeast Africa/Madagascar, and Southeastern Pacific populations are significant to the Southern Hemisphere subspecies of the humpback whale because their loss would result in significant gaps in the range of the Southern Hemisphere subspecies. Further, we believe that the loss of the West Australia, East Australia, and Oceania populations would also result in significant gaps in the ranges of the Southern Hemisphere subspecies because their non-overlapping breeding ranges are quite extensive.

In the Southern Hemisphere, the Southeastern Pacific population is the only breeding population that contains a genetic signal from Northern Hemisphere populations, giving it a unique genetic signature within the Southern Hemisphere (Baker *et al.,* 1993; Baker and Medrano-González, 2002). It is also the most divergent of any of the Southern Hemisphere populations (Olavarría *et al.,* 2007). In addition, individuals in this region are morphologically distinct as they have darker pectoral fin coloration than other individuals in the Southern Hemisphere (Chittleborough, 1965), although the genetic basis for this trait is not known. Nonetheless, a majority of the BRT concluded that the Southeastern Pacific population was sufficiently differentiated so as to differ 'markedly' in its genetic characteristics from other Southern Hemisphere populations. In contrast, all other Southern Hemisphere populations were characterized by generally low levels of differentiation among them, consistent with demographically discrete populations but not necessarily with marked genetic divergence associated with long-term isolation (Olavarría *et al.,* 2007; Rosenbaum *et al.,* 2009). We conclude that the Southeastern Pacific population of the humpback whale is significant to the Southern Hemisphere population of the humpback whale because it differs markedly in its genetic characteristics from other Southern Hemisphere populations. We conclude that each of the seven discrete Southern Hemisphere populations (Brazil, Gabon/Southwest Africa, Southeast Africa/Madagascar, West Australia, East Australia, Oceania, and Southeastern Pacific) satisfies at least one significance factor of the DPS Policy, and, therefore, we consider them to be DPSs.

The Arabian Sea population persists year-round in a monsoon driven tropical ecosystem with highly contrasting seasonal wind and resulting upwelling patterns. The BRT therefore concluded that this population persists in a unique ecological setting. The Arabian Sea population segment does not migrate extensively, but instead feeds and breeds in the same geographic location. No other humpback whale populations occupy this area and hence, a loss of the Arabian Sea population would result in a significant gap in the range of the Southern Hemisphere subspecies. The BRT also concluded that the Arabian Sea population differs markedly in its genetic characteristics from other populations in the Indian Ocean and worldwide. The degree of genetic differentiation at multiple genetic markers between this population and other populations is similar to or greater than the degree of divergence among the North Pacific, North Atlantic, and Southern Hemisphere areas. The BRT unanimously concluded that the Arabian Sea population would be considered a DPS under any global taxonomic scenario, due to its marked genetic divergence from all other populations and unique ecological setting. We agree that the Arabian Sea population occupies a unique ecological setting, its loss would result in a significant gap in the range of the Southern Hemisphere subspecies, and it differs markedly in its genetic characteristics from other populations. Therefore, it meets the significance criterion of the DPS policy, and we identify the Arabian Sea population as a DPS.

Extinction Risk Assessment

The BRT discussed the relationship between population size and trend and extinction risk, citing relevant literature on small population size, environmental and demographic stochasticity, genetic effects, catastrophes, and extinction risk (*e.g.,* Franklin, 1980; Soulé, 1980; Gilpin and Soulé, 1986; Allendorf *et al.,* 1987; Goodman, 1987; Mace and Lande, 1991; Frankham, 1995; Lande, 1998; Lynch and Blanchard, 1998; Lynch and Lande, 1998; Frankham, 1999; Brook *et al.,* 2006; Mace *et al.,* 2008) and concluding that population size criteria similar to those described in Mace *et al.* (2008) (International Union for Conservation of Nature and Natural Resources (IUCN) Red List criteria) could be considered carefully but not used as the sole criterion for evaluating extinction risk. The criteria the BRT considered are that a DPS with a total population size >2,000 was not likely to be at risk due to low abundance alone, a DPS with a population size <2,000 would be at increasing risk from factors associated with low abundance (and the lower the population size, the greater the risk), a DPS with a population size <500 would be at high risk due to low abundance, and a DPS with a population size <100 would be at extremely high risk due to

low abundance. But again, this was not the sole criterion considered by the BRT, as the BRT also considered how any of the factors (or threats) listed under ESA section 4(a)(1) contribute to the extinction risk of each DPS now and in the foreseeable future. Demographic factors that cause a species to be at heightened risk of extinction, alone or in combination with other threats under section 4(a)(1), are considered under ESA Factor E—other natural or manmade factors affecting the continued existence of the species. Ultimately, the BRT considered both the abundance and trend information and the threats to each DPS before making its conclusions on overall extinction risk for each DPS.

The BRT considered abundance and trend information and categorized each DPS' abundance as described above and indicated whether the population trend was increasing strongly, increasing moderately, stable/little trend, or declining. The BRT included an ''unknown'' category where data were not sufficient to detect a trend. To express uncertainty in abundance or trend information for any DPS, the BRT categorized abundance and trend in more than one category. As noted above, while NMFS' 1991 Humpback Whale Recovery Plan recommended that populations grow to at least 60 percent of their historical (pre-hunting) abundance to be considered recovered, it did not identify specific numerical targets due to uncertainty surrounding historical abundance levels. So, the plan suggested an interim goal of doubling the population sizes within 20 years, which corresponds to an annual growth rate of about 3.5 percent. Because historical size of humpback whale populations continues to be uncertain (Bettridge *et al.,* 2015) two decades after the recovery plan was finalized, and humpback whale survey periods have not spanned 20 years since issuance of the 1991 recovery plan, data are not available to evaluate the status of humpback whale populations against these goals. Therefore, the BRT focused its biological risk analysis primarily on recent abundance trends and whether absolute abundance was sufficient for biological viability in light of consideration of the factors under Section 4(a)(1). This is a valid approach that we often use to evaluate the risk of extinction to populations.

The BRT also ranked the severity of 16 current or imminent threats to the humpback whale DPSs (1 = low or none, threat is likely to have no or minor impact on population size or the growth rate; 2 = medium, threat is likely to moderately reduce the population size or the growth rate of the population; 3 = high, threat is likely to seriously reduce the population size or the growth rate of the population, 4 = very high, threat is likely to eliminate the DPS, unknown = severity of threat is unknown) and also indicated whether the trend of any threat was increasing.

Finally, the BRT members assessed the risk of extinction for each DPS by distributing 100 likelihood points among 3 categories of extinction risk: (1) High Risk = a species or DPS has productivity, spatial structure, genetic diversity, and/or a level of abundance that place(s) its persistence in question. The demographics of a species/DPS at such a high level of risk may be highly uncertain and strongly influenced by stochastic and/or small population effects. Similarly, a species/DPS may be at high risk of extinction if it faces clear and present threats (*e.g.,* imminent destruction, modification, or curtailment of its habitat; or disease epidemic) that are likely to create an imminent risk of extinction; (2) Moderate Risk = a species or DPS is at moderate risk of extinction if it exhibits characteristics indicating that it is likely to be at a high risk of extinction in the future. A species/DPS may be at moderate risk of extinction due to projected threats and/or declining trends in abundance, productivity, spatial structure, or diversity; and (3) Not at Risk = a species or DPS is not at risk of extinction.

The BRT decided to evaluate risk of extinction over a time frame of approximately 60 years, which corresponds to about three humpback whale generations. The BRT concluded it could be reasonably confident in evaluating extinction risk over this time period (the foreseeable future) because current trends in both the biological status of the species and the threats it faces are reasonably foreseeable over this period of time. In making our listing determinations, we have applied this same time horizon. In the next sections, we summarize the information presented in the BRT's status review report; see Bettridge *et al.* (2015) for more details.

Abundance and Trends for Each DPS

West Indies DPS

As discussed above, this DPS consists of the humpback whales whose breeding range includes the West Indies and whose feeding range primarily includes the Gulf of Maine, eastern Canada, and western Greenland. While many West Indies whales also use feeding grounds in the central (Iceland) and eastern (Norway) North Atlantic, many whales from these feeding areas appear to winter in another location. The breeding range of this DPS within the West Indies is the entire Antillean arc, from Cuba to the Gulf of Paria, Venezuela.

Several abundance estimates for the West Indies DPS have been made from photo-identification studies and biopsy samples and genetic identification using a Chapman 2-sample estimator, some comparing feeding ground samples to West Indies breeding ground samples, others comparing breeding ground samples to breeding ground samples (Palsbøll *et al.,* 1997; Smith *et al.,* 1999; Clapham, 2003; Clapham *et al.,* 2003a; Stevick *et al.,* 2003; Barlow *et al.,* 2011; Waring *et al.,* 2012). Those estimates using breeding-to-breeding ground comparisons tend to be negatively biased (Barlow *et al.,* 2011). The most accurate estimate made using photo-identification studies for the Years of the North Atlantic Humpback (YONAH) data (1992 and 1993 data) was 10,752 (CV = 6.8 percent) (Stevick *et al.,* 2003). A Chapman 2-sample estimator was also applied to the genetic identification data, again using the feeding grounds (Gulf of Maine, Canada, and Greenland) as the mark, and the West Indies breeding ground as the recapture. This resulted in an estimate of 10,400 (95 percent CI 8,000–13,600; Smith *et al.,* 1999). Note that this is nearly identical to the photo-based estimate using an identical estimator (10,752 photo vs. 10,400 genetic).

Additional sampling was conducted in the West Indies in 2004 and 2005 in order to obtain an updated abundance estimate for the West Indies population (More of North Atlantic Humpbacks (MONAH) project; (Clapham, 2003; Waring *et al.,* 2012), and the BRT reviewed a preliminary analysis of these data. A Chapman 2-sample estimator was applied to the MONAH genetic identification data, using the feeding grounds (Gulf of Maine only) as the mark, and the West Indies breeding ground as the recapture, resulting in an estimate of 12,312 (95 percent CI 8,688–15,954) (NMFS unpublished data). This estimate is nearly directly comparable to the genetic estimate of 10,400 for 1992–93 (Smith *et al.,* 1999), with the exception that the earlier YONAH estimate used marked animals from Canada and West Greenland in addition to the Gulf of Maine. If it can be assumed that whales from Canada and Greenland have the same capture probability in the West Indies as do whales from the Gulf of Maine, this should not introduce any bias. The MONAH estimate of 12,312 is consistent with the increasing trend for the West

Indies shown in Stevick *et al.* (2003), though it suggests the increasing trend in the population has slowed down.

Stevick *et al.* (2003) estimated the average rate of increase for the West Indies breeding population at 3.1 percent per year (SE = 0.5 percent) for the period 1979–1993, but because of concerns that the same data may have been used twice and potentially lead to an over-estimate of the precision of the trend estimate, they re-calculated the trend analysis using only one set of abundance estimates for each time period. The revised trend for this time period was still 3.1 percent (SE=1.2 percent). When the MONAH estimate of 12,312 was added to the analysis, the increase from 1979–80 to 2004–05 was estimated to be 2.0 percent (SE=0.6 percent) per year, lower than for the earlier time period, but the increase was still significantly different from 0.0 (p = 0.008). The Silver Bank population, which serves as a proxy for the West Indies DPS, may be increasing or may be leveling off, but there are not enough data yet to support a strong conclusion.

In contrast, estimates from feeding areas in the North Atlantic indicate strongly increasing trends in Iceland (1979–88 and 1987–2007), Greenland (1984–2007), and the Gulf of Maine (1979–1991). There is some indication that the increase rate in the Gulf of Maine has slowed in more recent years (6.5 percent from 1979 to 1991 (Barlow and Clapham (1997)), 0–4 percent from 1992–2000 (Clapham *et al.* (2003a))). It is not clear why the trends appear so different between the feeding and breeding grounds. A possible explanation would be that the Silver Bank breeding ground has reached carrying capacity, and that an increasing number and percentage of whales are using other parts of the West Indies as breeding areas. If local abundance has indeed increased in some areas other than Silver Bank, it would suggest that the West Indies population is larger than estimated by the MONAH study, and that the increase rate of the overall population may be higher than the 2 percent we estimate.

Cape Verde Islands/Northwest Africa DPS

The population abundance and population trend for the Cape Verde Islands/NW Africa DPS are unknown. The Cape Verde Islands photo-identification catalog contains only 88 individuals from a 20-year period (1990–2009) (Wenzel *et al.,* 2010). Of those 88 individuals, 20 (22.7 percent) were seen more than once, 15 were seen in 2 years, 4 were seen in 3 years, and 1 was seen in 4 years. The relative high re-sighting rate suggests a small population size with high fidelity to this breeding area, although the DPS may also contain other, as yet unknown, breeding areas (Wenzel *et al.,* 2010).

Western North Pacific DPS

The abundance of humpback whales in the Western North Pacific is estimated to be around 1,000, based on the photo-identification, capture-recapture analyses from the years 2004–2006 by the ''Structure of Populations, Levels of Abundance and Status of Humpback Whales in the North Pacific'' (SPLASH) program (Calambokidis *et al.,* 2008) from two primary sampling regions, Okinawa and Ogasawara. The growth rate of the Western North Pacific DPS is estimated to be 6.9 percent (Calambokidis *et al.,* 2008) between 1991–93 and 2004–06, although this could be biased upwards by the comparison of earlier estimates based on photo-identification records from Ogasawara and Okinawa with current estimates based on the more extensive records collected in Ogasawara, Okinawa, and the Philippines during the SPLASH program. However, the overall number of whales identified in the Philippines was small relative to both Okinawa and Ogasawara, so any bias may not be large. Overall recovery seems to be slower than in the Central and Eastern North Pacific. Humpback whales in the Western North Pacific remain rare in some parts of their former range, such as the coastal waters of Korea, and have shown no signs of a recovery in those locations (Gregr, 2000; Gregr *et al.,* 2000).

Hawaii DPS

Calambokidis *et al.* (2008) estimated the size of the humpback whale populations frequenting the Hawaii breeding area at 10,000 individuals, and assuming that proportions from the Barlow *et al.* (2011) estimate of 21,808 individuals in breeding areas in the North Pacific are likely to be similar to those estimated by Calambokidis *et al.* (2008), the population size frequenting the Hawaii breeding area would have increased to about 12,000 individuals. The most recent growth rate for this DPS was estimated between 5.5 percent and 6.0 percent (Calambokidis *et al.,* 2008).

Mexico DPS

A preliminary estimate of abundance of the Mexico DPS is 6,000–7,000 from the SPLASH project (Calambokidis *et al.,* 2008), or higher (Barlow *et al.,* 2011). There are no estimates of precision associated with that estimate, so there is considerable uncertainty about the actual population size. However, the BRT was confident that the population is likely to be much greater than 2,000 in total size. Estimates of population growth trends do not exist for the Mexico DPS by itself. Given evidence of population growth throughout most of the primary feeding areas of the Mexico DPS (California/Oregon (Calambokidis *et al.,* 2008), Gulf of Alaska from the Shumagins to Kodiak (Zerbini *et al.,* 2006a)), it was considered unlikely this DPS was declining, but the BRT noted that a reliable, quantitative estimate of the population growth rate for this DPS is not currently available.

Central America DPS

Individual humpback whales in the Central America DPS migrate from breeding grounds off Costa Rica, Panama, Guatemala, El Salvador, Honduras, and Nicaragua to feeding grounds off California, Oregon, and Washington. A preliminary estimate of abundance of the Central America population is ~500 from the SPLASH project (Calambokidis *et al.,* 2008), or ~600 based on the reanalysis by Barlow *et al.* (2011). There are no estimates of precision associated with these estimates, so there is considerable uncertainty about the actual population size. Therefore, the actual population size could be somewhat larger or smaller than 500–600, but the BRT considered it very unlikely to be as large as 2,000 or more. The size of this DPS is relatively low compared to most other North Pacific breeding populations (Calambokidis *et al.,* 2008). The trend of the Central America DPS was considered unknown.

Brazil DPS

The most recent abundance estimate for the Brazil DPS comes from aerial surveys conducted off the coast of Brazil in 2002–2005 (Andriolo *et al.,* 2010). These surveys covered the continental shelf between 6° S. and 24°30′ S. and provided a best estimate of 6,400 whales (95 percent CI = 5,000–8,000) in 2005. This estimate corresponds to nearly 24 percent of this DPS' pre-exploitation abundance (Zerbini *et al.,* 2006d). Nearly 80 percent of the whales are found in the Abrolhos Bank, the eastern tip of the Brazilian continental shelf located between 16° S. and 18° S. (Andriolo *et al.,* 2010). The best estimate of population growth rate is 7.4 percent per year (95 percent CI = 0.5–14.7 percent) for the period 1995–1998 (Ward *et al.,* 2011).

Gabon/Southwest Africa DPS

The lower and upper bounds of the abundance estimate for Iguela, Gabon,

are 6,560 (CV=0.15) for 2001–2004 and 8,064 (CV=0.12) for 2001–2005. These were generated using mark-recapture genetic data, and numerous other (generally similar) estimates are available depending on model assumptions (Collins *et al.,* 2008). There are no trends available for this DPS, and it is not entirely clear how the estimates relate to potential subdivision within the DPS (Collins *et al.,* 2008). Using a Bayesian estimation methodology, Johnston and Butterworth (2008) estimate the Gabon population to be in the range of 65–90 percent of its pre-exploitation size.

Southeast Africa/Madagascar DPS

The most recent abundance estimates for the Madagascar population were from surveys of Antongil Bay, 2000–2006 (Cerchio *et al.,* 2009). Estimates using data from 2004–2006 and involving ''closed'' models of photo-identification of individuals and genotype data were 7,406 (CV = 0.37, CI: 2106–12706) and 6,951 (CV = 0.33, CI: 2509–11394), respectively. Additional estimates were made using various data sets (*e.g.,* photo-identification and genotype) and models, estimating 4,936 (CV = 0.44, CI: 2137–11692) and 8,169 individuals (CV = 0.44, CI 3476–19497, Cerchio *et al.,* 2009). The mark-recapture data were derived from surveys over several years and thus may represent the abundance of whales breeding off Madagascar, in addition to possibly whales breeding in Mayotte and the Comoros (Ersts *et al.,* 2006), and to a smaller degree from the East African Mainland (Razafindrakoto *et al.,* 2008).

Earlier estimates exist, including one of 2,532 (CV = 0.27) individuals (Best *et al.,* 1996) based on surveys of the continental shelf region across the south and southeast coasts of Madagascar in 1994. However, these surveys likely did not cover the full distribution of humpback whales in the area. Data from a 1991 survey yielded an estimate of 1,954 whales (CV = 0.38) (Findlay *et al.,* 1994). A subsequent line transect survey in 2003 included a larger region of the coast (Findlay *et al.,* 2011). From these, two estimates were generated in 2003: 6,664 whales (CV = 0.16); and 5,965 (CV = 0.17) when data were stratified by coastal regions.

Two trends in relative abundance have been calculated from land-based observations of the migratory stream passing Cape Vidal, east South Africa in July 1998–2002, and July 1990–2000. The first was an estimate of 12.3 percent per year (Findlay and Best, 2006) (however, this estimate is likely outside biological plausibility for this species (Bannister and Hedley, 2001; Noad *et al.,* 2008; Zerbini *et al.,* 2010)); and the second is 9.0 percent (an estimate that is within the range calculated for other Southern Hemisphere breeding grounds (*e.g.,* Ward *et al.,* 2006; Noad *et al.,* 2008; Hedley *et al.,* 2009)). Both rates are considered with caution because the surveys were short in duration. It is not certain that these estimates represent the growth rate of the entire DPS. Given this uncertainty, and the uncertainty from the short duration of the surveys, it is likely the DPS is increasing, but it is not possible to provide a quantitative estimate of the rate of increase for the entire DPS.

West Australia DPS

Abundance of northbound humpback whales in the southeastern Indian Ocean in 2008 was estimated at 21,750 (95 percent CI = 17,550–43,000) based upon line transect survey data (Hedley *et al.,* 2009). The current abundance appears likely close to the historical abundance for the DPS, although there is some uncertainty of the historical abundance because of difficulties in allocating catch to specific breeding populations (IWC, 2007a). The current abundance is large relative to any of the general guidelines for viable abundance levels (see earlier discussion). The rate of population growth is estimated to be ~10 percent annually since 1982, which is at or near the estimated physiological limit of the species (Bannister, 1994; Bannister and Hedley, 2001) and well above the interim recovery goal.

East Australia DPS

Abundance of the East Australia DPS was estimated to be 6,300–7,800 (95 percent CI: 4,040–10,739) in 2005 based on photo-ID data (Paton and Clapham, 2006; Paton *et al.,* 2008; Paton *et al.,* 2009). The annual rate of increase is estimated to be 10.9 percent for humpback whales in the southwestern Pacific Ocean (Noad *et al.,* 2008). This estimate of population increase is very close to the biologically plausible upper limit of reproduction for humpbacks (Zerbini *et al.,* 2010). The surveys presented by Noad *et al.* (2005; 2008) have remained consistent over time, with a strong correlation ($r > 0.99$) between counts and years.

Oceania DPS

The Oceania humpback whale DPS is of moderate size (3,827 whales in New Caledonia, Tonga, French Polynesia and Cook Islands combined; CV=0.12) (South Pacific Whale Research Consortium *et al.,* 2006); however, no trend information is available for this DPS. The DPS is quite subdivided, and the population estimate applies to an aggregate (although it is known that sub-populations differ in growth rates and other demographic parameters). There are some areas of historical range extent that have not rebounded and other areas without historical whaling information (Fleming and Jackson, 2011). There is uncertainty regarding which geographic portion of the Antarctic this DPS uses for feeding. The complex population structure of humpback whales within the Oceania region creates higher uncertainty regarding demographic parameters and threat levels than for any other DPS.

Southeastern Pacific DPS

Individuals of the Southeastern Pacific population migrate from breeding grounds between Costa Rica and northern Peru to feeding grounds in the Magellan Straits and along the Western Antarctic Peninsula. Though no quantitative growth rate information is available for this DPS, abundance estimates over a 13-year period suggest that the DPS size is increasing, and abundance was estimated to be 6,504 (95 percent CI: 4270–9907) individuals in 2005–2006 (Félix *et al.,* 2006a; Félix *et al.,* 2011). Total abundance is likely to be larger because only a portion of the DPS was enumerated.

Arabian Sea DPS

Mark-recapture studies using tail fluke photographs collected in Oman from 2000–2004 yielded a population estimate of 82 individuals (95 percent CI: 60–111). However, sample sizes were small, and there are various sources of possible negative bias, including insufficient spatial and temporal coverage of the population's suspected range (Minton *et al.,* 2010b).

Reproductive rates in this DPS are not well understood. Cow-calf pairs were very rarely observed in surveys off the coast of Oman, composing only 7 percent of encounters in Dhofar, and not encountered at all since 2001. Soviet whaling catches off Oman, Pakistan and northwestern India also included low numbers of lactating females (3.5 percent of mature females) relative to pregnant females (46 percent of mature females) (Mikhalev, 1997).

No trend data are available for this DPS. A low proportion of immature whales (12.4 percent of all females) was also found, even though catches were indiscriminate with respect to sex and condition (Mikhalev, 1997), suggesting that either calf mortality in this DPS is high, immature animals occupy areas that have not been surveyed, or that the whales have reproductive 'boom and bust' cycles which respond to high annual variation in productivity. The

BRT noted that the entire region has not been surveyed; however, in areas where the whales are likely to be, not many whales have been observed. The BRT noted that this is a very small population but felt that there was some uncertainty in abundance estimates.

Summary of Abundance and Trends

The BRT summarized abundance and trend information for all humpback whale DPSs (Tables 7 and 8 in Bettridge *et al.,* 2015).

In the North Atlantic Ocean, the abundance of the West Indies DPS is much greater than 2,000 individuals and is increasing moderately. However, little is known about the total size of the Cape Verde Islands/Northwest Africa DPS, and its trend is unknown.

In the Pacific Ocean, the abundance of the Okinawa/Philippines DPS (as identified by the BRT) is thought to be about 1,000 individuals with unknown trend. Little is known about the abundance of humpback whales from the unknown breeding ground (identified as the Second West Pacific DPS by the BRT), but it is likely to number at least 100 or more, with unknown trend. Combining this information, we conclude that there are at least 1,100 individuals in the Western North Pacific DPS, and the trend is unknown. The abundances of the Hawaii and Mexico DPSs are known to be much greater than 2,000 individuals and are thought to be increasing moderately. The abundance of the Central America DPS is thought to be about 500 individuals with unknown trend.

In the Southern Hemisphere, all seven DPSs are thought to be greater than 2,000 individuals in population size. The Brazil DPS is increasing either rapidly or moderately. The trend in the Gabon/Southwest Africa DPS is unknown, while the Southeast Africa/Madagascar DPS is thought to be increasing. The West Australia and East Australia DPSs are both large and increasing rapidly. The Southeastern Pacific DPS is thought to be increasing. And the trend of the Oceania DPS is unknown.

The estimated abundance of the Arabian Sea DPS is less than 100, but its entire range was not surveyed, so it could be somewhat larger. Its trend is unknown.

Summary of Section 4(a)(1) Factors Affecting the 14 Humpback Whale DPSs

Section 4 of the ESA (16 U.S.C. 1533) and implementing regulations at 50 CFR part 424 set forth procedures for adding species to the Federal List of Endangered and Threatened Species. Under section 4(a)(1) of the ESA, the Services must determine if a species is threatened or endangered because of any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

In this rulemaking, information regarding the status of each of the 14 humpback whale DPSs is considered in relation to these factors. The information presented here is a summary of the information in the Status Review Report (Bettridge *et al.,* 2015). The reader is directed to the Threats Analysis subsection under each DPS in the Status Review Report for a more detailed discussion of the factors and how they affect each DPS.

Section 4(a)(1) Factors Applicable to All DPSs

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

The BRT discussed habitat-related threats to humpback whale populations, including coastal development, contaminants, energy exploration and development, and harmful algal blooms (HABs). Substantial coastal development is occurring in many regions, and may include construction that can cause increased turbidity of coastal waters, higher volume of ship traffic, and physical disruption of the marine environment. Noise associated with construction (*e.g.,* pile driving, blasting, or explosives) and dredging has the potential to affect whales by generating sound levels believed to disturb marine mammals under certain conditions. The majority of the sound energy associated with both pile driving and dredging is in the low frequency range (<1,000 Hz) (Illingworth and Rodkin Inc., 2001; Reyff, 2003; Illingworth and Rodkin Inc., 2007). Because humpback whales would only be affected when close to shore, the BRT believed that these effects on the whales would generally be low. However, if coastal development occurred in seasonal areas or migration routes where whales concentrate, individuals in the area could be more seriously affected. Scheduling in-water construction activities to avoid those times when whales may be present would likely minimize the disturbance. The BRT was unaware of any circumstance of coastal development resulting in humpback whale serious injury or mortality and therefore determined that in general coastal development likely poses a low level threat to humpback whales.

For purposes of the status review, the BRT agreed to consider as contaminants heavy metals, persistent organic pollutants, effluent, airborne contaminants, plastics, and other marine debris and pollution, with the exception of oil spills, which is evaluated under ''energy exploration and development.'' Numerous regions were highlighted as having known or hypothesized high contaminant levels from run-off, large human populations, and low levels of regulatory control. Halogenated organic pollutants (including dichloro-diphenyl-trichloroethane (DDT)), hexachlorocyclohexane (HCH) and chlordane (CH) insecticides, polychlorinated biphenyl (PCB) coolants and lubricants, and polybrominated diphenyl ether (PBDE—flame retardants) can persist in the environment for long periods. Air-borne pollutants are particularly concentrated in areas of industrialization, and in some high latitude regions (Aguilar *et al.,* 2002). While the use of many pollutants is now either banned or strictly regulated in some countries (*e.g.,* DDTs and PCBs), their use is still unregulated in many parts of world, and they can be transported long distances via oceanographic processes and atmospheric dispersal (Aguilar *et al.,* 2002).

Humpback whales can accumulate lipophilic compounds (*e.g.,* halogenated hydrocarbons) and pesticides (*e.g.,* DDT) in their blubber, as a result of feeding on contaminated prey (bioaccumulation) or inhalation in areas of high contaminant concentrations (*e.g.,* regions of atmospheric deposition) (Barrie *et al.,* 1992; Wania and Mackay, 1993). Some contaminants (*e.g.,* DDT) are passed on maternally to young during gestation and lactation (*e.g.,* fin whales, Aguilar and Borrell, 1994). Elfes *et al.* (2010) described the range and degree of organic contaminants accumulated in the blubber of humpback whales sampled on Northern Hemisphere feeding grounds. Concentrations were high in some areas (Southern California and Northern Gulf of Maine), possibly reflecting proximity to industrialized areas in the former case, and prey choice in the latter (Elfes *et al.,* 2010). There were also higher levels of PCBs, PBDEs, and CH insecticides in the North Atlantic Ocean (Gulf of Maine and Bay of Fundy) than in the North Pacific (California, Southeast Alaska, Aleutian Islands). The highest levels of DDT were found in whales feeding off Southern

California, a highly urbanized region of the coast with substantial discharges (Elfes *et al.,* 2010). This same study found a linear increase in PCB, DDT, and chlordane concentration with age of the whales sampled. Generally, concentrations of these contaminants in humpback whales were low relative to levels found in odontocetes (O'Shea and Brownell, 1994). Little information on levels of contamination is available from humpback whales on Southern Hemisphere feeding grounds.

