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FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R–1513; RIN 7100 AE–31]

Regulation D: Reserve Requirements for Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation D (Reserve Requirements of Depository Institutions) regarding the payment of interest on certain balances maintained at Federal Reserve Banks by or on behalf of eligible institutions. Specifically, the amendments permit interest payments on certain balances to be based on a daily rate rather than on a maintenance period average rate. The amendments should help to enhance the role of such rates of interest in moving the Federal funds rate into the target range established by the FOMC, particularly on occasions when changes in those rates do not coincide with the beginning of a maintenance period.

DATE: The final rule is effective July 23, 2015.

FOR FURTHER INFORMATION CONTACT: Sophia H. Allison, Special Counsel (202–452–3565), Legal Division, or Thomas R. Keating, Financial Analyst (202–973–7401), or Jeffrey W. Huther, Senior Economist (202/452–3139), Division of Monetary Affairs; for users of Telecommunications Device for the Deaf (TDD) only, contact 202–263–4869; Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

For monetary policy purposes, section 19 of the Federal Reserve Act (''the Act'') imposes reserve requirements on certain types of deposits and other liabilities of depository institutions. Regulation D, which implements section 19 of the Act, requires that a depository institution meet reserve requirements by holding cash in its vault, or if vault cash is insufficient, by maintaining a balance in an account at a Federal Reserve Bank (''Reserve Bank'').[1] Section 19 also provides that balances maintained by or on behalf of certain institutions in an account at a Reserve Bank may receive earnings to be paid by the Reserve Bank at least once each quarter, at a rate or rates not to exceed the general level of short-term interest rates. Institutions that are eligible to receive earnings on their balances held at Reserve Banks (''eligible institutions'') include depository institutions and certain other institutions.[2] Section 19 also provides that the Board may prescribe regulations concerning the payment of earnings on balances at a Reserve Bank.[3]

Regulation D currently requires Reserve Banks to pay interest on balances up to the top of the penalty-free band at a rate of ¼ percent, and on excess balances above that level at a rate of ¼ percent.[4]

For purposes of computing the interest to be paid, an average of relevant balances over a 14-day maintenance period is multiplied by an average of the applicable interest rate in effect for each day of a maintenance period. For example, if the interest rate on excess balances were to increase in the middle of a maintenance period from 25 basis points (¼ percent) to 50 basis points (½ percent), the interest on excess balances for that maintenance period would be the average excess balances maintained over the maintenance period multiplied by the average excess balance rate, *i.e.,* 37.5 basis points. As a result, the full effect of the increase in the excess balance rate to 50 basis points may not show through to market rates until some number of days following the announcement of the new rate.

II. Request for Public Comment and Summary of Comments Received

The Board published its request for public comment on proposed amendments to Regulation D in the **Federal Register** on April 16, 2015.[5] Under the proposal, Regulation D would define an ''IORR[6] rate'' and would calculate interest on balances maintained up to the top of the penalty-free band as the average IORR rate over a maintenance period multiplied by the average balances maintained up to the top of the penalty-free band over the maintenance period. Regulation D would also define an ''IOER[7] rate'' and, for institutions that maintain balances in excess of the top of the penalty-free band on average over the maintenance period, would calculate interest as daily total balances multiplied by the daily

[1] 12 CFR 204.5(a)(1).

[2] Section 19(b)(1)(A) defines ''depository institution'' as any insured bank as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act; any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act; any savings bank as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act; any insured credit union as defined in section 101 of the Federal Credit Union Act or any credit union which is eligible to make application to become an insured credit union pursuant to section 201 of such Act; any member as defined in section 2 of the Federal Home Loan Bank Act; [and] any savings association (as defined in section 3 of the Federal Deposit Insurance Act) which is an insured depository institution (as defined in such Act) or is eligible to apply to become an insured depository institution under the Federal Deposit Insurance Act. See 12 U.S.C. 461(b)(1)(A). Eligible institution also includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978). Federal Reserve Act section 19(b)(12)(C), 12 U.S.C. 461(b)(12)(C), *see* 12 CFR 204.2(y) (definition of ''eligible institution'').

[3] See Federal Reserve Act section 19(b)(12), 12 U.S.C. 461(b)(12).

[4] See § 204.10(b)(1)–(2) of Regulation D, 12 CFR 204.10(b)(1)–(2). Regulation D defines ''top of the penalty free band'' to mean an amount equal to an institution's reserve balance requirement plus an amount that is the greater of 10 percent of the institution's reserve balance requirement or $50,000. Section 204.2(gg) of Regulation D, 12 CFR 204.2(gg). Regulation D defines ''excess balances'' to mean the average balance maintained in an account at a Federal Reserve Bank by or on behalf of an institution over a reserve maintenance period that exceeds the top of the penalty free band. Section 204.2(z) of Regulation D, 12 CFR 204.2(z).

[5] 80 FR 20448 (Apr. 16, 2015).

[6] *I.e.,* ''interest on required reserves.'' ''Required reserves'' is a term that historically referred to the amount that an institution must maintain on average over a maintenance period to satisfy its reserve balance requirement. Because Regulation D currently provides for a penalty-free band around an institution's reserve balance requirement, an institution's balances up to the top of the penalty-free band is the current equivalent of what was previously meant by ''required reserves.''

[7] *I.e.,* ''interest on excess reserves.''

IOER rate, reduced by an adjustment to avoid double payment of interest on balances up to the top of the penalty-free band.

The Board stated in the proposal that the purpose of this proposed amendment was to allow the full effect of an increase in the IOER rate to show through to the daily level of short-term market rates when an IOER rate change does not coincide with the beginning of a maintenance period. The Board proposed other amendments to Regulation D to conform certain provisions to current practices as well as to improve organization and make other clarifications.

Summary of Public Comments Received

The Board received four comments on the proposal, three from depository institutions and one from a trade association. One commenter expressed general support for the proposal without additional elaboration. Another commenter expressed support for the proposal because the proposal would improve the Federal Reserve System's responsiveness to economic trends and new market data. A third commenter expressed support for the proposal generally but recommended that depository institutions receive account statements that would provide itemization of the balances and calculations of IORR and IOER under Regulation D as amended. Itemization of interest payments along with information on balances held will be available to depository institutions through the Reserves Central-Reserves Account Administration application.[8]

A fourth commenter did not address the matters raised by the proposal but expressed concerns more generally regarding the role of the payment of interest on excess balances at Reserve Banks and the interaction between those payments, the Federal Reserve Payment System Risk policy for measuring daylight overdrafts, and the Liquidity Coverage Ratio (LCR) treatment of federal funds and financial institution deposits. The commenter also requested that the Federal Reserve clearly articulate the policy use and long-term goals of interest bearing reserves and conduct a policy review in two years. The commenter suggested the current level of interest paid on excess balances encourages banks to remove funds from the federal funds market, thereby reducing volumes and liquidity in inter-bank lending markets. In addition, the commenter argued that the payment of interest on reserves along with the Federal Reserve's access to transaction-level data on borrowing by individual depository institutions in the federal funds and Eurodollar markets provides a competitive advantage to Reserve Banks over private sector correspondent institutions.

The Board believes that the payment of interest on excess balances plays an important role in the implementation of monetary policy by contributing to the Federal Reserve's ability to influence the level of the federal funds rate and other short-term interest rates. As clearly articulated by the Federal Open Market Committee (FOMC) in its Policy Normalization Principles and Plans, the Federal Reserve intends to use the payment of interest on excess balances to move the federal funds rate into the target range established by the FOMC.[9] The purpose of adjusting the rate of interest paid on reserves is not in any way to provide the Federal Reserve with a competitive advantage in the payments system. Moreover, the proposed changes to Regulation D underscore and support the monetary policy role that these rates serve. The Board believes that the proposed change in the methodology for the calculation of interest on balances at Reserve Banks as set forth in the final rule will have no significant impact on the issues noted by the commenter. Furthermore, as has been the case in the past, the role of interest payments on excess balances will continue to be publicly articulated by the Board and FOMC, such as through FOMC statements and minutes, Board and FOMC policy statements, and testimony and speeches by Federal Reserve officials.

III. Section by Section Analysis

Section 204.10(a) General

The Board proposed to amend § 204.10(a) to incorporate certain provisions of current § 204.10(b) and to add a new provision describing the amount of a ''balance'' in an account at a Reserve Bank for purposes of the section. The Board received no comments on this provision and is adopting it as proposed.

Section 204.10(b) Payment of Interest

The Board proposed to amend § 204.10(b)(1) and (2) to set forth the amount of interest to be paid on balances of institutions that, on average over the maintenance period, maintain balances in excess of the top of the penalty-free band. These two subsections provide for interest at the IORR rate, interest at the IOER rate, the adjustment to interest at the IOER rate, and the minimum interest amount. The Board also proposed to amend § 204.10(b)(3) to provide that interest for institutions that, on average over the maintenance period, maintain balances that are equal to or lower than the top of the penalty-free band is the average IORR rate over the maintenance period multiplied by the average balances maintained over the maintenance period. The Board proposed to amend § 204.10(b)(4) to provide for interest on term deposits and proposed to add § 204.10(b)(5) to specify the IORR rate and the IOER rate. The Board did not receive any comments on these specific provisions and is adopting them as proposed.

Section 204.10(c) Pass-Through Balances

The Board proposed to amend § 204.10(c) to change the word ''shall'' to ''may'' in the second sentence to conform the paragraph with the provisions of § 204.10(b). The Board did not receive any comments on this provision and is adopting it as proposed.

Section 204.10(d) Excess Balance Accounts

The Board proposed to amend § 204.10(d)(5) to specify that interest on excess balance accounts is the amount equal to the IOER rate in effect each day multiplied by the total balances maintained on that day for each day of the maintenance period. The Board received no comments on this specific provision and is adopting it as proposed.

Section 204.10(f) Procedure for Determination of Rates

The Board proposed to amend Regulation D to add a new provision, proposed § 204.10(f), to govern the procedure for determination of rates. The Board received no comments on this provision and is adopting it as proposed.

IV. Solicitation of Comments Regarding Use of ''Plain Language''

Section 722 of the Gramm-Leach-Bliley Act of 1999 requires the Board to use ''plain language'' in all final rules. 12 U.S.C. 1408. The Board sought to present the proposed amendments in a simple and straightforward manner. The Board received no comments on whether the proposed rule was clearly stated and effectively organized or on how the Board might make the proposed text easier to understand.

[8] *See https://www.frbservices.org/centralbank/reservescentral/index.html.*

[9] *See http://www.federalreserve.gov/newsevents/press/monetary/20140917c.htm.*

V. Final Regulatory Flexibility Analysis

An initial regulatory flexibility analysis (IRFA) was included in the Board's proposed rule in accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). In the IRFA, the Board specifically solicited comment on whether the proposed rule would have a significant economic impact on a substantial number of small entities. The Board received no comments in response to its request for comments on its IRFA.

Section 4 of the RFA requires an agency to provide a final regulatory flexibility analysis with a final rule. Banks and other depository institutions are considered ''small'' if they have less than $550 million in assets. For the reasons stated below, the Board believes that the final rule will not have a significant impact on a substantial number of small entities.

1. *Statement of the objectives of the proposal.* The Board is publishing final amendments to Regulation D in order to facilitate the conduct of monetary policy. Section 19 of the Act was enacted to impose reserve requirements on certain deposits and other liabilities of depository institutions for monetary policy purposes. The Board is publishing final amendments to Regulation D to facilitate the transmission of monetary policy through the rates of interest paid on balances of eligible institutions at Reserve Banks by permitting interest payments on certain balances to be based on a daily rate rather than on a maintenance period average rate. The Board believes that these amendments should help to enhance the role of such rates of interest in moving the federal funds rate into the target range established by the FOMC. The more effective implementation of monetary policy that the rule supports benefits all entities, including small entities. The potential costs for eligible institutions associated with the amendments are low because the amendments do not require any changes to their existing processes and operations. Moreover, the amendments are not likely to harm small eligible institutions or other eligible institutions because they will continue to receive earnings on their balances at Reserve Banks.

2. *Small entities affected by the proposal.* The final rule will affect all eligible institutions that maintain balances to satisfy reserve balance requirements or excess balances at a Reserve Bank. The Board estimates that there are currently approximately 8,725 eligible institutions that maintain such balances. The Board estimates that approximately 6,950 of these institutions could be considered small entities with assets of $550 million or less.

3. Other federal rules. The Board has not identified any other federal rules that duplicate, overlap, or conflict with the final rule.

4. *Significant alternatives to the proposed amendments.* The Board believes that the final rule does not impose any burden on depository institutions of any size. The final rule relates to payment of earnings on balances of eligible institutions and does not provide for any new or additional reporting or other obligations.

VI. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3506; 5 CFR part 1320 Appendix A.1), the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget (OMB). The final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 204

Banks, Banking, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board amends 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 12 U.S.C. 248(a), 248(c), 371a, 461, 601, 611, and 3105.

■ 2. Section 204.10 is amended by revising paragraphs (a), (b), (c), and (d)(5), and adding paragraph (f) to read as follows:

§ 204.10 Payment of interest on balances.

(a) *General.* (1) Except as provided in paragraph (c) of this section, interest on balances maintained at Federal Reserve Banks by or on behalf of an eligible institution shall be established by the Board in accordance with this section, at a rate or rates not to exceed the general level of short-term interest rates.

(2) For purposes of this section, the amount of a ''balance'' in an account maintained by or on behalf of an eligible institution at a Federal Reserve Bank is determined at the close of the Federal Reserve Bank's business day.

(3) For purposes of this section, ''short-term interest rates'' are rates on obligations with maturities of no more than one year, such as the primary credit rate and rates on term federal funds, term repurchase agreements, commercial paper, term Eurodollar deposits, and other similar instruments.

(4) The payment of interest on balances under this section shall be subject to such other terms and conditions as the Board may prescribe.

(b) *Payment of interest.* Interest on balances maintained at Federal Reserve Banks by or on behalf of an eligible institution is established as set forth in paragraphs (b)(1) through (4) of this section. The rates for IORR and IOER are set forth in paragraph (b)(5) of this section.

(1) For institutions that maintain balances that are, on average over the maintenance period, in excess of the top of the penalty-free band, interest is:

(i) The amount equal to the average IORR rate over the maintenance period multiplied by the average balance up to the top of the penalty-free band maintained over the maintenance period; plus

(ii)(A) The amount equal to the IOER rate in effect each day multiplied by the total balances maintained on that day for each day of the maintenance period; minus

(B) The amount equal to the average IOER rate over the maintenance period multiplied by the average balance up to the top of the penalty-free band maintained over the maintenance period.

(2) The interest amount under paragraph (b)(1) of this section shall not be less than an amount equal to the amount specified in paragraph (b)(1)(i) of this section.

(3) For institutions that maintain balances that are, on average over the maintenance period, equal to or lower than the top of the penalty-free band, interest is the amount equal to the average IORR rate over the maintenance period multiplied by the average balance maintained over the maintenance period.

(4) For term deposits, interest is:

(i) The amount equal to the principal amount of the term deposit multiplied by a rate specified in advance by the Board, in light of existing short-term market rates, to maintain the federal funds rate at a level consistent with monetary policy objectives; or

(ii) The amount equal to the principal amount of the term deposit multiplied by a rate determined by the auction through which such term deposits are offered.

(5) The rates for IORR and IOER are:

	Rate (percent)	Effective
IORR	¼	12/18/2008
IOER	¼	12/18/2008

(c) *Pass-through balances.* A pass-through correspondent that is an eligible institution may pass back to its respondent interest paid on balances maintained to satisfy a reserve balance requirement of that respondent. In the case of balances maintained by a pass-through correspondent that is not an eligible institution, a Reserve Bank may pay interest only on the balances maintained to satisfy a reserve balance requirement of one or more respondents up to the top of the penalty-free band, and the correspondent shall pass back to its respondents interest paid on balances in the correspondent's account.

(d) * * *

(5) Interest on balances of eligible institutions maintained in an excess balance account is the amount equal to the IOER rate in effect each day multiplied by the total balances maintained on that day for each day of the maintenance period.

* * * * *

(f) *Procedure for determination of rates.* The Board anticipates that notice and public participation with respect to changes in the rate or rates of interest to be paid under this section will generally be impracticable, unnecessary, contrary to the public interest, or otherwise not required in the public interest, and that there will generally be reason and good cause in the public interest why the effective date should not be deferred for 30 days. The reason or reasons in such cases are generally expected to include that such notice, public participation, or deferment of effective date would prevent the action from becoming effective as promptly as necessary in the public interest, would permit speculators or others to reap unfair profits or to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, would provoke other consequences contrary to the public interest, would not aid the persons affected, or would otherwise serve no useful purpose.

By order of the Board of Governors of the Federal Reserve System, June 17, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–15238 Filed 6–19–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–0793; Airspace Docket No. 15–AEA–3]

Amendment of Class D Airspace; Baltimore, Martin State Airport, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment; correction.

SUMMARY: This action corrects an error in the title of a final rule published in the **Federal Register** on April 29, 2015, amending Class D Airspace at Martin State Airport, Baltimore, MD. It should read Amendment of Class D Airspace Baltimore, Martin State Airport, MD. This action also corrects reference to Restricted Area R–4001C as being MSL, and corrects the airport designation.

DATES: Effective 0901 UTC, June 25, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

On April 29, 2015, the FAA published a final rule, technical amendment in the **Federal Register** amending Class D airspace at Martin State Airport, Baltimore, MD. (80 FR 23709). After publication, the FAA found that the title was incorrectly typed as Proposed Amendment of Class E Airspace, Baltimore, MD, instead of Amendment of Class D Airspace, Baltimore, Martin State Airport, MD. This action makes the correction. Also, in the regulatory text, the airport designation is corrected to AEA D MD Baltimore, Martin State Airport, MD; and references to AGL is corrected to MSL.

The Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9Y, dated August 9, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Docket No. FAA–2015–0793, amending Class D airspace at Martin State Airport, Baltimore, MD, as published in the **Federal Register** on April 29, 2015, (80 FR 23709), FR Doc. 2015–09870, is corrected as follows:

On page 23709, column 1, line 39, remove, ''Proposed Amendment of Class E Airspace; Baltimore, MD'', and add in its place, ''Amendment of Class D Airspace, Baltimore, Martin State Airport, MD'', and on line 51 remove the abbreviation AGL and add in its place MSL. On page 23710, column 1, line 10, remove ''ASO MD D Baltimore, MD [Amended]'', and add in its place ''AEA MD D Baltimore, Martin State Airport, MD [Amended]''; and on line 27, remove the abbreviation AGL, and add in its place, MSL.

Issued in College Park, Georgia, on June 10, 2015.

Gerald E. Lynch,

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

[FR Doc. 2015–15130 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2010–F–0537]

Food Additives Permitted in Feed and Drinking Water of Animals; Gamma-Linolenic Acid Safflower Meal

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is amending the regulations for food additives permitted in feed and drinking water of animals to provide for the safe use of seed meal from a variety of bioengineered safflower in cattle and poultry feeds. This action is in response to a food additive petition filed by Arcadia Biosciences, Inc.

DATES: This rule is effective June 22, 2015. Submit either written or electronic objections and requests for a hearing by July 22, 2015. See section V of this document for information on the filing of objections.

ADDRESSES: You may submit either electronic or written objections and a request for a hearing, identified by

Docket No. FDA–2010–F–0537, by any of the following methods:

Electronic Submissions

Submit electronic objections in the following way:

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

Written Submissions

Submit written objections in the following ways:

- Mail/Hand delivery/Courier (for paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and docket number for this rulemaking. All objections received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting objections, see the ''Objections'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or objections received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Isabel W. Pocurull, Center for Veterinary Medicine (HFV–226), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5877, *isabel.pocurull@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of October 20, 2010 (75 FR 64733), FDA announced that a food additive petition (animal use) (FAP 2267) had been filed by Arcadia Biosciences, Inc., 202 Cousteau Pl., suite 105, Davis, CA 95618. The petition proposed to amend the food additive regulations to provide for the safe use of seed meal from a variety of bioengineered safflower (*Carthamus tinctorius* L.) in cattle and poultry feeds. The safflower variety has been bioengineered to contain a gene from the water mold *Saprolegnia diclina* responsible for production of gamma-linolenic acid in the seed oil. Seed meals are the ground residues obtained after processing seeds to extract their oil and are a common ingredient in livestock feed. The notice of filing provided for a 30-day comment period on the petitioner's environmental assessment.

II. Conclusion

FDA concludes that the data establish the safety and utility of gamma-linolenic acid safflower meal for use as proposed and that the food additive regulations should be amended as set forth in this document.

III. Public Disclosure

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and documents we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 571.1(h), we will delete from the documents any materials that are not available for public disclosure.

IV. Environmental Impact

The Agency has carefully considered the potential environmental impact of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Division of Dockets Management (address above) between 9 a.m. and 4 p.m., Monday through Friday.

V. Objections and Hearing Requests

Any person who will be adversely affected by this regulation may file with the Division of Dockets Management (see ADDRESSES) either electronic or written objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection.

It is only necessary to send one set of documents. Identify documents with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation 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.*

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

■ 1. The authority citation for 21 CFR part 573 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

■ 2. Add § 573.490 to read as follows:

§ 573.490 Gamma-linolenic acid safflower meal.

The food additive consists of the meal obtained after the removal of most of the oil from whole seeds or partially dehulled seeds or both obtained from a *Carthamus tinctorius* L. safflower Centennial variety genetically engineered to express the delta-6-desaturase gene from *Saprolegnia diclina* Humphrey. The 453 amino acid, delta-6-desaturase enzyme converts the fatty acid linoleic acid to gamma-linolenic acid during seed development. The resulting additive may be safely used in cattle and poultry feeds in accordance with the following prescribed conditions:

(a) The additive shall contain not less than 20 percent crude protein, not more than 40 percent crude fiber, not more than 10 percent moisture, and not more than 2 percent crude fat.

(b) The crude fat in the additive meets the following specifications:

(1) Gamma-linolenic acid content not to exceed 55 percent.

(2) Total content of stearidonic acid and cis, cis-6, 9-octadecadienoic acid not to exceed a total of 0.5 percent.

(3) Total content of palmitic, stearic, oleic, linoleic, and other associated fatty acids to exceed a total of 40 percent.

(c) The additive is used or intended for use in cattle and poultry feeds as a source of protein in accordance with good manufacturing and feeding practices.

(d) To assure safe use of the additive, in addition to the other information required by the Food, Drug, and Cosmetic Act, the label and labeling of

the additive, any feed premix, or complete feed shall bear the following:

(1) The name of the additive or the common name, safflower meal.

(2) Adequate directions for use in cattle and poultry feeds.

(e) The additive may be identified by the common or usual name, safflower meal.

Dated: June 16, 2015.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2015–15220 Filed 6–19–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0569]

Drawbridge Operation Regulation; Willamette River, Portland, OR

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 Morrison Bridge, mile 12.8, and the Hawthorne Bridge, mile 13.1, both crossing the Willamette River at Portland, OR. The deviation is necessary to accommodate Portland's Red, White, and Blues Run/Walk event. The deviation allows the bridges to remain in the closed-to-navigation position from 5 a.m. to 10 a.m. on July 5, 2015 to allow for the safe movement of event participants across the bridges.

DATES: This deviation is effective from 5 a.m. to 10 a.m. on July 5, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0569] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Multnomah County has requested that the Hawthorne and Morrison drawbridges across the Willamette River in Portland, OR remain closed to vessel traffic from 5 a.m. to 10 a.m. on July 5, 2015 to facilitate safe, uninterrupted roadway passage of event participants for the Red, White and Blues Run/Walk event.

The Morrison Bridge, mile 12.8, provides a vertical clearance of 69 feet in the closed position, and the Hawthorne Bridge, mile 13.1, provides 49 feet of vertical clearance in the closed position, all clearances are referenced to the vertical clearance above Columbia River Datum 0.0.

This deviation allows the Hawthorne and Morrison Bridges, across the Willamette River, to remain in the closed position and need not open for maritime traffic from 5 a.m. to 10 a.m. on July 5, 2015. Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft.

Vessels able to pass through the bridges in the closed positions may do so at any time. The bridges will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridges so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: June 17, 2015.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2015–15215 Filed 6–19–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0488]

Safety Zone; Southern California Annual Fireworks Events for the San Diego Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone on the waters of San Diego Bay, California, adjacent to the Embarcadero Marina Park South, for the annual San Diego Symphony Summer Pops Fireworks shows held on specific evenings from June 27, 2015 to September 6, 2015. The brief fireworks displays are scheduled to coincide with the end of the symphony concerts. This action is necessary to provide for safety of the marine event crew, spectators, safety vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations for the safety zone listed in 33 CFR 165.1123, Table 1, Item 1, will be enforced on various dates between June 27, 2015 to September 6, 2015, from 9 p.m. to 10 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions on this publication, call or email Petty Officer Randolph Pahilanga, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11-PF-MarineEventsSanDiego@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone in San Diego Bay, California, for the annual San Diego Symphony Summer Pops concerts (Item 1 on Table 1 of 33 CFR 165.1123), held on from 9 p.m. to 10 p.m. on various dates. Specifically, the dates of enforcement are: June 27, July 3, July 5, July 17, July 18, July 24, July 25, July 31, August 1, August 7, August 8, August 14, August 15, August 21, August 22, August 28, August 29, and September 4 through September 6, 2015. The safety zone is located off of the Embarcadero Marina Park South.

Under the provisions of 33 CFR 165.1123, persons and vessels are prohibited during the fireworks display times from entering into, transiting

through, or anchoring within the 800 foot regulated area safety zone around the fireworks barge, located in approximate position 32°42′16″ N, 117°09′59″ W, unless authorized by the Captain of the Port, or his designated representative. Persons or vessels desiring to enter into or pass through the safety zone may request permission from the Captain of the Port or a designated representative. The Coast Guard Captain of the Port or designated representative can be reached via VHF CH 16 or at (619) 278–7033. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his designated representative. Spectator vessels may safely transit outside the regulated area, but may not anchor, block, loiter, or impede the transit of official fireworks support and event safety vessels or law enforcement patrol vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in notification and patrol of this regulation.

This document is issued under authority of 5 U.S.C. 552 (a) and 33 CFR 165.1123. In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and local advertising by the event sponsor.

If the Coast Guard determines that the regulated area need not be enforced for the full duration stated on this document, then a Broadcast Notice to Mariners or other communications coordinated with the event sponsor will grant general permission to enter the regulated area.

Dated: June 2, 2015.

J.A. Janszen,

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

[FR Doc. 2015–15317 Filed 6–19–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0358]

RIN 1625–AA00

Safety Zone; Fireworks Display, Columbia River, Cathlamet, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone in Cathlamet, WA. This safety zone is necessary to help ensure the safety of the maritime public during a fireworks display and will do so by prohibiting unauthorized persons and vessels from entering the safety zones unless authorized by the Sector Columbia River Captain of the Port or his designated representatives.

DATES: This rule is effective on July 18, 2015 from 10:00 p.m. to 11:00 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0358]. 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 Ken Lawrenson, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553, the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Waiting for a 30 day notice period to run would be impracticable. The Coast Guard did not receive the necessary information in time for this regulation to undertake both an NPRM and a 30 day delayed effective date. Additionally, waiting for a 30 day notice period to run would be impracticable as delayed promulgation may result in injury or damage to persons and vessels from the hazards associated with fireworks displays.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** due to the late notification of this event and because the event will have occurred before comments could have been taken.

B. Basis and Purpose

The legal basis for this proposed rule is: 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; which collectively authorize the Coast Guard to establish regulatory safety zones for safety and environmental purposes.

Fireworks displays create hazardous conditions for the maritime public because of the large number of vessels that congregate near the displays, as well as the noise, falling debris, and explosions that occur during the event. Due to the presence of a fireworks show, a safety zone is necessary in order to reduce vessel traffic congestion in the proximity of fireworks discharge sites and to prevent vessel traffic within the fallout zone of the fireworks.

C. Discussion of the Temporary Final Rule

This rule establishes one safety zone in the Sector Columbia River Captain of the Port Zone.

The safety zone will encompass the waters included within a 500 foot radius at the following approximate location: 46°12′14″ N; 123°23′17″ W, along the Columbia River, in Cathlamet, WA. This safety zone will be effective on Saturday July 18, 2015 from 10:00 p.m. to 11:00 p.m.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of

potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The Coast Guard has made this determination based on the fact that the safety zone created by this rule will not significantly affect the maritime public because vessels may still coordinate their transit with the Coast Guard in the vicinity of the safety zone.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

(1) This rule may affect the following entities, some of which may be small entities: The owners and operators of vessels intending to operate in the area covered by the safety zone. The rule will not have a significant economic impact on a substantial number of small entities because the safety zones will only be in effect for a limited period of time. Additionally, vessels can still transit through the zone with the permission of the Captain of the Port. Before the effective period, we will publish advisories in the Local Notice to Mariners available to users of the river. Maritime traffic will be able to schedule their transits around the safety zone.

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER 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 expenditure, we do not discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the creation of one safety zone during fireworks displays to protect maritime public. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are

available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is amending 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.T13–0358 to read as follows:

§ 165.T13–0358 Safety Zone; Cathlamet Bald Eagle Days Firework Display, Cathlamet, WA.

(a) *Safety Zones.* The following area is a designated safety zone:

(1) *Location.* All waters along the Columbia River, Cathlamet, WA, within a 500 foot radius at the approximate position of 46°12′14″ N; 123°23′17″ W.

(2) *Enforcement Period.* This event will be held on July 18, 2015 from 10:00 p.m. to 11:00 p.m.

(b) *Regulations.* In accordance with the general regulations in 33 CFR part 165, subpart C, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative. The Captain of the Port may be assisted by other Federal, State, or local agencies with the enforcement of the safety zone.

(c) *Authorization.* All vessel operators who desire to enter the safety zone must obtain permission from the Captain of the Port or Designated Representative by contacting either the on-scene patrol craft on VHF Ch 13 or Ch 16 or the Coast Guard Sector Columbia River Command Center via telephone at (503) 861–6211.

Dated: May 19, 2015.

D.J. Travers,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2015–15323 Filed 6–19–15; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket No. RM2015–6; Order No. 2543]

Changes or Corrections to Mail Classification Schedule

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is issuing a set of final rules addressing changes and corrections to the Mail Classification Schedule (MCS). The final rules establish procedures for material changes in services offered in connection with products and corrections to product descriptions. Relative to the proposed rules, all changes are minor and non-substantive.

DATES: *Effective* July 22, 2015.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

72 FR 63662, November 9, 2007
79 FR 69781, November 24, 2014

Table of Contents

I. Introduction
II. Background
III. Summary of Comments Received and Explanation of Revisions
IV. Ordering Paragraphs

I. Introduction

In this Order, the Commission adopts final rules regarding requests to change or correct the Mail Classification Schedule (MCS).

II. Background

The Commission is charged with maintaining accurate product lists. *See* 39 U.S.C. 3642. In Docket No. RM2007–1, the Commission promulgated rules establishing the MCS as the vehicle for presenting the product lists with necessary descriptive content.[1] Those rules are codified at 39 CFR part 3020, subparts A–F.

On November 14, 2014, the Commission issued a notice of proposed rulemaking and requested comments on proposed rules regarding requests to change or correct the MCS (specifically, replacing 39 CFR part 3020, subpart E).[2] Order No. 2250 described how the regulations did not satisfactorily address MCS changes that were more significant than minor corrections to the MCS but did not rise to the level of a product list modification. The proposed rules distinguished between material changes and minor corrections to the descriptive content in the MCS and proposed procedures for the initiation and review of each type of change. The notice of proposed rulemaking was also published in the **Federal Register**. 79 FR 69781 (November 24, 2014).

The Postal Service and the Public Representative submitted initial comments suggesting changes to the rules proposed in Order No. 2250.[3] The Postal Service also submitted reply comments.[4] After consideration of the comments submitted, the Commission adopts the proposed rules, modified as described below.

III. Section-by-Section Analysis

In general, the Postal Service and Public Representative offered positive comments with respect to the Commission's proposed rules. *See, e.g.,* Postal Service Comments at 1, PR Comments at 3. Both commenters also offered suggestions that they assert would improve or clarify the proposed rules. The comments primarily focused on two issues: The contents of the supporting justification for a material change to a MCS product description and the provisions concerning the Commission's review of requests to make either a material change or minor correction to the MCS. The Commission's analysis of the comments received is discussed below.

A. Section 3020.81 (Supporting Justification for Changes to Product Descriptions)

Section 3020.81 of the proposed rules lists the supporting justification that must be filed by the Postal Service when it proposes a material change to a product description in the MCS. As proposed, paragraph (c) required the Postal Service to describe the impact that the proposed material changes will have on users of the product and on competitors as part of its supporting justification for its request to make a material change to a product description.

The Postal Service comments that the requirement in proposed section 3020.81(c) is more strenuous than the requirement that currently applies to

[1] Docket No. RM2007–1, Order No. 26, Order Proposing Regulations to Establish a System of Ratemaking, August 15, 2007, at 85.

[2] Notice of Proposed Rulemaking on Changes and Corrections to the Mail Classification Schedule, November 14, 2014 (Order No. 2250).

[3] Initial Comments of the United States Postal Service, December 24, 2014 (Postal Service Comments); Public Representative Comments, December 24, 2014 (PR Comments).

[4] Reply Comments of the United State Postal Service, January 8, 2015 (Postal Service Reply Comments).

modifications of the product lists. Postal Service Comments at 2. The Postal Service suggests that section 3020.81(c) requires only that it ''[p]rovide any available information that describes the likely impact of the changes on users of the product and on competitors.'' *Id.* at 3. The Postal Service states its alternative wording would establish the same standard that currently applies to modifications of the product lists. *Id.*

In contrast, the Public Representative suggests that paragraph (c) be broadened to require the Postal Service to ''[d]escribe the views of those who use the product on the appropriateness of the proposed action and the impact that the changes will have on users of the product and on competitors and on small business concerns.'' PR Comments at 12. He asserts that the Commission's proposed rules eliminate two considerations required by 39 U.S.C. 3642(b)(3) and the reintroduction of those considerations would protect the product lists from erosion through incremental changes to a product description, which could eventually modify the product itself, to the detriment of users. *Id.* at 11–12.