The health effects of different doses of contaminants are currently unknown for humpback whales (Krahn *et al.,* 2004c). There is evidence of detrimental health effects from these compounds in other mammals, including disease susceptibility, neurotoxicity, and reproductive and immune system impairment (Reijnders, 1986; DeSwart *et al.,* 1996; Eriksson *et al.,* 1998). Contaminant levels have been proposed as a causative factor in lower reproductive rates found among humpback whales off Southern California (Steiger and Calambokidis, 2000), but at present the threshold level for negative effects, and transfer rates to calves, are unknown for humpback whales. Metcalfe *et al.* (2004) found in biopsy-sampled humpback whale young-of-the-year in the Gulf of St. Lawrence PCB levels similar to that of their mothers and other adult females, indicating that bioaccumulation can be rapid, and that transplacental and lactational partitioning did little to reduce contaminant loads.

Although there has been substantial research on the identification and quantification of such contaminants on individual whales, no detectable effect from contaminants has been identified in baleen whales. There may be chronic, sub-lethal impacts that are currently unknown. The difficulty in identifying contaminants as a causative agent in humpback whale mortality and/or decreased fecundity led the BRT to conclude the severity of this threat was low in all regions, except where lack of data indicated a finding of unknown.

The BRT defined identified threats from energy exploration and development to include oil spills from pipelines, rigs, or ships, increased shipping, and construction surrounding energy development (oil, gas, or alternative energy). This category does not include noise from energy development, which is considered under ''anthropogenic noise.'' Little is known about the effects of oil or petroleum on cetaceans and especially on mysticetes (baleen whales, characterized by having baleen plates for filtering food from water, rather than teeth like in the toothed whales (odontocetes)). Oil spills that occur while whales are present could result in skin contact with the oil, baleen fouling, ingestion of oil, respiratory distress from hydrocarbon vapors, contaminated food sources, and displacement from feeding areas (Geraci *et al.,* 1989). Actual impacts would depend on the extent and duration of contact, and the characteristics of the oil. Most likely, the effects of oil would be irritation to the respiratory membranes and absorption of hydrocarbons into the bloodstream (Geraci *et al.,* 1989). Polycyclic aromatic hydrocarbons (PAHs) are components of crude oil which are not easily degraded and are insoluble in water, making them quite detrimental in the marine environment (Pomilla *et al.,* 2004). PAHs have been associated with proliferative lesions and alteration to the immune and reproductive systems (Martineau *et al.,* 2002). Long-term ingestion of pollutants, including oil residues, could affect reproduction, but data are lacking to determine how oil may fit into this scheme for humpback whales.

Although the risk posed by operational oil rigs is likely low, failures and catastrophic events that may result from the presence of rigs pose high risks. Since the BRT had already determined that threat assessments would focus on present threats, the mere presence of oil rigs was not interpreted to warrant a threat level above low. However, the level of impact that such a catastrophic event may have on a population was considered in the evaluations.

Some algal blooms are harmful to marine organisms and have been linked to pollution from untreated industrial and domestic wastewater. Toxins produced by different algae can be concentrated as they move up the food chain, particularly during algal blooms. Naturally occurring toxin poisoning can be the cause of whale mortalities and is particularly implicated when unusual mortality events (UME) occur. Despite these UMEs, the BRT determined that HABs represent a minor threat to most humpback whale populations. HABs may be increasing in Alaska, but the BRT was unaware of records of humpback whale mortality resulting from HABs in this region.

B. Overutilization for Commercial, Recreational, Scientific or Educational Purposes

The BRT described whaling (commercial, scientific, subsistence hunting, and other ''hunts''), whale-watching, and scientific research activities and evaluated whether they were impacting humpback whales. Direct hunting, although rare today, was the main cause of initial depletion of humpback whales and other large whales. The BRT believed that the likelihood that commercial whaling will resume in the foreseeable future is currently low (see discussion under Inadequacy of Regulatory Mechanisms below). With regard to scientific whaling, Japan has already announced its plan to remove humpback whales from its scientific proposals in the future (Government of Japan, 2014).

In summary, the current impact of all whaling activities on global humpback whale populations is very low, with only a handful of humpback whales taken annually in two known aboriginal harvests. The BRT discussed the possibility of expanded commercial whaling of humpback whales in the Southern Ocean but determined that new whaling action in the foreseeable future was unlikely. Therefore, the BRT attributed a low level risk of whaling for all but one DPS (see Western North Pacific DPS section).

Whale-watch tourism is a global industry with major economic value for many coastal communities (O'Connor *et al.,* 2009). The industry has been expanding rapidly since the 1980s (estimated 3.7 percent global increase in whale watchers per year between 1998–2008, O'Connor *et al.,* 2009; Kessler and Harcourt, 2012). Whale-watching operations have been documented in 119 countries worldwide as of 2008, including on many humpback whale feeding grounds, breeding grounds, and migratory corridors (O'Connor *et al.,* 2009). Efforts to manage whale-watching operations have included limiting the number of whale-watching vessels, limiting the time vessels spend near whales, specifying the manner of operating around whales, and establishing limits to the period of exposure of the whales. In some areas, whale-watching industries operate under regulations while others operate under guidelines or are still unregulated, and this industry is still growing rapidly in many areas (over 10 percent per year in Oceania, Asia, South America, Central America and the Caribbean) (Carlson, 2009; O'Connor *et al.,* 2009).

Weinrich *et al.* (2008) observed that the most common reported response of humpback whales to whale-watching boats was increased swimming speed during exposure; there was little evidence of significant effects on inter-breath intervals and blow rates. Passive acoustic monitoring and localization of humpback whale songs in the presence of whale-watching boats on Brazilian

breeding grounds also found that whales moved away from the boat in the majority of cases (68.4 percent of the time when boats were less than 2.5 miles (4.0 km) distant, Sousa-Lima and Clark, 2009).

Only one study has attempted to assess the population-level effects of whale-watching on humpback whales, as the relevant parameters are very difficult to measure. Weinrich and Corbelli (2009) reported that calving rate and calf survival to age 2 in humpback whales on Stellwagen Bank (part of the Gulf of Maine feeding ground) did not seem to be negatively affected by whale-watching. The authors noted, however, that in areas of heavy ship traffic, isolating the impacts of whale-watching on biological parameters is difficult and may not be conclusive (Weinrich and Corbelli, 2009) and is difficult to determine at either the individual or population level.

The BRT discussed the available evidence regarding the impact of whale-watching on humpback whale populations. All available evidence supports the conclusion that the impact of these activities on humpback whale populations is negligible, and the BRT determined this threat is low for all DPSs.

Humpback whales have been the subject of field research studies for decades. The primary objective of many of these studies has generally been to gather data for behavioral and ecological studies. In the United States, permits authorize investigators to make close approaches to endangered whales for photographic identification, biopsy sample collection, behavioral observations, passive acoustic recording, aerial photogrammetry, satellite tagging, and underwater observations. Research on humpback whales is likely to continue and increase in the future, especially for the collection of genetic information, photographic studies, and acoustic studies. Research activities could result in disturbance to humpback whales, but they are closely monitored and evaluated in the United States in an attempt to minimize any necessary impacts of research. Regulation of research activities in other nations varies from effectively no regulation to regulations comparable to those in the United States. The BRT discussed the available evidence regarding the impact of scientific research on humpback whale populations. All available evidence supports the conclusion that the impact of these activities is negligible, and the BRT determined this threat is low for all DPSs.

C. Disease or Predation

Information on disease or parasites is unavailable for many humpback whale populations. Direct monitoring of species biochemistry and pathology, used to determine the state of health in humans and domestic animals, is very limited for humpback whales, and there is little published on humpback whale disease as a result. Humpback whales carry a crustacean ectoparasite (the cyamid *Cyamus boopis*). While the whale is the main source of nutrition for this parasite (Schell *et al.,* 2000), there is little evidence that the parasite contributes to whale mortality. Humpback whales can also carry the giant nematode *Crassicauda boopis* (Bayliss, 1920), which is known to cause a serious inflammatory response (leading to vascular occlusion and kidney failure) in a few balaenopterid species (Lambertsen, 1992).

Individual humpback whales in Hawaiian waters have a high occurrence of skin lesions, but it is unclear whether this is due to a parasite or disease. It is estimated that approximately 60 percent of adults in Hawaii and Oceania have these skin lesions. Whether the lesions are entirely benign is unknown. The BRT concluded that where some information is available, disease and parasites do not pose a substantial threat to humpback whale populations.

The most common predator of humpback whales is the killer whale (*Orcinus orca,* Jefferson *et al.,* 1991), though predation by large sharks may also occur. Attacks by false killer whales (*Pseudorca crassidens*) have also been reported or inferred on rare occasions. Attacks by killer whales on humpback whale calves has been inferred by the presence of distinctive parallel 'rake' marks from killer whale teeth across the flukes (Shevchenko, 1975). While killer whale attacks of humpback whales are rarely observed in the field (Ford and Reeves, 2008), the proportion of photo-identified whales bearing rake scars is between zero and 40 percent, with the greater proportion of whales showing mild scarring (1–3 rake marks) (Wade *et al.,* 2007; Steiger *et al.,* 2008). This suggests that attacks by killer whales on humpback whales vary in frequency across regions. It also suggests that either most killer whale attacks result in mild scarring, or those resulting in severe scarring (4 or more rakes, parts of fluke missing) are more often fatal. Most observations of humpback whales under attack from killer whales reported vigorous defensive behavior and tight grouping when more than one humpback whale was present (Ford and Reeves, 2008).

Photo-identification data indicate that rake marks are usually acquired in the first year of life, although attacks on adults also occur (Wade *et al.,* 2007; Steiger *et al.,* 2008). Killer whale predation may influence survival during the first year of life (Wade *et al.,* 2007). There has been some debate as to whether killer whale predation (especially on calves) is a motivating factor for the migratory behavior of humpback whales (Corkeron and Connor, 1999; Clapham, 2001). How significantly motivating this factor is also depends on the importance of humpback whales in the diet of killer whales, another debated topic that remains inconclusive (Springer *et al.,* 2003; Wade *et al.,* 2007; Kuker and Barrett-Lennard, 2010). No analyses of killer whale stomach contents have revealed remains of humpback whales (Shevchenko, 1975), suggesting that if humpback whales are taken at all, they comprise at most a small part of the diet. However, these analyses took place during the height of the whaling period, when humpback whales were at a low density and may therefore have been less available for predation.

There is also evidence of shark predation on calves and entangled whales (Mazzuca *et al.,* 1998). Shark bite marks on stranded whales may often represent post-mortem feeding rather than predation, *i.e.,* scavenging on carcasses (Long and Jones, 1996).

The threat of predation was ranked as low or unknown for all DPSs because the level of mortality is unknown, but it is likely not prohibiting population growth.

D. Inadequacy of Existing Regulatory Mechanisms

Numerous international and regional regulatory mechanisms are in place to protect humpback whales directly or indirectly.

The International Whaling Commission (IWC) was set up under the International Convention for the Regulation of Whaling (ICRW), signed in 1946. The IWC established an international moratorium on commercial whaling for all large whale species in 1982, effective in 1986; this affected all member (signatory) nations (paragraph 10e, IWC, 2009a). The IWC has set the catch limits for commercial whaling at zero since 1985. Since that time, the IWC's Scientific Committee has developed a stock assessment and catch limit methodology called the ''revised management procedure,'' with the goal of providing information on catch limits consistent with maintaining sustainable populations. As of 2014, the IWC has maintained the zero catch

limit, and this policy has engendered considerable debate within the organization. The IWC's regulations provide a process by which countries may object to specific provisions, and Norway and Iceland currently allow commercial whaling based on these objections.

Iceland and Norway currently hunt a number of whale species commercially under objection to the IWC moratorium, although humpback whales have not been hunted by either nation in recent years. The present international moratorium on commercial whaling will remain in place unless a 75 percent majority of IWC signatory members votes to lift the moratorium. If this were to happen, then, under current IWC management procedures, humpback whale stocks considered to have recovered to over 54 percent of their pre-whaling levels (based on a detailed ''comprehensive assessment'' of their population status) could be subject to commercial whaling, with a quota that in theory would be determined by the Revised Management Procedure. This procedure implements a quasi-Bayesian Catch Limit Algorithm to calculate allowable catches for each stock (Cooke, 1992). The effects of these catches on population abundance would be simulated via a series of Implementation Simulation Trials prior to agreement of quotas for commercial hunting. Since whaling is carried out under objection by Iceland and Norway, they are not subject to this management scheme for allocating quotas for any species.

The United States first incorporated the IWC's regime into domestic law in the 1971 Pelly Amendment to the Fisherman's Protective Act of 1967. This amendment provides that when the Secretary of Commerce determines that the nationals of a foreign country are diminishing the effectiveness of an international fishery conservation program (including the IWC's program), the Secretary shall certify this fact to the President. The President then has the discretion to ban importation of fishing products from the offending country. The United States has threatened sanctions under the Pelly Amendment on a number of occasions, but to date, it has not imposed economic sanctions on marine products. In November 1974, pressure from the United States contributed to Japan and the Soviet Union complying with the 1974–1975 quotas. Norway was certified in 1987 and several times thereafter. Japan has been certified three times, the last being in 2000, and Iceland has been certified several times, including in 2011 for whaling activities.

These measures were further strengthened by the 1979 Packwood-Magnuson Amendment to the Fishery Conservation and Management Act of 1976. It provides that, when the Secretary of Commerce certifies that a country is diminishing the effectiveness of the work of the IWC, the Secretary of State must reduce that country's fishing allocation in U.S. waters by at least 50 percent. Certification under the Packwood-Magnuson Amendment also serves as certification under the Pelly Amendment. The threatened application in 1980 of the Packwood-Magnuson and Pelly Amendments led South Korea to agree to follow IWC guidelines restricting the use of cold (*i.e.,* non-explosive) harpoons. Faced with similar pressure, the Republic of China (Taiwan) placed a complete ban on whaling in 1981. Without United States support, it is possible that the 1986 moratorium would have been substantially limited, as nations such as Iceland, Japan, Norway, and the Soviet Union would have opted out and continued commercial whaling.

Since implementation of the international moratorium on whaling, some nations have continued to hunt whales under Article VIII of the ICRW, which allows the killing of whales for scientific research purposes. Three nations originally conducted scientific whaling: Iceland, Norway, and Japan. Presently only Japan pursues scientific whaling, under the programs JARPAII and JARPNII ('Japanese Whale Research Program under Special Permit in the Antarctic' and 'North Pacific,' respectively). Scientific whaling is presently unregulated, and no catch limits are enforced for this activity (Clapham *et al.,* 2003b). In 2012, the Government of Japan issued Special Permits authorizing the implementation of a catch limit of Antarctic minke, fin, and humpback whales for scientific purposes in the Southern Ocean; a research catch limit of up to 50 humpback whales was included in the Special Permits. To date, however, no humpback whales have been taken for scientific research by any country. On March 31, 2014, after the 2013/14 Japanese whale hunt season in the Antarctic, the International Court of Justice ruled that past Japanese whaling programs were illegal, and Japan immediately terminated its JARPAII programs. In September 2014, Japan agreed to a new requirement to submit new research proposals to the IWC 6 months before the next annual IWC Scientific Committee meeting (in May 2015) so that the IWC could assess whether lethal samples are necessary for a specific research program and whether the number of whales sampled is scientifically justified. Because of the timing, Japan will not hunt whales in the Southern Ocean during the 2014/15 season, and this will be the first time in 30 years that Japan has not hunted for whales in the Antarctic. Japan's proposed research plan for new scientific whale research programs in the Antarctic Ocean (NEWREP–A, *http://iwc.int/sc-documents*) was released on November 19, 2014, and it includes only a small number of minke whales.

The IWC also develops catch limits for aboriginal whaling, including take of humpback whales in coastal areas of Greenland and the West Indies. The ICRW allows for signatory nations to harvest whales for scientific purposes through their own national permit process, although humpback whales have not been reported to have been taken under this process. The current commercial whaling moratorium is providing significant protection to humpback whales.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is aimed at protecting species at risk from unregulated international trade. CITES regulates international trade in animals and plants by listing species in one of its three appendices. The level of monitoring and control to which an animal or plant species is subject depends on the appendix in which the species is listed. Appendix I includes species threatened with extinction which are or may be affected by trade; trade of Appendix I species is only allowed in exceptional circumstances. Appendix II includes species not necessarily threatened with extinction presently, but for which trade must be regulated in order to avoid utilization incompatible with their survival. Appendix III includes species that are subject to regulation in at least one country, and for which that country has asked other CITES Party countries for assistance in controlling and monitoring international trade in that species. Humpback whales are currently listed in Appendix I under CITES. With the IWC commercial whaling moratorium in place since 1985, commercial trade has not been a problem for humpback whales. However, if the moratorium should ever be lifted in the future, the humpback whale's CITES Appendix I listing would restrict trade so that it would not contribute to the extinction risk of the species. Given this support and the long history of CITES work and resolutions to support the IWC whaling moratorium, we do not expect the

CITES status of the humpback whale to change if ESA protections are removed from the species or any DPSs of the species. For example, CITES Resolution Conf. 11.4 (Rev. CoP12) welcomed the Resolution passed by the IWC at its Special Meeting in December 1978 requesting that the Conference of the Parties to the Convention, at its second meeting, take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales.

The International Maritime Organization (IMO), a United Nations agency and the recognized international authority on shipping and safety at sea, participates in reducing the shipping industry's impacts to the sea from pollution (oil, garbage, noxious substances). Regulations to address pollution from maritime vessels include MARPOL (International Convention for the Protection of Pollution from Ships), MARPOL Annexes, International Conventions on Oil Pollution Preparedness Response and Co-operation, and Prevention of Marine Pollution by Dumping of Wastes and Other Matter. The IMO's Marine Environment Protection Committee designates regions as ''Particularly Sensitive Sea Areas'' (PSSA) and ''Areas to be Avoided'' for various ecological, economic, or scientific reasons. PSSA regions include The Great Barrier Reef (Australia), the Galápagos Islands (Ecuador), and the Papahanaumokuakea Marine National Monument (North Pacific).

The IMO was approached for the first time regarding conservation of an endangered whale species in 1998—a protective measure for North Atlantic right whales (Silber *et al.,* 2012). Since then, the IMO has been approached over a dozen times with nations' proposals to establish or amend routing measures in various locations to reduce the threat of vessel collisions with endangered whales, including humpback whales (Silber *et al.,* 2012). For example, the IMO has endorsed Areas To Be Avoided in U.S. and Canadian waters to reduce the threat of ship strikes of right whales (Fleming and Jackson, 2011, pp. 28–29), measures that also benefit humpback whales. IMO-endorsed modifications to Traffic Separation Schemes (TSS) have been established in areas off Boston, San Francisco, and near Santa Barbara (the latter two primarily for humpback whales); and a new TSS, along with vessel speed advisories, has been proposed for the Pacific side of the Panama Canal to protect large whale species from vessel collisions.

Humpback whales are protected by the MMPA (16 U.S.C. 1361 *et seq.*). The West Indies, Western North Pacific, Hawaii, Mexico, and Central America DPSs of the humpback whale can be found in U.S. waters and are protected under the MMPA when in U.S. waters as well as from takings by U.S. vessels or persons on the high seas. The MMPA includes a general moratorium on the taking and importing of marine mammals, which is subject to a number of exceptions. Some of these exceptions include take for scientific purposes, public display, subsistence use by Alaska Natives, and unintentional incidental take coincident with conducting lawful activities.

U.S. citizens who engage in a specified activity other than commercial fishing (which is specifically and separately addressed under the MMPA) within a specified geographical region may petition the Secretaries to authorize the incidental, but not intentional, taking of small numbers of marine mammals within that region for a period of not more than 5 consecutive years (16 U.S.C. 1371(a)(5)(A)). The Secretary ''shall allow'' the incidental taking if the Secretary finds that ''the total of such taking during each five-year (or less) period concerned will have a negligible impact on such species or stock and will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses.'' If the Secretary makes the required findings, the Secretary also prescribes regulations that specify: (1) Permissible methods of taking, (2) means of effecting the least practicable adverse impact on the species, their habitat, and their availability for subsistence uses, and (3) requirements for monitoring and reporting.

Similar to promulgation of incidental take regulations, the MMPA also established an expedited process by which U.S. citizens can apply for an authorization to incidentally take small numbers of marine mammals where the take will be limited to harassment (16 U.S.C. 1371(a)(5)(D)). These authorizations are limited to 1 year, and, as with incidental take regulations, the Secretary must find that the total of such taking during the period will have a negligible impact on such species or stock and will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses. NMFS refers to these authorizations as Incidental Harassment Authorizations.

Under the MMPA, NMFS also evaluates and provides permits for the taking of large whale species for those engaged in scientific research focused on those species. NMFS has also issued rules under the authority of the MMPA and the ESA to promulgate regulations to address the threat of vessel collisions with large whale species, and these regulations would remain in place even if humpback whales are no longer listed under the ESA.

The MMPA provides additional protections to ''depleted'' marine mammals. For example, NMFS may not provide a take waiver for depleted stocks (section 101(a)(3)(A)), authorize importation of individual animals taken from depleted marine mammal stocks except pursuant to a permit for scientific research or for enhancing the survival or recovery of a species or stock (section 102(b)(3)(B)), or issue research permits involving the lethal taking of a marine mammal from a species or stock that is depleted (unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need)(section 104(c)(3)(B)). In addition, if a stock is depleted, it is automatically considered ''strategic,'' which then has other management implications. For example, under Section 112(e) of the MMPA, if the Secretary determines that impacts on rookeries, mating grounds, or other areas of similar ecological significance to marine mammals may be causing the decline or impeding the recovery of a strategic stock, the Secretary may develop and implement conservation or management measures to alleviate those impacts. Also, under Section 118, the Secretary may develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock that interacts with a commercial fishery.

The humpback whale is considered ''depleted'' under the MMPA because of its endangered status under the ESA. See Effects of this Rulemaking below for a discussion of the potential consequences of removing ESA protections from the humpback whale. While MMPA ''depleted'' status provides additional protections to humpback whales, the MMPA provides substantial protections to humpback whales in U.S. waters and from takings by U.S. persons and vessels on the high seas, whether they are depleted or not.

The ESA requires Federal agencies to conduct their activities in such a way as to conserve species listed as threatened or endangered. Section 7 of the ESA also requires Federal agencies, in consultation with the FWS and/or NMFS, to ensure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of any listed species (or species proposed for listing) or result in

the destruction or adverse modification of designated or proposed critical habitat of such species. We have conducted scores of Section 7 consultations with the United States Coast Guard (USCG), the Army Corps of Engineers, the Bureau of Ocean Energy Management, and other agencies to ensure actions by these agencies do not adversely affect listed large whale species, including humpback whales. The ESA forbids the import, export, or interstate or foreign sale of species listed as endangered without a special permit. It also makes ''take'' of species listed as endangered illegal—forbidding, among other things, the killing, harming, harassing, pursuing, or removing the species from the wild (16 U.S.C. 1532(19)). Any or all of these protections may be provided to a species listed as threatened through regulations issued under ESA section 4(d)(16 U.S.C. 1533(d)). Of course, ESA protections for a species apply only if a species is listed as threatened or endangered under the ESA.

Whale strike mitigation measures currently in place for some vessels and regions include using dedicated observers (Weinrich and Pekarik, 2007), speed reduction in some important habitat areas (73 FR 60173; October 10, 2008), and shifting of shipping lanes away from areas of whale concentration to accommodate humpback whales and other species. Passive acoustic monitoring in areas of high shipping traffic also has promise for notifying mariners of whales in the area, as this method is relatively inexpensive, although detection is limited to vocalizing whales and specific source locations can be hard to determine (Silber *et al.,* 2009).

TSSs are in place for San Francisco Bay and the Santa Barbara Channel to ensure safety of navigation. These TSSs were amended in June 1, 2013, to lessen the possibility of fatal vessel collisions with humpback whales and other listed large whale species. Modifications include narrowing and extending the Northern and Western approaches while the inbound lane of the Santa Barbara Channel TSS has been shifted shoreward to reduce the co-occurrence of ships and whales and reduce the likelihood of a vessel/whale collision. We expect these TSSs and modifications to help reduce the likelihood of vessel collisions with humpback whales.

Congress enacted the Coastal Zone Management Act (CZMA) in 1972 when it realized that rapid growth was threatening the vital productive coastal areas of the country. Congress determined that the most effective management of coastal resources would be achieved if states were given a major role in developing and administering management programs. The Act sought to assure the states that their management programs would not be disregarded by Federal agencies whose activities would affect the coastal zone. For example, the stepped-up Outer Continental Shelf (OCS) development policies of the early 1970s led to the 1976 amendments that assured greater state involvement in the planning stages of oil and gas development.

The CZMA accomplishes its goal primarily by encouraging the states to develop voluntary coastal zone management programs. Once a state has an approved program, it becomes eligible for Federal funds and acquires the benefit of the ''consistency provisions.'' Sections 307(c) and 307(d) of the CZMA establish classes of Federal activities that must be consistent with state programs. These include Federal activities that directly affect the coastal zone, development projects, Federal licenses and permits, OCS exploration, development, and production plans, and Federal assistance to states and local governments. Every coastal state in the United States except for Alaska currently has an approved coastal zone management program. Consistency determinations under the CZMA help to ensure that OCS projects do not adversely impact humpback whales or humpback whale habitat.

The U.S. Park Service has jurisdiction over marine waters (through the Fish and Wildlife Coordination Act) in Glacier Bay National Park and Preserve (established 1980; modified 1985). The following regulations are in place to protect humpback whales occurring there in the summer: Restrictions on the number of vessels entering park waters; restrictions on vessel operating conditions in the known presence of humpback whales, mandatory vessel operating requirements in certain designated ''whale waters,'' mandatory vessel speed limits at certain times and locations; mandatory boater education for boaters entering the area, regulations restricting the harvest of humpback whale prey species and ship board observers to quantify ship strikes and interactions between cruise ships and whales. These regulations should contribute somewhat to reducing the extinction risk of the Hawaii and Mexico DPSs of the humpback whale because some of these individuals feed in the park.

Under the National Marine Sanctuaries Act, NOAA has broad discretion to enact guidelines and regulations to provide protection to a number of large whale species, including the humpback whale in key aggregation locations. Humpback whales routinely occur in Stellwagen Bank, Gulf of the Farrallones, Channel Islands, Monterey Bay, Cordell Bank, and Olympic Coast National Marine Sanctuaries. The Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) was established primarily to provide protections to a key North Pacific humpback whale breeding/nursery area, and therefore, it should contribute to reducing the extinction risk of the Hawaii DPS of the humpback whale. NOAA's Office of National Marine Sanctuaries recently proposed to expand the boundaries and scope of the HIHWNMS, amend the regulations for HIHWNMS, change the name of the sanctuary, and revise the sanctuary's terms of designation and management plan (80 FR 16224; March 26, 2015). The purpose of the proposed action is to transition the HIHWNMS from a single-species management approach to an ecosystem-based management approach. As part of these revisions, NOAA proposed to revise the existing HIHWNMS humpback whale approach regulation at 15 CFR 922.184 to help minimize incidences of humpback whale harassment or injury, to reduce adverse behavioral responses, and to limit vessel strikes within the sanctuary (80 FR 16224; March 26, 2015, at 16227).

The Stellwagen Bank and Gulf of the Farallones National Marine Sanctuaries, in particular, have active humpback whale research programs and/or have established vessel speed advisories, whale approach guidelines, and other measures to reduce human threats to humpback and other large whale species. These two national marine sanctuaries should contribute to reducing the extinction risk of the West Indies, Mexico, and Central America DPSs, as they provide protections to humpback whales in these DPSs when they are in their feeding grounds.

Numerous nations have defined marine protected areas and sanctuaries that provide some protection to humpback whales (Hoyt, 2011), and various nations have developed local regulations or guidelines governing whale watching activities (O'Connor *et al.,* 2009). Hundreds of national laws also exist related directly or indirectly to the conservation of marine mammals (Bettridge *et al.,* 2015, Appendix B). Where appropriate, some of these are discussed in more detail in the DPS-specific sections.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Competition with fisheries, aquaculture, anthropogenic sound, vessel strikes, fishing gear entanglement, and climate change are all factors that may negatively impact humpback whales.

The BRT discussed the issue of competition with fisheries at length. In some areas, (*e.g.,* Northern Gulf of Maine and Southeast Alaska) fishermen encircle feeding humpback whales and harvest fish from the bait balls upon which humpback whales feed (D. Matilla, unpublished observation). However, there is no evidence that this impacts the individuals or significantly depletes the food source. In a review of the evidence for interspecific competition in baleen whales, Clapham and Brownell (1996) found it to be extremely difficult to prove that inter-specific competition comprises an important factor in the population dynamics of large whales.

Aquaculture is not known to be a significant threat to humpback whales. Some entanglements have been recorded off Australia. Colombia has substantial aquaculture activity in inshore areas, but there is no information regarding the impact of this activity on humpback whales. The BRT determined that for most DPSs, aquaculture does not pose a significant threat to humpback whales and should be assigned a low threat level. Sufficient information was not available to determine the threat level to the Western North Pacific and Arabian Sea DPSs.

Humans introduce sound intentionally and unintentionally into the marine environment for navigation, oil and gas exploration and acquisition, research, and military activities, to name a few examples. Noise exposure can result in a range of impacts, from those causing little or no impact to those being potentially severe, depending on the source, level, and various other factors. Response to noise varies by many factors, including the type and characteristics of the sound source, distance between the source and the receptor, characteristics of the animal (*e.g.,* hearing sensitivity, behavioral context, age, sex, and previous experience with sound source) and time of day or season. Noise may be intermittent or continuous, steady (non-impulsive) or impulsive, and may be generated by stationary or moving sources. As one of the potential stressors to marine mammal populations, noise may seriously disrupt communication, navigational ability, and social patterns. Humpback whales use sound to communicate, navigate, locate prey, and sense their environment. Both anthropogenic and natural sounds may cause interference with these functions.

Anthropogenic sound has increased in all oceans over the last 50 years and is thought to have doubled each decade in some areas of the ocean over the last 30 or so years (Croll *et al.,* 2001; Weilgart, 2007; Hildebrand, 2009). High levels of ambient anthropogenic noise are known to elicit behavioral, acoustic, and physiological responses from large whales, though the specific nature of these responses remains largely unknown (Nowacek *et al.,* 2007). Low-frequency sound comprises a significant portion of this increase and stems from a variety of sources including that primarily from shipping, and an increasing amount from oil and gas exploration in some areas, as well as research and naval activities. Understanding the specific impacts of these sounds on mysticetes is difficult. However, it is clear that the geographic scope of potential impacts is vast as low-frequency sounds can travel great distances under water, but these sounds have the potential to reduce communication space (*e.g.,* shipping was predicted to reduce communication space of singing humpback whales in the northeast by 8 percent; Clark *et al.,* 2009).

Humpback whales do not appear to be often involved in strandings related to noise events. There is one record of two whales found dead with extensive damage to the temporal bones near the site of a 5,000 kg explosion which likely produced shock waves that were responsible for the injuries (Ketten *et al.,* 1993; Weilgart, 2007). Other detrimental effects of anthropogenic noise include masking and possible temporary threshold shifts. Masking results from noise interfering with cetacean social communication, which may range greatly in intensity and frequency. Some adjustment in acoustic behavior is thought to occur in response to masking and humpback songs were found to lengthen during LFA sonar activities (Miller *et al.,* 2000). This altered song length persisted 2 hours after the sonar activities stopped (Fristrup *et al.,* 2003). Researchers have also observed diminished song vocalizations in humpback whales during remote sensing experiments 200 km away from the whales' location in the Stellwagen Banks National Marine Sanctuary (Risch *et al.,* 2012). Hearing loss can also possibly be permanent if the sound is intense enough but there is great variability across individuals and other factors making it difficult to determine a standardized threshold.

Excessive noise exposure may be damaging during early individual development, may cause stress hormone fluctuations, and/or may cause whales to leave an area or change their behavior within it (Weilgart, 2007). Some responses are subtle and may occur after the exposure. Humpback whales exposed to underwater explosions and drilling associated with construction activities did not appear to change their behavior in reaction to the surveys but did appear to have reduced orientation abilities. Higher rates of fatal entanglement in fishing gear were observed in the area when whales were exposed to excessive noise, although the cause for this elevated entanglement rate was unclear (Ketten *et al.,* 1993; Todd, 1996). Some studies have found little reaction to noise and indicate potential tolerances to anthropogenic sound over short time and small spatial scales (Croll *et al.,* 2001).

There is likely an important distinction between immediate individual reactions to noise and long-term effects of noise exposure to populations. The cumulative and synergistic effects may be more harmful than studies to date have been able to assess. Though some researchers have argued that habituation to sound may occur, this can easily be confused with hearing loss or individual differences in tolerance levels (Bejder *et al.,* 2006). Scientifically recommended mammal sound exposure levels have been determined and vary depending on the sound source strength and the species of marine mammal(s) present (Southall *et al.,* 2007). NMFS has recently updated guidance for temporary threshold shifts and permanent threshold shifts (see: *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm*).

The issue of anthropogenic noise has been an area of intensive research but population-level impacts on cetaceans have not been confirmed. There is little definite information regarding, for example, the interruption of breeding and other behaviors or a resulting reduction in population growth or mortality of individuals. Therefore, the BRT considered this to be a low threat for all DPSs.

Collisions between vessels and whales, or ship strikes, often result in life-threatening trauma or death for the cetacean. Impact is often caused by forceful contact with the bow or propeller of the vessel. Ship strikes of humpback whales are typically identified by evidence of massive blunt trauma (fractures of heavy bones and/or hemorrhaging) in stranded whales,

propeller wounds (deep slashes or cuts) and fluke/fin amputations on stranded or live whales (*e.g.,* Wiley and Asmutis, 1995).

Laist *et al.* (2001), Jensen and Silber (2003), Vanderlaan and Taggart (2007), and VanWaerebeek and Leaper (2008) compiled information available worldwide regarding documented collisions between ships and large whales (baleen whales and sperm whales). Humpback whales were the second-most commonly reported victims of vessel strikes (following fin whales). Of 292 recorded strikes contained in the Jensen and Silber (2003) database, 44 were of humpback whales. As of 2008, there were more than 143 recorded ship strikes involving humpback whales worldwide (Van Waerebeek and Leaper, 2008); however, the reported number is likely not a full representation of the actual number (particularly in the Southern Hemisphere) as many likely go undetected or unreported (Williams *et al.,* 2011). Reporting of ship strikes is highly variable internationally, with reports required from vessels in the domestic waters of Australia, the United States, and New Zealand but not in other countries. Based on the observations of vessel strike injuries and mortalities, and whale strike mitigation measures described above under *Inadequacy of Existing Regulatory Mechanisms,* the BRT considers the threat of vessel collisions to be low to moderate, depending on region, and generally increasing.

Humpback whales may break through, carry away, or become entangled in fishing gear. Whales carrying gear may die at a later time, become debilitated or seriously injured, or have normal functions impaired, but with no assurance of the incident having been recorded. Of the nations reporting to the IWC between 2003–2008, 64.7 percent (n=11) noted humpback whale by-catch in their waters (Mattila and Rowles, 2010). Whales have been documented carrying gear by fishery observer programs, opportunistic reports, and stranding networks. Some countries (*e.g.,* United States, Canada, Australia, South Africa) have well-developed reporting and response networks that facilitate the collection of information on entanglement frequency and impacts. However, such programs do not guarantee that entanglements are detected; fewer than 10 percent of humpback whale entanglements involving Gulf of Maine humpback whales are reported, despite a strong outreach and response network (Robbins and Mattila, 2004). Furthermore, opportunistic reports that are not screened by experts do not necessarily yield accurate information about events, including gear type, configuration, and original site of entanglement (Robbins *et al.,* 2007b). The likelihood of receiving reports likely varies world-wide due to differences in observer awareness, reporting mechanisms, and possible negative implications for reporting fishermen (Mattila and Rowles, 2010).

A study of gear removed from a subset of whales off the U.S. East Coast showed that 89 percent involved pots/traps or gillnet gear (Johnson *et al.,* 2005). However, a wide range of gear types were represented and every part of the gear was found to be capable of entanglement (Johnson *et al.,* 2005). The authors concluded that any line in the water column poses a potential risk of entanglement to humpback whales. Known gear types removed from, or documented on, entangled whales in Alaska between 1990 and 2013 indicated 32 percent of entanglements were from pot gear, 30 percent from gill net, 24 percent from other net, and 14 percent from a combination of longline, seine, mooring line and marine debris (Jensen *et al.* 2014). This is further supported by the wide range of entangling gear reported in the South Pacific (Neilson, 2006; Lyman, 2009), Newfoundland (Lien *et al.,* 1992), and member nations of the IWC (Mattila and Rowles, 2010).

More than half of the humpback whale entanglements examined off the U.S. East Coast involved entanglements around the tail (Johnson *et al.,* 2005). The mouth and flippers are also known attachment sites, but their frequency is more difficult to assess. Scar-based studies have been developed to systematically study the frequency of non-lethal entanglement involving the tail (Robbins and Mattila, 2001; Robbins and Mattila, 2004). These techniques have been used in the Gulf of Maine (*e.g.,* Robbins and Mattila, 2001; Robbins and Mattila, 2004; Robbins *et al.,* 2009), Southeast Alaska (Neilson *et al.,* 2009), and more broadly across the North Pacific Ocean (Robbins *et al.,* 2007a; Robbins, 2009). All populations studied in this manner to date have detected individuals with entanglement-related injuries. Annual research in the Gulf of Maine since 1997 has shown that a high percentage of individuals exhibit entanglement injuries and that new injuries are acquired at an average annual rate of 12 percent (Robbins *et al.,* 2009). A 2-year study in Southeast Alaska confirmed frequencies of entanglement injuries that were comparable to the Gulf of Maine (Neilson *et al.,* 2009). Research undertaken across the North Pacific as part of the SPLASH project further suggests that entanglement is pervasive, but that interaction rates may be highest among coastal populations (Robbins *et al.,* 2007a; Robbins, 2009).

Both eye-witness reports and scar-based studies suggest that independent juveniles are significantly more likely to become entangled than adults (Robbins, 2009). Calves exhibit a lower frequency of entanglement, likely due to having less time in which to have encountered gear (Neilson *et al.,* 2009). Sex differences in entanglement frequency have been observed in some locations and time intervals (Robbins and Mattila, 2001; Neilson *et al.,* 2009), but these effects have not persisted in longer studies (Robbins and Mattila, 2004).

Entanglement may result in only minor injury, or potentially may significantly affect individual health, reproduction, or survival. In one study, females with entanglement injuries produced fewer calves than females with no evidence of entanglement; such impacts on reproduction are still under investigation (Robbins and Mattila, 2001). Mark-recapture studies of the fate of entangled whales in the Gulf of Maine suggest that juveniles are less likely than adults to survive (Robbins *et al.,* 2008). Observed entanglement deaths and serious injuries in that region are known to exceed what is considered sustainable for the population (Glass *et al.,* 2009). Most deaths likely go unobserved and preliminary studies suggest that entanglement may be responsible for 3–4 percent of total mortality, especially among juveniles (Robbins *et al.,* 2009).

Much more is known about fishing gear entanglement in the Northern Hemisphere than in the Southern Hemisphere. The BRT noted the commercialization of bycatch off Japan, meaning an entangled whale is legally allowed to be killed and sold on the market (Lukoschek *et al.,* 2009). Therefore, entanglement often leads to death for humpback whales in this region. While the number of reported bycaught animals is not large (3–5), the number of reports has been increasing and reports may not reflect the actual number caught. The BRT also noted that the Mexico population has one of the highest scar rates from nets and lines in the North Pacific, indicating a high entanglement rate. Based on this information, the BRT concluded that the severity of the threat of fishing gear entanglements varies depending on region, ranging from low to high.

Climate change has received considerable attention in recent years, with growing concerns about global

warming and the recognition of natural climatic oscillations on varying time scales, such as long-term shifts like the Pacific Decadal Oscillation or short-term shifts, like El Niño or La Niña. Evidence suggests that the biological productivity in the North Pacific (Lowry *et al.,* 1988; Quinn and Niebauer, 1995) and other oceans could be affected by changes in the environment. Recent work has found that copepod distribution has shown signs of shifting in the North Atlantic due to climate change (Hays *et al.,* 2005). Increases in global temperatures are expected to have profound impacts on arctic and sub-arctic ecosystems, and these impacts are projected to accelerate during this century (ACIA, 2004; IPCC, 2007).

The IWC has held two workshops on the topic of climate change and cetaceans (IWC, 1997; IWC, 2010a), and the reports of these meetings provide useful summaries on the current state of knowledge on this issue, and on the large uncertainties associated with any projections of impact.

It is generally accepted that cetaceans are unlikely to suffer problems because of changes in water temperature per se (IWC, 1997). Rather, global warming is more likely to effect changes in habitats that in turn potentially affect the abundance and distribution of prey in these areas. Factors such as ocean currents and water temperature may render currently used habitat areas unsuitable and influence selection of migration, feeding, and breeding locations for humpback and other whales. Changes in climate and oceanographic processes may also lead to decreased productivity of, or lead to different patterns in, prey distribution and availability. Such changes could affect whales that are dependent on this prey. While these regional or ocean basin-scale changes may occur, the actual magnitude and resulting impacts are not known.

All cetacean species have undoubtedly lived through considerable variation in climate (including multiple ice ages, and significant warming events) over the course of their evolutionary history. However, there is little knowledge regarding the ways in which cetaceans dealt with climate change in the past. Examination of bones related to Basque whaling in Canada indicate that the range of bowhead whales (*Balaena mysticetus*) in the North Atlantic shifted south during the so-called Little Ice Age in medieval times (McLeod *et al.,* 2008). This almost certainly reflected a shift in the distribution of prey because of habitat and associated productivity changes, and it likely reflects the ability of large whales to adapt and extend their range when necessary.

There are no data on similar historical shifts by humpback whales. Considerable plasticity in the winter distribution of the species is suggested by the fact that the use of Hawaii as a major breeding ground appears to be a relatively recent phenomenon which occurred sometime in the 20th century (Herman, 1979); the reason for such a shift is not known, but it is important to recognize that the humpback's winter distribution is not tied to prey resources or biological productivity, a situation which presumably affords the species with flexibility in its colonization of breeding habitats.

Climate change may disproportionately affect species with specialized or restricted habitat requirements. The best-known example of this involves dependence upon sea ice, which is thought to represent a major problem for polar bears (*Ursus maritimus*), given that the species primarily hunts pagophilic ringed seals (*Phoca hispida*) (Schliebe *et al.,* 2006). This represents a relatively simple and clear-cut example of cause and effect in the climate change debate; unfortunately, the situation for humpback whales and other cetaceans is not nearly as simple, given the complexity of the ecosystems in which they live. Climate change may exacerbate situations in which populations are already small and/or significantly affected by other anthropogenic impacts (such as entanglement or ship strikes). Species which possess little ability to disperse or colonize new habitats will also be particularly vulnerable.

None of these factors apply to humpback whales, with the possible exception of the Arabian Sea population, which is thought to be small and vulnerable to entanglement, shipping-related issues and possibly pollution. Furthermore, the uniquely restricted range of this non-migratory population is currently tied to seasonal monsoon-driven biological productivity in a relatively small region; the impact of climate change on this productivity is unknown, as is the ability of these humpback whales to shift their range as may be needed.

As noted by IPCC (2007), species in general potentially respond in one of three ways to major changes in climate: Redistribution, adaptation, or extinction. Based upon what is known to date, redistribution is the most likely response for most humpback whales. Most large whales, including humpbacks, undertake extensive movements, both during a feeding season and on migration. These broad ranges (which routinely encompass much of an ocean basin), together with the animals' ability to withstand prolonged periods of fasting through utilization of fat reserves in their blubber, potentially provide the whales with a means to adapt their ranges in response to major climate-related spatial shifts in biological productivity, notably by seeking out new habitats. This may in fact already be occurring in some places; humpback whales have recently been observed in the eastern Chukchi and Beaufort Seas (Clarke *et al.,* 2013), north of their usual range; this could represent the beginnings of a response to habitat changes relating to diminishing sea ice in the Arctic, although it might also simply reflect a growing population expanding its range. Prior to extensive whaling, humpback whales appear to have been quite common in at least the western (Russian) Chukchi Sea (Zenkovich, 1954; Tomilin, 1967), and are still observed there today (Clarke *et al.,* 2013).

The BRT determined that the level of the threat of climate change facing the Southern Hemisphere populations was slightly better understood than that facing the Northern Hemisphere populations. Warming waters are thought to be correlated with a decrease in krill production in the Southern Ocean, and this threat is likely to increase. The future negative impact implied by a low threat assignment is dependent on a substantial decrease in krill populations, a subsequent negative impact on prey resource availability to humpback whales, and lack of suitable alternate prey such as fish.

The Southern Ocean is regarded as a relatively simple ecosystem, but even here there are substantial problems in quantifying even the most basic parameters such as prey abundance. Changes in this ecosystem are also driven by cyclic variability on the scale of years to decades (Murphy *et al.,* 2007). Disentangling climate change effects from other forms of variability including periodic physical forcing, requires time series of data that are typically scarce or non-existent in the Southern Ocean (Quetin *et al.,* 2007). The responses of the Southern Ocean ecosystem to climate change are likely to be complex. Sea ice decreases may actually enhance overall primary production but could reduce ice algae production which occurs at a critical time for krill larvae (Arrigo and Thomas, 2004). On the other hand, the location of upwelling of nutrient-rich deep water may change and result in enhanced primary production in areas that are

otherwise unfavorable to krill (Prezelin *et al.,* 2000).

The problems in assessing the relatively ''simple'' Southern Ocean illustrate the huge problems involved in predicting future changes in dynamic ecosystems, on scales that range from eddies and fronts to entire ocean basins. Ecosystem models are crude at best. Full ecosystem models involve innumerable parameters, yet data to quantify these—let alone interactions among them—frequently do not exist.

The second IWC climate change workshop (IWC, 2010c) noted that data sets for use in assessing impact and modeling the effects of climate change must have: extensive duration (20–30 years or more of information); good temporal resolution to capture variability on inter-annual and longer scales; and sufficient spatial scale. Although long-term studies of humpback whales exist in various locations in both hemispheres, these are often compromised by issues such as sampling bias, data gaps, and inconsistency of methods; furthermore, parallel data of sufficient resolution on environmental variables are often unavailable. The caveat above regarding the difficulty of disentangling climate change effects from other variables applies equally to determining the reasons for any observed changes in demographic parameters of humpback whales.

It is instructive to compare the conclusions of the two IWC climate change workshops, separated as they were by more than a decade. The report of the 1996 workshop (IWC, 1997) notes that: ''. . . given the uncertainties in modeling climate change at a suitable scale and thus modeling effects on biological processes . . . at present it is not possible to model in a predictive manner the effects of climate change on cetacean populations.'' Thirteen years later, the second workshop came to much the same conclusion (IWC, 2010c), finding that: ''. . . improvements in climate models, as well as models that relate environmental indices to whale demographics and distribution had [sic] occurred. However, all models remain subject to considerable uncertainty.''

The BRT assigned climate change a low threat level to all Southern Hemisphere populations based on current impacts to the populations. The threat posed by climate change to Northern Hemisphere humpback whale populations is very uncertain, but the BRT thought it unlikely that climate change was a major extinction risk factor. Melting and receding ice sheets may open more feeding habitat for humpback whales in the Northern Hemisphere. However, humpback whales in the Northern Hemisphere do not feed primarily in Arctic waters (which are likely to be the most significantly altered by climate change), and the extent to which Arctic habitats may change to support aggregations of prey sought by humpback whales is unknown.

Overall, it is clear that humpback whales worldwide have exhibited considerable resilience despite a whaling history that removed the great majority of animals from most populations. This resilience, together with the species' flexibility in diet and apparent plasticity in its distribution, provides some optimism that humpback whales can adapt to significant environmental changes wrought by global warming. Although we cannot predict how climate change may affect humpback whales in the long term, at present most studied populations appear to be recovering well, and it seems very unlikely that any population will face extinction as a result of climate issues within the foreseeable future. At this time, the record does not support a conclusion that climate change is likely to influence extinction risk to humpback whales in the foreseeable future.

West Indies DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Human population growth and associated coastal development represent potential threats to this DPS in certain areas of the West Indies, as well as in regions of high human population density in the high-latitude feeding range. The major breeding habitats of Silver and Navidad Banks are sufficiently remote from land that direct human impact is for the most part unlikely. The largest concentration of humpback whales in a West Indies habitat that is adjacent to the coast occurs in Samaná Bay, Dominican Republic (Mattila *et al.,* 1994). There, tourism has spurred an increase in coastal development, which has presumably introduced a rise in runoff and effluent discharge into the waters of the bay. To date, there is no evidence of observable impact on the humpback whales that visit the region, but no studies have been conducted; that the whales do not feed in these tropical waters likely decreases their risk from such point source pollution.

As noted above, although whales are found elsewhere in the West Indies, densities outside Dominican Republic waters are relatively low. Much of the additional habitat is in the waters of small islands in the Leeward and Windward groups, where any coastal runoff is likely to be effectively dispersed by highly dynamic water movements driven by frequently strong trade winds.

In some feeding grounds, coastal runoff, vessel traffic and other human activities represent a potential threat to humpback whales from this DPS. This is likely to be most pronounced off the Mid-Atlantic and northeastern United States, and least relevant in remote offshore areas such as Greenland, Labrador and the Barents Sea. A study of contaminants in humpback whales from the Gulf of Maine found elevated levels of polychlorinated biphenyls (PCBs), polybrominated diphenyl ethers (PBDEs), and chlordanes (Elfes *et al.,* 2010), although the authors concluded that these likely did not represent a conservation concern.

Extensive oil and gas development and extraction occur in the southern portion of the humpback whale's West Indies range, in the Gulf of Paria off Venezuela, but nothing is known of the impacts of this on the whales (Swartz *et al.,* 2003). Energy exploration and development in this area are expected to increase.

The best documented UME for humpback whales attributable to disease occurred in 1987–1988 in the North Atlantic, when at least 14 mackerel-feeding humpback whales died of saxitoxin poisoning (a neurotoxin produced by some dinoglagellate and cyanobacteria species) in Cape Cod, Massachusetts (Geraci *et al.,* 1989). The whales subsequently stranded or were recovered in the vicinity of Cape Cod Bay and Nantucket Sound, and it is highly likely that other unrecorded mortalities occurred during this event. Such events have been linked to increased coastal runoff. During the first 6 months of 1990, seven dead juvenile (7.6 to 9.1 m long) humpback whales stranded between North Carolina and New Jersey. The significance of these strandings is unknown.

Additional UMEs occurred in the Gulf of Maine in 2003 (12–15 dead humpback whales on Georges Bank), 2005 (7 in New England), and 2006–7 (minimum of 21 whales), with no cause yet determined but HABs potentially implicated (Gulland, 2006; Waring *et al.,* 2009). In the Gulf of Maine in 2003, a few sampled individuals among 16 humpback whale carcasses were found with saxitoxin and domoic acid (produced by certain species of diatoms, a different type of algae (Gulland, 2006)). The BRT discussed the possible

levels of unobserved mortality that may be resulting from HABs and determined that, as the West Indies population had been affected by HABs in the past, it is likely experiencing a higher level of HAB-related mortality than is detected.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Subsistence hunting in the North Atlantic occurs in Greenland and the island of Bequia in St. Vincent and the Grenadines in the Lesser Antilles (Reeves, 2002). Greenland began hunting humpback whales before 1780 (Reeves, 2002). As the take of bowhead whales decreased between the years 1750 and 1850, humpback whales became a more frequent target (Reeves, 2002). Beginning in 1986, the IWC has not granted any catch limit for humpback whales to Denmark on behalf of Greenland, though Greenland reported 14 infractions over the period 1988–2006. In 2010, a catch limit was reinstated, and 27 humpbacks were killed between 2010 and 2012. In 1986, St. Vincent and the Grenadines, on behalf of the native community of Bequia, asked for a humpback catch limit from the IWC, based on its history of artisanal whaling in the community and the small number of whales taken (Reeves, 2002). Bequia currently retains an IWC ''block'' catch limit of up to 24 whales over a 6-year period (2013–2018) (IWC, 2012); they took 4 whales in 2013. While this subsistence hunting kills some West Indies DPS humpback whales in their breeding and feeding grounds, it is not likely contributing significantly to extinction risk of this DPS.

Humpback whales represent a major attraction for tourists in many parts of the world, and in the West Indies their presence supports a large seasonal whale-watching industry in Samaná Bay (Dominican Republic). Although humpback whales can become remarkably habituated to ecotourism-based vessel traffic, whale-watching excursions have the potential to disturb or even injure animals. On feeding grounds such as the Gulf of Maine, where a large whale-watching industry exists, the extreme reaction of habitat displacement has not been observed; this may partly be due to the existence of some guidelines for the operation of whale-watching tours, as well as the fact that the whales are tied to specific areas by a key resource (*i.e.,* food). Since whales do not eat while in sub-tropical waters in winter, they are theoretically far less constrained in their choice of habitat; consequently, if the whales are faced with high enough pressures from noise or other disturbance, they might be able to leave one breeding area and move to another.

It is not clear whether recent anecdotal reports linking a decline in humpback whale abundance in Samaná Bay with increased cruise ship traffic are valid, but the potential exists to drive whales out of a breeding ground. The large number of whale-watching vessels and increasing presence of cruise ships in Samaná Bay suggest that it is very important to assess the effect of this traffic on the behavior and habitat use of the whales there.

Currently, disturbance from whale watching is probably not a major concern for Silver Bank. Although a small number of dive boats operate ''swim-with-whales'' tours there, their activities are regulated by the Dominican Republic government, and are limited to a very small section of the available habitat. There is currently no commercial or recreational activity on Navidad Bank. With the exception of the Gulf of Maine, there is minimal utilization of humpback whales for whale-watching or ecotourism elsewhere in the North Atlantic.

This DPS is exposed to some scientific research activities in waters off the United States, Canada, and West Indies, but at relatively low levels. Adverse population effects from research activities have not been identified, and overall impact is expected to be low and stable.

It is unlikely that overutilization is contributing to the extinction risk of the West Indies DPS.

C. Disease or Predation

There are no recent studies of disease in this population, but also no indication that it is a major risk.

A study of apparent killer whale attacks in North Atlantic humpback whales found scarring rates ranging from 8.1 percent in Norwegian waters to 22.1 percent off western Greenland; scarring rates among whales observed in the West Indies ranged from 12.3 percent to 15.3 percent (Wade *et al.,* 2007). It is clear that most killer whale attacks occur on first-year calves prior to arrival in high-latitudes (Wade *et al.,* 2007). However, this is not regarded as a serious threat to population growth.

D. Inadequacy of Existing Regulatory Mechanisms

A moratorium on oil and gas exploration has been in place in the Mid-Atlantic region since the early 1980s. In March 2010, President Barack Obama announced plans to open the Mid-Atlantic and South Atlantic planning areas to oil and gas exploration. The Federal Government had scheduled a lease sale offshore of Virginia, to take place in 2011. These lease sale plans were cancelled in May 2010 following the Deepwater Horizon oil spill in the Gulf of Mexico. In December 2010, the Secretary of the Interior announced a ban on drilling in Federal waters off the Atlantic coast through 2017. While this ban remains in place, the Bureau of Ocean Energy Management is in the process of issuing a final programmatic environmental impact statement on possible geologic and geophysical activities along the Atlantic Outer Continental Shelf (OCS) from Delaware to midway down Florida's east coast. The PEIS considers the potential acoustic and other impacts of these activities on marine mammals. These activities will provide new data for the next 5-year OCS oil and gas program for the South and Mid-Atlantic OCS and for possible oil and gas leasing in the 2017–2022 period.

In Nova Scotia, oil and gas exploration and development began in 1967. Canadian government estimates show that Nova Scotia's oil and gas resource potential is significant. In Nova Scotia, there are currently two producing offshore natural gas projects, the Sable Offshore Energy Project SOEP and Deep Panuke. In 1988, Canada implemented a moratorium on oil and gas development on Georges Bank, to the southwest of Nova Scotia. In 2010, Canada extended the moratorium, which was set to expire at the end of 2012, until December 31, 2015.

Silver Bank, Navidad Bank, and portions of Samaná Bay have been designated by the Dominican Republic as a humpback whale sanctuary (Hoyt, 2013).

Whalers from the St. Vincent and the Grenadines island of Bequia have a quota from the IWC; most recently, Bequia was given a ''block'' quota of up to 24 whales over a six-year period (2013–2018) (IWC, 2012). The Scientific Committee of the IWC has determined that the allowed quota would have no impact on the growth rate of this population (IWC, 2012).

As noted above, whale-watching activities in the Silver Bank are regulated by the Dominican Republic government, and there is currently no commercial or recreational activity on Navidad Bank.

Under the authority of the ESA and the MMPA, we have issued regulations such as the NMFS right whale ship strike regulations in the U.S. North Atlantic and other regional or local maritime speed zones, and these help reduce the threat of vessel collisions involving humpback whales. The ship

collision reduction rule established regulations to limit vessel speeds to no more than 10 knots (18.5 km/hr), applicable to all vessels 65 feet (19.8m) or greater in length in certain locations and at certain times of the year along the east coast of the U.S. Atlantic seaboard (73 FR 60173; October 10, 2008).

In 1999, NMFS and the U.S. Coast Guard established two Mandatory Ship Reporting systems aimed at reducing ship strikes of North Atlantic right whales. When ships greater than 300 gross tons enter two key right whale habitats—one off the northeast United States and one off the southeast United States—they are required to report to a shore-based station. In return, ships receive a message about whales, their vulnerability to ship strikes, precautionary measures the ship can take to avoid hitting a whale, and locations of recent sightings. While these systems were designed to protect right whales specifically, they are expected to also reduce the risk of ship strikes to other large whales, including humpback whales (NMFS, 2008).