The Postal Service responds that the Public Representative's suggestion appears to impose an obligation on it ''to obtain certainty'' regarding the impact that a material MCS product description change will have before it requests Commission review of the change. Postal Service Reply Comments at 2–3. The Postal Service hypothesizes that such a requirement would require it to ''conduct market research or otherwise compile data that reflect some unspecified level of scientific or empirical analysis of the impact of an MCS product description change on customers, competitors and small businesses.'' *Id.* at 3. The Postal Service suggests the following revision to the Public Representative's proposal for paragraph (c): Provide available information describing the views of those who use the product on the appropriateness of the proposed action and the likely impact of the changes on users of the product and on competitors and on small business concerns. *Id.*

The Commission declines to adopt the particular revisions proposed by either commenter. Although the Public Representative and Postal Service offer different suggested language, both commenters attempt to establish a standard for material changes to product descriptions that is similar to the standard that applies to modifications of the product lists. *See* Postal Service Comments at 3; PR Comments at 11. However, the Commission's intent in establishing the standard for material changes was to strike a middle ground between the showing that is required for modifications to the product lists and the showing for corrections to MCS product descriptions.

Nevertheless, the Commission recognizes that the paragraph, as originally proposed, could be interpreted to require a more burdensome showing by the Postal Service than that required for modifications of the product lists. Therefore, the Commission adopts the following minor revision to proposed section 3020.81(c)—the addition of the word likely—so that section 3020.81(c) will read as follows: Describe the *likely* impact that the changes will have on users of the product and on competitors. This change tracks the Commission's original intent to allow the Postal Service to make a showing that is less onerous than the showing that is required for modifications to the product lists but more robust than the showing for corrections to MCS product descriptions.

B. Provisions Concerning Commission Review (3020.83 and 3020.92)

Sections 3020.83 and 3020.92 of the proposed rules describe the actions the Commission may take in response to a Postal Service request to either materially change or correct a product description, respectively. These provisions are nearly identical in the proposed rules.

The Public Representative suggests three revisions to proposed section 3020.92. First, he suggests revising section 3020.92(b) to explicitly state that a minor correction would be made if ''not a material change to the product descriptions'' and ''consistent with the provisions of title 39, subject to editorial corrections.'' PR Comments at 8. The Postal Service does not object to the Public Representative's suggestion but comments that the second change may be ''superfluous.'' Postal Service Reply Comments at 2. The Public Representative's suggested additions are already implied by the proposed language. Accordingly, the Commission declines to adopt the Public Representative's suggestions as unnecessary.

Second, the Public Representative comments that the elimination of the statement in the current rule that the Commission will make the change ''to coincide with the effective date of the proposed change'' introduces ''ambiguity about the Commission's intended action time.'' PR Comments at 8. The Postal Service does not comment on the Public Representative's suggestion. The Commission agrees with the Public Representative that the proposed rule is unclear concerning when the Commission will make the change to the MCS. Therefore, the Commission adopts the Public Representative's suggestion and adds language to state that the change to the MCS will coincide with the effective date of the proposed change to both sections 3020.83 and 3020.92.

Third and finally, the Public Representative suggests ''in the interests of clarity and economy'' combining sections 3020.83 and 3020.92 into a section numbered 3020.100 and named ''Commission Review and Action.'' *Id.* at 12. The Postal Service does not comment on the Public Representative's suggestion. The format of the proposed rules was designed to have separate sections for material changes (39 CFR 3020.80 *et seq.*) and minor corrections (39 CFR 3020.90 *et seq.*). Accordingly, the Commission declines to adopt the Public Representative's suggestion.

C. Additional Minor Corrections

In order to improve upon the clarity of the rules proposed in Order No. 2250, the Commission makes the following editorial changes and minor corrections:

- Rule 3020.81 contains an editorial change to the title of the rule.
- Rule 3020.82 contains an editorial change to the title of the rule.
- Rule 3020.83 contains an editorial change to the title of the rule.
- Rule 3020.83(e) contains a minor correction.
- Rule 3020.91 contains an editorial change to the title of the rule.
- Rule 3020.92 contains an editorial change to the title of the rule.
- Rule 3020.92(e) contains a minor correction.

IV. Ordering Paragraphs

It is ordered:

1. Part 3020 of title 39, Code of Federal Regulations, is amended as set forth below the signature of this Order, effective 30 days after publication in the **Federal Register**.

2. The Secretary shall arrange for publication of this order in the **Federal Register**.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

Part 3020—PRODUCT LISTS

■ 1. The authority citation of part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise subpart E to read as follows:

Subpart E—Requests Initiated by the Postal Service To Make Material Changes or Minor Corrections to the Mail Classification Schedule

Sec.

3020.80 Material changes to product descriptions.
3020.81 Supporting justification for material changes to product descriptions.
3020.82 Docket and notice of material changes to product descriptions.
3020.83 Commission review of material changes to product descriptions.
3020.84–3020.89 [Reserved]
3020.90 Minor corrections to product descriptions.
3020.91 Docket and notice of minor corrections to product descriptions.
3020.92 Commission review of minor corrections to product descriptions.

Subpart E—Requests Initiated by the Postal Service To Make Material Changes or Minor Corrections to the Mail Classification Schedule

§ 3020.80 Material changes to product descriptions.

(a) Whenever the Postal Service proposes material changes to a product description in the Mail Classification Schedule, no later than 30 days prior to implementing the proposed changes, it shall submit to the Commission a request to change the product description in the Mail Classification Schedule.

(b) The request shall:

(1) Include a copy of the applicable sections of the Mail Classification Schedule and the proposed changes therein in legislative format; and

(2) Provide all supporting justification for the changes upon which the Postal Service proposes to rely.

§ 3020.81 Supporting justification for material changes to product descriptions.

(a) Supporting justification for changes to a product description in the Mail Classification Schedule shall include a description of, and rationale for, the proposed changes to the product description; and the additional material in paragraphs (b) and (c) of this section.

(b)(1) As to market dominant products, explain why the changes are not inconsistent with each requirement of 39 U.S.C. 3622(d) and part 3010 of this chapter; or

(2) As to competitive products, explain why the changes will not result in the violation of any of the standards of 39 U.S.C. 3633 and part 3015 of this chapter.

(c) Describe the likely impact that the changes will have on users of the product and on competitors.

§ 3020.82 Docket and notice of material changes to product descriptions.

(a) The Commission shall take the actions identified in paragraphs (b) through (e) of this section.

(b) Establish a docket for each request to change a product description in the Mail Classification Schedule;

(c) Publish notice of the request on its Web site;

(d) Designate an officer of the Commission to represent the interests of the general public in the docket; and

(e) Provide interested persons with an opportunity to comment on whether the proposed changes are consistent with title 39 and applicable Commission regulations.

§ 3020.83 Commission review of material changes to product descriptions.

(a) The Commission shall review the request and any comments filed. The Commission shall take one of the actions identified in paragraphs (b) through (g) of this section.

(b) Approve the proposed changes, subject to editorial corrections, and change the Mail Classification Schedule to coincide with the effective date of the proposed change;

(c) Reject the proposed changes;

(d) Provide the Postal Service with an opportunity to amend the proposed changes;

(e) Direct the Postal Service to make an appropriate filing under a different section;

(f) Institute further proceedings; or

(g) Direct other action that the Commission considers appropriate.

§§ 3020.84–3020.89 [Reserved]

§ 3020.90 Minor corrections to product descriptions.

(a) The Postal Service shall ensure that product descriptions in the Mail Classification Schedule accurately represent the current offerings of the Postal Service.

(b) The Postal Service shall submit minor corrections to product descriptions in the Mail Classification Schedule by filing notice with the Commission no later than 15 days prior to the effective date of the proposed corrections.

(c) The notice shall:

(1) Explain why the proposed corrections do not constitute material changes to the product description for purposes of § 3020.80;

(2) Explain why the proposed corrections are consistent with any applicable provisions of title 39; and

(3) Include a copy of the applicable sections of the Mail Classification Schedule and the proposed corrections therein in legislative format.

§ 3020.91 Docket and notice of minor corrections to product descriptions.

(a) The Commission shall take the actions identified in paragraphs (b) through (e) of this section.

(b) Establish a docket for each proposal to correct a product description in the Mail Classification Schedule;

(c) Publish notice of the proposal on its Web site;

(d) Designate an officer of the Commission to represent the interests of the general public in the docket; and

(e) Provide interested persons with an opportunity to comment on whether the proposed corrections are consistent with title 39 and applicable Commission regulations.

§ 3020.92 Commission review of minor corrections to product descriptions.

(a) The Commission shall review the notice and any comments filed. The Commission shall take one of the actions identified in paragraphs (b) through (g) of this section.

(b) Approve the proposed corrections, subject to editorial corrections, and change the Mail Classification Schedule to coincide with the effective date of the proposed change;

(c) Reject the proposed corrections;

(d) Provide the Postal Service with an opportunity to amend the proposed corrections;

(e) Direct the Postal Service to make an appropriate filing under a different section;

(f) Institute further proceedings; or

(g) Direct other action that the Commission considers appropriate.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–15198 Filed 6–19–15; 8:45 am]

BILLING CODE 7710–FW–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 11–42; DA 15–398]

Lifeline and Link Up Reform

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Wireline Competition Bureau (Bureau) clarifies rules regarding subscriber usage of Lifeline-supported service established in the *Lifeline Reform Order.* The Bureau clarifies that, pursuant to the *Lifeline Reform Order,* an eligible

telecommunications carrier (ETC) must both assess and collect a monthly fee from a subscriber in order to avoid the Lifeline usage requirements, including the requirement to de-enroll inactive subscribers who fail to use the service within any consecutive 60-day period.

DATES: Effective July 22, 2015.

FOR FURTHER INFORMATION CONTACT: Jonathan Lechter, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Wireline Competition Bureau's Lifeline Non-Usage Clarification Order (Order) in WC Docket No. 11–42; DA 15–398, released on March 31, 2015. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The document is also available on the Commission's Web site at: *https://www.fcc.gov/document/clarification-lifeline-supported-service-rules.*

I. Introduction

1. In this Order, the Wireline Competition Bureau (Bureau) clarifies rules regarding subscriber usage of Lifeline-supported service established in the *Lifeline Reform Order.* The Bureau clarifies that, pursuant to the *Lifeline Reform Order,* 77 FR 12952, March 2, 2012, an eligible telecommunications carrier (ETC) must both assess and collect a monthly fee from a subscriber in order to avoid the Lifeline usage requirements, including the requirement to de-enroll inactive subscribers who fail to use the service within any consecutive 60-day period.

II. Discussion

2. The Bureau clarifies that in order to obtain Lifeline support, Lifeline ETCs who assess a monthly fee for service from their Lifeline subscribers must also collect the monthly fee from the subscriber, or follow the requisite procedures to de-enroll any inactive subscribers who have not used the service during any consecutive 60-day period. While the Order makes clear that ETCs who do not both assess and collect a monthly fee for service are prohibited from receiving Lifeline support for inactive subscribers, the related Commission rules require pre-paid ETCs to ''assess or collect'' a monthly fee in order to exempt itself from the non-usage de-enrollment requirements.

3. The usage requirements as described in the *Lifeline Reform Order* are clear. As discussed in the Order, the consumer usage requirement applies only to ''pre-paid'' services—or services for which subscribers do not receive monthly bills and do not have a regular billing relationship with the ETC—because the lack of regular contact with the subscriber does not provide a reasonable opportunity for the ETC to ascertain a subscriber's continued intent to receive Lifeline benefits. Merely assessing a monthly fee on a subscriber does not provide sufficient contact with the subscriber to ascertain the subscriber's intent to use the service. Similarly, failing to actually collect the assessed fee does not provide the subscriber a sufficient incentive to place a value on the service. In such a situation, the consumer has little to lose by obtaining service that she may not use. Providing support for subscriber lines that are not used wastes limited funds. In contrast, actually collecting some monthly amount from subscribers is sufficient to ascertain subscriber intent and ensures that subscribers will continue to subscribe to the service only to the extent that they value and use the service.

4. In the *Lifeline Reform Order,* the Bureau was delegated the authority to revise rules as necessary to ensure the reforms adopted through the Order are properly reflected in the rules. Pursuant to this authority, the Bureau clarifies that pre-paid ETCs must both assess and collect a charge for service on a monthly basis, or proceed to follow the procedures to de-enroll inactive subscribers who have not used the service during any consecutive 60-day period. The Bureau amends the rule language to reflect this clarification.

III. Procedural Matters

A. Congressional Review Act

5. The Commission will send a copy of this in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

B. Final Regulatory Flexibility Act Certification

6. The Regulatory Flexibility Act of 1980, as amended (RFA), requires agencies to prepare a regulatory flexibility analysis for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies additional criteria established by the Small Business Administration (SBA).

7. The Bureau hereby certifies that the rule revisions adopted in this Order will not have a significant economic impact on a substantial number of small entities. This Order clarifies rules adopted in the *Lifeline Reform Order* by correcting conflicts between the language of Order and the codified rules. These revisions do not create any burdens, benefits, or requirements that were not addressed in the Final Regulatory Flexibility Analysis attached to the *Lifeline Reform Order.* The Commission will send a copy of this Order, including a copy of this final certification, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the Order (or a summary thereof) and certification will be published in the **Federal Register**.

C. Paperwork Reduction Act Analysis

8. This Order modifies information collection requirements adopted in the *Lifeline Reform Order* and is therefore subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It has been submitted to the Office of Management and Budget (OMB) for review under Section 3507 of the PRA. The Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–108, the Commission previously sought specific comment on how it might further reduce the information collection burden on small business concerns with fewer than 25 employees.

IV. Ordering Clauses

9. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i), 5(c), 10, 201 through 206, 214, 218 through 220, 251, 252, 254, 256, 303(r), 332, and 403 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155(c), 160, 201 through 206, 214, 218 through 220, 251, 252, 254, 256, 303(r), 332, 403, 1302, §§ 0.91, 0.291, 1.1, and 1.427 of the Commission's rules, 47 CFR 0.91, 0.291, 1.1, 1.427, and the delegation of authority in paragraph 507 of FCC 12–11, this Order is *adopted.*

10. *It is further ordered* that, pursuant to Section 1.102(b)(1) of the Commission's rules, 47 CFR 1.102(b)(1),

this Order *shall be effective* July 22, 2015, except to the extent expressly addressed below.

11. *It is further ordered* that the relevant rules are amended as set forth below. Those rules contain modified information collection requirements that are subject to the PRA and shall become effective July 22, 2015.

12. *It is further ordered* that the Commission *shall send* a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

13. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 54

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Ryan B. Palmer,

Chief, Telecommunication Access Policy Division, Wireline Competition Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 to read as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 2. Amend § 54.405 by revising paragraph (e)(3) to read as follows:

§ 54.405 Carrier obligation to offer Lifeline.

* * * * *

(e) * * *

(3) *De-enrollment for non-usage.* Notwithstanding paragraph (e)(1) of this section, if a Lifeline subscriber fails to use, as ''usage'' is defined in § 54.407(c)(2), for 60 consecutive days a Lifeline service that does not require the eligible telecommunications carrier to assess and collect a monthly fee from its subscribers, an eligible telecommunications carrier must provide the subscriber 30 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 30-day notice period will result in service termination for non-usage under this paragraph. If the subscriber uses the Lifeline service with 30 days of the carrier providing such notice, the eligible telecommunications carrier shall not terminate the subscriber's Lifeline service. Eligible telecommunications carriers shall report to the Commission annually the number of subscribers de-enrolled for non-usage under this paragraph. This de-enrollment information must reported by month and must be submitted to the Commission at the time an eligible telecommunications carrier submits its annual certification report pursuant to § 54.416.

* * * * *

■ 3. Amend § 54.407 by revising the paragraph (c) introductory text to read as follows:

§ 54.407 Reimbursement for offering Lifeline.

* * * * *

(c) An eligible telecommunications carrier offering a Lifeline service that does not require the eligible telecommunications carrier to assess and collect a monthly fee from its subscribers:

* * * * *

[FR Doc. 2015–15295 Filed 6–19–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 383, 384 and 391

[Docket No. FMCSA–2012–0178]

RIN 2126–AB40

Medical Examiner's Certification Integration; Correction

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule; correction.

SUMMARY: FMCSA makes corrections to a rule that appeared in the **Federal Register** on April 23, 2015 (80 FR 22790). In that rule, FMCSA amended the Federal Motor Carrier Safety Regulations (FMCSRs) to require certified medical examiners (MEs) performing physical examinations of commercial motor vehicle (CMV) drivers to use a newly developed Medical Examination Report (MER) Form, MCSA–5875, in place of the current MER Form and to use Form MCSA–5876 for the Medical Examiner's Certificate (MEC); and report results of all CMV drivers' physical examinations performed (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. That final rule was a follow-on rule to the Medical Certification Requirements as Part of the CDL rule final rule, published on December 1, 2008, and the National Registry of Certified Medical Examiners final rule, published on April 20, 2012.

DATES: Effective June 22, 2015.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver, & Vehicle Safety Standards, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by telephone at (202) 366–4001 or via email at *fmcsamedical@dot.gov*.

SUPPLEMENTARY INFORMATION: In FR Doc. 2015–09053, published on Thursday, April 23, 2015 80 FR (22790) the following corrections are made.

Corrections to the Preamble

1. On page 22798, in the third column, in FMCSA's response to comment number 8. Voiding the MEC, the first sentence under the heading ''FMCSA Response'' is corrected to read as follows:

As explained in both the National Registry final rule (77 FR at 24108) and in the NPRM in this rulemaking (78 FR at 27348), under the authority granted by 49 U.S.C. 31149(c)(2), FMCSA may void an MEC issued to a CMV driver if it finds either that a Medical Examiner has issued a certificate to a driver ''who fails to meet the applicable standards at the time of the examination'' or ''that a Medical Examiner has falsely claimed to have completed training in physical and medical examination standards.''

2. Beginning on page 22810, in the third column, and continuing on page 22811, in the first column, in § 383.73, paragraphs (a)(2)(vii), (b)(5), (o)(1)(i)(A), and (o)(1)(ii)(A) are corrected to read as follows:

§ 383.73 State procedures

(a) * * *

(2) * * *

(vii)(A) Before June 22, 2018, for drivers who certified their type of driving according to § 383.71(b)(1)(i) (non-excepted interstate) and, if the CLP applicant submits a current medical examiner's certificate, date-stamp the medical examiner's certificate, and post all required information from the medical examiner's certificate to the CDLIS driver record in accordance with paragraph (o) of this section.

(B) On or after June 22, 2018, for drivers who certified their type of driving according to § 383.71(b)(1)(i) (non-excepted interstate) and, if FMCSA provides current medical examiner's

certificate information electronically, post all required information matching the medical examiner's certificate to the CDLIS driver record in accordance with paragraph (o) of this section.

(b) * * *

(5)(i) Before June 22, 2018, for drivers who certified their type of driving according to § 383.71(b)(1)(i) (non-excepted interstate) and, if the CDL holder submits a current medical examiner's certificate, date-stamp the medical examiner's certificate and post all required information from the medical examiner's certificate to the CDLIS driver record in accordance with paragraph (o) of this section.

(ii) On or after June 22, 2018, for drivers who certified their type of driving according to § 383.71(b)(1)(i) (non-excepted interstate) and, if FMCSA provides current medical examiner's certificate information electronically, post all required information matching the medical examiner's certificate to the CDLIS driver record in accordance with paragraph (o) of this section.

* * * * *

(o) * * *

(1) * * *

(i) * * *

(A) Post the driver's self-certification of type of driving under § 383.71(b)(1) to the CDLIS driver record;

* * * * *

(ii) * * *

(A) Post the driver's self-certification of type of driving under § 383.71(b)(1) to the CDLIS driver record;

* * * * *

Part 391 Authority [Corrected]

3. On page 22812, in the first column, the authority citation for part 391 is corrected to read as follows:

Authority: 49 U.S.C. 504, 508, 31133, 31136, 31149 and 31502; sec. 4007(b), Pub. L. 102–240, 105 Stat, 1914, 2152; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; sec. 215, Pub. L. 106–159, 113 Stat. 1748, 1767; and 49 CFR 1.87.

4. On page 22812, beginning at the top of the second column and continuing at the top of the third column, in § 391.23, paragraphs (m)(2)(i) and (m)(3) are corrected to read as follows:

§ 391.23 Investigation and inquiries.

* * * * *

(m) * * *

(2) *Exception.* For drivers required to have a commercial driver's license under part 383 of this chapter:

(i) Beginning January 30, 2015, using the CDLIS motor vehicle record obtained from the current licensing State, the motor carrier must verify and document in the driver qualification file the following information before allowing the driver to operate a CMV:

(A) The type of operation the driver self-certified that he or she will perform in accordance with § 383.71(b)(1) of this chapter.

(B)(*1*) Beginning on May 21, 2014, and ending on June 22, 2018, that the driver was certified by a medical examiner listed on the National Registry of Certified Medical Examiners as of the date of medical examiner's certificate issuance.

(*2*) If the driver has certified under paragraph (m)(2)(i)(A) of this section that he or she expects to operate in interstate commerce, that the driver has a valid medical examiner's certificate and any required medical variances.

(C) *Exception.* Beginning on January 30, 2015 and until June 22, 2018, if the driver provided the motor carrier with a copy of the current medical examiner's certificate that was submitted to the State in accordance with § 383.73(b)(5) of this chapter, the motor carrier may use a copy of that medical examiner's certificate as proof of the driver's medical certification for up to 15 days after the date it was issued.

* * * * *

(3) *Exception.* For drivers required to have a commercial learner's permit under part 383 of this chapter:

(i) Beginning July 8, 2015, using the CDLIS motor vehicle record obtained from the current licensing State, the motor carrier must verify and document in the driver qualification file the following information before allowing the driver to operate a CMV:

(A) The type of operation the driver self-certified that he or she will perform in accordance with § 383.71(b)(1) and (g) of this chapter.

(B)(*1*) Until June 22, 2018, that the driver was certified by a medical examiner listed on the National Registry of Certified Medical Examiners as of the date of medical examiner's certificate issuance.

(*2*) If the driver has a commercial learner's permit and has certified under paragraph (m)(3)(i)(A) of this section that he or she expects to operate in interstate commerce, that the driver has a valid medical examiner's certificate and any required medical variances.

(C) Until June 22, 2018, if the driver provided the motor carrier with a copy of the current medical examiner's certificate that was submitted to the State in accordance with § 383.73(a)(5) of this chapter, the motor carrier may use a copy of that medical examiner's certificate as proof of the driver's medical certification for up to 15 days after the date it was issued.

(ii) Until July 8, 2015, if a driver operating in non-excepted, interstate commerce has no medical certification status information on the CDLIS MVR obtained from the current State driver licensing agency, the employing motor carrier may accept a medical examiner's certificate issued to that driver, and place a copy of it in the driver qualification file before allowing the driver to operate a CMV in interstate commerce.

5. Beginning on page 22812, in the third column, and continuing to page 22821, in the third column, in § 391.43, paragraphs (f), (g)(5)(ii), and (h) are corrected to read as follows:

§ 391.43 Medical examination; certificate of physical examination.

* * * * *

(f)(1) Until December 22, 2015, the medical examination shall be performed, and its results shall be recorded, substantially in accordance with the following instructions and examination form.

Instructions for Performing and Recording Physical Examinations

The medical examiner must be familiar with 49 CFR 391.41, Physical qualifications for drivers, and should review these instructions before performing the physical examination. Answer each question ''yes'' or ''no'' and record numerical readings where indicated on the physical examination form.

The medical examiner must be aware of the rigorous physical, mental, and emotional demands placed on the driver of a commercial motor vehicle. In the interest of public safety, the medical examiner is required to certify that the driver does not have any physical, mental, or organic condition that might affect the driver's ability to operate a commercial motor vehicle safely.

General information. The purpose of this history and physical examination is to detect the presence of physical, mental, or organic conditions of such a character and extent as to affect the driver's ability to operate a commercial motor vehicle safely. The examination should be conducted carefully and should at least include all of the information requested in the following form. History of certain conditions may be cause for rejection. Indicate the need for further testing and/or require evaluation by a specialist. Conditions may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these conditions should be discussed with the driver and he/she should be advised to take the

necessary steps to insure correction, particularly of those conditions which, if neglected, might affect the driver's ability to drive safely.

General appearance and development. Note marked overweight. Note any postural defect, perceptible limp, tremor, or other conditions that might be caused by alcoholism, thyroid intoxication or other illnesses.

Head-eyes. When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the driver wears corrective lenses for driving, these should be worn while driver's visual acuity is being tested. If contact lenses are worn, there should be sufficient evidence of good tolerance of and adaptation to their use. Indicate the driver's need to wear corrective lenses to meet the vision standard on the Medical Examiner's Certificate by checking the box, ''Qualified only when wearing corrective lenses.'' In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as the numerator and the smallest type read at 20 feet as the denominator. Monocular drivers are not qualified to operate commercial motor vehicles in interstate commerce.

Ears. Note evidence of any ear disease, symptoms of aural vertigo, or Meniere's Syndrome. When recording hearing, record distance from patient at which a forced whispered voice can first be heard. For the whispered voice test, the individual should be stationed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18, 23, etc. The examiner should not use only sibilants (s-sounding test materials). The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiometric test should be administered. For the audiometric test, record decibel loss at 500 Hz, 1,000 Hz, and 2,000 Hz. Average the decibel loss at 500 Hz, 1,000 Hz and 2,000 Hz and record as described on the form. If the individual fails the audiometric test and the whispered voice test has not been administered, the whispered voice test should be performed to determine if the standard applicable to that test can be met.

Throat. Note any irremediable deformities likely to interfere with breathing or swallowing.

Heart. Note murmurs and arrhythmias, and any history of an enlarged heart, congestive heart failure, or cardiovascular disease that is accompanied by syncope, dyspnea, or collapse. Indicate onset date, diagnosis, medication, and any current limitation. An electrocardiogram is required when findings so indicate.

Blood pressure (BP). If a driver has hypertension and/or is being medicated for hypertension, he or she should be recertified more frequently. An individual diagnosed with Stage 1 hypertension (BP is 140/90–159/99) may be certified for one year. At recertification, an individual with a BP equal to or less than 140/90 may be certified for one year; however, if his or her BP is greater than 140/90 but less than 160/100, a one-time certificate for 3 months can be issued. An individual diagnosed with Stage 2 (BP is 160/100–179/109) should be treated and a one-time certificate for 3-month certification can be issued. Once the driver has reduced his or her BP to equal to or less than 140/90, he or she may be recertified annually thereafter. An individual diagnosed with Stage 3 hypertension (BP equal to or greater than 180/110) should not be certified until his or her BP is reduced to 140/90 or less, and may be recertified every 6 months.

Lungs. Note abnormal chest wall expansion, respiratory rate, breath sounds including wheezes or alveolar rales, impaired respiratory function, dyspnea, or cyanosis. Abnormal finds on physical exam may require further testing such as pulmonary tests and/or x-ray of chest.

Abdomen and Viscera. Note enlarged liver, enlarged spleen, abnormal masses, bruits, hernia, and significant abdominal wall muscle weakness and tenderness. If the diagnosis suggests that the condition might interfere with the control and safe operation of a commercial motor vehicle, further testing and evaluation is required.

Genital-urinary and rectal examination. A urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problems. Note hernias. A condition causing discomfort should be evaluated to determine the extent to which the condition might interfere with the control and safe operation of a commercial motor vehicle.

Neurological. Note impaired equilibrium, coordination, or speech pattern; paresthesia; asymmetric deep tendon reflexes; sensory or positional abnormalities; abnormal patellar and Babinski's reflexes; ataxia. Abnormal neurological responses may be an indication for further testing to rule out an underlying medical condition. Any neurological condition should be evaluated for the nature and severity of the condition, the degree of limitation present, the likelihood of progressive limitation, and the potential for sudden incapacitation. In instances where the medical examiner has determined that more frequent monitoring of a condition is appropriate, a certificate for a shorter period should be issued.

Spine, musculoskeletal. Previous surgery, deformities, limitation of motion, and tenderness should be noted. Findings may indicate additional testing and evaluation should be conducted.

Extremities. Carefully examine upper and lower extremities and note any loss or impairment of leg, foot, toe, arm, hand, or finger. Note any deformities, atrophy, paralysis, partial paralysis, clubbing, edema, or hypotonia. If a hand or finger deformity exists, determine whether prehension and power grasp are sufficient to enable the driver to maintain steering wheel grip and to control other vehicle equipment during routine and emergency driving operations. If a foot or leg deformity exists, determine whether sufficient mobility and strength exist to enable the driver to operate pedals properly. In the case of any loss or impairment to an extremity which may interfere with the driver's ability to operate a commercial motor vehicle safely, the medical examiner should state on the medical certificate ''medically unqualified unless accompanied by a Skill Performance Evaluation Certificate.'' The driver must then apply to the Field Service Center of the FMCSA, for the State in which the driver has legal residence, for a Skill Performance Evaluation Certificate under § 391.49.

Laboratory and other testing. Other test(s) may be indicated based upon the medical history or findings of the physical examination.

Diabetes. If insulin is necessary to control a diabetic driver's condition, the driver is not qualified to operate a commercial motor vehicle in interstate commerce. If mild diabetes is present and it is controlled by use of an oral hypoglycemic drug and/or diet and exercise, it should not be considered disqualifying. However, the driver must remain under adequate medical supervision.

Upon completion of the examination, the medical examiner must date and sign the form, provide his/her full name, office address and telephone number. The completed medical examination form shall be retained on file at the office of the medical examiner.

BILLING CODE 4910–EX–C

Medical Examination Report
FOR COMMERCIAL DRIVER FITNESS DETERMINATION

649-F (6045)

1. DRIVER'S INFORMATION Driver completes this section

Driver's Name (Last, First, Middle)	Social Security No.	Birthdate M / D / Y	Age	Sex ☐ M ☐ F	New Certification ☐ Recertification ☐ Follow-up ☐	Date of Exam

Address	City, State, Zip Code	Work Tel: ( ) Home Tel: ( )	Driver License No.	License Class ☐ A ☐ B ☐ C ☐ D ☐ Other	State of Issue

2. HEALTH HISTORY Driver completes this section, but medical examiner is encouraged to discuss with driver.

Yes	No	
☐	☐	Any illness or injury in the last 5 years?
☐	☐	Head/Brain injuries, disorders or illnesses
☐	☐	Seizures, epilepsy ☐ medication_____
☐	☐	Eye disorders or impaired vision (except corrective lenses)
☐	☐	Ear disorders, loss of hearing or balance
☐	☐	Heart disease or heart attack; other cardiovascular condition ☐ medication_____
☐	☐	Heart surgery (valve replacement/bypass, angioplasty, pacemaker) ☐
☐	☐	High blood pressure medication_____
☐	☐	Muscular disease
☐	☐	Shortness of breath

Yes	No	
☐	☐	Lung disease, emphysema, asthma, chronic bronchitis
☐	☐	Kidney disease, dialysis
☐	☐	Liver disease
☐	☐	Digestive problems
☐	☐	Diabetes or elevated blood sugar controlled by: ☐ diet ☐ pills ☐ insulin
☐	☐	Nervous or psychiatric disorders, e.g., severe depression medication_____
☐	☐	Loss of, or altered consciousness

Yes	No	
☐	☐	Fainting, dizziness
☐	☐	Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring
☐	☐	Stroke or paralysis
☐	☐	Missing or impaired hand, arm, foot, leg, finger, toe
☐	☐	Spinal injury or disease
☐	☐	Chronic low back pain
☐	☐	Regular, frequent alcohol use
☐	☐	Narcotic or habit forming drug use

For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

Driver's Signature_____ Date_____

Medical Examiner's Comments on Health History (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below.)

TESTING (Medical Examiner completes Section 3 through 7) Name: Last, First, Middle,

3. VISION

Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

INSTRUCTIONS: When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. ***Monocular drivers are not qualified.***

Numerical readings must be provided.

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/	20/	Right Eye ○
Left Eye	20/	20/	Left Eye ○
Both Eyes	20/	20/	

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors ? ☐ Yes ☐ No

Applicant meets visual acuity requirement only when wearing: ☐ Corrective Lenses

Monocular Vision: ☐ Yes ☐ No

Complete next line only if vision testing is done by an opthalmologist or optometrist

Date of Examination | Name of Ophthalmologist or Optometrist (print) | Tel. No. | License No./ State of Issue | Signature

4. HEARING

Standard: a) Must first perceive forced whispered voice ≥ 5 ft., with or without hearing aid, or b) average hearing loss in better ear ≤ 40 dB

☐ Check if hearing aid used for tests. ☐ Check if hearing aid required to meet standard.

INSTRUCTIONS: To convert audiometric test results from ISO to ANSI, -14 dB from ISO for 500Hz, -10dB for 1,000 Hz, -8.5 dB for 2000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

Numerical readings must be recorded.

	Right ear	Left Ear
a) Record distance from individual at which forced whispered voice can first be heard.	\ Feet	\ Feet

b) If audiometer is used, record hearing loss in decibels. (acc. to ANSI Z24.5-1951)	Right Ear			Left Ear		
	500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
	Average:			Average:		

5. BLOOD PRESSURE/ PULSE RATE

Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Blood Pressure	Systolic	Diastolic

Driver qualified if ≤140/90.

Pulse Rate: ☐ Regular ☐ Irregular

Record Pulse Rate:_____

Reading	Category	Expiration Date	Recertification
140-159/90-99	Stage 1	1 year	1 year if ≤140/90. One-time certificate for 3 months if 141-159/91-99.
160-179/100-109	Stage 2	One-time certificate for 3 months.	1 year from date of exam if ≤140/90
≥180/110	Stage 3	6 months from date of exam if <140/90	6 months if ≤ 140/90

6. LABORATORY AND OTHER TEST FINDINGS

Numerical readings must be recorded.

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.