On February 18, 2005, the U.S. Coast Guard (USCG) announced a Port Access Route Study (PARS) of Potential Vessel Routing Measures to Reduce Vessel Strikes of North Atlantic Right Whales (70 FR 8312). Potential vessel routing measures were analyzed and considered to adjust existing vessel routing measures in the northern region of the Atlantic Coast, which included Cape Cod Bay, the area off Race Point at the northern end of Cape Cod, and the Great South Channel. As a result of this information, we recommended realigning and amending the location and size of the western portion of the TSS in the approach to Boston, Massachusetts. The TSS was revised in 2007, and the new configuration appeared on nautical charts soon thereafter.

On November 19, 2007, the USCG announced a second PARS to Analyze Potential Vessel Routing Measures to Reduce Vessel Strikes of North Atlantic Right Whales while also Minimizing Adverse Effects on Vessel Operations (72 FR 64968). The study area included approaches to Boston, MA, specifically, a northern right whale critical habitat in the area east and south of Cape Cod, MA, and the Great South Channel, including Georges Bank out to the exclusive economic zone boundary. In the second PARS, the USCG recommended establishing a seasonal Area to be Avoided (ATBA) and amending the southeastern portion of the TSS to make it uniform throughout its length. On behalf of the United States, the USCG submitted a series of proposals to the IMO (see International Maritime Organization discussion above) to modify the TSS and to establish an ATBA, which were subsequently endorsed by the IMO (Silber *et al.,* 2012) and as described in the IMO's publication, ''Ships' Routing'' 2008. In 2009, the TSS was revised and the ATBA was established. This was followed by a notice in the **Federal Register** announcing these changes (75 FR 77529; December 13, 2010) and NMFS added the changes to applicable nautical charts. While the measures are designed specifically for the North Atlantic right whale, they are expected to benefit humpback whales co-occurring in these areas.

In 2007, a program of auto-detection buoys and real-time whale vocalization detection information was incorporated into the Boston TSS as mitigation for liquefied natural gas (LNG) ship strike risk, primarily as a result of an ESA Section 7 consultation with the Maritime Administration. This program, stipulated as a condition of the consultation, was designed to reduce the threat of vessel collisions with right whales and other listed large whale species, including humpback whales in and around the boundaries of Stellwagen Bank National Marine Sanctuary. When right whales are auto-detected in the vicinity, LNG vessels are required to travel at speeds of 10 knots or less, a measure that almost certainly reduces the likelihood of vessel strikes of humpback whales occurring in the area as well.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The largest potential threats to the West Indies DPS are entanglement in fishing gear and ship strikes; these occur primarily in the feeding grounds, with some documented in the mid-Atlantic U.S. migratory grounds. There are no reliable estimates of entanglement or ship-strike mortalities for most of the North Atlantic. During the period 2003–2007, the minimum annual rate of human-caused mortality and serious injury (from both entanglements and ship collisions) for the Gulf of Maine feeding population averaged 4.4 animals per year (Waring *et al.,* 2009). Off Newfoundland, an average of 50 humpback whale entanglements (range 26–66) was reported annually between 1979 and 1988 (Lien *et al.,* 1988); another 84 were reported entangled in either Newfoundland or Labrador from 2000–2006 (Waring *et al.,* 2009). Not all entanglements result in mortality (Waring *et al.,* 2009). However, all of these figures are likely to be underestimates, as not all entanglements are observed. A study of entanglement-related scarring on the caudal peduncle of 134 individual humpback whales in the Gulf of Maine suggested that between 48 percent and 65 percent had experienced entanglements (Robbins and Mattila, 2001).

Ship strike injuries were identified for 8 percent (10 of 123) of dead stranded humpback whales between 1975–1996 along the U.S. east coast, 25 percent (9 of 36) of which were along mid-Atlantic and southeast states (south of the Gulf of Maine) between Delaware Bay and Okracoke Island North Carolina (Wiley and Asmutis, 1995). Ship strikes made up 4 percent of observed humpback whale mortalities between 2001–2005 (Nelson *et al.,* 2007) and 7 percent between 2005–2009 (Henry *et al.,* 2011) along the U.S. east coast, and the Canadian Maritimes. Among strandings along the mid and southeast U.S. coastline during 1975–1996, 80 percent (8 of 10) of struck whales were considered to be less than 3 years old based on their length (Laist *et al.,* 2001). This suggests that young whales may be disproportionately affected. However, those waters are thought to be used preferentially by young animals (Swingle *et al.,* 1993; Barco *et al.,* 2002). It should be noted that ship strikes do not always produce external injuries and may therefore be underestimated among strandings that are not examined for internal injuries.

Underwater noise can potentially affect whale behavior, although impacts are unclear. Concerns about effects of noise include behavioral disruption, interference with communication, displacement from habitats and, in extreme cases, physical damage to hearing (Nowacek *et al.,* 2007). Singing humpback whales have been observed to lengthen their songs in response to low-frequency active sonar (Miller *et al.,* 2000) and reduce song duration from distant remote sensing (Risch *et al.,* 2012). Hatch *et al.* (2008) conducted a study analyzing commercial vessel traffic in the Stellwagen Bank National Marine Sanctuary and its effect on ambient noise. This study revealed significantly elevated and widespread ambient noise levels due to vessel traffic, but further research is needed to determine the direct impacts to marine mammals.

Because of the low level of human activity on Silver and Navidad Banks, noise is currently not a concern in this area. Samaná Bay, however, already has much vessel activity and therefore has the potential for considerable impact on whales from noise. Noise sources include whale-watching vessels, which approach whales closely and thus

presumably create a loud acoustic environment in close proximity to the animals, and cruise ships, which may be more distant but whose size guarantees that, at certain frequencies, noise levels in the bay will be very high. There are also additional sources in the form of container ships or other commercial vessels that enter the bay periodically. Underwater noise levels are expected to increase.

The BRT considered offshore aquaculture to be a low, but increasing, threat to this DPS and competition with fisheries a low threat to this DPS.

Overall population level effects from global climate change for this DPS are not known; nonetheless, any potential impacts resulting from this threat will almost certainly increase. Currently, climate change does not appear to pose a significant threat to the growth of this DPS now or in the foreseeable future.

HABs, vessel collisions, and fishing gear entanglements are likely to moderately reduce the population size and/or the growth rate of the West Indies DPS. All other threats, with the exception of climate change (unknown severity), are considered likely to have no or minor impact on population size or the growth rate of this DPS.

Cape Verde Islands/Northwest Africa DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Habitat conditions for this DPS are poorly known. Some members of the population use the waters around the Cape Verde Islands for breeding and calving, but where the remaining hypothesized fraction goes is unknown. In considering the Cape Verde Islands/Northwest Africa DPS, it was noted that oil spills occur off West Africa, but these levels are thought to be lower than in some other regions and the impact of non-catastrophic spills on humpback whales when they are on the breeding grounds was not considered significant. The threat of energy exploration to the Cape Verde Islands/Northwest Africa population was considered low.

There is little to no information on the impacts of HABs on this DPS.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Because the breeding range of this DPS is largely unknown, the importance of anthropogenic disturbance (from activities such as whale-watching, offshore aquaculture, fishing gear entanglements, and scientific research) to this DPS is largely unknown. At present, threats appear low relative to other populations, but again, much of the distribution of individuals from the Cape Verde Islands/Northwest Africa DPS is unknown. There is no current or planned commercial whaling in this area.

C. Disease or Predation

There is little to no information on the impacts of disease, predation, or parasites on this DPS.

D. Inadequacy of Existing Regulatory Mechanisms

No regulatory mechanisms specific to the Cape Verde Islands/Northwest Africa DPS were identified.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

There is little to no information on the impacts of vessel collisions, climate change, or anthropogenic noise on the Cape Verde Islands/Northwest Africa DPS, although each is expected to increase. Competition with fisheries and offshore aquaculture were considered low threats to this DPS.

The threats of HABs, disease, parasites, vessel collisions, fishing gear entanglements, and climate change to this DPS are unknown. All other threats to this DPS are considered likely to have no or minor impact on the population size and/or growth rate.

Western North Pacific DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Humpback whales in the Western North Pacific are at some risk of habitat loss or curtailment from a range of human activities. Confidence in information about, and documentation of, these activities is relatively good, except on the unknown breeding grounds included in this DPS. Given continued human population growth and economic development in most of the Asian region, these threats can be expected to increase.

Coastal development, including shipping, and habitat degradation are potential threats along most of the coast of Japan, South Korea and China. Organochlorines and mercury are found in relatively high levels in most cetaceans along the Asian coast (Simmonds, 2002). Although the threat to the health of this DPS is unknown, the accumulation of these pollutants can be expected to increase over time.

The BRT noted that the Sea of Okhotsk currently has a high level of energy exploration and development, and these activities are likely to expand with little regulation or oversight. The BRT determined that the threat posed by energy exploration to the Okinawa/Philippines DPS it identified is medium, but noted that there was low certainty regarding this since specifics of feeding location (on or off the shelf) are unavailable. If feeding activity occurs on the shelf in the Sea of Okhotsk, energy exploration in this area could impact what is likely one of the most depleted subunits of humpback whales. The threat posed by energy exploration to the Second West Pacific DPS identified by the BRT was unknown.

As above, naturally occurring biotoxins from dinoflagellates and other organisms are known to exist within the range of this DPS, although known humpback whale deaths attributable to biotoxin exposure do not exist in the Pacific. The occurrence of HABs is expected to increase with the growth of various types of human-related activities. The level of confidence in the predicted increase is moderate.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

There are no proposals for scientific, aboriginal/subsistence or commercial hunting of humpback whales in the North Pacific under consideration by the IWC at this time. Some degree of illegal, unreported or unregulated (IUU) exploitation, including 'commercial bycatch whaling,' has been documented in both Japan and South Korea through genetic identification of whale meat sold in commercial markets (Baker *et al.,* 2000; Baker *et al.,* 2006). Genetic monitoring of Japanese markets (1993–2009) identified humpback whale as the source of 17 whale meat products. These are believed to have been killed through direct or indirect fisheries entanglement (Steel *et al.,* 2009). In Japan and Korea, it is legal to kill and sell any entangled whale as long as the take is reported; there is suspicion that this provides an incentive for intentional ''entanglements,'' though the level of such intentional takes is currently unknown (Lukoschek *et al.,* 2009). Some degree of IUU exploitation is also possible in other regions within the range of humpback whales in the Western North Pacific DPS, including Taiwan and the Philippines, given past histories of whaling. The full extent of IUU exploitation is unknown. Official reports of whales taken as bycatch entanglement and destined for commercial markets are considered to be incomplete (Lukoschek *et al.,* 2009). Some poaching is reported to occur in Korean waters and is suspected off Japan (Baker *et al.,* 2002; IWC 2005c),

and for this reason the threat of whaling to the Western North Pacific DPS was determined to be medium.

There is some whale-watching and non-lethal scientific research in Japanese waters, primarily in Ogasawara and Okinawa, but this is at low levels and not thought to pose a risk to this DPS.

C. Disease or Predation

The evidence of killer whale attacks on humpback whales in this DPS is low (6–8 percent) relative to other North Pacific humpback whales (Steiger *et al.,* 2008). Certainty in this information is considered moderate and the magnitude is expected to remain stable. There are no reports of disease in this DPS and levels of parasitism are unknown. Trends in the severity of disease and parasitism are also unknown.

D. Inadequacy of Existing Regulatory Mechanisms

No regulatory mechanisms specific to the Western North Pacific DPS were identified. A continuing source of potential adverse impacts to humpback whales is interactions with vessels, including whale-watching and fishing vessels. NMFS issued a final rule (66 FR 29502; May 31, 2001) effective in 2001 in waters within 200 nautical miles (370 km) of Alaska, making it unlawful for a person subject to the jurisdiction of the United States to (a) approach within 100 yards (91.4 m) of a humpback whale, (b) cause a vessel or other object to approach within 100 yards (91.4 m) of a humpback whale or (c) disrupt the normal behavior or prior activity of a whale. Exceptions to this rule include approaches permitted by NMFS; vessels which otherwise would be restricted in their ability to maneuver; commercial fishing vessels legally engaged in fishery activities; and state, local and Federal government vessels operating in official duty (50 CFR 224.103(b)). This rule provides some protection from vessel strikes to a portion of Western North Pacific DPS individuals while in their feeding grounds in the Aleutian Islands, though the size and location of the area present some challenge to enforcement. Its effectiveness could be improved through greater general public awareness of the 100-yard (91.4-m) regulation, particularly with regard to ''placing a vessel in path of oncoming humpback . . .'' and ''operate at slow safe speed when near a humpback whale.''

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Humpback whales in the Western North Pacific DPS are likely to be exposed to relatively high levels of underwater noise resulting from human activities that may include commercial and recreational vessel traffic, and military activities. Overall population-level effects of exposure to underwater noise are not well established, but exposure is likely chronic and at relatively high levels. As vessel traffic and other activities are expected to increase, the level of this threat is expected to increase. The level of confidence in this information is moderate.

The likely range of the Western North Pacific DPS includes some of the world's largest centers of human activities and shipping. Although reporting of ship strikes is requested in the Annual Progress reports to the IWC, reporting by Japan and Korea is likely to be poor. A reasonable assumption, although not established, is that shipping traffic will increase as global commerce increases; thus, a reasonable assumption is that the level of the threat will increase. The threat of ship strikes was therefore considered to be medium for the Okinawa/Philippines portion of this DPS and unknown for the Second West Pacific portion of this DPS.

The BRT discussed the high level of fishing pressure in the region occupied by the Okinawa/Philippines population (a small humpback whale population). Although specific information on prey abundance and competition between whales and fisheries is not known in this area, overlap of whales and fisheries has been indicated by the bycatch of humpback whales in set-nets in the area. The BRT determined that competition with fisheries is a medium threat for this DPS, given the high level of fishing and small humpback whale population.

The Fisheries Agency of Japan considers whales to be likely competitors with some fisheries, although direct evidence of these interactions is lacking for humpback whales in the region (other than net entanglement). Whales along the coast of Japan and Korea are at risk of entanglement related mortality in fisheries gear, although overall rates of net and rope scarring are similar to other regions of the North Pacific (Brownell *et al.,* 2000). The threat of mortality from any such entanglement is high, given the incentive for commercial sale allowed under Japanese and Korean legislation (Lukoschek *et al.,* 2009). The reported number of humpback whale entanglements/deaths has increased for Japan since 2001 as a result of improved reporting, although the actual number of entanglements may be underrepresented in both Japan and Korea (Baker *et al.,* 2006). The level of confidence in understanding the minimum magnitude of this threat is medium for the Okinawa/Philippines portion of this DPS and low for the Second West Pacific portion of this DPS, given the unknown wintering grounds and primary migratory corridors.

Overall population level effects from global climate change are not known; nonetheless, any potential impacts resulting from this threat will almost certainly increase. The level of confidence in the magnitude of this threat is poor.

In summary, energy development, whaling, competition with fisheries, and vessel collisions are considered likely to moderately reduce the population size or the growth rate of the Okinawa/Philippines portion of the DPS, and fishing gear entanglements are considered likely to seriously reduce its population size or growth rate. Other threats are considered likely to have no or minor impact on population size and/or the growth rate, or are unknown, for the Western North Pacific DPS. In general, there is great uncertainty about the threats facing the Second West Pacific portion of this DPS.

Hawaii DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Other than its Hawaiian Islands breeding area, the Hawaii DPS inhabits some of the least populated areas in the United States (Alaska) and Canadian (Northern British Columbia) coastal waters. Coastal development, which may include such things as port expansion or waterfront development, occurs in both the United States and Canada; runoff from coastal development in Hawaii and continued human population growth are potential threats. Confidence in information about, and documentation of, these activities and their impacts is moderate. Given continued human population growth in the region, the threat can be expected to increase.

This DPS had the lowest levels of DDTs, PCBs, and PBPEs observed for North Pacific humpback whales sampled on all their known feeding grounds except Russia, between 2004 and 2006; in particular, levels were lower than observed in humpback whales from the U.S. West Coast, as well as the North Atlantic's Gulf of Maine (Elfes *et al.,* 2010). The levels observed in all areas are considered moderate and not expected to have a significant effect on population growth (Elfes *et al.,* 2010). Confidence in this

information is moderate, but the trend is unknown.

In March 2010, Interior Secretary Salazar and President Obama announced a landmark decision to cancel a lease sale scheduled for 2011 (in the 5.6 million acre block in Bristol Bay, southeastern Bering Sea), and to reinstate protection for the region until 2017. However, if exploration and drilling were authorized after 2017, it would represent a potential threat to this DPS in its feeding grounds.

Naturally occurring biotoxins from dinoflagellates and other toxins exist within the range of this DPS. Although humpback whale mortality as a result of exposure has not been documented in this DPS, it has been reported from other feeding grounds, so it is considered a possibility. HAB occurrence is expected to increase with the growth of various types of human-related activities, and with increasing water temperatures. The level of confidence in exposure to HABs and in these assertions is moderate.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

There are no planned commercial whaling activities in this DPS' range; however, modest aboriginal hunting has been proposed in British Columbia (Reeves, 2002). Certainty in this information is considered relatively high and the magnitude is expected to remain stable.

This DPS is exposed to whale-watching activities in both its feeding and breeding grounds, but at medium (Hawaii and Alaska) to low levels (British Columbia). Adverse population effects from whale-watching have not been documented, and overall impact of whale-watching is expected to be low and stable.

This DPS is exposed to some scientific research activities in both U.S. and Canadian waters, but at relatively low levels. Adverse population effects from research activities have not been identified, and overall impact is expected to be low and stable.

C. Disease or Predation

Evidence of killer whale attacks (15–20 percent) in the humpback whales found in Hawaiian waters is moderate (Steiger *et al.,* 2008) and lower for Alaska and Canada. This is not regarded as a serious threat to population growth. Shark predation likely occurs as well, although evidence suggests the primary targets are the weak and unhealthy. Certainty in this information is considered relatively high and the magnitude is expected to remain stable.

There are no known reports of unusual disease or mass mortality events for this DPS. Trends may increase slightly in response to other stressors, such as warming oceans and other stressors that may compromise immune systems.

Levels of parasitism in this population are not well known, although approximately 2/3 of humpback whales in Hawaii show some evidence of permanent, raised skin lesions, which may be a reaction to an as yet unknown parasite (Mattila and Robbins, 2008). However, there is no evidence that these ''bumps'' impact health or reproduction, or cause mortality. Trends in the severity of this threat are unknown.

D. Inadequacy of Existing Regulatory Mechanisms

There has been a moratorium on offshore oil drilling in the waters of Northern British Columbia since 1972, but there has also been a recent proposal to lift the ban, driven largely by local government (British Columbia Energy Plan, 2007). If so, this potential threat could increase in this portion of the habitat.

A continuing source of potential adverse impacts to humpback whales is interactions with vessels, including whale-watching and fishing vessels. Under the authorities of section 11(f) of the ESA and section 112(a) of the MMPA, NMFS issued a final rule (66 FR 29502; May 31, 2001) effective in 2001 in waters within 200 nautical miles (370 km) of Alaska, making it unlawful for a person subject to the jurisdiction of the United States to (a) approach within 100 yards (91.4 m) of a humpback whale, (b) cause a vessel or other object to approach within 100 yards (91.4 m) of a humpback whale or (c) disrupt the normal behavior or prior activity of a whale (50 CFR 224.103(b)). Exceptions to this rule include approaches permitted by NMFS; vessels which otherwise would be restricted in their ability to maneuver; commercial fishing vessels legally engaged in fishery activities; and state, local and Federal government vessels operating in official duty. This rule provides some protection from vessel strikes to Hawaii DPS individuals while in their feeding grounds, though its effectiveness could be improved by a greater enforcement presence and greater general public awareness of the 100-yard (91.4-m) regulation, particularly with regard to ''placing a vessel in path of oncoming humpback . . .'' and ''operate at slow safe speed when near a humpback whale.''

Vessel approach regulations are also in place for humpback whales in Hawaiian waters (50 CFR 224.103(a)). These are similar to the Alaska regulations, with an additional prohibition against operating any aircraft within 1,000 feet (300 m) of any humpback whale. The regulations were adopted in 1987 under authority of the ESA and later amended to delete a provision that was inconsistent with the MMPA. See 52 FR 44,912 (November 23, 1987); 60 FR 3,775 (January 19, 1995) (deleting 223.31(b) as mandated by Section 17 of the MMPA Amendments of 1994, Public Law 103–238, because the MMPA provided that approach to 100 yards (91.4 m) is legal, whereas the regulatory provision had allowed approach only to within 300 yards (274.3 m) in cow/calf areas).

As noted above under Section 4(a)(1) Factors Applicable to All DPSs, the Hawaiian Islands Humpback Whale National Marine Sanctuary was established primarily to provide protections to a key North Pacific humpback whale breeding/nursery area, and therefore, it should contribute to reducing the extinction risk of the Hawaii DPS of the humpback whale. Among the regulations in effect in the sanctuary are approach regulations substantially similar to those at 50 CFR 224.103(a) (See 15 CFR 922.184). Although substantially similar, the approach regulations effective in the sanctuary protect humpback whales in a narrower geographic range than do the current ESA approach regulations. Because these regulations apply only within the sanctuary, we seek public comment on whether the sanctuary protections would be sufficient for the protection of humpback whales from vessel interactions throughout the Hawaiian Islands, recognizing that the existing approach regulations at 50 CFR 224.103(a), which were adopted under authority of the ESA only, would no longer be applicable and would need to be removed if this rule becomes final and the Hawaii DPS of humpback whales is not listed under the ESA (See **ADDRESSES**). Commenters should consider the impacts of the Office of National Marine Sanctuaries' recent proposal to expand the sanctuary boundaries and strengthen the approach provisions (80 FR 16224, 16227, 16238; March 26, 2015).

In Canada, humpback whales are managed by the Department of Fisheries and Oceans (DFO) and legally protected through the Marine Mammal Regulations under the Fisheries Act, 1985. These regulations make it an offense to disturb, kill, fish for, move, tag, or mark marine mammals (ss. 5, 7,

11) without a valid license. In 2003, the North Pacific humpback whale population status was assessed as ''threatened'' by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), and in 2005 the population was listed as ''threatened'' under Canada's Species at Risk Act (SARA), affording it legal protection (it is an offense to kill, harm, harass, capture or take a listed species (Section 32(1)). The population's status was re-assessed as ''special concern'' in 2011 by COSEWIC. Following public consultation regarding the reclassification of the species, the DFO has referred the assessment of ''special concern'' back to COSEWIC for further consideration, and the SARA status of North Pacific humpback whale remains unchanged at the publication of the 2013 Recovery Strategy (Fisheries and Oceans Canada. 2013). Should the SARA status of humpback whales remain unchanged, an action plan to implement the 2013 recovery strategy will be completed within 5 years of its final posting on the Species at Risk Public Registry. Hawaii DPS whales should benefit from any protections afforded by SARA when they are in British Columbia feeding grounds.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

There is suspected interaction with the herring fishery in Southeast Alaska, but impacts to humpback whales are considered to be modest; the level of certainty in this information is moderate and currently under study, and impacts are considered stable because the herring fishery is regulated. Humpback whales may compete with fisheries in British Columbia as well, as they also have a herring fishery, as well as a ''krill'' fishery.

Currently, two modest offshore aquaculture sites are located in Hawaii, and their placement overlaps with humpback whale habitat. However, there have been no known fatal interactions, and indirect impacts from food, waste, or medicines being provided to the cultivated species are likely to be low, as humpback whales do not feed in Hawaii. The level of certainty in this information is high. However, if these and other operations expand to areas of high use by the whales, at a minimum they could physically exclude humpback whales from some of their preferred habitat. Deep-water, finfish aquaculture in Alaska is currently prohibited. However, some shellfish and herring ''pond'' aquaculture and salmon hatchery pens exist close to shore. There are no known fatal encounters with this type of aquaculture in Alaska; however, there are documented cases of humpback whales becoming entangled in herring ''pond'' and other aquaculture gear in British Columbia (Baird, 2003). There have been proposals to allow finfish aquaculture in Alaska, which would increase the threat from this activity in this portion of the DPS' range; however, Alaska State policy is 100 percent against this. The indirect impacts of aquaculture (*e.g.,* on health and abundance of prey from disease or possibly habitat disruption from poor siting) are not well known, but the BRT did not consider these effects to be substantial and rated aquaculture as a low threat. We are unaware of humpback whale entanglement involving aquaculture in Hawaii or in Alaska. However, given decreasing catches of wild fish stocks, and resulting strong incentives to expand aquaculture in Hawaii, the threat to the Hawaii DPS posed by aquaculture is likely to increase.

This DPS is likely exposed to moderate levels of underwater noise resulting from human activities, which may include, for example, commercial and recreational vessel traffic, pile driving from coastal construction, and activities in Naval test ranges. Overall population-level effects of exposure to underwater noise are not well established, but exposure is likely chronic. As vessel traffic and other activities are expected to increase, the level of this threat is expected to increase. The level of confidence in this information is moderate.

The range of this DPS includes some centers of human activities in both Canadian and U.S. waters. Reports of vessel collisions in Hawaii have increased since 2003, when an extensive educational campaign and hotline number were initiated; however the percentage of these that result in fatality is unknown. Numerous collisions have also been reported from Alaska and British Columbia (where shipping traffic has increased 200 percent in 20 years) (Neilson *et al.,* 2012). According to a summary of Alaska ship strike records, an average of 5 strikes a year was reported from 1978–2011 (Neilson *et al.,* 2012). However, effects in Alaska may be mitigated by the vessel approach regulations discussed above (66 FR 29502; May 31, 2001; 50 CFR 224.103) and by NMFS outreach to the cruise ship industry to share information about whale siting locations.

The level of certainty in this information is high. Humpback whale carcasses have been reported in many areas of Alaska, but given the isolated nature of some of these areas, necropsies are not always possible to determine cause of death. In addition, many carcasses likely go unreported, thus ship strike numbers should be considered minimum estimates. A reasonable assumption is that the level of the threat will increase in proportion with increases in global commerce. Although 5–10 ship strikes are reported per year in Hawaii and the actual number of ship strikes is estimated to be potentially one order of magnitude greater than this (Lammers *et al.,* 2003), the BRT still considered this threat level to be minimal, given the very large population size, fast rate of growth observed in this DPS, the vessel approach regulations in Alaska, and NMFS outreach to the cruise ship industry.

Recent studies of characteristic wounds and scarring indicate that this DPS experiences a high rate of interaction with fishing gear (20–71 percent), with the highest rates recorded in Southeast Alaska and Northern British Columbia (Neilson *et al.,* 2009). However, these rates represent only survivors. Fatal entanglements of humpback whales in fishing gear have been reported in all areas, but, given the isolated nature of much of their range, observed fatalities are almost certainly under-reported and should be considered minimum estimates. Recent studies in another humpback whale feeding ground, which has similar levels of scarring, estimate that the actual annual mortality rate from entanglement may be as high as 3.7 percent (Angliss and Outlaw, 2008). There is a high level of certainty with regard to this information. The threat is considered to be medium.

Overall population level effects from global climate change are not known; nonetheless, any potential impacts resulting from this threat will almost certainly increase. Climate change was not considered to be a major risk to this DPS currently, however. The level of confidence in the magnitude of this threat is low.

In summary, fishing gear entanglement is considered to be a medium threat to the Hawaii DPS. All other threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown but assumed to be minor (based largely on the current abundance and population growth trend) for the Hawaii DPS.

Mexico DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Breeding locations used by the Mexico DPS (and migratory routes to get to aggregation areas) are adjacent to large human population centers. The DPS may, therefore, be exposed to adverse effects from a number of human activities, including fishing activities (possible competition with fisheries), effluent and runoff from human population centers as coastal development increases, activities associated with oil and gas development, and a great deal of vessel traffic.

Southern California humpback whales were found to have the highest levels of DDT, PCBs, and PBDEs of all North Pacific humpback whales sampled on their feeding grounds (Elfes *et al.,* 2010). The DDT levels detected were greater than those found in the typically more contaminated Gulf of Maine humpback whales, possibly due to the historical dumping of DDT off Palos Verdes Peninsula (Elfes *et al.,* 2010). It is not possible to state unequivocally if population level impacts occur as a result of these contaminant loads, but Elfes *et al.* (2010) suggested the levels found in humpback whales are unlikely to have a significant impact on their persistence as a population.

There are currently numerous active oil and energy leases and offshore oil rigs off the U.S. west coast. Offshore LNG terminals have been proposed for California and Baja California. The feeding grounds for this DPS are therefore an active area with regard to energy exploration and development. However, there are no plans at present to open the West Coast to further drilling. Alternative energies, such as wind and wave energy, may be developed in the future in this region. Currently, the threat posed to this DPS by energy exploration and development is low, and is considered stable.

Naturally occurring biotoxins from dinoflagellates and other organisms are known to exist within the range of this DPS, though there are no records of known humpback whale deaths attributable to biotoxin exposure in the Pacific. The occurrence of HABs is expected to increase with nutrient runoff associated with the growth of various types of human-related activities. The level of certainty in the impacts of exposure to HABs is moderate.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

No whaling currently occurs in this DPS' range.

The Mexico humpback whale DPS is exposed to some whale watching activities in both U.S. and Mexican waters, but at low levels. Adverse effects from whale watching have not been documented, and overall impact of whale watching is expected to be low and stable.