Other Testing (Describe and record) _____

7. PHYSICAL EXAMINATION Height:_____(in.) Weight:_____(lbs.) Name: Last, First, Middle,

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for. See *Instructions to the Medical Examiner* for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.			7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.		
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos. Ask about retinopathy, cataracts, aphakia, glaucoma, macular degeneration and refer to a specialist if appropriate.			8. Vascular System	Abnormal pulse and amplitude, cartoid or arterial bruits, varicose veins.		
3. Ears	Scarring of tympanic membrane, occlusion of external canal, perforated eardrums.			9. Genito-urinary System	Hernias.		
4. Mouth and Throat	Irremediable deformities likely to interfere with breathing or swallowing.			10. Extremities- Limb impaired. Driver may be subject to SPE certificate if otherwise qualified.	Loss or impairment of leg, foot, toe, arm, hand, finger, Perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia. Insufficient grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.		
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker, implantable defibrillator.			11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.		
6. Lungs and chest, not including breast examination	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alveolar rales, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/ or xray of chest.			12. Neurological	Impaired equilibrium, coordination or speech pattern; asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinki's reflexes, ataxia.		

***COMMENTS:** _____

Note certification status here. See Instructions to the Medical Examiner for guidance.

- ☐ Meets standards in 49 CFR 391.41; qualifies for 2 year certificate
- ☐ Does not meet standards
- ☐ Meets standards, but periodic monitoring required due to _____.
  Driver qualified only for: ☐3 months ☐6 months ☐1 year ☐ Other
- ☐ Wearing corrective lense
- ☐ Wearing hearing aid
- ☐ Accompanied by a _____waiver/ exemption. Driver must present exemption at time of certification.
- ☐ Skill Performance Evaluation (SPE) Certificate
- ☐ Driving within an exempt intracity zone (See 49 CFR 391.62)
- ☐ Qualified by operation of 49 CFR 391.64

Temporarily disqualified due to (condition or medication):_____

Return to medical examiner's office for follow up on _____

Medical Examiner's signature _____

Medical Examiner's name _____

Address _____

Telephone Number _____

If meets standards, complete a Medical Examiner's Certificate as stated in 49 CFR 391.43(h). (Driver must carry certificate when operating a commercial vehicle.)

49 CFR 391.41 Physical Qualifications for Drivers

THE DRIVER'S ROLE

Responsibilities, work schedules, physical and emotional demands, and lifestyles among commercial drivers vary by the type of driving that they do. Some of the main types of drivers include the following: turn around or short relay (drivers return to their home base each evening); long relay (drivers drive 9-11 hours and then have at least a 10-hour off-duty period), straight through haul (cross country drivers); and team drivers (drivers share the driving by alternating their 5-hour driving periods and 5-hour rest periods.)

The following factors may be involved in a driver's performance of duties: abrupt schedule changes and rotating work schedules, which may result in irregular sleep patterns and a driver beginning a trip in a fatigued condition; long hours; extended time away from family and friends, which may result in lack of social support; tight pickup and delivery schedules, with irregularity in work, rest, and eating patterns, adverse road, weather and traffic conditions, which may cause delays and lead to hurriedly loading or unloading cargo in order to compensate for the lost time; and environmental conditions such as excessive vibration, noise, and extremes in temperature. Transporting passengers or hazardous materials may add to the demands on the commercial driver.

There may be duties in addition to the driving task for which a driver is responsible and needs to be fit. Some of these responsibilities are: coupling and uncoupling trailer(s) from the tractor, loading and unloading trailer(s) (sometimes a driver may lift a heavy load or unload as much as 50,000 lbs. of freight after sitting for a long period of time without any stretching period); inspecting the operating condition of tractor and/or trailer(s) before, during and after delivery of cargo; lifting, installing, and removing heavy tire chains; and, lifting heavy tarpaulins to cover open top trailers. The above tasks demand agility, the ability to bend and stoop, the ability to maintain a crouching position to inspect the underside of the vehicle, frequent entering and exiting of the cab, and the ability to climb ladders on the tractor and/or trailer(s).

In addition, a driver must have the perceptual skills to monitor a sometimes complex driving situation, the judgment skills to make quick decisions, when necessary, and the manipulative skills to control an oversize steering wheel, shift gears using a manual transmission, and maneuver a vehicle in crowded areas.

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§391.41 PHYSICAL QUALIFICATIONS FOR DRIVERS

(a) A person shall not drive a commercial motor vehicle unless he is physically qualified to do so and, except as provided in §391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if that person:

(1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Waiver Program) pursuant to §391.49.

(2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a commercial motor vehicle safely.

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a commercial motor vehicle safely.

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a commercial motor vehicle safely;

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber;

(11) First perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing device when the audiometric device is calibrated to the American National Standard (formerly ASA Standard) Z24.5-1951;

(12)(i) Does not use any drug or substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or other habit-forming drug.

(ii) Does not use any non-Schedule I drug or substance that is identified in the other Schedules in 21 part 1308 except when the use is prescribed by a licensed medical practitioner, as defined in § 382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

(13) Has no current clinical diagnosis of alcoholism.

INSTRUCTIONS TO THE MEDICAL EXAMINER

General Information

The purpose of this examination is to determine a driver's physical qualification to operate a commercial motor vehicle (CMV) in interstate commerce according to the requirements in 49 CFR 391.41-49. Therefore, the medical examiner must be knowledgeable of these requirements and guidelines developed by the FMCSA to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment and is referred to the section on the form, **The Driver's Role**.

In addition to reviewing the **Health History** section with the driver and conducting the physical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving. Educate the driver to read warning labels on all medications. History of certain conditions may be cause for rejection, particularly if required by regulation, or may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions are usually made by the medical examiner in light of the driver's job responsibilities, work schedule and potential for the conditions to render the driver unsafe.

Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving.

If the medical examiner determines that the driver is fit to drive and is also able to perform non-driving responsibilities as may be required, the medical examiner signs the medical certificate which the driver must carry with his/her license. The certificate must be dated. **Under current regulations, the certificate is valid for two years, unless the driver has a medical condition that does not prohibit driving but does require more frequent monitoring**. In such situations, the medical certificate should be issued for a shorter length of time. The physical examination should be done carefully and at least as complete as is indicated by the attached form. Contact the FMCSA at (202) 366-1790 for further information (a vision exemption, qualifying drivers under 49 CFR 391.64, etc.).

Interpretation of Medical Standards

Since the issuance of the regulations for physical qualifications of commercial drivers, the Federal Motor Carrier Safety Administration (FMCSA) has published recommendations called Advisory Criteria to help medical examiners in determining whether a driver meets the physical qualifications for commercial driving. These recommendations have been condensed to provide information to medical examiners that (1) is directly relevant to the physical examination and (2) is not already included in the medical examination form. The specific regulation is printed in italics and it's reference by section is highlighted.

Federal Motor Carrier Safety Regulations
-Advisory Criteria-

Loss of Limb:
§391.41(b)(1)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no loss of a foot, leg, hand or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.

Limb Impairment:
§391.41(b)(2)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iii) Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iv) Has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.

A person who suffers loss of a foot, leg, hand or arm or whose limb impairment in any way interferes with the safe performance of normal tasks associated with operating a commercial motor vehicle is subject to the Skill Performance Evaluation Certification Program pursuant to section 391.49, assuming the person is otherwise qualified.

With the advancement of technology, medical aids and equipment modifications have been developed to compensate for certain disabilities. The SPE Certification Program (formerly the Limb Waiver Program) was designed to allow persons with the loss of a foot or limb or with functional impairment to qualify under the Federal Motor Carrier Safety Regulations (FMCSRs) by use of prosthetic devices or equipment modifications which enable them to safely operate a commercial motor vehicle. Since there are no medical aids equivalent to the original body or limb, certain risks are still present, and thus restrictions may be included on individual SPE certificates when a State Director for the FMCSA determines they are necessary to be consistent with safety and public interest.

If the driver is found otherwise medically qualified (391.41(b)(3) through (13)), the medical examiner must check on the medical certificate that the driver is qualified only if accompanied by a SPE certificate. The driver and the employing motor carrier are subject to appropriate penalty if the driver operates a motor vehicle in interstate or foreign commerce without a current SPE certificate for his/her physical disability.

Diabetes
§391.41(b)(3)

A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

Diabetes mellitus is a disease which, on occasion, can result in a loss of consciousness or disorientation in time and space. Individuals who require insulin for control have conditions which can get out of control by the use of too much or too little insulin, or food intake not consistent with the insulin dosage. Incapacitation may occur from symptoms of hyperglycemic or hypoglycemic reactions (drowsiness, semiconsciousness, diabetic coma or insulin shock).

The administration of insulin is, within itself, a complicated process requiring insulin, syringe, needle, alcohol sponge and a sterile technique. Factors related to long-haul commercial motor vehicle operations, such as fatigue, lack of sleep, poor diet, emotional conditions, stress, and concomitant illness, compound the dangers, the FMCSA has consistently held that a diabetic who uses insulin for control does not meet the minimum physical requirements of the FMCSRs.

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. CMV drivers who do not meet the Federal diabetes standard may call (202) 366-1790 for an application for a diabetes exemption.
(See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Cardiovascular Condition
§391.41(b)(4)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure.

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.

It is the intent of the FMCSRs to render unqualified, a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure. However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver is certified that he or she have a normal resting and stress electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving.

Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not unqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope. Coumadin is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-1790 for additional recommendations regarding the physical qualification of drivers on coumadin.
(See Cardiovasular Advisory Panel Guidelines for the Medical examination of Commercial Motor Vehicle Drivers at: http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Respiratory Dysfunction
§391.41(b)(5)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a commercial motor vehicle safely.

Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, carcinoma, tuberculosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy. Anticoagulation therapy for deep vein thrombosis and/or pulmonary thromboembolism is not unqualifying once optimum dose is achieved, provided lower extremity venous examinations remain normal and the treating physician gives a favorable recommendation.
(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm

Hypertension
§391.41(b)(6)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle safely.

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebral vascular disease, is present. This regulatory criteria is based on FMCSA's Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is at low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period. Certification examinations should be done annually thereafter and should be at or less than 140/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one time certification of three months to reduce his or her blood pressure to less than or equal to 140/90. A blood pressure in this range is an absolute indication for anti-hypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam. The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may **not** be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive on maximal or near-maximal doses of 2-3 pharmacologic agents. Some causes of secondary hypertension may be amenable to surgical intervention or specific pharmacologic disease.
(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at: http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(b)(7)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which interferes with the ability to control and operate a commercial motor vehicle safely.

Certain diseases are known to have acute episodes of transient muscle weakness, poor muscular coordination (ataxia), abnormal sensations (paresthesia), decreased muscular tone (hypotonia), visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy), swelling and paresthesia which may not suddenly incapacitate a person but may restrict his/her movements and eventually interfere with the ability to safely operate a motor vehicle. In many instances these diseases are degenerative in nature or may result in deterioration of the involved area.

Once the individual has been diagnosed as having a rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease, then he/she has an established history of that disease. The physician, when examining an individual, should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of limitation present (such as range of motion); (3) the likelihood of progressive limitation (not always present initially but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases where more frequent monitoring is required, a certificate for a shorter period of time may be issued. (See Conference on Neurological Disorders and Commercial Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Epilepsy
§391.41(b)(8)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.

Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control which may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking antiseizure medication.

If an individual has had a sudden episode of a nonepileptic seizure or loss of consciousness of unknown cause which did not require antiseizure medication, the decision as to whether that person's condition will likely cause loss of consciousness or loss of ability to control a motor vehicle is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6 month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and antiseizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking antiseizure medication.

Drivers with a history of epilepsy/seizures off antiseizure medication **and** seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free **and** off antiseizure medication for a 5-year period or more.
(See Conference on Neurological Disorders and Commercial Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Mental Disorders
§391.41(b)(9)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely.

Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention, and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "nagging" pain may be present to such a degree that certification for commercial driving is inadvisable. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive. Disorders of a periodically incapacitating nature, even in the early stages of development, may warrant disqualification.

Many bus and truck drivers have documented that "nervous trouble" related to neurotic, personality, or emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of commercial motor vehicle driving.

When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets may have deeply ingrained maladaptive or erratic behavior patterns. Excessively antagonistic, instinctive, impulsive, openly aggressive, paranoid or severely depressed behavior greatly interfere with the driver's ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination. See Psychiatric Conference Report for specific recommendations on the use of medications and potential hazards for driving.
(See Conference on Psychiatric Disorders and Commercial Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Vision
§391.41(b)(10)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

The term "ability to recognize the colors of" is interpreted to mean if a person can recognize and distinguish among traffic control signals and devices showing standard red, green and amber, he or she meets the minimum standard, even though he or she may have some type of color perception deficiency. If certain color perception tests are administered, (such as Ishihara, Pseudoisochromatic, Yarn) and doubtful findings are discovered, a controlled test using signal red, green and amber may be employed to determine the driver's ability to recognize these colors.

Contact lenses are permissible if there is sufficient evidence to indicate that the driver has good tolerance and is well adapted to their use. Use of a contact lens in one eye for distance visual acuity and another lens in the other eye for near vision is not acceptable, nor telescopic lenses acceptable for the driving of commercial motor vehicles.

If an individual meets the criteria by the use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses."

CMV drivers who do not meet the Federal vision standard may call (202) 366-1790 for an application for a vision exemption.
(See Visual Disorders and Commercial Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Hearing
§391.41(b)(11)
A person is physically qualified to drive a commercial motor vehicle if that person:
*First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ADA Standard) Z*24.5-1951.

Since the prescribed standard under the FMCSRs is the American Standards Association (ANSI), it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form.

If an individual meets the criteria by using a hearing aid, the driver must wear that hearing aid and have it in operation at all times while driving. Also, the driver must be in possession of a spare power source for the hearing aid.

For the whispered voice test, the individual should be stationed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18,

23, etc. The examiner should not use only sibilants (s sounding materials). The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiometric test should be administered.

If an individual meets the criteria by the use of a hearing aid, the following statement must appear on the Medical Examiner's Certificate "Qualified only when wearing a hearing aid." (See Hearing Disorders and Commercial Motor Vehicle Drivers at: http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Drug Use
§391.41(b)(12)
A person is physically qualified to drive a commercial motor vehicle if that person does not use any drug or substance identified in 21 CFR 1308.11, an amphetamine, a narcotic, or other habit-forming drug. A driver may use a non-Schedule I drug or substance that is identified in the other Schedules in 21 part 1308 if the substance or drug is prescribed by a licensed medical practitioner who: (A) is familiar with the driver's medical history, and assigned duties; and (B) has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

This exception does not apply to methadone. The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses an amphetamine, a narcotic or any other habit-forming drug, it may be cause for the driver to be found medically unqualified. If a driver uses a Schedule I drug or substance, it will be cause for the driver to be found medically unqualified. Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug.

A test for controlled substances is not required as part of this biennial certification process. The FMCSA or the driver's employer should be contacted directly for information on controlled substances and alcohol testing under Part 382 of the FMCSRs.

The term "uses" is designed to encompass instances of prohibited drug use determined by a physician through established medical means. This may or may not involve body fluid testing. If body fluid testing takes place, positive test results should be confirmed by a second test of greater specificity. The term "habit-forming" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate a commercial motor vehicle safely.

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if this examiner determines more frequent monitoring is required.
(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at: http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Alcoholism
§391.41(b)(13)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no current clinical diagnosis of alcoholism.

The term "current clinical diagnosis of" is specifically designed to encompass a current alcoholic illness or those instances where the individual's physical condition has not fully stabilized, regardless of the time element. If an individual shows signs of having an alcohol-use problem, he or she should be referred to a specialist. After counseling and/or treatment, he or she may be considered for certification.

(2) On and after December 22, 2015, the medical examination shall be performed, and its results shall be recorded on the Medical Examination Report Form, MCSA–5875, set out below:

Form MCSA-5875 (Revised: 05/27/2015) OMB No. 2126-0006 Expiration Date:

Public Burden Statement
A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately 25 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RRA, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

Medical Examination Report Form
(for Commercial Driver Medical Certification)

PRIVACY ACT STATEMENT: ***This statement is provided pursuant to the Privacy Act of 1974, 5 USC § 552a.***

MEDICAL RECORD #
_____
(or sticker)

AUTHORITY: Title 49, United States Code (USC), 49 USC 31133(a)(8) and 31149(c)(1)(E).

PURPOSE: To record results of a driver's physical examination, to determine qualification to operate a commercial motor vehicle (CMV), and to promote driver health in interstate commerce according to the requirements in 49 CFR 391.41-49. Providing this information is mandatory. If this information is not provided, the medical examiner will not be able to determine qualification to operate a CMV in interstate commerce according to the requirements in 49 CFR 391.41-49. To record results of a driver's physical examination and to determine qualification to operate a CMV in intrastate commerce when the driver is required by a State to be examined by a medical examiner listed on the National Registry of Certified Medical Examiners in accordance with the provisions of 49 CFR 391.41-49 and any variances from the physical qualification standards adopted by such State.

Medical examiners are required to complete the Medical Examination Report Form for every driver physical examination performed in accordance with 49 CFR 391.41. Each original (paper or electronic) completed Medical Examination Report Form must be retained on file at the office of the medical examiner for at least 3 years from the date of examination. The medical examiner must make all records and information in these files available to an authorized representative of FMCSA or an authorized Federal, State, or local enforcement agency representative, within 48 hours after the request is made (49 CFR 391.43(i)).