This DPS is exposed to some scientific research activities in both U.S. and Mexican waters, but at relatively low levels. Adverse effects from research activities have not been identified, and overall impact is expected to be low and stable.

C. Disease or Predation

With regard to natural mortality of individuals in the Mexico DPS, humpback whales in the California feeding area had a higher incidence of rake marks attributed to killer whale attacks (20 percent) than in other feeding areas (Steiger *et al.,* 2008). The BRT noted that 44 percent of all flukes photographed from the Mexico humpback whale DPS are scarred with killer whale tooth rakes. Most of the attacks are thought to occur on calves in breeding/calving areas, and levels observed in the California group likely result from a propensity for killer whale attacks in Mexican breeding areas (Steiger *et al.,* 2008). Though a factor in the ensured longevity of this DPS, it does not appear to be preventing population recovery (Steiger *et al.,* 2008). The threat of predation was therefore ranked as low or unknown for all DPSs.

There is little to no information on the impacts of disease or parasites on the Mexico DPS.

D. Inadequacy of Existing Regulatory Mechanisms

Under Mexican law, all marine mammals are listed as ''species at risk'' and are protected under the General Wildlife Law (2000). Amendments to the General Wildlife Law to address impacts to whales by humans include: Areas of refuge for aquatic species; critical habitat being extended to aquatic species (including cetaceans); prohibition of the import and export of marine mammals for commercial purposes (enacted in 2005); and protocol for stranded marine mammals (2011). Mexican Standard 131 on whale watching includes avoidance distances and speeds, limits on number of boats, and protection from noise (no echo sounders). Two protection programs for humpback whales (regional programs for protection) have been proposed for the regions of Los Cabos and Banderas Bay (Bahia de Banderas).

NMFS issued a final rule (66 FR 29502; May 31, 2001) effective in 2001 in waters within 200 nautical miles (370 km) of Alaska, making it unlawful for a person subject to the jurisdiction of the United States to (a) approach within 100 yards (91.4 m) of a humpback whale, (b) cause a vessel or other object to approach within 100 yards (91.4 m) of a humpback whale, or (c) disrupt the normal behavior or prior activity of a whale. Exceptions to this rule include approaches permitted by NMFS; vessels which otherwise would be restricted in their ability to maneuver; commercial fishing vessels legally engaged in fishery activities; state, local and Federal government vessels operating in official duty; and the rights of Alaska Natives. As is true for the Hawaii DPS, this rule provides some protection from vessel strikes to Mexico DPS individuals while in their feeding grounds.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

This DPS is likely exposed to relatively high levels of underwater noise resulting from human activities. These may include, for example, commercial and recreational vessel traffic, and activities in U.S. Navy test ranges. The overall population-level effects of exposure to underwater noise are not well-established, but exposure is likely chronic and at relatively high levels. As vessel traffic and other activities are expected to increase, the level of this threat is expected to increase. The level of confidence in this information is moderate.

Of the 17 records of stranded whales in Washington, Oregon, and California in the NMFS stranding database, three involved fishery interactions, two were attributed to vessel strikes, and in five cases the cause of death could not be determined (Carretta *et al.,* 2010). Specifically, between 2004 and 2008, 14 humpback whales were reported seriously injured in commercial fisheries offshore of California and two were reported dead. The proportion of these that represent the Mexican breeding population is unknown. Fishing gear involved included gillnet, pot, and trap gear (Carretta *et al.,* 2010). Between 2004 and 2008, there were two humpback whale mortalities resulting from ship strikes reported and eight ship strike attributed injuries for unidentified whales in the California-Oregon-Washington stock as defined by NMFS, and some of these may have

been humpback whales (Carretta *et al.,* 2010). The Mexico DPS is known to also use Alaska and British Columbia waters for feeding (Calambokidis *et al.,* 2008). Numerous collisions have been reported from Alaska and British Columbia (where shipping traffic has increased 200 percent in 20 years) (Neilson *et al.,* 2012). According to a summary of Alaska ship strike records, an average of 5 strikes a year was reported from 1978–2011 (Neilson *et al.,* 2012). However, effects in Alaska may be mitigated by the vessel approach regulations discussed above (66 FR 29502; May 31, 2001) and by NMFS outreach to the cruise ship industry to share information about whale siting locations.

Overall population level effects from global climate change are not known; nonetheless, any potential impacts resulting from this threat will almost certainly increase. The BRT concluded that currently climate change is not a risk to the DPS, but the level of confidence in the magnitude of this threat is poor.

In summary, all threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown for the Mexico DPS, with the following exception: Fishing gear entanglements are considered likely to moderately reduce the population size or the growth rate of the Mexico DPS.

Central America DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Human population growth and associated coastal development, including port expansions and the presence of water desalinization plants, are some of the potential threats to the Central America DPS. The presumed migratory route for this DPS lies in the coastal waters off Mexico and includes numerous large and growing human population centers from Central America north along the Mexico and U.S. coasts. The California and Oregon feeding grounds are the most ''urban'' of all the North Pacific humpback whale feeding grounds, resulting in relatively constant anthropogenic exposure for the individuals of this DPS. However, the high degree of coastal development is not preventing the increase of humpback whales in this area, and it is considered to be a low level threat.

Associated with this proximity to urban areas is a high level of exposure to man-made contaminants. Elevated levels of DDTs, PCBs, and PBPEs have been observed in ''southern California'' humpback whales; levels were higher than observed in humpback whales from the North Atlantic's Gulf of Maine feeding ground (Elfes *et al.,* 2010). These levels may be linked to historical dumping of DDTs off the Palos Verdes Peninsula, CA (Elfes *et al.,* 2010). However, the levels observed are not expected to have a significant effect on population growth (Elfes *et al.,* 2010). DDT and PCB levels are likely to decrease in feeding areas because use of these chemicals has been banned in the United States, but PBDEs may still be increasing.

Energy exploration and development activities are present in this DPS' habitat range. There are currently numerous active oil and energy leases and offshore oil rigs off the U.S. west coast. Offshore LNG terminals have been proposed for California and Baja California. The feeding grounds for this DPS are therefore an active area with regard to energy exploration and development. However, there are no plans at present to open the West Coast to further drilling. Alternative energies, such as wind and wave energy, may be developed in the future in this region. Currently, the threat posed to this population by energy exploration and development is low, and is considered stable.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Whale-watching tourism and scientific research occur, at relatively low levels, on both the feeding and breeding grounds of the Central America DPS as well as along the migratory route. Whale-watching is highly regulated in U.S. waters. Many Central American countries also have whale-watching guidelines and regulations in the breeding ground of this population. Whale-watching is therefore not considered a threat to this population. Scientific research activities such as observing, collecting biopsies, photographing, and recording underwater vocalizations of whales occurs throughout this DPS' range, though no adverse effects from these events have been recorded.

No whaling currently occurs in this DPS' range.

C. Disease or Predation

There is little information on the impacts of disease, parasites or algal blooms on the Central America DPS. HABs of dinoflagellates and diatoms exist within the feeding range of this DPS, but there have been no records of humpback whale deaths as a result of exposure. The occurrence of HABs is expected to increase with the growth of various types of human-related activities but does not pose a threat to this population currently.

Though the occurrence and impacts of predation on humpback whales is not well understood, some evidence of killer whale and shark attacks exists for this DPS. Evidence of killer whale attacks is relatively high in California waters, with 20 percent of humpback whales showing scars from previous attacks (Steiger *et al.,* 2008). Scars from attacks are believed to have originated in the winter when whales are in Mexican and Central American waters. However, this is not regarded as a serious threat to population growth. Shark predation likely occurs as well, though it is not known to what degree; it does not appear to be adversely impacting this DPS.

D. Inadequacy of Existing Regulatory Mechanisms

No regulatory mechanisms specific to the Central America DPS were identified.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

There is no evidence to suggest that competition with fisheries poses a threat to this DPS. Humpback whales in southern and central California feed on small schooling fish, including sardine, anchovy, and herring, all of which are commercially harvested species. In addition, they also feed on krill, which are not harvested off the U.S. west coast. Humpback whales are known to be foraging generalists. Although their piscivorous prey is subject to naturally- and anthropogenically-mediated fluctuations in abundance, there is no indication that fishery-related takes are substantially decreasing their food supply.

This DPS is likely exposed to relatively high levels of underwater noise resulting from human activities, including commercial and recreational vessel traffic, and activities in U.S. Navy test ranges. Exposure is likely chronic and at relatively high levels. It is not known if exposure to underwater noise affects humpback whale populations, and this threat does not appear to be significantly impacting current population growth.

Vessel collisions and entanglement in fishing gear pose the greatest threat to this DPS. Especially high levels of large vessel traffic are found in this DPS' range off Panama, southern California, and San Francisco. Several records exist of ships striking humpback whales (Carretta *et al.,* 2008; Douglas *et al.,* 2008), and it is likely that not all

incidents are reported. Two deaths of humpback whales were attributed to ship strikes along the U.S. West Coast in 2004–2008 (Carretta *et al.,* 2010). Ship strikes are probably underreported, and the level of associated mortality is also likely higher than the observed mortalities. Vessel collisions were determined to pose a medium risk (level 2) to this DPS, especially given the small population size. Shipping traffic will probably increase as global commerce increases; thus, a reasonable assumption is that the level of ship strikes will also increase.

Between 2004 and 2008, 18 humpback whale entanglements in commercial fishing gear off California, Oregon, and Washington were reported (Carretta *et al.,* 2010), although the actual number of entanglements may be underreported. Effective fisheries monitoring and stranding programs exist in California, but are lacking in Central America and much of Mexico. Levels of mortality from entanglement are unknown and do vary by region, but entanglement scarring rates indicate a significant interaction with fishing gear.

Currently there is no aquaculture activity on the feeding grounds of this DPS, though migrating individuals may encounter some aquaculture operations in coastal waters off Mexico. Humpback whales in this DPS are not considered to be adversely affected by aquaculture.

Overall population level effects from global climate change are not known; nonetheless, any potential impacts resulting from this threat will almost certainly increase. Humpback whales feeding off southern and central California have a flexible diet that includes both krill and small pelagic fishes. Acidification of the marine environment has been documented to impact the physiology and development of krill and other calcareous marine organisms, which may reduce their abundance and subsequent availability to humpback whales in the future (Kurihara, 2008). However, the diet flexibility of humpback whales in this region may give this DPS some resilience to a climate change effect on their prey base compared to Southern Hemisphere humpback whales that have a more narrow krill-based diet. Currently, climate change does not pose a significant threat to the growth of this DPS.

In summary, vessel collisions and fishing gear entanglements are considered likely to moderately reduce the population size or the growth rate of the Central America DPS. All other threats are considered likely to have no or minor impact on population size and/or the growth rate, or are unknown for the Central America DPS.

Brazil DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Human population growth and associated coastal development represent potential threats to coastal populations of humpback whales. These can take many forms, including chemical pollution, increase in ship traffic and underwater noise levels. The coast of Brazil has experienced various levels of human development within the range of humpback whales. These are of greater intensity along the northeastern coast of the country (between 5° and 12° S), where large human settlements are found (the three main cities—Salvador, Recife and Natal—have 1–3 million inhabitants and have observed population increases of 3 percent per year since the early 1970s) (Instituto Brasileiro de Geografia e Estatística, 2010). Such population growth has resulted in a substantial rise in effluent discharge in coastal areas used by humpback whales during the breeding season. The stretch of the coast where the largest concentration of humpback whales is found (Abrolhos Bank, 16°–18° S) has not had the same level of human growth and is relatively pristine compared to areas farther to the north.

There is no evidence that human population growth has had any major direct impact on western South Atlantic humpback whales. In fact, the Brazil DPS has shown strong signs of recovery in the same period in which human growth occurred adjacent to the breeding grounds. Shifts in habitat use and abundance may have occurred on a local basis, but no studies have been conducted to assess these changes. Effects of chemical pollution are largely minimized because these whales do not feed in the tropical wintering grounds. The feeding grounds of this DPS are located in relatively remote offshore areas in the Southern Ocean where human activities have been minimal. While potential impacts are unknown, they are probably small in these areas. The current threat of coastal development to this population was ranked as low, but is considered to be increasing.

The construction of new ports along the coast of Brazil has been stimulated by the country's recent economic growth as well as the rapid development of the oil and gas industry. Therefore, a resultant increase in ship traffic will likely increase the probability of ship strikes and possibly result in greater humpback whale mortality off Brazil. The threat posed by energy exploration and development was ranked low but increasing.

The effects of contaminants on this population are unknown. The occurrence of HABs is expected to increase with increased run-off and nutrient input from human-related activities; however, HABs do not pose a threat to this population currently.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

A seasonal humpback whale-watching industry exists in some parts of the wintering grounds off Brazil. In the Abrolhos Bank, the area of greatest humpback whale concentration, whale-watching is usually associated with other tourist activities. The Bank contains large coral reef formations, and the associated biological diversity makes this region an important diving/snorkelling center. Despite great potential, expansion of whale-watching in this region is difficult because of poor tourism infrastructure and because whales are far away from the coast relative to other areas (Cipolotti *et al.,* 2005).

A more established whale-watching industry operates farther to the north, near Praia do Forte and Salvador. Most whale watching tours in Bahia State depart from Praia do Forte (Hoyt and Iníguez, 2008). In other parts of the humpback wintering grounds (*e.g.,* Ilhéus, Itacaré, Porto Seguro), whale-watching can occur in an opportunistic fashion. Often, fishermen are hired to take groups of tourists to see whales, but these are unregulated and occasional. Because of the relatively small scale, whale-watching activities possibly cause limited, if any, impact on the Brazil DPS of the humpback whale. This threat is considered low.

There is currently no commercial whaling in this region.

This humpback whale DPS is exposed to scientific research activities, but adverse effects from research activities have not been identified, and overall impact is expected to be low and stable.

C. Disease or Predation

There are studies of disease in the Brazil DPS of the humpback whale, but no indication that it presents a risk to the DPS. Stranded whales have shown different types of bone pathologies (Groch *et al.,* 2005), but the incidence of these pathologies are not well known.

A recent increase in humpback whale mortality has occurred along the coast of Brazil. The number of carcasses seen floating at sea or found ashore in 2010

(96 individuals) was nearly 3 times the average for the period 2002–2009 (29.5 individuals). Mortalities dropped in 2011 (39), but they have increased in subsequent years (47 in 2012; 51 in 2013; 55 to date in 2014, with not many more expected for the rest of 2014) (Milton Marcondes, Humpback Whale Institute Brazil, pers. comm., 2014). The causes for this increased mortality are not well understood and are under investigation (Humpback Whale Institute Brazil, unpublished data). However, while mortalities are high, they are not unusually high. Despite these mortalities, the DPS appears to continue to increase in abundance.

Killer whales appear to be one of the main predators of humpback whales, especially of calves and immature individuals (Clapham, 2000). While predation can represent an important source of neonatal/juvenile mortality (Steiger *et al.,* 2008), no studies have been conducted to assess its effects on this DPS.

D. Inadequacy of Existing Regulatory Mechanisms

Diving with whales is prohibited by Federal law in Brazil, but opportunistic whale-watching occurs during diving trips (Morete *et al.,* 2003). Most whale-watching operations are concentrated within the Abrolhos National Park and therefore are highly controlled. The maximum number of boats allowed within the park is 15 (Hoyt, 2000).

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The threats posed by offshore aquaculture and competition with fisheries were considered low for the Brazil DPS of humpback whales.

Entanglements in various types of fishing nets have been increasing in the wintering areas (Zerbini and Kotas, 1998), but there is no current estimate of mortality. Reports from fishermen indicate that a large proportion of entanglements are comprised of calves (Zerbini and Kotas, 1998). In the past 20 years, the number of entanglement cases observed or reported has increased substantially as has the proportion of whales seen in wintering grounds, with evidence (*e.g.,* scars) of entanglement in fishing gear (Siciliano, 1997; Groch *et al.,* 2008)). Interactions of humpback whales with fisheries have been observed throughout the wintering ground, and they seem to be increasing as the population grows and re-occupies new or historical habitats. However, there is currently no assessment on the proportion of entanglements resulting in mortality and no estimates of fishery-related mortality for this DPS. The threat of entanglements was considered low but increasing.

Ship collisions are a well-known cause of mortality in humpback whales (Laist *et al.,* 2001), but their incidence among humpback whales in the Brazil DPS is not well known. Reports of collisions with whales have been provided by fishermen and recreational boaters. In addition, photographic/physical evidence of ship strikes has been recorded throughout the wintering grounds off Brazil (*e.g.,* Marcondes and Engel, 2009). These events have been increasing and seem to be correlated with population recovery, but their conservation implications require further studies (Bezamat *et al.,* 2014). In areas of high whale density (*e.g.,* the Abrolhos Bank), collisions between whales and fishing boats have resulted in permanent damage to the boats. The fate of whales involved in these accidents is not known (Andriolo, unpublished data). Ship strikes were considered a low, but increasing, threat to this DPS of humpback whales.

The increase in coastal development and ship traffic, the construction of new ports and the expansion of offshore oil and gas extraction have resulted in a rise of underwater noise levels along the breeding range of humpback whales. Concerns about effects of noise include disruption of behavior, interference with communication, displacement from habitats and, in extreme cases, physical damage to hearing (Nowacek *et al.,* 2007). Few studies have been carried out to assess whether and how an increase in noise levels has impacted the Brazil DPS. Research conducted in Abrolhos Bank (Sousa-Lima and Clark, 2008; Sousa-Lima and Clark, 2009) showed that the number of singing whales diminished in the presence of low-frequency boat noise and that singing whales stopped calling and changed direction of movement if the sound source was within 7.5km on average. Anthropogenic noise was considered a low, but increasing, threat to the Brazil DPS of humpback whales.

Climate change may impact the Brazil DPS of humpback whales in multiple ways. Sea level rise, ocean warming and ocean acidification may all negatively impact the reef system, which provides shallow, protected waters for breeding. Ocean acidification also has a documented impact on krill growth and development (Kurihara, 2008), and krill is the primary prey item for Southern Hemisphere humpback whales. Krill are tightly associated with sea ice (Brierley *et al.,* 1999; Brierley *et al.,* 2002), and decreasing sea ice may negatively impact krill abundance and/or distribution. Decreases in krill abundance have been observed around the Antarctic Peninsula (Atkinson *et al.,* 2004). Overall population level effects from global climate change and anthropogenic noise are not well known and the threat was ranked low, based on the premise that krill would need to be substantially reduced in order to put humpback whales at risk of extinction. As discussed above under *Section 4(a)(1) Factors Applicable to All DPSs,* the BRT did not think the linkage between climate change and future krill production was sufficiently well understood to rate it as moderate or high risk. Nonetheless, any potential impacts resulting from these threats will almost certainly increase, but not in the foreseeable future.

In summary, all threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown for the Brazil DPS.

Gabon/Southwest Africa DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

For humpback whales using the waters of central western Africa, expanding offshore hydrocarbon extraction activity now poses an increasing threat (Findlay *et al.,* 2006). The degree to which humpback whales are affected by offshore hydrocarbon extraction activity is not known, but it is believed that long-term exposure to low levels of pollutants and noise, as well as the drastic consequences of potential oil spills, could have conservation implications.

The Gulf of Guinea region suffers from pollution and habitat degradation, both from major coastal cities (Lagos, Accra, Libreville, Porto-Nevo) that dispense raw sewage and untreated toxic waste into the marine environment (United Nations Environment Programme, 1999), and from unregulated foreign trawling and oil and gas developments (Chidi Ibe, 1996). The practice of mining construction materials from the near-shore coastal zone (*e.g.,* sand and gravel) is also common in this region, which contributes to habitat degradation (Chidi Ibe, 1996). The threat of coastal development is considered low, but increasing.

Certain naturally occurring biotoxins from dinoflagellates and other organisms may exist within the range of this DPS, although humpback whale deaths as a result of exposure have not been documented in this DPS. The occurrence of HABs is expected to increase with the growth of various types of human-related activities. The

level of confidence in the predicted increase is moderate.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

No commercial whaling occurs in this DPS' range.

A small hunt, not regulated by the IWC, is also thought to exist in the Gulf of Guinea at the island of Pagalu (Aguilar, 1985; Reeves, 2002). No information exists on the fishery since 1975, but as of 1970, whales were still being taken in the area. This hunt would affect the Gabon/Northwest Africa DPS in the breeding grounds, but we have no information to indicate that it contributes significantly to the extinction risk of the DPS. If there is an aboriginal hunt at Pagalu, it is estimated to be 3 or less individuals per year.

Whale-watching in the Gulf of Guinea region is small in scale, with small humpback whale-watching industries documented in Benin, Gabon, São Tomé and Príncipe (O'Connor *et al.,* 2009). Whale-watching in South Africa is mainly focused on right whales, with humpback whales watched opportunistically. Boat-based whale-watching has grown 14 percent in the last decade, and is concentrated in the western Cape region; South Africa now numbers among the top ten destinations for whale-watching worldwide (O'Connor *et al.,* 2009). Whale-watching in Namibia is primarily focused on dolphins, and has seen 20 percent growth since 2008. The threat posed to this DPS by whale-watching is considered low.

This humpback whale DPS is exposed to scientific research activities, but adverse effects from research activities have not been identified, and overall impact is expected to be low and stable.

C. Disease or Predation

There are no reports of disease in this DPS and levels of parasitism are unknown. Predation likely occurs, though it is not known to what degree but it does not appear to be adversely impacting this DPS.

D. Inadequacy of Existing Regulatory Mechanisms

There are regulations in place for all whale-watching activity in South Africa (Carlson, 2007).

E. Other Natural or Manmade Factors Affecting Its Continued Existence

There is no known/reported competition with fisheries to the Gabon/Southwest Africa DPS; this threat is therefore considered low and stable. The threat of offshore aquaculture is considered low.

Certain potential and real effects on cetaceans and other fauna are expected to increase due to the growth of industry activities, including noise disturbance from seismic surveys (Richardson *et al.,* 1995). Changes in their behavioral patterns or displacement from migratory, mating, and especially important calving and nursing habitats could impact reproductive success and calf survival during critical stages of development.

Rapid increases in shipping and port construction throughout the Gulf of Guinea (Van Waerebeek *et al.,* 2007) are likely to increase the risks of ship strikes for humpback whales. Whales are reported as stranding in Benin, with wounds suspected as originating from ship strikes (Van Waerebeek *et al.,* 2007). There are no dedicated stranding networks in the region, and ship strikes with oil tankers and other vessels have not been documented. Collisions with vessels are not likely to be a major threat considering the size of the DPS.

There are entanglement risks for humpback whales in these regions, including a growing commercial shrimp industry off Gabon (Walsh *et al.,* 2000), and an expansion in unregulated fishing by foreign fleets in Gulf of Guinea waters (Collins, pers. comm.; Chidi Ibe, 1996; Brashares *et al.,* 2004). Entanglement in fishing gear occurs, but it is not likely to be a major threat considering the size of the DPS.

Climate change may impact the Gabon/Southwest Africa DPS of humpback whales in multiple ways. Sea level rise, ocean warming and ocean acidification may all negatively impact the reef system, which provides shallow, protected waters for breeding. Ocean acidification also has a documented impact on krill growth and development (Kurihara, 2008), and krill is the primary prey item for Southern Hemisphere humpback whales. Krill are tightly associated with sea ice (Brierley *et al.,* 1999; Brierley *et al.,* 2002), and decreasing sea ice may negatively impact krill abundance and/or distribution. Decreases in krill abundance have been observed around the Antarctic Peninsula (Atkinson *et al.,* 2004). Overall population level effects from global climate change and anthropogenic noise are not known and the threat was ranked low, based on the premise that krill would need to be substantially reduced in order to put humpback whales at risk of extinction. As discussed above under Section 4(a)(1) Factors Applicable to All DPSs, the BRT did not think the linkage between climate change and future krill production was sufficiently well understood to rate it as moderate or high risk. Nonetheless, any potential impacts resulting from these threats will almost certainly increase.

In summary, all threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown for the Gabon/Southwest Africa DPS, with the exception of energy exploration posing a moderate threat throughout the west coast of Africa.

Southeast Africa/Madagascar DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Human populations are growing rapidly in coastal areas in Madagascar and East Africa, which may contribute, generally, to humpback whale habitat degradation and related negative influences.

Until recently, oil and gas reserves in east Africa were largely unexplored. However, recently, a number of offshore seismic oil and gas surveys have been conducted in Mozambique, Tanzania, Madagascar and the Seychelles. As a result, drilling is now either underway or planned in all of these regions (Frynas, 2004; Findlay *et al.,* 2006). As noted elsewhere, such activity brings threats of increased underwater noise from the exploration and development phases themselves, and increased vessel activity; the possibility of an oil spill; possible habitat degradation from such things as drill spoils and dredging; and vessel collisions. In Madagascar, offshore development has been concentrated on the northwest coast; in Mozambique it is concentrated in the Mozambique Basin, Zambezi delta region, while development in Tanzania has been most focused on coastal Zanzibar. Humpback whales occur seasonally in all of these regions.

Levels of exposure of humpback whales in this region to various pollutants are not known, nor is the occurrence of HABs. Trends in the extent of this threat likewise are not known.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Whale-watching activities are growing rapidly in waters off Mozambique; yet, these are poorly regulated (O'Connor *et al.,* 2009). Most of these activities are locally based and involve motorized boats, recreational fishing boats, and dive boats. Whale-watching in South Africa is mainly focused on right whales, although the industry at St

Lucia in KwaZulu Natal province is focused on southwestern Indian Ocean humpback whales. Recent political instability in Madagascar has limited the growth rate of whale-watching activities in this region, although growth between 1998–2008 was still estimated at about 15 percent, with the main industry focused on humpback whales frequenting the Ile Ste Marie/Antongil Bay region, and over 14,000 tourists participating in whale watch tours by 10–15 operators in 2008 (O'Connor *et al.,* 2009). Whale watch tourism in Mayotte is small-scale, but has expanded rapidly, from no industry in 1998 to 10,000 annual whale watchers in 2008 (O'Connor *et al.,* 2009), with a focus on a range of cetacean species. In Mauritius large cetacean watching is a minimal component of the whale watch industry and is therefore unlikely to have much impact (O'Connor *et al.,* 2009). An industry for watching humpback whales in Mauritius commenced in 2008 (Fleming and Jackson, 2011).

No commercial whaling occurs in this DPS' range. This humpback whale DPS is exposed to scientific research activities, but at low levels. Adverse effects from research activities have not been identified, and overall impact is expected to be low and stable.

C. Disease or Predation

There is little to no information on the impacts of disease, parasites, or predation on this DPS.

D. Inadequacy of Existing Regulatory Mechanisms

Apparently, there are no local, national, or regional measures in place or contemplated to reduce the impact of habitat-related threats.

There is a voluntary code of conduct for operators of whale-watching boats in waters off Mozambique, but at present this is poorly upheld and no formal regulations or enforcement are currently in place (O'Connor *et al.,* 2009). The whale-watching industry off Madagascar has recently developed some guidelines for the protection of humpback whales, which were passed as legislation in 2000 with local regulations for Ile Sainte Marie (Fleming and Jackson, 2011) and Antongil Bay (Journal Officiel de la Republique de Madagascar, 2000). In the Mascarene Islands, the expanding whale-watching industry in La Réunion (3,000 tourists estimated in 2008) is currently unregulated. There are regulations in place for all whale-watching activity in South Africa (Carlson, 2007).

Fishing activities are prohibited in localized marine protected areas in Mayotte, Moheli (in the Comoros Archipelago), Madagascar (northeast coast), Aldabra (under protection as a UNESCO World Heritage Site) and the coastal region between Southern Mozambique and South Africa, so entanglement in fishing gear should not be a problem in these areas.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Little is known/reported on interaction of humpback whales in this DPS with fisheries, nor are there any current or planned offshore aquaculture sites in the region. These threats are therefore considered low and stable.

Information regarding fisheries and other activities is limited. Kiszka *et al.* (2009) and Razafindrakoto *et al.* (2008) provided summaries of humpback whale entanglement and strandings based on interviews with artisanal fishing communities. Substantial gillnet fisheries have been reported in the near-shore waters of the coasts of mainland Africa and Madagascar; and to a lesser extent in the Comoros Archipelago, Mayotte and Mascarene Islands, where such practices are hindered by coral reefs and a steep continental slope bathymetry (Kiszka *et al.,* 2009). Stranding reports and observations from Tanzania and Mozambique have mostly implicated gillnets, with most Madagascan entanglements associated with long-line shark fishing (Razafindrakoto *et al.,* 2008). In Mayotte, humpback whales have been observed with gillnet remains attached to them (Kiszka *et al.,* 2009), although no fatalities have yet been documented. Industrial fishing operations, including longlines and drift longlines on fish aggregation devices, purse seine and midwater trawling, occur in waters off Mauritius. The extent of bycatch and entanglement in these waters is unknown (Kiszka *et al.,* 2009). Strandings and bycatch data from 2001–2005 from South Africa indicated an estimated 15 humpback whales entangled in shark nets (large-mesh gillnets) in KwaZulu Natal province (only one death), while nine stranded whales were reported from the south and east coasts (IWC, 2002b; IWC, 2003; IWC, 2004b; IWC, 2005b; IWC, 2006b).