ROUTINE USES: The information is used for the purpose set forth above and may be forwarded to Federal, State, or local law enforcement agencies for their use. Medical Examination Report Forms collected by FMCSA will be stored in FMCSA's automated National Registry of Certified Medical Examiners System and will be used to monitor the performance of medical examiners listed on the National Registry.

In addition to those disclosures permitted under 5 USC 552a(b) of the Privacy Act of 1974, additional disclosures may be made in accordance with the U.S. Department of Transportation (DOT) Prefatory Statement of General Routine Uses published in the Federal Register on December 29, 2010 (75 FR 82132), under "Prefatory Statement of General Routine Uses" (available at http://www.dot.gov/privacy/privacyactnotices).

ACKNOWLEDGMENT: ***I understand the provisions of the Privacy Act of 1974 as related to me through the above-mentioned statement.***

CMV Driver Signature: _____ Date: _____

SECTION 1. Driver Information *(to be filled out by the driver)*

PERSONAL INFORMATION

Last Name: _____ First Name: _____ Middle Initial: ____ Date of Birth: _____ Age: ___

Address: _____ City: _____ State/Province: _____ Zip Code: _____

Driver's License Number: _____ Issuing State/Province: _____ Phone: _____ Gender: ○ M ○ F

E-mail *(optional)*: _____ CLP/CDL Applicant/Holder*? ○ Yes ○ No Driver ID Verified By**: _____

Has your USDOT/FMCSA medical certificate ever been denied or issued for less than 2 years? ○ Yes ○ No ○ Not Sure

*CLP/CDL Applicant/Holder Yes/No: See instructions for definitions.

**Driver ID Verified By: Record what type of photo ID was used to verify the identity of the driver, e.g., CDL, driver's license, passport.

DRIVER HEALTH HISTORY

Have you ever had surgery? If "yes," please list and explain below. ○ **Yes** ○ **No** ○ **Not Sure**

Are you currently taking medications *(prescription, over-the-counter, herbal remedies, diet supplements)*? ○ **Yes** ○ **No** ○ **Not Sure**
If "yes," please describe below.

(Attach additional sheets if necessary)

Form MCSA-5875 (Revised: 05/27/2015) OMB No. 2126-0006 Expiration Date:

Last Name: _____ First Name: _____ Middle Initial: ____ DOB: _____ Exam Date: _____

DRIVER HEALTH HISTORY *(continued)*

Do you have or have your ever had:	Yes	No	Not Sure
1. Head/brain injuries or illnesses *(e.g., concussion)*	○	○	○
2. Seizures, epilepsy	○	○	○
3. Eye problems *(except glasses or contacts)*	○	○	○
4. Ear and/or hearing problems	○	○	○
5. Heart disease, heart attack, bypass, or other heart problems	○	○	○
6. Pacemaker, stents, implantable devices, or other heart procedures	○	○	○
7. High blood pressure	○	○	○
8. High cholesterol	○	○	○
9. Chronic (long-term) cough, shortness of breath, or other breathing problems	○	○	○
10. Lung disease *(e.g., asthma)*	○	○	○
11. Kidney problems, kidney stones, or pain/problems with urination	○	○	○
12. Stomach, liver, or digestive problems	○	○	○
13. Diabetes or blood sugar problems	○	○	○
Insulin used	○	○	○
14. Anxiety, depression, nervousness, other mental health problems	○	○	○
15. Fainting or passing out	○	○	○
16. Dizziness, headaches, numbness, tingling, or memory loss	○	○	○
17. Unexplained weight loss	○	○	○
18. Stroke, mini-stroke (TIA), paralysis, or weakness	○	○	○
19. Missing or limited use of arm, hand, finger, leg, foot, toe	○	○	○
20. Neck or back problems	○	○	○
21. Bone, muscle, joint, or nerve problems	○	○	○
22. Blood clots or bleeding problems	○	○	○
23. Cancer	○	○	○
24. Chronic (long-term) infection or other chronic diseases	○	○	○
25. Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring	○	○	○
26. Have you ever had a sleep test *(e.g., sleep apnea)*?	○	○	○
27. Have you ever spent a night in the hospital?	○	○	○
28. Have you ever had a broken bone?	○	○	○
29. Have you ever used or do you now use tobacco?	○	○	○
30. Do you currently drink alcohol?	○	○	○
31. Have you used an illegal substance within the past two years?	○	○	○
32. Have you ever failed a drug test or been dependent on an illegal substance?	○	○	○

Other health condition(s) not described above: ○ Yes ○ No ○ Not Sure

Did you answer "yes" to any of questions 1-32? If so, please comment further on those health conditions below. ○ Yes ○ No ○ Not Sure

(Attach additional sheets if necessary)

CMV DRIVER SIGNATURE

I certify that the above information is accurate and complete. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate, that submission of fraudulent or intentionally false information is a violation of 49 CFR 390.35, and that submission of fraudulent or intentionally false information may subject me to civil or criminal penalties under 49 CFR 390.37 and 49 CFR 386 Appendices A and B.

CMV Driver Signature: _____ Date: _____

SECTION 2. Examination Report *(to be filled out by the medical examiner)*

DRIVER HEALTH HISTORY REVIEW

Review and discuss pertinent driver answers and any available medical records. Comment on the driver's responses to the "health history" questions that may affect the driver's safe operation of a commercial motor vehicle (CMV).

(Attach additional sheets if necessary)

Form MCSA-5875 (Revised: 05/27/2015) OMB No. 2126-0006 Expiration Date:

Last Name: _____ First Name: _____ Middle Initial: ____ DOB: _____ Exam Date: _____

TESTING

Pulse rate: _____ Pulse rhythm regular: ◯ Yes ◯ No Height: ___ *feet* ___ *inches* Weight: ____ *pounds*

Blood Pressure	Systolic	Diastolic
Sitting		
Second reading (optional)		

Other testing if indicated

Urinalysis	Sp. Gr.	Protein	Blood	Sugar
Urinalysis is required. Numerical readings must be recorded.				

Protein, blood, or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.

Vision

Standard is at least 20/40 acuity (Snellen) in each eye with or without correction. At least 70° field of vision in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

Acuity	Uncorrected	Corrected	Horizontal Field of Vision
Right Eye:	20/____	20/____	Right Eye: ____ degrees
Left Eye:	20/____	20/____	Left Eye: ____ degrees
Both Eyes:	20/____	20/____	

	Yes	**No**
Applicant can recognize and distinguish among traffic control signals and devices showing red, green, and amber colors	◯	◯
Monocular vision	◯	◯
Referred to ophthalmologist or optometrist?	◯	◯
Received documentation from ophthalmologist or optometrist?	◯	◯

Hearing

Standard: Must first perceive whispered voice at not less than 5 feet ***OR*** *average hearing loss of less than or equal to 40 dB, in better ear (with or without hearing aid).*

Check if hearing aid used for test: ◯ Right Ear ◯ Left Ear ◯ Neither

Whisper Test Results	Right Ear	Left Ear
Record distance *(in feet)* from driver at which a forced whispered voice can first be heard		

OR

Audiometric Test Results

	Right Ear			Left Ear		
	500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz

Average (right): _____ Average (left): _____

PHYSICAL EXAMINATION

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen, or is readily amenable to treatment. Even if a condition does not disqualify a driver, the Medical Examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible, particularly if neglecting the condition could result in a more serious illness that might affect driving.

Check the body systems for abnormalities.

Body System	Normal	Abnormal	**Body System**	Normal	Abnormal
1. General	◯	◯	8. Abdomen	◯	◯
2. Skin	◯	◯	9. Genito-urinary system including hernias	◯	◯
3. Eyes	◯	◯	10. Back/Spine	◯	◯
4. Ears	◯	◯	11. Extremities/joints	◯	◯
5. Mouth/throat	◯	◯	12. Neurological system including reflexes	◯	◯
6. Cardiovascular	◯	◯	13. Gait	◯	◯
7. Lungs/chest	◯	◯	14. Vascular system	◯	◯

Discuss any abnormal answers in detail in the space below and indicate whether it would affect the driver's ability to operate a CMV. Enter applicable item number before each comment.

(Attach additional sheets if necessary)

Form MCSA-5875 (Revised: 06/12/2015) OMB No. 2126-0006 Expiration Date:

Last Name: _____ First Name: _____ Middle Initial: ____ DOB: _____ Exam Date: _____

Please complete only one of the Medical Examiner Determination sections below:

MEDICAL EXAMINER DETERMINATION (Federal)

Use this section for examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49):

◯ Does not meet standards *(specify reason)*: _____

◯ Meets standards in 49 CFR 391.41; qualifies for 2-year certificate

◯ Meets standards, but periodic monitoring required *(specify reason)*: _____

Driver qualified for: ◯ 3 months ◯ 6 months ◯ 1 year ◯ other: _____

☐ Wearing corrective lenses ☐ Wearing hearing aid ☐ Accompanied by a waiver/exemption *(specify type)*: _____

☐ Accompanied by a Skill Performance Evaluation (SPE) certificate ☐ Qualified by operation of 49 CFR 391.64

☐ Driving within an exempt intracity zone *(see 49 CFR 391.62)*

◯ Determination pending *(specify reason)*: _____

☐ Return to medical exam office for follow-up on *(must be 45 days or less)*: _____

☐ Medical Examination Report amended *(specify reason)*: _____

(if amended) Medical Examiner Signature: _____ Date: _____

◯ Incomplete examination *(specify reason)*: _____

If the driver meets the standards outlined in 49 CFR 391.41, then complete a Medical Examiner's Certificate as stated in 49 CFR 391.43(h), as appropriate.

I have performed this evaluation for certification. I have personally reviewed all available records and recorded information pertaining to this evaluation, and attest that to the best of my knowledge, I believe it to be true and correct.

Medical Examiner Signature: _____ Medical Examiner Name: _____

Address: _____ City: _____ State: ____ Zip Code: _____ Phone: _____ Date: _____

Examiner's State License, Certificate, or Registration Number: _____ Issuing State: ____

☐ MD ☐ DO ☐ Physician Assistant ☐ Chiropractor ☐ Advanced Practice Nurse ☐ Other Practitioner

National Registry Number: _____ Medical Examiner's Certificate Expiration Date: _____

MEDICAL EXAMINER DETERMINATION (State)

Use this section for examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations):

◯ Does not meet standards in 49 CFR 391.41 with any applicable State variances *(specify reason)*: _____

◯ Meets standards in 49 CFR 391.41 with any applicable State variances

◯ Meets standards, but periodic monitoring required *(specify reason)*: _____

Driver qualified for: ◯ 3 months ◯ 6 months ◯ 1 year ◯ other: _____

☐ Wearing corrective lenses ☐ Wearing hearing aid ☐ Accompanied by a waiver/exemption *(specify type)*: _____

☐ Accompanied by a Skill Performance Evaluation (SPE) certificate ☐ Grandfathered from State requirements

If the driver meets the standards outlined in 49 CFR 391.41, with applicable State variances, then complete a Medical Examiner's Certificate, as appropriate.

I have performed this evaluation for certification. I have personally reviewed all available records and recorded information pertaining to this evaluation, and attest that to the best of my knowledge, I believe it to be true and correct.

Medical Examiner Signature: _____ Medical Examiner Name: _____

Address: _____ City: _____ State: ____ Zip Code: _____ Phone: _____ Date: _____

Examiner's State License, Certificate, or Registration Number: _____ Issuing State: ____

☐ MD ☐ DO ☐ Physician Assistant ☐ Chiropractor ☐ Advanced Practice Nurse ☐ Other Practitioner

National Registry Number: _____ Medical Examiner's Certificate Expiration Date: _____

Instructions for Completing the Medical Examination Report Form (MCSA-5875)

I. Step-By-Step Instructions

Driver:

Privacy Act Statement - Please read, sign and date the Statement acknowledging that you understand the provisions of the Privacy Act of 1974 as written.

Section 1: Driver information

- **Personal Information**: Please complete this section using your name as written on your driver's license, your current address and phone number, your date of birth, age, gender, driver's license number and issuing state.
  - **CDL/CLP Applicant/Holder**: Check "yes" if you are a commercial driver's license or commercial learner's permit holder, or are applying for a CDL or CLP. Commercial driver's license (**CDL**) means a license issued by a State or the District of Columbia which authorizes the individual to operate a class of a commercial motor vehicle (CMV). A CMV that requires a CDL is one that: (1) has a gross combination weight rating or gross combination weight of 26,001 pounds or more inclusive of a towed unit with a gross vehicle weight rating (GVWR) or gross vehicle weight (GVW) of more than 10,000 pounds; or (2) has a GVWR or GVW of 26,001 pounds or more; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is used to transport either hazardous materials requiring hazardous materials placards on the vehicle or any quantity of a select agent or toxin.
  - **Driver ID Verified By**: The Medical Examiner/staff completes this item and notes the type of photo ID used to verify the driver's identity such as, commercial driver's license, driver's license, or passport, etc.
  - **Question: Has your USDOT/FMCSA medical certificate ever been denied or issued for less than two years?** Please check the correct box "yes" or "no" and if you aren't sure check the "not sure" box.
- **Driver Health History**:
  - **Have you ever had surgery:** Please check "yes" if you have ever had surgery and provide a written explanation of the details (type of surgery, date of surgery, etc.)
  - **Are you currently taking medications (prescription, over-the-counter, herbal remedies, diet supplements):** Please check "yes" if you are taking any diet supplements, herbal remedies, or prescription or over the counter medications. In the box below the question, indicate the name of the medication and the dosage.
  - **#1-32:** Please complete this section by checking the "yes" box to indicate that you have, or have ever had, the health condition listed or the "No" box if you have not. Check the "not sure" box if you are unsure.
  - **Other Health Conditions not described above**: If you have, or have had, any other health conditions not listed in the section above, check "Yes" and in the box provided and list those condition(s).
  - **Any yes answers to questions #1-32 above:** If you have answered "yes" to any of the questions in the Driver Health History section above, please explain your answers further in the box below the question. For example, if you answered "yes" to question #5 regarding heart disease, heart attack, bypass, or other heart problem, indicate which type of heart condition. If you checked "yes" to question #23 regarding cancer, indicate the type of cancer. Please add any information that will be helpful to the Medical Examiner.
- **CMV Driver Signature and Date:** Please read the certification statement, sign and date it, indicating that the information you provided in Section 1 is accurate and complete.

Medical Examiner:

Section 2: Examination Report

- **Driver Health History Review:** Review answers provided by the driver in the driver health history section and discuss any "yes" and "not sure" responses. In addition, be sure to compare the medication list to the health history responses ensuring that the medication list matches the medical conditions noted. Explore with the driver any answers that seem unclear. Record any information that the driver omitted. As the Medical Examiner conducting the driver's physical examination you are required to complete the entire medical examination even if you detect a medical condition that you consider disqualifying, such as deafness. Medical Examiners are expected to determine the driver's physical qualification for operating a commercial vehicle safely. Thus, if you find a disqualifying condition for which a driver may receive a Federal Motor Carrier Safety Administration medical exemption, please record that on the driver's Medical Examiner's Certificate, Form MCSA-5876, as well as on the Medical Examination Report Form, MCSA-5875.
- **Testing:**
  - **Pulse rate and rhythm, height, and weight:** record these as indicated on the form.
  - **Blood Pressure:** record the blood pressure (systolic and diastolic) of the driver being examined. A second reading is optional and should be recorded if found to be necessary.
  - **Urinalysis:** record the numerical readings for the specific gravity, protein, blood and sugar.
  - **Vision:** The current vision standard is provided on the form. When other than the Snellen chart is used, give test results in Snellen-comparable values. When recording distance vision, use 20 feet as normal. Record the vision acuity results and indicate if the driver can recognize and distinguish among traffic control signals and devices showing red, green, and amber colors; has monocular vision; has been referred to an ophthalmologist or optometrist; and if documentation has been received from an ophthalmologist or optometrist.
  - **Hearing:** The current hearing standard is provided on the form. Hearing can be tested using either a whisper test or audiometric test. Record the test results in the corresponding section for the test used.
- **Physical Examination:** Check the body systems for abnormalities and indicate normal or abnormal for each body system listed. Discuss any abnormal answers in detail in the space provided and indicate whether it would affect the driver's ability to safely operate a commercial motor vehicle.

In this next section, you will be completing either the Federal or State determination, not both.

- **Medical Examiner Determination (Federal):** Use this section for examinations performed in accordance with the FMCSRs (49 CFR 391.41-391.49). Complete the medical examiner determination section completely. When determining a driver's physical qualification, please note that English language proficiency (49 CFR part 391.11, General qualifications of drivers) is not factored into that determination.
  - **Does not meet standards:** Select this option when a driver is determined to be not qualified and provide an explanation of why the driver does not meet the standards in 49 CFR 391.41.
  - **Meets standards in 49 CFR 391.41; qualifies for 2-year certification:** Select this option when a driver is determined to be qualified and will be issued a 2-year Medical Examiner's Certificate.