The range of this DPS includes some growing centers of human activities. Although there are no known records of ship struck humpback whales in this region, the amount of vessel traffic suggests this is probably a low-level threat. However, a reasonable assumption is that the amount of vessel traffic, and the level of the threat, is likely to increase as commercial shipping, recreational boating, and whale-watching, oil and gas exploration and development, and fishing activities increase.

This DPS is likely exposed to relatively high levels of underwater noise resulting from human activities, including, for example, commercial and recreational vessel traffic, and activities related to oil and gas exploration and development. Overall population-level effects of exposure to underwater noise are not well established, but exposure is likely chronic and at moderate levels. As vessel traffic and other activities are expected to increase, the level of this threat is expected to increase. The level of confidence in this information is moderate.

Climate change may impact the Southeast Africa/Madagascar DPS of humpback whales in multiple ways. Sea level rise, ocean warming and ocean acidification may all negatively impact the reef system, which provides shallow, protected waters for breeding. Ocean acidification also has a documented impact on krill growth and development (Kurihara, 2008), and krill is the primary prey item for Southern Hemisphere humpback whales. Krill are tightly associated with sea ice (Brierley *et al.,* 1999; Brierley *et al.,* 2002), and decreasing sea ice may negatively impact krill abundance and/or distribution. Decreases in krill abundance have been observed around the Antarctic Peninsula (Atkinson *et al.,* 2004). Overall population level effects from global climate change and anthropogenic noise are not known and the threat was ranked low, based on the premise that krill would need to be substantially reduced in order to put humpback whales at risk of extinction. As discussed above under Section 4(a)(1) Factors Applicable to All DPSs, the BRT did not think the linkage between climate change and future krill production was sufficiently well understood to rate it as moderate or high risk. Nonetheless, any potential impacts resulting from these threats will almost certainly increase.

In summary, all threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown for the Southeast Africa/Madagascar DPS, with the exception of fishing gear entanglements posing a moderate threat to the DPS.

West Australia DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The threat posed by energy development to the Western Australia population was considered medium

because of the substantial number of oil rigs and the amount of energy exploration activity in the region inhabited by the whales (indicator CO–26 in (Beeton *et al.,* 2006)). Additionally, there are proposals for many more oil platforms to be built in the near future, which are highly likely to be executed (Department of Industry and Resources, 2008).

Coastally populated areas are increasing rapidly, and while the threat associated with coastal development is currently considered low, it is expected to increase. Although contaminant levels in humpback whales in this region are unknown, the threat level was considered low given what is known of contaminant levels in other populations.

There have been no records of humpback whale deaths as a result of exposure to HABs in this DPS, thus the threat is considered low.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

No whaling occurs in this DPS' range.

Whale-watching tourism and scientific research occur, at relatively low levels, throughout this DPS' range. Therefore, these threats are considered low.

C. Disease or Predation

There are no recent studies of disease or parasitism in this DPS, but there are no indications that they represent a substantial threat to the DPS.

D. Inadequacy of Existing Regulatory Mechanisms

No regulatory mechanisms specific to the West Australia DPS were identified.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Competition with fisheries is considered a low threat to humpback whales off the coast of Western Australia due to the lack of spatial and temporal overlap with fisheries and whales. The threat of offshore aquaculture is considered low, but aquaculture activities may be increasing in this region. In the Southern Hemisphere, humpback whales feed almost entirely on krill (*Euphausia superba*). There is a regulated commercial harvest of krill, but harvest levels are currently small and there is no evidence that this threatens the food supply of humpback whales (Everson and Goss, 1991; Nicol *et al.,* 2008).

Coastally populated areas are increasing rapidly, with associated development of ports bringing increased risks of ship strikes. All ship strikes in Commonwealth waters must be reported by law, and a summary of these has been provided to the IWC annually since 2006. Since this time there has only been one report concerning a possible humpback ship strike in Western Australian waters (IWC, 2009b). The threat of ship strikes in Western Australia is considered low, but likely increasing.

There are 25 records of humpback whale entanglement events between 2003 and 2008 in this region, with western rock lobster fishing gear most frequently implicated (Doug Coughran, pers comm.; IWC, 2004a; IWC, 2005a; IWC, 2006a; IWC, 2007c; IWC, 2008). A rise in marine fishing debris has also been reported for the region (Environment Western Australia, 2007), which suggests that there may be an increasing risk of entanglement.

Climate change may impact the West Australia DPS of humpback whales in multiple ways. Sea level rise, ocean warming and ocean acidification may all negatively impact the reef system, which provides shallow, protected waters for breeding. Ocean acidification also has a documented impact on krill growth and development (Kurihara, 2008), the primary prey item for Southern Hemisphere humpback whales. Krill are tightly associated with sea ice (Brierley *et al.,* 1999; Brierley *et al.,* 2002), and decreasing sea ice may negatively impact krill abundance and/or distribution. Decreases in krill abundance have been observed around the Antarctic Peninsula (Atkinson *et al.,* 2004). Overall population level effects from global climate change and anthropogenic noise are not known and the threat was ranked low, based on the premise that krill would need to be substantially reduced in order to put humpback whales at risk of extinction. As discussed above under *Section 4(a)(1) Factors Applicable to All DPSs,* the BRT did not think the linkage between climate change and future krill production was sufficiently well understood to rate it as moderate or high risk. Nonetheless, any potential impacts resulting from these threats will almost certainly increase.

In summary, all threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown for the West Australia DPS, with the exception of energy exploration posing a moderate threat throughout Western Australia.

East Australia DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Whales migrating southward to the feeding grounds, as well as a portion of those migrating north, follow the east coast of Australia, and many or most are confined to a narrow corridor near the coast (Bryden, 1985; Noad *et al.,* 2008) passing several large cities. Increasing coastal development is possible in these areas, but they represent a minor portion of the total migratory route. As with coastal development, sources of pollution for the east Australia DPS are concentrated in a few locations along the migratory route. The breeding area for this DPS is primarily within the Great Barrier Reef Marine Park (Chittleborough, 1965; Simmons and Marsh, 1986), which has a comprehensive set of state and Federal protection laws. However, during tropical floods, farmland runoff may bring significant quantities of pollutants (pesticides, fertilizers) down several rivers that empty into the Great Barrier Reef area (Haynes and Michalek-Wagnera, 2000). To date there are no known documented impacts of contaminants on humpback whale survival and fecundity. Oil and gas production occurs in Bass Strait (Australian Government, 2006), a region used by some whales of this DPS as they migrate to feeding grounds. Overall, these threats were considered to pose a low risk to this DPS.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Anthropogenic disturbance of this DPS occurs primarily on the breeding ground. Whale-watching tourism in eastern Australia (Queensland) has seen an annual average growth rate of 8.5 percent since 1998 (this includes boat and land-based operations and both whale- and dolphin-watching trips; O'Connor *et al.,* 2009). In New South Wales, boat-based whale- and dolphin-watching has seen a 2.6 percent increase between 2003 and 2008.

Scientific research activities on this DPS occur at the feeding grounds, breeding grounds and along the migratory route. Photo-identification studies, biopsy efforts and other field studies do exist. However, adverse effects from research activities have not been documented and threats are considered low. Finally, scientific whaling proposed by Japan in the Antarctica feeding grounds would occur in areas where the East Australia DPS is known to feed (Nishiwaki *et al.,* 2007).

However, at this time no whaling in these feeding grounds is occurring.

C. Disease or Predation

There is little to no information on the impacts of disease, parasites or predation on this DPS. Evidence for killer whale interaction is documented, and 17 percent of photo-identified humpback whales in East Australia show scarring on their flukes, most of which is consistent with interactions with killer whales (Naessig and Lanyon, 2004). There is no evidence to suggest that this level of predation is outside the norm for the DPS. Given the population size and current growth rate, disease, predation and parasitism seem unlikely to pose a significant threat to this DPS.

D. Inadequacy of Existing Regulatory Mechanisms

Oil and gas exploration and drilling are prohibited within the Great Barrier Reef Marine Park.

Queensland has a substantial whale-watching management program (O'Connor *et al.,* 2009), including restricting access to areas deemed essential for humpback conservation, and Australia has national whale-watching guidelines. With these regulations in place, the BRT considered the threat level from whale-watching to be low.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

There is no published information on negative impacts of offshore aquaculture, competition with fisheries, or HABs on this DPS. In the Southern Hemisphere, humpback whales feed almost entirely on krill (*Euphausia superba*). There is a regulated commercial harvest of krill, but harvest levels are currently small and there is no evidence that this threatens the food supply of humpback whales (Everson and Goss, 1991; Nicol *et al.,* 2008).

Vessel collisions and entanglement in fishing gear pose the greatest anthropogenic risks to the East Australia DPS. Thirteen ship-strike incidents and five deaths have been reported between 2003 and 2008 (summarized in Fleming and Jackson, 2011) and an additional ship-strike was recorded in 2009 with the whale being seriously injured (IWC, 2010a). Both fishing vessels and commercial vessels have been involved in these incidents. Given the probable increase in fishing, tourism and commercial shipping, the threat is likely to increase. Entanglements are regularly reported along the east coast of Australia and 57 entanglements have been documented between 2003–2008, with 13 confirmed deaths (Fleming and Jackson, 2011). In addition, six humpback whales were entangled in shark control nets and released in 2009 (IWC, 2010b). These totals are likely underestimates as not all entanglements are reported and some are not identified to species. The majority were recorded in shark nets and occurred along the migratory route (Fleming and Jackson, 2011). Although not insignificant, given the population size and estimated growth rate, the threat level posed by these factors is considered low. Anthropogenic noise is also a possible threat to this DPS. There are several commercial shipping routes through the Great Barrier Reef breeding ground and along the coastal migratory route that likely result in some underwater noise exposure. Migration through Bass Strait would also expose whales to energy exploration and production noise. There is no information concerning exposure of whales to underwater military activities.

Climate change may impact the East Australia DPS of humpback whales in multiple ways. Sea level rise, ocean warming and ocean acidification may all negatively impact the reef system, which provides shallow, protected waters for breeding. Ocean acidification also has a documented impact on krill growth and development (Kurihara, 2008), the primary prey item for Southern Hemisphere humpback whales. Krill are tightly associated with sea ice (Brierley *et al.,* 1999; Brierley *et al.,* 2002), and decreasing sea ice may negatively impact krill abundance and/or distribution. Decreases in krill abundance have been observed around the Antarctic Peninsula (Atkinson *et al.,* 2004). Overall population level effects from global climate change and anthropogenic noise are not known and the threat was ranked low, based on the premise that krill would need to be substantially reduced in order to put humpback whales at risk of extinction. As discussed above under *Section 4(a)(1) Factors Applicable to All DPSs,* the BRT did not think the linkage between climate change and future krill production was sufficiently well understood to rate it as moderate or high risk. Nonetheless, any potential impacts resulting from these threats will almost certainly increase.

In summary, all threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown for the East Australia DPS.

Oceania DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Surface run-off from nickel strip mines causes habitat degradation and pollution of lagoons in New Caledonia, which is one of the largest producers of nickel globally, yet the effect on the surrounding marine environment has been poorly monitored (*e.g.,* de Forges *et al.,* 1998; Labrosse *et al.,* 2000; Metian *et al.,* 2005). The threat to humpback whales in Oceania from coastal development and contaminants was considered low overall.

The BRT considered the threats of energy exploration and development and offshore aquaculture to the Oceania population to be low but increasing, due to the expected growth of these activities over the next several decades.

The level of threat posed by HABs to humpback whales in Oceania is unknown.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Some local whaling of humpback whales was carried out in French Polynesia (Rurutu), the Cook Islands and Tonga during the 20th century (Reeves, 2002), but this has ceased since 1960 at Rurutu (Poole, 2002), and since 1978 elsewhere (IWC, 1981). It does not appear that Tonga hunted whales before Europeans arrived in the region in the 19th century (Reeves, 2002). Tonga was used as a provisioning station for whaling vessels from the Northern Hemisphere while they operated in the South Pacific. Tongans then began conducting shore-based whaling in the late 1880s or early 1900s, and increasing demand prompted new boats and whalers to enter the growing industry (Reeves, 2002). Catch rates (whales landed) were estimated at 10–20 whales/year for the 1950s and 1960s and at least 3–8 whales/year for the mid-1970s (Reeves, 2002). In 1979, the Tonga Whaling Act was passed after a Royal Decree in 1978, prohibiting the catch of whales on what was originally designated as a temporary basis pending an assessment of the population by the IWC (Keller, 1982; Reeves, 2002; Kessler and Harcourt, 2012). However, no whaling has been carried out in Tonga since then. It is possible that this hunt was contributing significantly to the extinction risk of the Oceania DPS, but since no whaling has occurred there since 1979, it is no longer contributing to the DPS' extinction risk.

Humpback whales are under threat from unregulated scientific whaling in

the Antarctic waters directly to the south of Oceania. None have been taken to date, but an annual catch of 50 humpback whales was proposed by Japan in the 2007/2008 season (Nishiwaki *et al.,* 2007), as part of its JARPA II research program. This has been held in abeyance while Japan considers that progress is being made by the IWC in its meetings on the ''Future of the IWC.'' It is unlikely that the proposed take of humpback whales will be reinstated in the foreseeable future; in fact, Japan submitted its research proposal for the Antarctic on November 19, 2014, and it did not include any humpback whales (Government of Japan, 2014).

Whale-watching tourism exists in all four of the principal survey sites in Oceania, with strong growth in the last decade. There is no boat-based, dedicated whale watching industry in American Samoa at present. Humpback whales have been at particular risk from excessive boat exposure through whale watching in the Southern Lagoon of New Caledonia, where there are currently 24 working operators. Levels of exposure have been unusually high (peaking during weekend periods), with boats at a distance of less than 100m from calves 40 percent of the time and each whale exposed to an average of 3.4 boats for 2 hours daily (Schaffar and Garrigue, 2008). In 2008, commercial tour operators voluntarily signed a code of conduct, and subsequent compliance with this code has significantly reduced the level of daily exposure to boats (South Pacific Whale Research Consortium, 2009). Whale watching and other recreational or research-related activities were deemed by the BRT to pose a low level of threat in this region.

C. Disease or Predation

Mattila and Robbins (2008) reported raised skin lesions along the dorsal flanks of humpback whales in American Samoa. The lesions differ morphologically from the 'depressed' lesions caused by cookie cutter sharks and appear to persist for long periods on the skin, rather than either erupting or healing. There are no reports of these lesions in whaling records, suggesting that this phenomenon is recent. The cause of these lesions is currently unknown (Mattila and Robbins, 2008), but they are not considered a threat to the population.

D. Inadequacy of Existing Regulatory Mechanisms

Whale sanctuaries (local waters where whaling is prohibited) have since been declared in the Exclusive Economic Zones of French Polynesia, Cook Islands, Tonga, Samoa, American Samoa, Niue, Vanuatu, New Caledonia and Fiji (Hoyt, 2005), while whales are protected in New Zealand waters under the New Zealand Marine Mammal Protection Act.

Whale watching guidelines are in place in Tonga and New Caledonia, while boat-based whale watching in the Cook Islands, Samoa and Niue is minimal (O'Connor *et al.,* 2009).

E. Other Natural or Manmade Factors Affecting Its Continued Existence

There is little information available from the South Pacific regarding entanglement with fishing gear; two humpback whales have been observed in Tonga entangled in rope in one instance and fishing net in another (Donoghue, pers. comm.). One humpback mother (with calf) was reported entangled in a longline in the Cook Islands in 2007 (South Pacific Whale Research Consortium, 2008). Entanglement scars have been seen on humpback whales in American Samoa, but there are not enough data to determine an entanglement rate. Available evidence suggests that entanglement is a potential concern in regions where whales and stationary or drifting gear in the water overlap (Mattila *et al.,* 2010). The threat of entanglements was ranked low for the Oceania population.

There is little information available from the South Pacific regarding ship strikes. This threat was ranked low but is expected to increase as vessel activity in the region increases. Similarly, this DPS is likely exposed to moderate levels of underwater noise resulting from human activities, which may include, for example, commercial and recreational vessel traffic. Overall population-level effects of exposure to underwater noise are not well established, but as vessel traffic and other activities are expected to increase, the level of this threat is expected to increase.

In the Southern Hemisphere, humpback whales feed almost entirely on krill (*Euphausia superba*). There is a regulated commercial harvest of krill, but harvest levels are currently small and there is no evidence that this threatens the food supply of humpback whales (Everson and Goss, 1991; Nicol *et al.,* 2008). The threat of competition with fisheries was considered low for the Oceania DPS.

Climate change may impact the Oceania DPS of humpback whales in multiple ways. Sea level rise, ocean warming and ocean acidification may all negatively impact the reef system, which provides shallow, protected waters for breeding. Ocean acidification also has a documented impact on krill growth and development (Kurihara, 2008), the primary prey item for Southern Hemisphere humpback whales. Krill are tightly associated with sea ice (Brierley *et al.,* 1999; Brierley *et al.,* 2002), and decreasing sea ice may negatively impact krill abundance and/or distribution. Decreases in krill abundance have been observed around the Antarctic Peninsula (Atkinson *et al.,* 2004). Overall population level effects from global climate change and anthropogenic noise are not known and the threat was ranked low, based on the premise that krill would need to be substantially reduced in order to put humpback whales at risk of extinction. As discussed above under *Section 4(a)(1) Factors Applicable to All DPSs,* the BRT did not think the linkage between climate change and future krill production was sufficiently well understood to rate it as moderate or high risk. Nonetheless, any potential impacts resulting from these threats will almost certainly increase.

In summary, all threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown for the Oceania DPS.

Southeastern Pacific DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Human population growth and associated coastal development, including port development, disruption and possible partitioning of the marine habitat and increased turbidity in coastal waters, are potential threats to the Southeastern Pacific DPS. The presumed migratory route for this population lies in the coastal waters off Costa Rica, Panama, Colombia, Ecuador, Peru, and Argentina and includes some large human population centers in both Central and South America. Currently, the high degree of coastal development in this DPS' habitat is not substantially affecting the DPS' size or growth rate, and it is considered to be a low-level threat.

Little has been published regarding contaminant levels in this region. However, while levels of DDTs, PCBs, and PBPEs are typically lower in Southern Hemisphere feeding areas than off the east or west coasts of the United States, little research has been done to confirm lower contaminant levels among Southern Hemisphere whales (Fleming and Jackson, 2011). DDT and PCB levels are likely to decrease in feeding areas because use of these chemicals has been banned in many

countries, but PBPE use may still be increasing. Man-made contaminants are not considered to be a significant threat to this population.

Energy exploration and development activities are present in this DPS' habitat range. Oil and gas production is currently increasing in the Gulf of Guayaquil, Ecuador (Félix and Haase, 2005). A large number of oil tankers transit through the Straits of Magellan yearly, a notoriously difficult route to navigate. At least one oil spill has resulted from a ship running aground there (Morris, 1988). Energy development is likely to expand if oil and gas reserves are discovered in other locations, but it does not pose a threat to this population now or in the foreseeable future.

HABs of dinoflagellates and diatoms exist within the feeding range of this DPS, but there have been no records of humpback whale deaths as a result of exposure in this area. The occurrence of HABs is expected to increase with increased run-off and nutrient input from human-related activities; however, HABs do not pose a threat to this DPS now or in the foreseeable future.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Whale-watching tourism and scientific research occur, at relatively low levels, throughout this DPS' range. Whale-watching tourism occurs along all of the South and Central American countries bordering the habitat of this DPS. Whale-watching industry growth has been significant and approximately half of these countries have whale-watching guidelines in place (Hoyt and Iníguez, 2008). Though some change in behavior of whales near tourism boats has been noted, whale-watching does not pose a threat to this DPS currently. Scientific research activities such as observation, biopsying, photographic studies and recording of underwater vocalizations of whales occur in both the breeding and feeding habitats and along this DPS' migratory route, though no adverse effects from these events have been recorded.

No whaling occurs in this DPS' range.

C. Disease or Predation

There is little information available on the impacts of disease or parasitism on this DPS.

Predation does not appear to be a current threat to this DPS. Killer whale attacks on humpback whales have been observed in this region, and scarring from killer whale and potentially false killer whale and shark attacks has been documented from photographic catalogues (Flórez-González *et al.,* 1994; Scheidat *et al.,* 2000; Félix and Haase, 2001). The scarring rate is lower than in some other DPSs.

D. Inadequacy of Existing Regulatory Mechanisms

No regulatory mechanisms specific to the Southeastern Pacific DPS were identified.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

In the Southern Hemisphere, humpback whales feed almost entirely on krill (*Euphausia superba*). There is a regulated and growing commercial krill fishery, but harvest levels are currently small and there is no evidence that this threatens the food supply of humpback whales (Everson and Goss, 1991; Nicol *et al.,* 2008).

Aquaculture activities are high in waters of Argentina and Chile, but the impact of these activities on this DPS of humpback whales has not been documented and is likely low if few whales use these inland areas. Entanglement was determined to pose a medium threat to this DPS based on stranding and entanglement observations and spatial and temporal overlap with aquaculture activities.

This DPS is likely exposed to relatively high levels of underwater noise resulting from human activities, including commercial and recreational vessel traffic, and activities in naval test ranges, and these levels are expected to increase. Especially high levels of large vessel traffic are found off Panama (over 12,000 ship transits annually) and in the Magellan Straits. Naval exercises occur around much of the South American coast annually. It is not known if underwater noise exposure affects humpback whale populations, but this does not currently appear to pose a significant threat to this DPS.

No ships have reported striking humpback whales in this region, but incidents may be under-reported, and stranding reports indicate some contribution from vessel collisions (Capella Alzueta *et al.,* 2001; Castro *et al.,* 2008). Shipping traffic will probably increase as global commerce increases; thus, a reasonable assumption is that the level of vessel collisions will increase. Currently, ship strikes are considered a low level threat to this DPS.

Entanglement in fishing gear poses the most significant risk to this DPS. The majority of entanglements involve gillnets and purse seines (Félix *et al.,* 1997; Capella Alzueta *et al.,* 2001; Alava *et al.,* 2005; Castro *et al.,* 2008). The artisanal fishing fleet in Ecuador numbers over 15,000 vessels. Scarring rates indicate that close to one third of all observed animals have experienced some level of entanglement (Alava *et al.,* 2005). These scarring rates are similar to those observed off the northeast coast of the United States. Less research effort in the Southeast Pacific region compared to the northeast coast of the United States suggests that this reported scarification rate may even be an underestimate of the actual level of entanglement occurring in the Southeast Pacific. The number of dead and entangled whales off Colombia has increased over the last two decades (Capella Alzueta *et al.,* 2001). Calves comprise over half of all observed entanglement events, a disproportionate value in light of the calf to adult ratio in the DPS (Engel *et al.,* 2006; Neto *et al.,* 2008).

Humpback whales in the Southern Hemisphere feed almost entirely on krill (*Euphausia superba*) and acidification of the marine environment has been documented to impact the physiology and development of krill and other calcareous marine organisms, potentially reducing their abundance and subsequent availability to humpback whales in the future. The life cycle of *Euphausia superba* is tied to sea ice, making this prey species vulnerable to warming effects from climate change. Decreases in krill abundance have been observed around the Antarctic Peninsula (Atkinson *et al.,* 2004). Overall population level effects from global climate change and anthropogenic noise are not known and the threat was ranked low, based on the premise that krill would need to be substantially reduced in order to put humpback whales at risk of extinction. As discussed above under *Section 4(a)(1) Factors Applicable to All DPSs,* the BRT did not think the linkage between climate change and future krill production was sufficiently well understood to rate it as moderate or high risk. Nonetheless, any potential impacts resulting from these threats will almost certainly increase.

In summary, fishing gear entanglements are likely to moderately reduce the population size or the growth rate of the Southeastern Pacific DPS, and all other threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown for the Southeastern Pacific DPS.

Arabian Sea DPS

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

The BRT determined that the threat posed by energy exploration to the Arabian Sea DPS should be classified as high, given the small population size and the present levels of energy activity. A catastrophic event similar to that of the Deepwater Horizon Oil Spill in the Gulf of Mexico could be devastating to this DPS, especially in light of the year-round presence of humpback whales in this area.

The effect of pollutants on cetaceans is a concern in the region, as the Arabian Sea is a center of intense human activity with poor sea circulation, so pollutants can persist for long periods (Minton, 2004). Since the 1970s, the coastal and marine infrastructure in Oman has developed at a rapid rate, with over 80 percent of the population now living within 13 miles from the coast, and expanding development of oil and gas resources and fishing fleets (Minton, 2004). The threats from coastal development and contaminants are ranked low but increasing.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

This humpback whale DPS is exposed to minimal scientific research and whale-watching activities. The adverse effects from these activities have not been identified, and overall impact is expected to be low and stable.

No commercial whaling occurs in this DPS' range, although 238 humpback whales were illegally killed in the Arabian Sea by the USSR in 1966 (Mikhalev, 1997).

C. Disease or Predation

Liver damage was detected in 68.5 percent of necropsied humpback whales in this area during Soviet whaling in 1966, with degeneration of peripheral liver sections, cone-shaped growths up to 20 cm in diameter and blocked bile ducts (Mikhalev, 1997). While this pathology was consistent with infection by trematode parasites, none were identified during necropsy, and the causes of this liver damage remain unknown.

Poisonous algal blooms and biotoxins have been implicated in some mass fish, turtle, and possibly cetacean, mortality events on the Oman coast, although no events have yet been known to include humpback whales. Coastal run-off from industrial activities is likely to be increasing rapidly, while regular oil spills in shipping lanes from tankers also contribute to pollution along the coast (*e.g.,* Shriadah, 1999). Tattoo skin lesions were observed in 26 percent of photo-identified whales from Oman (Baldwin *et al.,* 2010). While not thought to be a common cause of adult mortality, it has been suggested that tattoo skin disease may differentially kill neonates and calves that have not yet gained immunity (Van Bressem *et al.,* 2009). The authors also suggested that this disease may be more prevalent in marine mammal populations that experience chronic stress and/or are exposed to pollutants that suppress the immune system.

D. Inadequacy of Existing Regulatory Mechanisms

No regulatory mechanisms specific to the Arabian Sea DPS were identified.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The primary prey of humpback whales in Oman (*Sardinella* sp.) is also consumed by tuna and other commercial pelagic fish targeted by gillnet fisheries, but the severity of the threat of competition with fisheries is unknown.

The BRT did not have information about offshore aquaculture activities in the Arabian Sea.

Humpback whales in the Arabian Sea are exposed to a high level of vessel traffic (Baldwin, 2000; Minton, 2004; Kaluza *et al.,* 2010), so the threat of ship strikes was considered medium for this small DPS.

This DPS is likely exposed to relatively high levels of underwater noise resulting from human activities, including, for example, commercial and recreational vessel traffic, and activities related to oil and gas exploration and development. Overall population-level effects of exposure to underwater noise are not well-established, but exposure is likely chronic and at moderate levels. As vessel traffic and other activities are expected to increase, the level of this threat is expected to increase.

There is high fishing pressure in areas off Oman where humpback whales are sighted. Eight live humpback whale entanglement incidents were documented between 1990 and 2000, involving bottom set gillnets often with weights still attached and anchoring the whales to the ocean floor (Minton, 2004). Minton *et al.* (2010b) examined peduncle photographs of humpback whales in the Arabian Sea and concluded that at least 33 percent had been entangled in fishing gear at some stage. The threat of fishing gear entanglements in the Arabian Sea is considered high and increasing.

The threat posed by climate change to the Arabian Sea DPS of the humpback whale was determined to be slightly higher than to the other DPSs and was assigned medium threat level. This higher threat level is based on the more limited movement of this DPS that both breeds and feeds in the Arabian Sea. Changing climatic conditions may change the monsoon-driven upwelling that creates seasonal productivity in the region. While Northern Hemisphere individuals may be able to adapt to climatic changes by moving farther north, Arabian Sea individuals have less flexibility for expanding their range to cooler regions.

Evidence that this DPS has undergone a recent genetic bottleneck and is currently at low abundance (Minton *et al.,* 2010b) suggests that there may be an additional risk of impacts from increased inbreeding (which may reduce genetic fitness and increase susceptibility to disease). At low densities, populations are more likely to suffer from the ''Allee'' effect, where inbreeding and the heightened difficulty of finding mates reduces the population growth rate in proportion with reducing density.

In summary, the Arabian Sea DPS faces unique threats, given that the whales do not migrate, but instead feed and breed in the same, relatively constrained geographic location. Energy exploration and fishing gear entanglements are considered likely to seriously reduce the population's size and/or growth rate, and disease, vessel collisions, and climate change are likely to moderately reduce the population's size or growth rate.

Ongoing Conservation Efforts

When considering the listing, reclassification, or delisting of a species, section 4(b)(1)(A) of the ESA requires us to consider efforts by any State, foreign nation, or political subdivision of a State or foreign nation to protect the species. Such efforts would include measures by Native American tribes and organizations, local governments, and private organizations. Also, Federal, tribal, state, and foreign recovery actions (16 U.S.C. 1533(f)), and Federal consultation requirements (16 U.S.C. 1536) constitute conservation measures. We must evaluate any conservation efforts that have not yet been implemented or have not yet been shown to be effective under the joint NMFS/FWS Policy on the Evaluation of Conservation Efforts (PECE) (68 FR 15100; March 28, 2003). For these efforts, we must evaluate the certainty of

implementing the conservation efforts and the certainty that the conservation efforts will be effective on the basis of whether the effort or plan establishes specific conservation objectives, identifies the necessary steps to reduce threats or factors for decline, includes quantifiable performance measures for the monitoring of compliance and effectiveness, incorporates the principles of adaptive management, and is likely to improve the species' viability at the time of the listing determination.

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) is an intergovernmental treaty which requires range states to protect migratory species including humpback whales where they occur, conserve or restore habitats, mitigate obstacles to migration, and control other endangering factors. The humpback whale is listed in Appendix I of the CMS (species in danger of extinction throughout all or a significant portion of their range). Parties to CMS are required to prohibit take of Appendix I species. The CMS has developed binding Agreements and nonbinding Memoranda of Understanding (MOU). An MOU for the Conservation of Cetaceans and their Habitats in the Pacific Islands Regions became effective in 2006 and offers a level of protection to the Southern Hemisphere populations of humpback whales and their habitats in this region. The CMS Agreements on the Conservation of (a) Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas (29.03.1994) and (b) Cetaceans of the Black Seas, Mediterranean and Contiguous Atlantic Area are not designed specifically for the humpback whale but may provide incidental protection to the species.

The Bern Convention on the Conservation of European Wildlife and Habitats is a regional European treaty on conservation of wild flora and fauna and their natural habitats and calls for signatories to provide special protection for fauna species listed in Appendix II and III to the convention. The convention is a binding agreement for participating parties, and its aim is to ensure conservation by means of cooperation, including efforts to protect migratory species. The Parties promote national policies and education for the conservation of nature and the integration of conservation into environmental policies. The humpback whale is listed in Appendix II—fauna species to be strictly protected—which prohibits deliberate capture and killing, damage to or destruction of breeding sites, deliberate disturbance of animals during breeding and rearing, and the possession of and internal trade in these animals alive or dead (Council of Europe's Bern Convention, 2013).

The provisions of the Council of the European Union (EU) Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora (EU Habitats Directive) are intended to promote the conservation of biodiversity in EU member countries. EU members meet the habitat conservation requirements of the network known as Natura 2000. Humpback whales are listed in Annex IV of the convention, which identifies species determined to be in need of strict protection across the European region. Twenty-seven member states work with the same legislative framework to protect species. Actions originating from the EU Habitats Directive that may provide protection to humpback whales in the region include (a) coordinated development of a European Red List of species threatened at the European level (parallel with the IUCN listings); (b) guidance documents on the protection of species listed under the Directive, and on the development of a network of conservation areas in the offshore marine environment and (c) species assessment reports. While not regulatory in nature, these actions are designed to reduce threats and provide a conservation benefit to the Atlantic humpback whales.

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was established in 1982 with 25 member countries. Its objective is the conservation of Antarctic marine life, particularly krill and the Antarctic marine ecosystems that depend on krill. The Commission manages fisheries for Antarctic krill and several finfish species with the goal of ensuring long-term sustainability and existing ecological relationships.

Numerous additional international or regional treaties, conventions and agreements offer some degree of protection for humpback whales and their habitat (reviewed by Hoyt, 2011).

In addition to IWC regulations discussed above under the Section 4(a)(1) factors, the IWC co-ordinates and funds conservation work on many species of cetaceans. This includes work to reduce the frequency of ship strikes, to co-ordinate disentanglement events, and to establish Conservation Management Plans for key species and populations. Recently, the IWC has adopted a Strategic Plan for Whale Watching so as to facilitate the further development of this activity in a way which is responsible and consistent with international best practice (*http://iwc.int/history-and-purpose,* accessed February 10, 2014). It is too early to evaluate the effectiveness of this plan under the PECE, but since the impact of whale-watching on all of the humpback whale DPSs is considered to be negligible, even if this plan proves to be extremely effective in reducing impacts of whale-watching on humpback whales, we would not likely conclude that this plan would make the difference between endangered and threatened status or between threatened and not warranted status for any of the humpback whale DPSs.

At this time, we are not aware of any other formalized conservation efforts for humpback whales that have yet to be implemented, or which have recently been implemented but have yet to show their effectiveness in removing threats to the species. Therefore, we do not need to evaluate any other conservation efforts under the PECE.

Rationale for Revising the Current Global Listing and Replacing It With Listings of DPSs

As explained throughout this proposed rule, we have determined that, based on the best currently available scientific and commercial information including the BRT's recommendations and consideration of the uncertainty involved in its recommendation to identify the Okinawa/Philippines and Second West Pacific populations as separate DPSs, the humpback whale should be recognized under the ESA as a set of 14 separate DPSs. Based on a comprehensive status review and our analysis of demographic factors and the Section 4(a)(1) factors, we have concluded that some of the DPSs qualify as endangered species, some qualify as threatened species, and some do not qualify for listing. Our proposed action here is prompted both by our own review, begun in 2009, and the two delisting petitions we received.

Our proposed determinations are based on the best available scientific and commercial information pertaining to the species throughout its range and within each DPS. In this proposed rule, we are identifying 14 DPSs, making listing determinations for each of these DPSs, and proposing to revise the current listing to reflect the new determinations. We find that the purposes of the ESA would be furthered by managing this wide-ranging species as separate units under the DPS authority, in order to tailor protections of the ESA to those populations that warrant protection. Based on a review of the demographics of these DPSs and the five factors contained in ESA section 4(a)(1), we find that the best available science no longer supports a finding that the species is an ''endangered

species'' throughout its range. We propose to revise the listing for the humpback whale by removing the current species-wide listing and in its place listing 2 DPSs as threatened and 2 as endangered. Ten DPSs are not being proposed for listing because their current status does not warrant listing. Since these DPSs are not currently listed as separate entities, we are proposing to replace the existing listing of the species with separate listings for those DPSs that warrant classification as threatened or endangered, rather than ''delisting'' those DPSs that do not warrant such classification under our regulations (50 CFR 424.11(d)). However, the effect of our proposed action, if finalized, will be that the protections of the ESA will no longer apply to these 10 DPSs. We note that we have previously reclassified a species into constituent populations and revised the listing to remove one population from the list or assign different statuses to the different populations (*e.g.,* identifying western and eastern populations of the gray whale and removing the eastern one from the endangered species list (59 FR 31094; June 16, 1994); identifying western and eastern DPSs of the Steller sea lion, which had been listed as threatened, and listing the western DPS as endangered (62 FR 24345; May 5, 1997)).

The ESA gives us authority to make these listing determinations and to revise the lists of endangered and threatened species to reflect these determinations. Section 4(a)(1) of the ESA authorizes us to determine by regulation whether ''any species,'' which is expressly defined to include species, subspecies, and DPSs, is endangered or threatened based on certain factors. Review of the status of a species may be commenced at any time, either on our own initiative through a status review or in connection with a 5-year review under Section 4(c)(2), or in response to a petition. A DPS is not a scientifically recognized entity, but rather one that is created under the language of the ESA and effectuated through our 1996 DPS Policy. We have some discretion to determine whether a species should be reclassified into DPSs and what boundaries should be recognized for each DPS. At the conclusion of the listing review process, Section 4(c)(1) gives us authority to update the lists of endangered species and threatened species to conform to our most recent determinations. This can include revising the lists to remove a species from the lists or reclassifying the listed entity.

Neither the ESA nor our regulations explicitly prescribe the process we should follow where the best available scientific and commercial information indicates that the listing of a taxonomic species should be updated and revised into listings of constituent DPSs. To the extent it may be said that the statute is ambiguous as to precisely how the updated listings should replace the original listing in such circumstances, we provide our interpretation of the statutory scheme. The purposes of the statute are furthered in certain situations where the agency has determined that it is appropriate to revise a rangewide listing in order to ensure that the current lists of endangered and threatened species comport with the best available scientific and commercial information. For example, updating a listing may further the statute's purpose of recognizing when the status of a listed species has improved to the point that fewer protections are needed under the ESA, allowing for appropriately tailored management for the populations that do not warrant listing and for those remaining populations that do. Where a species, subspecies, or DPS no longer needs protection of the ESA, removing those protections may free resources that can be devoted to the protection of other species. Conversely, disaggregating a listing into DPSs can also sometimes lead to greater protections if one or more constituent DPSs qualify for reclassification to endangered.

There is no practicable alternative to simultaneously recognizing the newly identified DPSs and proposing to assign them the various statuses of threatened, endangered, or not warranted for listing to replace the original taxonomic species listing. It would be nonsensical and contrary to the statute's purposes and the best available science requirement to attempt to first separately list all the constituent DPSs; the best available scientific and commercial information would not support listing all of the DPSs now in order to delist some of them subsequently. Nor would it make sense to attempt to first ''delist'' the species-level listing in order to then list some of the constituent DPSs. Where multiple DPSs qualify for listing as endangered or threatened, it would inherently thwart the statute's purposes to remove protections of the ESA from all members of the species even temporarily. The approach we are proposing ensures a smooth transition from the current taxonomic species listing to the future listing of certain specified DPSs.

After we consider public comment, if we publish a final rule that has the effect of removing specified DPSs from the endangered species list, we will continue to monitor the status of the entire range of the humpback whale. For any DPSs that are listed, monitoring is as a matter of course, pursuant to the obligation to periodically review the status of these species (ESA Section 4(c)(2)). In addition, we will undertake monitoring of any DPSs that are not listed as a result of their improved status (ESA Section 4(g)).

Conclusions on the Status of Each DPS Under the ESA

Based on the BRT's DPS conclusions (with the exception that we combined the Okinawa/Philippines and Second West Pacific populations identified by the BRT into the Western North Pacific DPS), the BRT's assessment of the demographic and ESA section 4(a)(1) factors, and our evaluation of ongoing conservation efforts, we make the following listing determinations.

Endangered DPSs

We conclude that 2 humpback whale DPSs are in danger of extinction throughout their ranges: The Cape Verde Islands/Northwest Africa DPS and the Arabian Sea DPS.

Little is known about the total size of the Cape Verde Islands/Northwest Africa DPS, and its trend is unknown. For the Cape Verde Islands/Northwest Africa DPS, the threats of HABs, disease, parasites, vessel collisions, fishing gear entanglements and climate change are unknown. All other threats to this DPS are considered likely to have no or minor impact on the population size and/or growth rate. The BRT distributed 32 percent of its likelihood points for this DPS to the ''high risk of extinction'' category, 43 percent to the ''moderate risk of extinction'' category, and 25 percent to the ''not at risk of extinction'' category. We have no reason to believe that this DPS' status has improved since humpback whales within the range of this DPS were listed as endangered. Because of the high likelihood that the abundance of this DPS is low and the considerable uncertainty regarding the risks of extinction of this DPS due to a general lack of data, we propose to retain the Cape Verde Islands/Northwest Africa DPS on the list of endangered species at 50 CFR 224.101.

The estimated abundance of the Arabian Sea DPS is less than 100, but its entire range was not surveyed, so it could be somewhat larger. Its trend is unknown. The Arabian Sea DPS faces unique threats, given that the whales do

not migrate, but instead feed and breed in the same, relatively constrained geographic location. Energy exploration and fishing gear entanglements are considered likely to seriously reduce the population's size and/or growth rate, and disease, vessel collisions and climate change are likely to moderately reduce the population's size or growth rate. The BRT distributed 87 percent of its likelihood points for the Arabian Sea DPS in the ''at high risk of extinction'' category. We agree with the BRT that the Arabian Sea DPS is at a high risk of extinction, and therefore, we propose to retain the Arabian Sea DPS on the list of endangered species at 50 CFR 224.101.

Threatened DPSs

We conclude that 2 other DPSs are likely to become in danger of extinction in the foreseeable future throughout their ranges: The Western North Pacific DPS and the Central America DPS. As noted above, in making this determination, we applied the same 60-year timeframe as the BRT assumed for the foreseeable future.

The abundance of the Western North Pacific DPS is thought to be about 1,100 individuals or more, with unknown trend. All threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown, with the following exceptions: Energy development, whaling, competition with fisheries, and vessel collisions are considered likely to moderately reduce the population size or the growth rate of the Okinawa/Philippines portion of this DPS. Fishing gear entanglements are considered likely to seriously reduce the population size or the growth rate of the Okinawa/Philippines portion of this DPS. In general, there is great uncertainty about the threats facing the Second West Pacific portion of this DPS. The BRT distributed 36 percent of its likelihood points for the Okinawa/Philippines portion of the DPS in the ''high risk of extinction'' category and 44 percent in the ''moderate risk of extinction'' category, with only 21 percent of the points in the ''not at risk of extinction'' category. The distribution of likelihood points among the risk categories indicates uncertainty. There was also considerable uncertainty regarding the risk of extinction of the Second West Pacific portion of this DPS, with 14 percent of the points in the ''high risk of extinction'' category, 47 percent in the ''moderate risk of extinction'' category, and 39 percent in the ''not at risk of extinction'' category. The majority of likelihood points were in the ''moderate risk of extinction'' category for both portions of the Western North Pacific DPS. Given the relatively low population size of the Western North Pacific DPS (estimated to be less than 2,000), the moderate reduction of its population size or growth rate likely from energy development, whaling, competition with fisheries, and vessel collisions, the serious reduction of its population size or growth rate likely from fishing gear entanglements, the fact that the majority of the BRT's likelihood points were in the ''moderate risk of extinction'' category for both portions of the DPS, and the considerable uncertainty associated with this, we propose to add the Western North Pacific DPS to the list of threatened species at 50 CFR 223.102.

The abundance of the Central America DPS is thought to be about 500 individuals with unknown trend. All threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown, with the following exceptions: Vessel collisions and fishing gear entanglements are considered likely to moderately reduce the population size or the growth rate of the Central America DPS. The BRT distributed 28 percent of its likelihood points for the Central America DPS in the ''high risk of extinction'' category, 56 percent in the ''moderate risk of extinction'' category, and 16 percent in the ''not at risk of extinction'' category, but the distribution of votes among the risk categories indicates uncertainty. Given the relatively low population size (estimated to be about 500), the moderate reduction of its population size or growth rate likely from vessel collisions and fishing gear entanglement, the fact that the majority of the BRT's likelihood points were in the ''moderate risk of extinction'' category, and the high uncertainty associated with this, we propose to add the Central America DPS to the list of threatened species at 50 CFR 223.102.

Pursuant to the second sentence of section 4(d) of the ESA, we propose to extend the prohibitions of Section 9(a)(1)(A) through 9(a)(1)(G) of the ESA (16 U.S.C. 1538) relating to endangered species to the Western North Pacific and Central America DPSs of the humpback whale.

DPSs Not Warranted for Listing Under the ESA

Finally, we conclude that 10 DPSs are neither in danger of extinction throughout all or a significant portion of their ranges nor likely to become so in the foreseeable future: West Indies, Hawaii, Mexico, Brazil, Gabon/Southwest Africa, Southeast Africa/Madagascar, West Australia, East Australia, Oceania, and Southeastern Pacific DPSs. When the BRT first reached its conclusions regarding whether any portions of the ranges of these DPSs were significant, NMFS and the FWS had not yet finalized the SPOIR policy. The draft SPOIR policy that the BRT followed differed from the final SPOIR policy in that a portion of the range of a species was considered ''significant'' if the portion's contribution to the viability of the species was so important that, without that portion, the species would be in danger of extinction throughout all of its range. The difference between the draft and final policies is the threshold at which we determine whether a portion is significant. Under the final SPOIR policy the hypothetical loss of the portion being considered would only need to result in the species being threatened throughout its range instead of endangered throughout its range to be considered significant. Before finalizing its report, the BRT was provided with a draft of the final SPOIR policy, which included this lower threshold of ''threatened'' for determining whether a portion is significant. Based on the revised SPOIR policy, the BRT revisited its SPOIR determinations and concluded for all DPSs that were at low or no risk of extinction, ''The ''significant portion of its range'' analyses under the final policy would not have resulted in different conclusions from the analyses conducted under the draft policy.''

In the North Atlantic, the abundance of the West Indies DPS is much greater than 2,000 individuals and is increasing moderately. The threats of HABs, vessel collisions, and fishing gear entanglements are likely to moderately reduce the population size and/or the growth rate of the West Indies DPS. All other threats, with the exception of climate change (unknown severity), are considered likely to have no or minor impact on population size or the growth rate of this DPS. The BRT distributed 82 percent of its likelihood points for the West Indies DPS to the ''not at risk of extinction'' category and 17 percent to the ''moderate risk of extinction'' category. Given the large population size (>2,000), moderately increasing trend, and the high percentage of likelihood points allocated to the ''not at risk of extinction'' category, we conclude that, despite the moderate threats of HABs, vessel collisions, and fishing gear entanglements and unknown severity of climate change as a threat, the West Indies DPS is not in danger of extinction throughout its

range or likely to become so in the foreseeable future throughout its range.

Next, per the SPOIR Policy, we need to determine whether the West Indies DPS is in danger of extinction or likely to become so in the foreseeable future in a significant portion of its range. The BRT noted that there are some regional differences in threats for the West Indies DPS, but it was unable to identify portions of the DPS that both faced particularly high threats and were so significant to the viability of the DPS as a whole that, if lost, would result in the remainder of the DPS being at high risk of extinction. We agree with the BRT's conclusions and conclude that there are no portions of the DPS that face particularly high threats and are so significant to the viability of the DPS that, if lost, the DPS would be in danger of extinction or likely to become so in the foreseeable future. Therefore, we conclude that the DPS is not in danger of extinction in a significant portion of its range, nor likely to become so in the foreseeable future.

We conclude that the West Indies DPS is not endangered or threatened throughout all or a significant portion of its range, and, therefore, we do not propose to list the West Indies DPS as a threatened or endangered species.

In the North Pacific, the abundances of the Hawaii and Mexico DPSs are much greater than 2,000 individuals and are thought to be increasing moderately. All threats are considered likely to have no or minor impact on population size and/or the growth rate of these two DPSs or are unknown, with the following exceptions: Fishing gear entanglements are considered likely to moderately reduce the population size or the growth rate of the Hawaii and Mexico DPSs. The BRT distributed 98 percent and 92 percent of its likelihood points for the Hawaii and Mexico DPSs, respectively, to the ''not at risk of extinction'' category. Given the large population size (>2,000), moderately increasing trend, and high percentage of likelihood points allocated to the ''not at risk of extinction'' category for both the Hawaii and Mexico DPSs, we conclude that, despite the moderate threat of fishing gear entanglements, the Hawaii and Mexico DPSs are not in danger of extinction throughout their ranges or likely to become so in the foreseeable future.

Next, per the SPOIR Policy, we need to determine whether the Hawaii and Mexico DPSs are in danger of extinction or likely to become so in the foreseeable future in a significant portion of their ranges. The BRT noted that there are some regional differences in threats for the Hawaii DPS, but it was unable to identify portions of the DPS that both faced particularly high threats and were so significant to the viability of the DPS as a whole that, if lost, would result in the remainder of the DPS being at high risk of extinction. The BRT noted that there also are some regional differences in threats for the Mexico DPS, and some evidence for minor substructure within the DPS due to multiple breeding locations associated with somewhat distinctive feeding grounds. However, the BRT was unable to identify portions of the DPS that faced particularly high threats compared to other portions of the DPS or that appeared to be at high risk of extirpation. We agree, and we conclude that no portions of either DPS face particularly high threats and are so significant to the viability of the DPS that, if lost, the DPSs would be in danger of extinction, or likely to become so in the foreseeable future. Therefore, we conclude that neither DPS is in danger of extinction in a significant portion of its range, or likely to become so in the foreseeable future.

We conclude that the Hawaii and Mexico DPSs are not endangered or threatened throughout all or a significant portion of their ranges, and we therefore do not propose to list the Hawaii and Mexico DPSs as a threatened or endangered species.

In the Southern Hemisphere, all seven DPSs are thought to be greater than 2,000 individuals in population size. The Brazil DPS is increasing either rapidly or moderately. The trend of the Gabon/Southwest Africa DPS is unknown. The trend of the Southeast Africa/Madagascar DPS is thought to either be increasing or stable. The trend of the Oceania DPS is unknown. The West Australia and East Australia DPSs are both large and increasing rapidly. The Southeastern Pacific DPS is thought to either be increasing or stable. In the Southern Hemisphere, all threats are considered likely to have no or minor impact on population size and/or the growth rate or are unknown, with the exception of energy exploration posing a moderate threat to the West Australia and Gabon/Southwest Africa DPSs, and fishing gear entanglements posing a moderate threat to the Southeastern Pacific, Southeast Africa/Madagascar, and Oceania DPSs. The BRT distributed at least 93 percent of their likelihood points to the ''not at risk of extinction'' category for six DPSs in the Southern Hemisphere (Brazil, Gabon/Southwest Africa, and Southeast Africa/Madagascar, West Australia, East Australia, and Southeastern Pacific DPSs), thus indicating a high certainty in its voting. For the Oceania DPS, the BRT distributed 68 percent of its points to the ''not at risk of extinction'' category, indicating moderate certainty, and 29 percent of its points to the ''moderate risk of extinction'' category, indicating some support. None of the factors that may negatively impact the status of the humpback whale appear to pose a threat to recovery, either alone or cumulatively, for these DPSs. Given the large population sizes (>2,000) for all seven DPSs, the fact that none of these DPSs is known to be decreasing in population size and some are increasing, the high percentage of (or, in the case of the Oceania DPS, the majority of) likelihood points allocated to the ''not at risk of extinction'' category, and the high certainty associated with six of these extinction risk estimates and moderate certainty associated with the extinction risk estimate for the Oceania DPS, we conclude that none of these seven DPSs are at risk of extinction throughout all of their ranges now or in the foreseeable future.

Next, per the SPOIR Policy, we need to determine whether any of these DPSs are in danger of extinction or likely to become so in the foreseeable future in a significant portion of their ranges. The BRT was unable to identify portions of the Brazil, Southeast Africa/Madagascar, West Australia, East Australia, and Southeastern Pacific DPSs that both faced particularly high threats and were so significant to the viability of the DPSs as a whole that, if lost, would result in the remainder of the DPSs being at high risk of extinction. We agree, and we also conclude that no portions of these DPSs face particularly high threats and are so significant to the viability of the DPSs that, if lost, any DPS would be in danger of extinction, or likely to become so in the foreseeable future. Therefore, we conclude that the Brazil, Southeast Africa/Madagascar, West Australia, East Australia, and Southeastern Pacific DPSs are not threatened or endangered in a significant portion of their ranges.

The BRT concluded that there was some evidence for population substructure within the Gabon/Southwest Africa DPS, based on an extensive breeding range with some significant genetic differentiation among breeding locations (Rosenbaum *et al.,* 2009). However, the BRT was unable to identify any portions of the DPS that both faced particularly high threats and were so significant to the viability of the DPS as a whole that, if lost, would result in the remainder of the DPS being at high risk of extinction. We agree, and we also conclude that no portions of this DPS face particularly high threats and are so significant to the viability of the DPS that, if lost, the DPS would be

in danger of extinction, or likely to become so in the foreseeable future. Therefore, we conclude that the Gabon/Southwest Africa DPS is not threatened or endangered in a significant portion of its range.

The BRT noted that the Oceania DPS has potentially somewhat greater substructure than most other humpback whale DPSs due to its extended breeding range, though a lack of strong genetic structure indicates there are likely to be considerable demographic connections among these areas. Some threats, such as whale watching in the Southern Lagoon of New Caledonia, appear to be localized. Nonetheless, the BRT was unable to identify any specific areas where threats were sufficiently severe to be likely to cause local extirpation. We agree, and we also conclude that no portion of this DPS faces particularly high threats and is so significant to the viability of the DPS that, if lost, the DPS would be in danger of extinction, or likely to become so in the foreseeable future. Therefore, we conclude that the Oceania DPS is not threatened or endangered in a significant portion of its range.

We conclude that none of the seven DPSs in the Southern Hemisphere are endangered or threatened throughout all or a significant portion of their ranges, and we therefore do not propose to list the Brazil, Gabon/Southwest Africa, Southeast Africa/Madagascar, West Australia, East Australia, Oceania, and Southeastern Pacific DPSs as endangered or threatened species.

Monitoring Plan

We will work with the states and countries within the range of the ten DPSs that we do not propose for listing (which has the effect of removing them from the endangered species list) to develop a plan for continuing to monitor the status of these DPSs. The objective of the monitoring plan will be to ensure that necessary recovery actions remain in place and to ensure the absence of substantial new threats to the DPSs' continued existence. In part such monitoring efforts are already an integral component of ongoing research, existing stranding networks, and other management and enforcement programs implemented under the MMPA. These activities are conducted by NMFS in collaboration with other Federal and state agencies, the Western Pacific Fishery Management Council, North Pacific Fishery Management Council, the New England Fishery Management Council, university affiliates, and private research groups. As noted in Bettridge *et al.* (2015), many regulatory avenues already in existence provide for review of proposed projects to reduce or prevent adverse effects to humpback whales and for post-project monitoring to ensure protection to humpback whales, as well as penalties for violation of the prohibition on unauthorized take under the MMPA for all DPSs that occur in U.S. waters or by U.S. persons or vessels on the high seas. However, the addition and implementation of specific Monitoring Plans will provide an additional degree of attention and an early warning system to ensure that constructively removing these ten DPSs from the endangered species list will not result in the re-emergence of threats to the DPSs.

Description of Proposed Regulatory Changes

To implement this proposed action we propose to replace the humpback whale listing on the endangered species list at 50 CFR 224.101 with the Cape Verde Islands/Northwest Africa and Arabian Sea DPSs of the humpback whale and add the Western North Pacific and Central America DPSs of the humpback whale to the list of threatened species at 50 CFR 223.102.

Prohibitions and Protective Measures

Section 9 of the ESA prohibits certain activities that directly or indirectly affect endangered species. These prohibitions apply to all individuals, organizations and agencies subject to U.S. jurisdiction. Section 4(d) of the ESA directs the Secretary of Commerce (Secretary) to implement regulations ''to provide for the conservation of [threatened] species'' that may include extending any or all of the prohibitions of section 9 to threatened species. Section 9(a)(1)(g) also prohibits violations of protective regulations for threatened species implemented under section 4(d). We are proposing to extend all of the prohibitions of section 9(a)(1) in protective regulations issued under the second sentence of section 4(d) for the Western North Pacific and Central America DPSs of the humpback whale. No special findings are required to support extending Section 9 prohibitions for the protection of threatened species. See *In re Polar Bear Endangered Species Act Listing and 4(d) Rule Litigation,* 818 F.Supp.2d 214, 228 (D.D.C. 2011); *Sweet Home Chapter of Cmties. for a Great Oregon* v. *Babbitt,* 1 F.3d 1, 8 (D.C. Cir.1993), modified on other grounds on reh'g, 17 F.3d 1463 (D.C. Cir. 1994), rev'd on other grounds, 515 U.S. 687 (1995).

Sections 7(a)(2) and (4) of the ESA require Federal agencies to consult or confer with us to ensure that activities they authorize, fund, or conduct are not likely to jeopardize the continued existence of a listed species or a species proposed for listing, or to adversely modify critical habitat or proposed critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with us. Examples of Federal actions that may affect the Cape Verde Islands/Northwest Africa, Western North Pacific, and Central America DPSs of the humpback whale include permits and authorizations for shipping, fisheries, oil and gas exploration, and toxic waste and other pollutant discharges, if they occur in U.S. waters or the high seas.

Sections 10(a)(1)(A) and (B) of the ESA provide us with authority to grant exceptions to the ESA's section 9 ''take'' prohibitions. Section 10(a)(1)(A) scientific research and enhancement permits may be issued to entities (Federal and non-Federal) for scientific purposes or to enhance the propagation or survival of a listed species. The type of activities potentially requiring a section 10(a)(1)(A) research/enhancement permit include scientific research that targets humpback whales, including the importation of non-U.S. samples for research conducted in the United States. Section 10(a)(1)(B) incidental take permits are required for non-Federal activities that may incidentally take a listed species in the course of an otherwise lawful activity.

Identification of Those Activities That Would Constitute a Violation of Section 9 of the ESA

On July 1, 1994, NMFS and the FWS issued an *Interagency Cooperative Policy for Endangered Species Act Section 9 Prohibitions* (59 FR 34272). The intent of this policy is to increase public awareness of the effect of our ESA listing on proposed and ongoing activities within the species' range. We will identify, to the extent known at the time of the final rule, specific activities that will be considered likely to result in violation of section 9, as well as activities that will not be considered likely to result in violation. Because the Cape Verde Islands/Northwest Africa and Arabian Sea DPSs occur outside of the jurisdiction of the United States, we are presently unaware of any activities that could result in violation of section 9 of the ESA for these DPSs; nevertheless, the possibility for violations exists (for example, import into the United States). Activities that we believe could result in violation of section 9 prohibitions against ''take'' of the Western North Pacific and Central America DPSs of the humpback whale include: (1) Unauthorized harvest or

lethal takes of humpback whales in the Western North Pacific and Central America DPSs by U.S. citizens; (2) in-water activities conducted by U.S. citizens that produce high levels of underwater noise, which may harass or injure humpback whales in the Western North Pacific and Central America DPSs; (3) U.S. fisheries that may result in entanglement of humpback whales in the Western North Pacific and Central America DPSs; (4) vessel strikes from U.S. ships operating in U.S. waters or on the high seas; and (5) discharging or dumping toxic chemicals or other pollutants by U.S. citizens into areas used by humpback whales from the Western North Pacific and Central America DPSs.

We expect, based on the best available information, the following actions will not result in a violation of section 9: (1) Federally funded or approved projects for which ESA section 7 consultation has been completed and necessary mitigation developed, and that are conducted in accordance with any terms and conditions we provide in an incidental take statement accompanying a biological opinion; and (2) takes of humpback whales in the Western North Pacific and Central America DPSs that have been authorized by NMFS pursuant to section 10 of the ESA. These lists are not exhaustive. They are intended to provide some examples of the types of activities that we might or might not consider as constituting a take of humpback whales in the Western North Pacific and Central America DPSs.

Effects of This Rulemaking

Conservation measures provided for species listed as endangered or threatened under the ESA include recovery actions (16 U.S.C. 1533(f)); concurrent designation of critical habitat, if prudent and determinable (16 U.S.C. 1533(a)(3)(A)); Federal agency requirements to consult with NMFS under section 7 of the ESA to ensure their actions do not jeopardize the species or result in adverse modification or destruction of critical habitat should it be designated (16 U.S.C. 1536); and prohibitions on taking (16 U.S.C. 1538). Recognition of the species' plight through listing promotes conservation actions by Federal and state agencies, foreign entities, private groups, and individuals. The main effects of the proposed listings are prohibitions on take, including export and import. If this proposed rule is finalized, the provisions discussed above will no longer apply to the DPSs that are in effect removed from the endangered species list.

The MMPA provides substantial protections to all marine mammals, such as humpback whales, whether they are listed under the ESA or not. In addition, the MMPA provides heightened protections to marine mammals designated as ''depleted'' (*e.g.,* no take waiver, additional restrictions on the issuance of permits for research, importation, and captive maintenance), including humpback whales. Section 3(1) of the MMPA defines ''depleted'' as ''any case in which'': (1) The Secretary ''determines that a species or population stock is below its optimum sustainable population''; (2) a state to which authority has been delegated makes the same determination; or (3) a species or stock ''is listed as an endangered species or a threatened species under the [ESA]'' (16 U.S.C. 1362(1)). Section 115(a)(1) of the MMPA establishes that ''[i]n any action by the Secretary to determine if a species or stock should be designated as depleted, or should no longer be designated as depleted,'' such determination must be made by rule, after public notice and an opportunity for comment (16 U.S.C. 1383b(a)(1)). It is NMFS' position that a marine mammal species automatically gains ''depleted'' status under the MMPA when it is listed under the ESA. In the absence of an ESA listing, NMFS follows the procedures described in section 115(a)(1) to designate a marine mammal species as depleted when the basis for its depleted status is that it is below its optimum sustainable population. This interpretation was recently confirmed by the United States Court of Appeals for the D.C. Circuit. See *In re Polar Bear Endangered Species Act Listing and Section 4(d) Rule Litigation,* 720 F.3d 354 (D.C. Cir. 2013). Humpback whales are currently designated as ''depleted'' under the MMPA because of the species' ESA listing. NMFS has not separately determined that the humpback whale species is depleted on the basis that it is below its optimum sustainable population.

NMFS is currently evaluating what result sections 3(1) and 115(a)(1) of the MMPA require when a species that holds depleted status solely because of its ESA listing is found to no longer warrant ESA listing. Thus, we are currently reviewing whether any DPS of the humpback whale that is not listed under the ESA after a final rule is published would automatically lose depleted status under the MMPA, or whether the agency must undertake additional analysis and complete additional procedures before a change in depleted status may occur. We seek comments from the public regarding different options for construing the relevant provisions of these statutes in harmony and will consider all viable alternatives (see **ADDRESSES**).

This rule also has implications for the approach regulations currently at 50 CFR 224.103(a) and (b), discussed previously. With regard to the regulations in effect in Hawaii (224.103(a)), the delisting of the Hawaii DPS, if finalized, would remove the ESA basis for promulgation of that rule. However, the substantially similar protections in effect within the Hawaiian Islands Humpback Whale National Marine Sanctuary, at 15 CFR 922.184, may provide sufficient protection for the species. We note that the Office of National Marine Sanctuaries has recently proposed to, among other things, expand the sanctuary boundaries and strengthen the protections from approaching vessels (80 FR 16224, 16238; March 26, 2015). We plan to propose, through separate rulemaking, to remove the approach regulations at § 224.103(a) because those regulations are specific to endangered species. If additional protection is determined necessary, we may undertake separate rulemaking pursuant to the MMPA. We request public comment on this issue.

With regard to the regulations in effect in Alaska (224.103(b)), the impacts of this proposed rule are different. When the Alaska provisions were adopted, we cited Section 112(a) of the MMPA in addition to Section 11(f) of the ESA as authority (16 U.S.C. 1382(a); 16 U.S.C. 1540(f)). However, because the humpback whale was listed throughout its range as endangered, the rule was codified only in Part 224 of the ESA regulations (which applies to ''Endangered Marine and Anadromous Species''). The reclassification of the Western North Pacific DPS to threatened, if finalized, would require relocating the provisions from Part 224 to Part 223 (which applies to ''Threatened Marine and Anadromous Species''). By separate rulemaking, we plan to propose to relocate these provisions to a new section, 223.214 in order to continue the protection of the threatened humpback whales in Alaska, because these provisions have been in effect for 14 years and are important in light of the potential impacts posed by the whalewatching industry, recreational boating community, and other maritime users. We would simultaneously delete current 50 CFR 224.103(b). In the separate rulemaking, we also plan to propose to set out these provisions in Part 216 of Title 50 of the

Code of Federal Regulations for the protection of all humpback whales that may occur or transit through the waters surrounding Alaska, to reflect that these provisions were adopted under the MMPA as well as the ESA and are an important source of protection for these marine mammals. We seek public comment on this issue as well.

Peer Review

In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review establishing a minimum peer review standard. The intent of the peer review policies is to ensure that listings are based on the best scientific and commercial data available. The BRT enlisted the help of the Marine Mammal Commission (MMC) to coordinate scientific peer review of the June 2012 draft of its status review report. The MMC received comments from five reviewers and these reviews were provided, without attribution, to the BRT. The BRT addressed all peer review comments in the final status review report (Bettridge *et al.,* 2015) being released with the publication of this 12-month finding/proposed rule. We conclude that these experts' reviews satisfy the requirements for ''adequate [prior] peer review'' contained in the Bulletin (sec. II.2.).

Critical Habitat

Section 3 of the ESA (16 U.S.C. 1532(5A)) defines critical habitat as ''(i) the specific areas within the geographical area occupied by the species, at the time it is listed . . . on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed . . . upon a determination by the Secretary that such areas are essential for the conservation of the species.'' Section 3 of the ESA also defines the terms ''conserve,'' ''conserving,'' and ''conservation'' to mean ''to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary'' (16 U.S.C. 1532(3)).

Section 4(a)(3)(A)(i) of the ESA requires that, to the maximum extent practicable and determinable, critical habitat be designated concurrently with the listing of a species. Designation of critical habitat must be based on the best scientific data available, and must take into consideration the economic, national security, and other relevant impacts of specifying any particular area as critical habitat (16 U.S.C. 1533(b)(2)). Once critical habitat is designated, section 7 of the ESA requires Federal agencies to ensure that they do not fund, authorize, or carry out any actions that are likely to destroy or adversely modify that habitat (16 U.S.C. 1536(a)(2)). This requirement is in addition to the section 7 requirement that Federal agencies ensure their actions do not jeopardize the continued existence of the species.

In determining what areas qualify as critical habitat, 50 CFR 424.12(b) requires that NMFS ''consider those physical or biological features that are essential to the conservation of a given species including space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, and rearing of offspring; and habitats that are protected from disturbance or are representative of the historical geographical and ecological distribution of a species.'' The regulations further direct NMFS to ''focus on the principal biological or physical constituent elements . . . that are essential to the conservation of the species,'' and specify that the ''known primary constituent elements shall be listed with the critical habitat description.'' The regulations identify primary constituent elements (PCEs) as including, but not limited to: ''roost sites, nesting grounds, spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, host species or plant pollinator, geological formation, vegetation type, tide, and specific soil types.''

The ESA directs the Secretary of Commerce to consider the economic impact, the national security impacts, and any other relevant impacts from designating critical habitat, and under section 4(b)(2), the Secretary may exclude any area from such designation if the benefits of exclusion outweigh those of inclusion, provided that the exclusion will not result in the extinction of the species. At this time, critical habitat for the humpback whales in the Western North Pacific and Central America DPSs is not determinable. We will propose critical habitat for the Western North Pacific and Central America DPSs of the humpback whale in a separate rulemaking if we determine that it is prudent to do so. To assist us with that rulemaking, we specifically request information to help us identify the essential features of this habitat, and to what extent those features may require special management considerations or protection, as well as the economic activities within the range of the Western North Pacific and Central America DPSs that could be impacted by critical habitat designation. 50 CFR 424.12(h) specifies that critical habitat shall not be designated within foreign countries or in other areas outside U.S. jurisdiction. Therefore, we request information only on potential areas of critical habitat within the United States or waters within U.S. jurisdiction.

Because the known distribution of the humpback whales in the Cape Verde Islands/Northwest Africa and Arabian Sea DPSs occurs in areas outside the jurisdiction of the United States, no critical habitat will be designated for these DPSs.

Public Comments Solicited

Relying on the best scientific and commercial information available, we exercised our best professional judgment in developing this proposal to divide the humpback whale into 14 DPSs, retain the Cape Verde Islands/Northwest Africa and Arabian Sea DPSs on the list of endangered species at 50 CFR 224.101, add the Western North Pacific and Central America DPSs to the list of threatened species and extend all section 9 prohibitions to these DPSs, and remove the other 10 DPSs (West Indies, Hawaii, Mexico, Brazil, Gabon/Southwest Africa, Southeast Africa/Madagascar, West Australia, East Australia, Oceania, and Southeastern Pacific) from the endangered species list at 50 CFR 224.101. To ensure that the final action resulting from this proposal will be as accurate and effective as possible, we solicit comments and suggestions concerning this proposed rule from the public, other concerned governments and agencies, Indian tribal governments, Alaska Native tribal governments or organizations, the scientific community, industry, and any other interested parties. Comments are encouraged on this proposal as well as on the status review report (See **DATES** and **ADDRESSES**). Comments are particularly sought concerning:

(1) The identification of 3 subspecies of humpback whale comprised of 14 DPSs;

(2) The current population status of identified humpback whale DPSs;

(3) Biological or other information regarding the threats to the identified humpback whale DPSs;

(4) Information on the effectiveness of ongoing and planned humpback whale conservation efforts by countries, states, or local entities;

(5) Activities that could result in a violation of section 9(a)(1) of the ESA if such prohibitions are applied to the Western North Pacific and Central America DPSs;

(6) Whether any DPS of the humpback whale that is not listed under the ESA in a final rule would automatically lose depleted status under the MMPA, or, if not, what analysis and process is required by the MMPA before a change in depleted status may occur. We seek comments regarding different options for construing the relevant provisions of these statutes in harmony;

(7) Whether approach regulations should be promulgated under the MMPA for the protection of the Hawaii DPS of the humpback whale, since if this rule becomes final, that DPS will no longer be listed under the ESA, or whether current protections in effect in the Hawaiian Islands Humpback Whale National Marine Sanctuary (at 15 CFR 922.184) are sufficient for the protection of the species from vessel interactions. Commenters should consider the impact of the recent proposal by NOAA's Office of National Marine Sanctuaries to expand the sanctuary boundaries and strengthen the approach regulations (80 FR 16224; March 26, 2015);

(8) Whether approach regulations in effect for the protection of humpback whales in Alaska, currently set forth at 50 CFR 224.103(b), should be relocated to Part 223 (which applies to threatened species) for the continuing protection of the Western North Pacific DPS, and whether these regulations should also be set out in 50 CFR 216 as MMPA regulations for the protection of all humpback whales occurring in that area in light of the fact that the MMPA was one of the original authorities cited in promulgating the regulation;

(9) Information related to the designation of critical habitat, including identification of those physical or biological features which are essential to the conservation of the Western North Pacific and Central America DPSs of humpback whale and which may require special management consideration or protection;

(10) Economic, national security, and other relevant impacts from the designation of critical habitat for the Western North Pacific and Central America DPSs of humpback whale; and

(11) Research and other activities that would be important to include in post-delisting monitoring plans for the West Indies, Hawaii, Mexico, Brazil, Gabon/Southwest Africa, Southeast Africa/Madagascar, West Australia, East Australia, Oceania, and Southeastern Pacific DPSs.

You may submit your comments and materials concerning this proposal by any one of several methods (see **ADDRESSES**). We will review all public comments and any additional information regarding the status of the identified DPSs of the humpback whale and will complete a final determination within 1 year of publication of this proposed rule, as required under the ESA. Final promulgation of the regulation(s) will consider the comments and any additional information we receive, and such communications may lead to a final regulation that differs from this proposal.

Public Hearings

During each public hearing, a brief opening presentation on the proposed rule will be provided before accepting public testimony. Written comments may be submitted at the hearing or via the Federal e-Rulemaking Portal (see **ADDRESSES**) until the scheduled close of the comment period on July 20, 2015. In the event that attendance at the public hearings is large, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us.

Public Hearing Schedule

The dates and locations for the four hearings are as follows:

1. Honolulu: May 6, 2015, from 6:00 p.m. to 8:00 p.m. at the Japanese Cultural Center, Manoa Ballroom, 2454 South Beretania Street, Honolulu, HI 96826, with an informational open house beginning at 5:30 p.m. Parking is available at the Japanese Cultural Center for $5.

2. Juneau: May 19, 2015, 5 p.m. to 8 p.m. at the Centennial Hall, Hickel Room, 101 Egan Drive, Juneau, AK.

3. Plymouth: June 3, 2015, 6 p.m. to 8:30 p.m., Plymouth Public Library, 132 South Street, Plymouth, MA.

4. Virginia Beach: June 9, 2015, 5 p.m. to 6:30 p.m., at the Hilton Virgina Beach Oceanfront, 3001 Atlantic Ave, Virginia Beach, VA. This will be in conjunction with the Mid-Atlantic Fishery Management Council's meeting being held during the same week.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other accommodations should be directed to Marta Nammack (see **ADDRESSES**) as soon as possible, but no later than 7 business days prior to the hearing date.

Classification

National Environmental Policy Act (NEPA)

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus,* 657 F. 2d 829 (6th Cir. 1981), we have concluded that NEPA does not apply to ESA listing actions. (See NOAA Administrative Order 216–6.) We are currently reviewing whether any other aspect of this proposed rule will require NEPA analysis.

Executive Order (E.O.) 12866, Paperwork Reduction Act, and Regulatory Flexibility Act

This rule is exempt from review under E.O. 12866. This proposed rule does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act.

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analyses required by the Regulatory Flexibility Act are not applicable to the listing process.

E.O. 13132, Federalism

E.O. 13132 requires agencies to take into account any federalism impacts of regulations under development. It includes specific directives for consultation in situations where a regulation will preempt state law or impose substantial direct compliance costs on state and local governments (unless required by statute). Neither of those circumstances is applicable to this proposed rule; therefore this action does not have federalism implications as that term is defined in E.O. 13132.

E.O. 13175, Consultation and Coordination With Indian Tribal Governments

The longstanding and distinctive relationship between the Federal and tribal governments is defined by treaties, statutes, executive orders, judicial decisions, and co-management agreements, which differentiate tribal governments from the other entities that deal with, or are affected by, the Federal government. This relationship has given rise to a special Federal trust responsibility involving the legal responsibilities and obligations of the United States toward Indian Tribes and the application of fiduciary standards of

due care with respect to Indian lands, tribal trust resources, and the exercise of tribal rights. E.O. 13175—Consultation and Coordination with Indian Tribal Governments—outlines the responsibilities of the Federal Government in matters affecting tribal interests. Section 161 of Public Law 108–199 (188 Stat. 452), as amended by section 518 of Public Law 108–447 (118 Stat. 3267), directs all Federal agencies to consult with Alaska Native tribes or organizations on the same basis as Indian tribes under E.O. 13175.

We intend to coordinate with tribal governments and native corporations which may be affected by the proposed action. We will provide them with a copy of this proposed rule for review and comment, and offer the opportunity to consult on the proposed action.

List of Subjects

50 CFR Part 223

Endangered and threatened species, Exports, Imports, Transportation.

50 CFR Part 224

Endangered and threatened species.

Dated: April 15, 2015.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR parts 223 and 224 are proposed to be amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102, in paragraph (e), the table is amended by adding entries for ''Whale, humpback (Central America DPS)'' and ''Whale, humpback (Western North Pacific DPS)'' under MARINE MAMMALS in alphabetical order by Common Name to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *

(e) * * *

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA Rules
Common name	Scientific name	Description of listed entity			
Marine Mammals					
*	*	*	*	*	*
Whale, humpback (Central America DPS).	*Megaptera novaeangliae.*	Humpback whales that breed along the Pacific coast of Costa Rica, Panama, Guatemala, El Salvador, Honduras, and Nicaragua in the eastern North Pacific Ocean or feed almost exclusively offshore of California and Oregon in the eastern North Pacific Ocean, with some feeding off northern Washington/southern British Columbia.	[*Insert* ***Federal Register*** *page where the document begins*], April 21, 2015.	NA	223.213
Whale, humpback (Western North Pacific DPS).	*Megaptera novaeangliae.*	Humpback whales that breed or winter in the area of Okinawa and the Philippines in the Kuroshio Current (as well as unknown breeding grounds in the Western North Pacific Ocean), transitthe Ogasawara area, or feed in the North Pacific Ocean, primarily in the West Bering Sea and off the Russian coast and the Aleutian Islands.	[*Insert* ***Federal Register*** *page where the document begins*], April 21, 2015.	NA	223.213 223.214
*	*	*	*	*	*

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

[2] Jurisdiction for sea turtles by the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, is limited to turtles while in the water.

■ 3. Add § 223.213 to subpart B to read as follows:

§ 223.213 Western North Pacific and Central America distinct population segments (DPSs) of the humpback whale.

Prohibitions. The prohibitions of section 9(a)(1)(A) through 9(a)(1)(G) of the ESA (16 U.S.C. 1538) relating to endangered species shall apply to the Western North Pacific DPS and the Central America DPS of the humpback whale listed in § 223.102(e).

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 4. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

■ 5. In § 224.101, in the table in paragraph (h), revise the entry for ''Whale, humpback'' to read as follows:

§ 224.101 Enumeration of endangered marine and anadromous species.

* * * * *

(h) * * *

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Marine Mammals					
*	*	*	*	*	*
Whale, humpback (Arabian Sea DPS).	*Megaptera novaeangliae*.	Humpback whales that breed or feed in the Arabian Sea.	[*Insert* ***Federal Register*** *page where the document begins*], April 21, 2015.	NA	NA
Whale, humpback whale (Cape Verde Islands/Northwest Africa DPS).	*Megaptera novaeangliae*.	Humpback whales that breed in waters surrounding the Cape Verde Islands in the Eastern North Atlantic Ocean, as well as an undetermined breeding area in the eastern tropical Atlantic (possibly Canary Current) or feed along the Iceland Shelf and Sea and the Norwegian Sea.	[*Insert* ***Federal Register*** *page where the document begins*], April 21, 2015.	NA	NA
*	*	*	*	*	*

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

[2] Jurisdiction for sea turtles by the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, is limited to turtles while in the water.

[FR Doc. 2015–09010 Filed 4–20–15; 8:45 am]

BILLING CODE 3510–22–P

Reader Aids

Federal Register

Vol. 80, No. 76

Tuesday, April 21, 2015

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations
General Information, indexes and other finding aids **202–741–6000**
Laws **741–6000**

Presidential Documents
Executive orders and proclamations **741–6000**
The United States Government Manual **741–6000**

Other Services
Electronic and on-line services (voice) **741–6020**
Privacy Act Compilation **741–6064**
Public Laws Update Service (numbers, dates, etc.) **741–6043**
TTY for the deaf-and-hard-of-hearing **741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, APRIL

17307–17682 1
17683–18082 2
18083–18304 3
18305–18514 6
18515–18772 7
18773–19006 8
19007–19192 9
19193–19510 10
19511–19868 13
19869–20148 14
20149–20406 15
20407–21150 16
21151–21638 17
21639–22086 20
22087–22356 21

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.

2 CFR
2400 18519
Proposed Rules:
1201 18784

3 CFR
Proclamations:
9243 18073
9244 18075
9245 18301
9246 18303
9247 18509
9248 18511
9249 18513
9250 18515
9251 19191
9252 19867
9253 20403
9254 20405
9255 21149
9256 21151
Executive Orders:
13694 18077
Administrative Orders:
Memorandums:
Memorandum of March 25, 2015 22087
Memorandum of March 27, 2015 18517
Memorandum of March 31, 2015 19869
Notices:
Notice of March 31, 2015 18081
Notice of April 8, 2015 19193
Presidential Determinations:
No. 2015–05 of April 10, 2015 22089

5 CFR
532 17307
1201 21153
Proposed Rules:
843 18159
2600 18160
2601 18160
2604 18160

7 CFR
457 20407
610 19007
622 19007
624 19007
625 19007
652 19007
662 19007
953 17307
1455 19007
1465 19007
Proposed Rules:
1205 19567

10 CFR
72 ..... 20149, 21639
Proposed Rules:
50 21658
52 21658
72 20171
429 ..... 17586, 17826, 19885, 20116
430 ..... 17355, 17359, 18167, 18784, 19569, 19885, 20116
431 ..... 17363, 17586, 17826, 19885, 20116

12 CFR
217 20153
225 20153
238 20153
1024 22091
1026 ..... 21153, 22091
1805 19195
Proposed Rules:
Ch. I 20173
Ch. II 20173
204 20448
Ch. III 20173

13 CFR
Proposed Rules:
115 19886
121 18556
124 18556
125 18556
126 18556
127 18556
130 17708
134 18556

14 CFR
23 ..... 17310, 17312
25 18305
39 ..... 18083, 19009, 19013, 19017, 19871, 19873, 19876, 19878, 19881, 21639, 21645, 22094
71 21158
73 ..... 18519, 21158, 22096
95 18084
97 ..... 19511, 19515, 19517, 19520
1245 19196
Proposed Rules:
23 19889
39 ..... 17366, 17368, 19244, 19246, 19248, 19570, 19572, 19574, 19892, 20175, 20178, 20181, 21191, 21193, 22136, 22137, 22140
93 19576
97 19577
121 19251
193 18168

15 CFR

774.....18522, 21159

16 CFR

Proposed Rules:
1422.....18556
1610.....18795

17 CFR

200.....21806
230.....21806
232.....21649, 21806
239.....21806
240.....21806
249.....21806
260.....21806
Proposed Rules:
240.....18036

18 CFR

11.....18526
35.....17654

20 CFR

404.....19522, 21159
416.....19522
Proposed Rules:
603.....20690
651.....20690
652.....20690
653.....20690
654.....20690
655.....20300
658.....20690
675.....20690
676.....20574
677.....20574
678.....20574
679.....20690
680.....20690
681.....20690
682.....20690
683.....20690
684.....20690
685.....20690
686.....20690
687.....20690
688.....20690

21 CFR

1.....18087
14.....18307
26.....18087
99.....18087
201.....18087
203.....18087
206.....18087
207.....18087
310.....18087
312.....18087
314.....18087
510.....18773
520.....18773
522.....18773, 18777
524.....18773
529.....18773
558.....18773
600.....18087
601.....18087
606.....18087
607.....18087
610.....18087
660.....18087
680.....18087
801.....18087
807.....18087
812.....18087
814.....18087
822.....18087
876.....18307
1020.....19530
1271.....18087
Proposed Rules:
1.....19160
1020.....19589

23 CFR

Proposed Rules:
515.....17371

24 CFR

84.....18519
85.....18519
200.....18095
235.....18095
Proposed Rules:
5.....17548
92.....17548
135.....17372
200.....17548
574.....17548
576.....17548
578.....17548
880.....17548
882.....17548
883.....17548
884.....17548
886.....17548
891.....17548
960.....17548
966.....17548
982.....17548
983.....17548

26 CFR

1 .....17314, 18171, 20413, 21169
602.....17314
Proposed Rules:
1.....18096, 20454

27 CFR

Proposed Rules:
9 .....19895, 19901, 19908

28 CFR

16.....18099

29 CFR

101.....19199
102.....19199
103.....19199
4022.....20158
Proposed Rules:
1630.....21659
1910.....20185
1926.....20185
2509.....21928
2510.....21928
2550 .....21960, 21989, 22004, 22010, 22021, 22035
4000.....18172
4041A 18172
4281.....18172

30 CFR

Proposed Rules:
250.....21504, 21670
254.....21670
550.....21670

31 CFR

542.....19532

32 CFR

706.....19533

33 CFR

3.....20159
100 .....18310, 20414, 20416, 20418, 22097
117 .....17324, 18114, 18313, 19200, 19883, 19884, 20163, 20437, 22097, 22100, 22101
141.....20159
161.....17326
164.....17326
165 .....17683, 17685, 17687, 18313, 19201, 19203, 20163, 20418, 20439, 22103, 22105
Proposed Rules:
101.....17372
104.....17372
105.....17372
110.....18175, 18324
117.....19252
120.....17372
128.....17372
148.....19118
149.....19118
150.....19118
165 .....21670, 22142, 22144

34 CFR

Proposed Rules:
361.....20574, 21059
363.....21059
367.....20988
369.....20988
370.....20988
371.....20988
373.....20988
376.....20988
377.....20988
379.....20988
381.....20988
385.....20988
386.....20988
387.....20988
388.....20988
389.....20988
390.....20988
396 .....20988, 21195, 21196
397.....21059
461.....20968
462.....20968
463.....20574, 20968
472.....20968
477.....20968
489.....20968
490.....20968

36 CFR

214.....21588
261.....21588
291.....21588
Proposed Rules:
2.....21674
1193.....18177
1194.....18177

37 CFR

1.....17918
3.....17918
5.....17918
11.....17918
41.....17918
202.....19206
Proposed Rules:
201.....19255

38 CFR

3.....18116
38.....19534

39 CFR

3020.....18117
Proposed Rules:
111.....19914

40 CFR

49.....18120
52 .....17327, 17331, 17333, 17689, 17692, 18133, 18526, 18528, 19020, 19206, 19220, 19538, 19541, 19544, 19548, 20166, 20441, 21170, 21174, 21176, 21181, 21183, 22106, 22107, 22112
61.....22115
63.....22115, 22116
73.....22116
80.....18136
81 .....18120, 18528, 18535, 19548, 22112
82.....19454
98.....21650
147.....18316, 18319
180 .....17697, 18141, 19226, 19231, 21187
257.....21302
260.....18777
261.....18777, 21302
271.....21650
300 .....17703, 18144, 18780
745.....20444
Proposed Rules:
50.....18177
51.....18177
52 .....17712, 18179, 18944, 19591, 19593, 19931, 19932, 19935, 21198, 21199, 21681, 21685, 22147
80.....18179
81.....18184
93.....18177
136.....21691
147.....18326, 18327
180.....18327
271.....21691
372.....20189
435.....18557
704.....18330
721.....19037

41 CFR

60–20.....17373
102–42.....21189
300–3.....19238

42 CFR

Proposed Rules:
433.....20455
438.....19418
440.....19418
456.....19418
457.....19418
483.....22044
495.....20346

43 CFR

Proposed Rules:
3100.....22148

44 CFR

64.....19241, 22116

45 CFR

1640.....21654

Proposed Rules:

95.....20455
1355.....17713
1610.....21692
1627.....21692
1628.....21700
1630.....21692

46 CFR

11.....22118

47 CFR

1.....19738
8.....19738
20.....19738
74.....17343
90.....18144

Proposed Rules:

Ch. I.....18185

48 CFR

0.....21200
12.....18342
54.....19941
73.....20195
76.....19594

48 CFR

Ch. 1.....19504, 19508
1.....19504
22.....19504
52.....19504
205.....21656
206.....21656
208.....21656
210.....21656
213.....21656
215.....21656
216.....21656
1515.....20167
1552.....20167

Proposed Rules:

1511.....19254
1552.....19254
1801.....18580
1802.....18580
1805.....18580
1807.....18580
1812.....18580
1813.....18580
1823.....18580
1833.....18580
1836.....18580
1847.....18580
1850.....18580
1852.....18580

49 CFR

40.....19551
173.....17706
383.....18146
385.....18146
386.....18146
387.....18146
574.....19553
579.....19553

Proposed Rules:

611.....18796

50 CFR

17.....17974
223.....22119
300.....17344
622.....18551, 18552, 19243
648.....20446, 22119
660.....17352, 18781, 19034, 19564, 22270
679.....18553, 18554, 18782

Proposed Rules:

13.....17374
17.....18710, 18742, 19050, 19259, 19263, 19941, 19953
20.....19852
21.....17374
223.....18343, 22304
224.....18343, 18347, 22304
229.....18584
300.....19611
600.....19611
622.....17380, 18797, 19056
648.....18801
660.....19611, 22156
665.....19611, 22158

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

H.R. 2/P.L. 114–10
Medicare Access and CHIP Reauthorization Act of 2015 (Apr. 16, 2015; 129 Stat. 87)
Last List April 10, 2015

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.