- **Meets standards, but periodic monitoring is required:** Select this option when a driver is determined to be qualified but needs periodic monitoring and provide an explanation of why periodic monitoring is required. Select the corresponding time frame that the driver is qualified and if selecting other, specify the time frame.
  - **Determination that driver meets standards:** Select all categories that apply to the driver's certification (e.g., wearing corrective lenses, accompanied by a waiver/exemption, driving within an exempt intracity zone, etc.).
- **Determination pending:** Select this option when more information is needed to make a qualification decision and specify a date, on or before the 45 day expiration date, for the driver to return to the medical exam office for follow-up. This will allow for a delay of the qualification decision for as many as 45 days. If the disposition of the pending examination is not updated via the National Registry on or before the 45 day expiration date, FMCSA will notify the examining medical examiner and the driver in writing that the examination is no longer valid and that the driver is required to be re-examined.
  - **MER amended:** A Medical Examination Report Form (MER), MCSA-5875, may only be amended while in determination pending status for situations where new information (e.g., test results, etc.) has been received or there has been a change in the driver's medical status since the initial examination, but prior to a final qualification determination. Select this option when a Medical Examination Report Form, MCSA-5875, is being amended; provide the reason for the amendment, sign and date. In addition, initial and date any changes made on the Medical Examination Report Form, MCSA-5875. A Medical Examination Report Form, MCSA-5875, cannot be amended after an examination has been in determination pending status for more than 45 days or after a final qualification determination has been made. The driver is required to obtain a new physical examination and a new Medical Examination Report Form, MCSA-5875, should be completed.
- **Incomplete examination:** Select this when the physical examination is not completed for any reason (e.g., driver decides they do not want to continue with the examination and leaves) other than situations outlined under determination pending.
- **Medical Examiner information, signature and date:** Provide your name, address, phone number, occupation, license, certificate, or registration number and issuing state, national registry number, Medical Examiner's Certificate expiration date, signature and date.

- **Medical Examiner Determination (State):** Use this section for examinations performed in accordance with the FMCSRs (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations). Complete the medical examiner determination section completely.
  - **Does not meet standards in 49 CFR 391.41 with any applicable State variances:** Select this option when a driver is determined to be not qualified and provide an explanation of why the driver does not meet the standards in 49 CFR 391.41 with any applicable State variances.
  - **Meets standards in 49 CFR 391.41 with any applicable State variances:** Select this option when a driver is determined to be qualified and will be issued a 2-year Medical Examiner's Certificate.
  - **Meets standards, but periodic monitoring is required:** Select this option when a driver is determined to be qualified but needs periodic monitoring and provide an explanation of why periodic monitoring is required. Select the corresponding time frame that the driver is qualified and if selecting other, specify the time frame.
    - **Determination that driver meets standards:** Select all categories that apply to the driver's certification (e.g., wearing corrective lenses, accompanied by a waiver/exemption, etc.).

- **Medical Examiner information, signature and date:** Provide your name, address, phone number, occupation, license, certificate, or registration number and issuing state, national registry number, Medical Examiner's Certificate expiration date, signature and date.

II. If updating an existing exam, you must resubmit the new exam results, via the Medical Examination Results Form, MCSA-5850, to the National Registry, and the most recent dated exam will take precedence.

III. To obtain additional information regarding this form go to the Medical Program's page on the Federal Motor Carrier Safety Administration's website at http://www.fmcsa.dot.gov/regulations/medical.

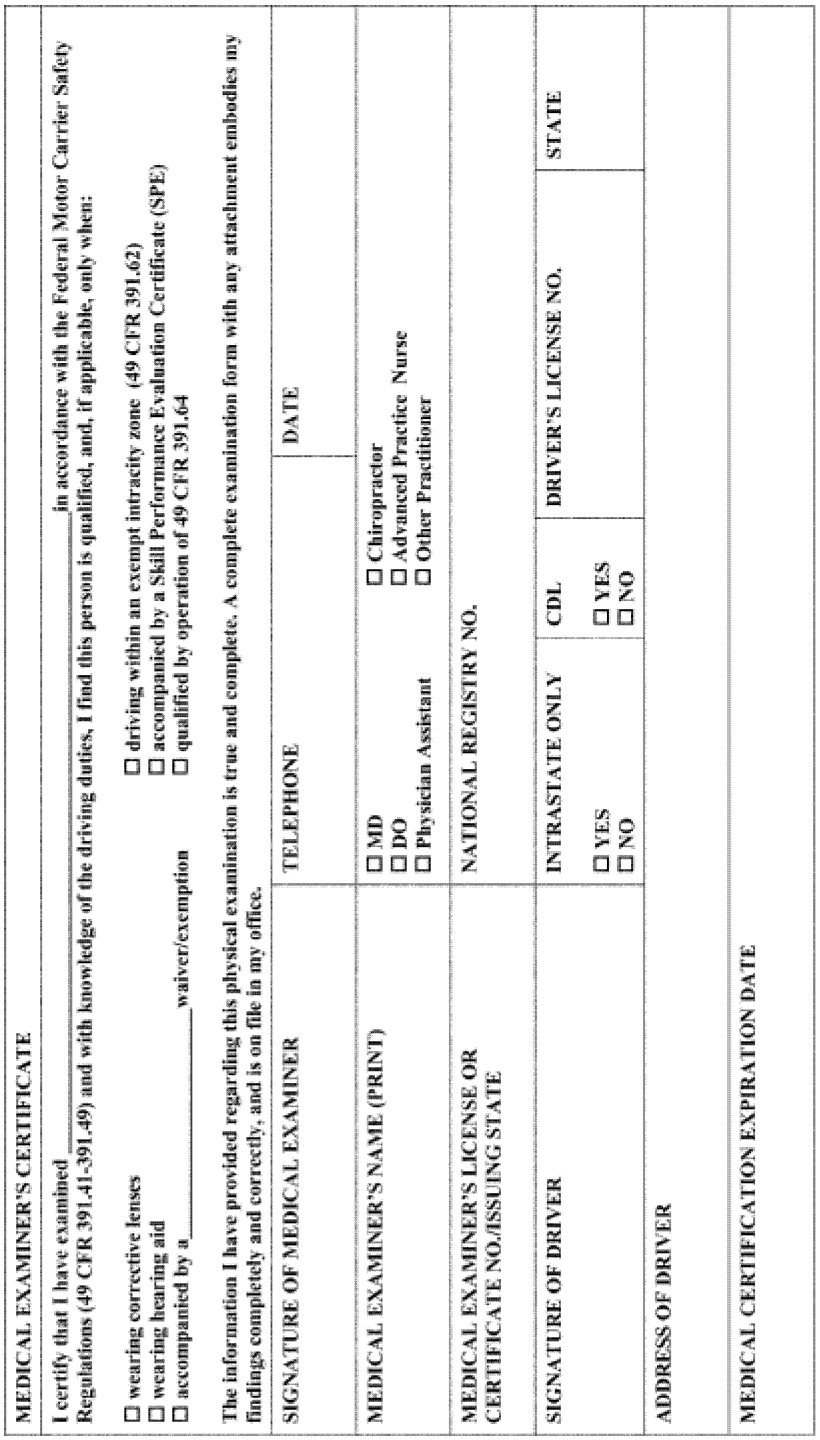
(g) * * *

(4) Beginning December 22, 2015, if the medical examiner finds that the determination of whether the person examined is physically qualified to operate a commercial motor vehicle in accordance with § 391.41(b) should be delayed pending the receipt of additional information or the conduct of further examination in order for the medical examiner to make such determination, he or she must inform the person examined that the additional information must be provided or the further examination completed within 45 days, and that the pending status of the examination will be reported to FMCSA.

(5) * * *

(ii) Beginning on June 22, 2015, if the medical examiner does not perform a medical examination of any driver who is required to be examined by a medical examiner listed on the National Registry of Certified Medical Examiners during any calendar month, the medical examiner must report that fact to FMCSA, via a secure FMCSA-designated Web site, by the close of business on the last day of such month.

(h)(1) Until December 22, 2015, the medical examiner's certificate shall be substantially in accordance with the following form.



MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined _____ in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when:

- ☐ **wearing corrective lenses**
- ☐ **wearing hearing aid**
- ☐ **accompanied by a _____ waiver/exemption**
- ☐ **driving within an exempt intracity zone (49 CFR 391.62)**
- ☐ **accompanied by a Skill Performance Evaluation Certificate (SPE)**
- ☐ **qualified by operation of 49 CFR 391.64**

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER	**TELEPHONE**	**DATE**
MEDICAL EXAMINER'S NAME (PRINT)	☐ **MD** ☐ **DO** ☐ **Physician Assistant** ☐ **Chiropractor** ☐ **Advanced Practice Nurse** ☐ **Other Practitioner**	
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE	**NATIONAL REGISTRY NO.**	
SIGNATURE OF DRIVER	**INTRASTATE ONLY** ☐ **YES** ☐ **NO**	**CDL** ☐ **YES** ☐ **NO** **DRIVER'S LICENSE NO.** **STATE**
ADDRESS OF DRIVER		
MEDICAL CERTIFICATION EXPIRATION DATE		

(2) On and after December 22, 2015, the medical examiner's certificate shall be completed in accordance with the following Form MCSA–5876, Medical Examiner's Certificate.

Form MCSA-5876 (Revised: 04/24/2015) OMB No. 2126-0006 Expiration Date:

Public Burden Statement
A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately 1 minute per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RRA, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

Medical Examiner's Certificate
(for Commercial Driver Medical Certification)

I certify that I have examined **Last Name:** _____ **First Name:** _____ in accordance with *(please check only one)*:

◯ the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when *(check all that apply)* ***OR***

◯ the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations), and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when *(check all that apply)*:

☐ Wearing corrective lenses ☐ Accompanied by a _____ waiver/exemption ☐ Driving within an exempt intracity zone (49 CFR 391.62) *(Federal)*
☐ Wearing hearing aid ☐ Accompanied by a Skill Performance Evaluation (SPE) Certificate ☐ Qualified by operation of 49 CFR 391.64 *(Federal)*
☐ Grandfathered from State requirements *(State)*

The information I have provided regarding this physical examination is true and complete.
A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

Medical Examiner's Certificate Expiration Date

Signature of Medical Examiner | **Medical Examiner's Telephone Number** | **Date Certificate Signed**

Medical Examiner Name *(please print or type)*

◯ MD ◯ Physician Assistant ◯ Advanced Practice Nurse
◯ DO ◯ Chiropractor ◯ Other Practitioner *(specify)* _____

Medical Examiner's State License, Certificate, or Registration Number | **Issuing State** | **National Registry Number**

Signature of Driver | **Driver's License Number** | **Issuing State/Province**

Address of Driver

Street: _____ City: _____ State/Province: _____ Zip Code: _____

CLP/CDL Applicant/Holder
◯ Yes ◯ No

* * * * *

Issued under the authority delegated in 49 CFR 1.87 on: June 12, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–15161 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register
Vol. 80, No. 119
Monday, June 22, 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 71

[Docket No. FAA–2015–0343; Airspace Docket No. 14–ANM–10]

Proposed Establishment of Class E Airspace, Delta, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Blake Field Airport, Delta CO, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures developed for the airport. The FAA is proposing this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before August 6, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2015–0343; Airspace Docket No. 14–ANM–10, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–0343/Airspace Docket No. 14–ANM–10.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 to establish Class E airspace extending upward from 700 feet above the surface at Blake Field Airport, Delta, CO. Controlled airspace would be established within a 3.8-mile radius of Blake Field Airport, with segments extending from the 4-mile radius to 7.5 miles northeast, and 12 miles southwest of the airport. Development of new RNAV (GPS) standard instrument approach procedures have made this action necessary for continued safety and management of IFR operations at the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR

71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Blake Field Airport, Delta, CO.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6005: Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth

* * * * *

ANM WA E5 Delta, CO [New]

Blake Field Airport, CO
(Lat. 38°47′11″ N., long. 108°03′49″ W.)
Blake Field, point in space coordinates
(Lat. 38°47′43″ N., long. 107°58′46″ W.)

That airspace extending upward from 700 feet above the surface within 3.8-mile radius of Blake Field Airport, and that airspace 2.0 miles northwest and 2.5 miles southeast of the 227° bearing from the airport extending from the 3.8-mile radius to 12 miles southwest of the airport, and that airspace within a 4.0-mile radius of point in space coordinates at lat. 38°47′43″ N., long. 107°58′46″ W., from a point where the 4.0-mile radius of the point in space intersects the 3.8 mile radius of the airport; thence clockwise along the 4.0-mile radius of the point in space to where the Blake Field Airport 48° bearing intersects the 4.0-mile radius; thence south to lat. 38°47′34″ N., long. 107°57′03″ W.; thence west to where the Blake Field Airport 79° bearing intersects the 3.8 mile radius of the airport.

Issued in Seattle, Washington, on June 11, 2015.

Christopher Ramirez,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–15211 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–1388; Airspace Docket No. 15–ASW–3]

Proposed Establishment of Class E Airspace; Sheridan AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Sheridan, AR. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Sheridan Municipal Airport. The FAA is proposing this action to enhance the safety and management of Instrument Flight Rules (IFR) operations within the National Airspace System (NAS).

DATES: Comments must be received on or before August 6, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2015–1388/Airspace Docket No. 15–ASW–3, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–321–7740.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–1388/Airspace Docket No. 15–ASW–3.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at http://www.faa.gov/*airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6 mile radius of Sheridan Municipal Airport, Sheridan, AR, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW AR E5 Sheridan, AR [New]

Sheridan Municipal Airport, AR
(Lat. 34°19′39″ N., long. 92°21′05″ W.)

That airspace extending upward from 700 feet above the surface within a 6.0-mile radius of Sheridan Municipal Airport.

Issued in Fort Worth, TX, on June 10, 2015.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–15209 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–1387; Airspace Docket No. 15–AGL–4]

Proposed Establishment of Class E Airspace; Tomah, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Tomah, WI. Controlled airspace is necessary to

accommodate new Standard Instrument Approach Procedures (SIAPs) at Bloyer Field Airport. The FAA is proposing this action to enhance the safety and management of Instrument Flight Rules (IFR) operations within the National Airspace System (NAS).

DATES: Comments must be received on or before August 6, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2015–1387/Airspace Docket No. 15–AGL–4, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–321–7740.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in

Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace at Bloyer Field Airport Tomah, WI.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–1387/Airspace Docket No. 15–AGL–4.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see ''**ADDRESSES**'' section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bloyer Field Airport, Tomah, WI, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and

Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL WI E5 Tomah, WI [New]

Bloyer Field Airport, WI
(Lat. 43°58′34″ N., long. 090°28′50″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bloyer Field Airport.

Issued in Fort Worth, TX, on June 10, 2015.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–15210 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1210; Airspace Docket No. 12–ASO–42]

Proposed Establishment of Class E Airspace; Poplarville, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Poplarville, MS, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) serving Poplarville-Pearl River County Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before August 6, 2015.

ADDRESSES: Send comments on this rule to: U. S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2012–1210; Airspace Docket No. 12–ASO–42, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA–2012–1210; Airspace Docket No. 12–ASO–42) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–1210; Airspace Docket No. 12–ASO–42.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_*

airtraffic/air_traffic/publications/airspace_amendments/.

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Poplarville-Pearl River County Airport, Poplarville, MS., providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Poplarville-Pearl River County Airport.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71:

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment:

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO MS E5 Poplarville, MS [Amended]

Poplarville-Pearl River County Airport (lat. 30°47′13″ N., long. 89°30′16″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Poplarville-Pearl River County Airport.

Issued in College Park, Georgia, on June 10, 2015.

Gerald E. Lynch,

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

[FR Doc. 2015–15133 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 25, 26, and 301

[REG–102837–15]

RIN 1545–BM68

Guidance Under Section 529A: Qualified ABLE Programs

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations under section 529A of the Internal Revenue Code that provide guidance regarding programs under The Stephen Beck, Jr., Achieving a Better Life Experience Act of 2014. Section 529A provides rules under which States or State agencies or instrumentalities may establish and maintain a new type of tax-favored savings program through which contributions may be made to the account of an eligible disabled individual to meet qualified disability expenses. These accounts also receive favorable treatment for purposes of certain means-tested Federal programs. In addition, these proposed regulations provide corresponding amendments to regulations under sections 511 and 513, with respect to unrelated business taxable income, sections 2501, 2503, 2511, 2642 and 2652, with respect to gift and generation-skipping transfer taxes, and section 6011, with respect to reporting requirements. This document also provides notice of a public hearing on these proposed regulations.

DATES: Comments must be received by September 21, 2015. Outlines of topics to be discussed at the public hearing scheduled for October 14, 2015, at 10 a.m., must be received by September 21, 2015.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–102837–15), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–102837–

15), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–102837–15). The public hearing will be held in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations under section 529A, Taina Edlund or Terri Harris, (202) 317–4541, or Sean Barnett, (202) 317–5800; concerning the proposed estate and gift tax regulations, Theresa Melchiorre, (202) 317–4643; concerning the reporting provisions under section 529A, Mark Bond, (202) 317–6844; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, call Regina Johnson, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, SE:W:CAR:MP:T:T:SP, Washington, DC 20224. Comments on the collection of information should be received by August 21, 2015.

Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information;

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The collection of information in the proposed regulations is in §§ 1.529A–2, 1.529A–5, 1.529A–6 and 1.529A–7. The collection of information flows from sections 529A(d)(1), (d)(2), (d)(3), (e)(1) and (e)(2) of the Internal Revenue Code (Code). Section 529A(d)(1) requires qualified ABLE programs to provide reports to the Secretary and to designated beneficiaries with respect to contributions, distributions, the return of excess contributions, and such other matters as the Secretary may require. Section 529(d)(2) provides that the Secretary shall make available to the public reports containing aggregate information, by diagnosis and other relevant characteristics, on contributions and distributions from the qualified ABLE program. Section 529(d)(3) requires qualified ABLE programs to provide notice to the Secretary upon the establishment of an ABLE account, containing the name and State of residence of the designated beneficiary and such other information as the Secretary may require. Section 529A(e)(1) requires that a disability certification with respect to certain individuals be filed with the Secretary. Section 529A(e)(2) provides that the disability certification include a certification to the satisfaction of the Secretary that the individual has a medically determinable physical or mental impairment that occurred before the date on which the individual attained age 26 and also include a copy of a physician's diagnosis. The burden under §§ 1.529A–5 and 1.529A–6 is reflected in the burden under the new Form 5498–QA, ''ABLE Account Contribution Information,'' and the new Form 1099–QA, ''Distributions from ABLE Accounts,'' respectively.

The expected recordkeepers are programs described in section 529A, established and maintained by a State or a State agency or instrumentality and individuals with ABLE accounts.

Estimated number of recordkeepers: 10,050.

Estimated average annual burden hours per recordkeeper: 1.6 hours.

Estimated total annual recordkeeping burden: 16,080.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and return information are confidential, as required by 26 U.S.C. 6103.

Background

The Stephen Beck, Jr., Achieving a Better Life Experience (ABLE) Act of 2014, enacted on December 19, 2014, as part of The Tax Increase Prevention Act of 2014 (Pub. L. 113–295), added section 529A to the Internal Revenue Code. Congress recognized the special financial burdens borne by families raising children with disabilities and the fact that increased financial needs generally continue throughout the disabled person's lifetime. Section 101 of the ABLE Act confirms that one of the purposes of the Act is to ''provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits'' otherwise available to those individuals, whether through private sources, employment, public programs, or otherwise. Prior to the enactment of the ABLE Act, various types of tax-advantaged savings arrangements existed, but none adequately served the goal of promoting saving for these financial needs. Section 529A allows the creation of a qualified ABLE program by a State (or agency or instrumentality thereof) under which a separate ABLE account may be established for a disabled individual who is the designated beneficiary and owner of that account. Generally, contributions to that account are subject to both an annual and a cumulative limit, and, when made by a person other than the designated beneficiary, are treated as non-taxable gifts to the designated beneficiary. Distributions made from an ABLE account for qualified disability expenses of the designated beneficiary are not included in the designated beneficiary's gross income. The earnings portion of distributions from the ABLE account in excess of the qualified disability expenses is includible in the gross income of the designated beneficiary. An ABLE account may be used for the long-term benefit and/or short-term needs of the designated beneficiary.

Section 103 of the ABLE Act, while not a tax provision, is critical to achieving the goal of the ABLE Act of providing financial resources for the benefit of disabled individuals. Because so many of the programs that provide essential financial, occupational, and other resources and services to disabled individuals are available only to persons whose resources and income do not exceed relatively low dollar limits, section 103 generally provides that a designated beneficiary's ABLE account (specifically, its account balance, contributions to the account, and

distributions from the account) is disregarded for purposes of determining the designated beneficiary's eligibility for and the amount of any assistance or benefit provided under certain means-tested Federal programs. However, in the case of the Supplemental Security Income program under title XVI of the Social Security Act, distributions for certain housing expenses are not disregarded, and the balance (including earnings) in an ABLE account is considered a resource of the designated beneficiary to the extent that balance exceeds $100,000. Section 103 also addresses the impact of an excess balance in an ABLE account on the designated beneficiary's eligibility under the Supplemental Security Income program and Medicaid.

Finally, section 104 of the ABLE Act addresses the treatment of ABLE accounts in bankruptcy proceedings.

Notice 2015–18, 2015–12 IRB 765 (March 23, 2015), provides that the section 529A guidance will confirm that the owner of the ABLE account is the designated beneficiary of the account, and that the person with signature authority over (if not the designated beneficiary of) the account may neither have nor acquire any beneficial interest in the ABLE account and must administer that account for the benefit of the designated beneficiary of that account. The Notice further provides that, in the event that state legislation creating ABLE programs enacted in accordance with section 529A prior to issuance of guidance does not fully comport with the guidance when issued, the Treasury Department and the IRS intend to provide transition relief to provide sufficient time to allow States to implement the changes necessary to avoid the disqualification of the program and of the ABLE accounts already established under the program.

The Treasury Department and the IRS reiterate that States that enact legislation creating an ABLE program in accordance with section 529A, and those individuals establishing ABLE accounts in accordance with such legislation, will not fail to receive the benefits of section 529A merely because the legislation or the account documents do not fully comport with the final regulations when they are issued. The Treasury Department and the IRS intend to provide transition relief to enable those State programs and accounts to be brought into compliance with the requirements in the final regulations, including providing sufficient time after issuance of the final regulations in order for changes to be implemented.

Explanation of Provisions

Qualification as an ABLE program

The proposed regulations provide guidance on the requirements a program must satisfy in order to be a qualified ABLE program described in section 529A. Specifically, in addition to other requirements, the program must: Be established and maintained by a State or a State's agency or instrumentality; permit the establishment of an ABLE account only for a designated beneficiary who is a resident of that State, or a State contracting with that State for purposes of the ABLE program; permit the establishment of an ABLE account only for a designated beneficiary who is an eligible individual; limit a designated beneficiary to only one ABLE account, wherever located; permit contributions to an ABLE account established to meet the qualified disability expenses of the account's designated beneficiary; limit the nature and amount of contributions that can be made to an ABLE account; require a separate accounting for the ABLE account of each designated beneficiary with an ABLE account in the program; limit the designated beneficiary to no more than two opportunities in any calendar year to provide investment direction, whether directly or indirectly, for the ABLE account; and prohibit the pledging of an interest in an ABLE account as security for a loan.

Because each qualified ABLE program will have significant administrative obligations beyond what is required for the administration of qualified tuition programs under section 529 (on which section 529A was loosely modeled), and because the frequency of distributions from the ABLE accounts is likely to be far greater than those made from qualified tuition accounts, the proposed regulations expressly allow a qualified ABLE program or any of its contractors to contract with one or more Community Development Financial Institutions (CDFIs) that commonly serve disabled individuals and their families to provide one or more required services. For example, a CDFI could provide screening and verification of disabilities, certification of the qualified purpose of distributions, debit card services to facilitate distributions, and social data collection and reporting. A CDFI also may be able to obtain grants to defray the cost of administering the program. In general, if certified by the Treasury Department, a CDFI may receive a financial assistance award from the CDFI Fund that was established within the Treasury Department in 1994 to promote community development in economically distressed communities through investments in CDFIs across the country.

Established and Maintained

The proposed regulations provide that a program is established by a State, or its agency or instrumentality, if the program is initiated by State statute or regulation, or by an act of a State official or agency with the authority to act on behalf of the State. A program is maintained by a State or its agency or instrumentality if: All the terms and conditions of the program are set by the State or its agency or instrumentality, and the State or its agency or instrumentality is actively involved on an ongoing basis in the administration of the program, including supervising all decisions relating to the investment of assets contributed to the program. The proposed regulations set forth factors that are relevant in determining whether a State, or its agency or instrumentality, is actively involved in the administration of the program. Included in the factors is the manner and extent to which it is permissible for the program to contract out for professional and financial services.

Establishment of an ABLE Account

The proposed regulations provide that, consistent with the definition of a designated beneficiary in section 529A(e)(3), the designated beneficiary of an ABLE account is the eligible individual who establishes the account or an eligible individual who succeeded the original designated beneficiary. The proposed regulations also provide that the designated beneficiary is the owner of that account.

The Treasury Department and the IRS recognize, however, that certain eligible individuals may be unable to establish an account themselves. Therefore, the proposed regulations clarify that, if the eligible individual cannot establish the account, the eligible individual's agent under a power of attorney or, if none, his or her parent or legal guardian may establish the ABLE account for that eligible individual. For purposes of these proposed regulations, because each of these individuals would be acting on behalf of the designated beneficiary, references to actions of the designated beneficiary, such as opening or managing the ABLE account, are deemed to include the actions of any other such individual with signature authority over the ABLE account. The proposed regulations also provide that, consistent with Notice 2015–18, a person other than the designated beneficiary with signature authority

over the account of the designated beneficiary may neither have, nor acquire, any beneficial interest in the account during the designated beneficiary's lifetime and must administer the account for the benefit of the designated beneficiary.

At the time an ABLE account is created for a designated beneficiary, the designated beneficiary must provide evidence that the designated beneficiary is an eligible individual as defined in section 529A(e)(1). Section 529A(e)(1) provides that an individual is an eligible individual for a taxable year if, during that year, either the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act and the blindness or disability occurred before the date on which the individual attained age 26, or a disability certification meeting specified requirements is filed with the Secretary. If an individual is asserting he or she is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act and the blindness or disability occurred before the date on which the individual attained age 26, the proposed regulations provide that each qualified ABLE program may determine the evidence required to establish the individual's eligibility. For example, a qualified ABLE program could require the individual to provide a copy of a benefit verification letter from the Social Security Administration and allow the individual to certify, under penalties of perjury, that the blindness or disability occurred before the date on which the individual attained age 26.

Alternatively, the designated beneficiary must submit the disability certification when opening the ABLE account. Consistent with section 529A(e)(2), the proposed regulations provide that a disability certification is a certification by the designated beneficiary that he or she: (1) Has a medically determinable physical or mental impairment, which results in marked or severe functional limitations, and which (i) can be expected to result in death or (ii) has lasted or can be expected to last for a continuous period of not less than 12 months; or (2) is blind (within the meaning of section 1614(a)(2) of the Social Security Act) and that such blindness or disability occurred before the date on which the individual attained age 26. The certification must include a copy of the individual's diagnosis relating to the individual's relevant impairment or impairments, signed by a licensed physician (as defined in section 1861(r) of the Social Security Act, 42 U.S.C. 1395x(r)). Consistent with other IRS filing requirements, the proposed regulations also provide that the certification must be signed under penalties of perjury.

While evidence of an individual's eligibility based on entitlement to Social Security benefits should be objectively verifiable, the sufficiency of a disability certification that an individual is an eligible individual for purposes of section 529A might not be as easy to establish. Nevertheless, the Treasury Department and the IRS wish to facilitate an eligible individual's ability to establish an ABLE account without undue delay. Therefore, the proposed regulations provide that an eligible individual must present the disability certification, accompanied by the diagnosis, to the qualified ABLE program to demonstrate eligibility to establish an ABLE account. The proposed regulations further provide that the disability certification will be deemed to be filed with the Secretary once the qualified ABLE program has received the disability certification or a disability certification has been deemed to have been received under the rules of the qualified ABLE program, which information the qualified ABLE program, as discussed further below, will file with the IRS in accordance with the filing requirements under § 1.529A–5(c)(2)(iv).

Disability Determination

Consistent with section 529A(g)(4), the Treasury Department and the IRS have consulted with the Commissioner of Social Security regarding disability certifications and determinations of disability. For purposes of the disability certification, the proposed regulations provide that the phrase ''marked and severe functional limitations'' means the standard of disability in the Social Security Act for children claiming benefits under the Supplemental Security Income for the Aged, Blind, and Disabled (SSI) program based on disability, but without regard to the age of the individual. This phrase refers to a level of severity of an impairment that meets, medically equals, or functionally equals the listings in the Listing of Impairments (the listings) in appendix 1 of subpart P of 20 CFR part 404. (*See* 20 CFR 416.906, 416.924 and 416.926a). This listing developed and used by the Social Security Administration describes for each of the major body systems impairments that cause marked and severe functional limitations. Most body system sections are in two parts: an introduction, followed by the specific listings. The introduction contains information relevant to the use of the listings with respect to that body system, such as examples of common impairments in the body system and definitions used in the listings for that body system. The introduction may also include specific criteria for establishing a diagnosis, confirming the existence of an impairment, or establishing that an impairment satisfies the criteria of a particular listing with respect to the body system. The specific listings that follow the introduction for each body system specify the objective medical and other findings needed to satisfy the criteria of that listing. Most of the listed impairments are permanent or expected to result in death, although some listings state a specific period of time for which an impairment will meet the listing.

An impairment is medically equivalent to a listing if it is at least equal in severity and duration to the severity and duration of any listing. An impairment that does not meet or medically equal any listing may result in limitations that functionally equal the listings if it results in marked limitations in two domains of functioning or an extreme limitation in one domain of functioning, as explained in 20 CFR 416.926a. In addition, the proposed regulations provide that certain conditions, specifically those listed in the Compassionate Allowances Conditions list maintained by the Social Security Administration, are deemed to meet the requirements of an impairment sufficient for a disability certification without a physician's diagnosis, provided that the condition was present before the date on which the individual attained age 26. The proposed regulations also provide the flexibility from time to time to identify additional impairments that will be deemed to meet these requirements. The Treasury Department and the IRS request comments on what other conditions should be deemed to meet the requirements of section 529A(e)(2)(A)(i).

Change in Eligible Individual Status

The Treasury Department and the IRS recognize that there may be circumstances in which a designated beneficiary ceases to be an eligible individual but subsequently regains that status. Consequently, the Treasury Department and the IRS believe that it is appropriate to permit continuation of the ABLE account (albeit with some changes in the applicable rules) during the period in which a designated beneficiary is not an eligible individual as long as the designated beneficiary was an eligible individual when the account was established. Therefore, if at any time a designated beneficiary no longer meets the definition of an eligible

individual, his or her ABLE account remains an ABLE account to which all of the provisions of the ABLE Act continue to apply, and no (taxable) distribution of the account balance is deemed to occur. However, the proposed regulations provide that, beginning on the first day of the taxable year following the taxable year in which the designated beneficiary ceased to be an eligible individual, no contributions to the ABLE account may be accepted. If the designated beneficiary subsequently again becomes an eligible individual, then additional contributions may be accepted subject to the applicable annual and cumulative limits. In this way, the Treasury Department and the IRS intend to prevent a deemed distribution of the ABLE account (and preserve the account's qualification as an ABLE account for all purposes) if, for example, the disease that caused the impairment goes into a temporary remission, and to preserve the ABLE account with its tax-free distributions for qualified disability expenses if the impairment resumes and once again qualifies the designated beneficiary as an eligible individual. Note that expenses will not be qualified disability expenses if they are incurred at a time when a designated beneficiary is neither disabled nor blind within the meaning of § 1.529A–1(b)(9)(A) or § 1.529A–2(e)(1)(i).

The proposed regulations provide flexibility regarding annual recertifications. A qualified ABLE program generally must require annual recertifications that the designated beneficiary continues to satisfy the definition of an eligible individual. However, a qualified ABLE program may deem an annual recertification to have been provided in appropriate circumstances. For example, a qualified ABLE program may permit certification by an individual that he or she has a permanent disability to be considered to meet the annual requirement to present a certification to the qualified ABLE program. In other cases, a program may require all of the same evidence needed for the initial disability certification when the account was established, may require a statement under penalties of perjury that nothing has changed that would change the original disability certification, or may incorporate some other method of ensuring that the designated beneficiary continuously qualifies as an eligible individual. Alternatively, a qualified ABLE program may identify certain impairments or categories of impairments for which recertifications will be deemed to have been made annually to the qualified ABLE program unless and until the qualified ABLE program provides otherwise (for example, if a cure is discovered for a disease that causes an impairment). An initial certification or recertification that meets the requirements of the qualified ABLE program will be deemed to have met the requirement of section 529A(e)(1)(B). The Treasury Department and the IRS request comments regarding how a qualified ABLE program will be able to demonstrate eligibility in subsequent years if it allows deemed recertifications.

Contributions to an ABLE Account

The proposed regulations provide that, as a general rule, all contributions to an ABLE account must be made in cash. The proposed regulations provide that a qualified ABLE program may accept cash contributions in the form of cash or a check, money order, credit card payment, or other similar method of payment. In addition, the proposed regulations provide that the total contributions to an ABLE account in the designated beneficiary's taxable year, other than amounts received in rollovers and program-to-program transfers, must not exceed the amount of the annual per-donee gift tax exclusion under section 2503(b) in effect for that calendar year (currently $14,000) in which the designated beneficiary's taxable year begins. Finally, a qualified ABLE program must provide adequate safeguards to ensure that total contributions to an ABLE account (including the proceeds from a preexisting ABLE account) do not exceed that State's limit for aggregate contributions under its qualified tuition program.

To implement these requirements, the proposed regulations provide that a qualified ABLE program must return contributions in excess of the annual gift tax exclusion (excess contributions) to the contributor(s), along with all net income attributable to those excess contributions. Similarly, the proposed regulations also require the return of all contributions, along with all net income attributable to those contributions, that caused an ABLE account to exceed the limit established by the State for its qualified tuition program (excess aggregate contributions). If an excess contribution or excess aggregate contribution is returned to a contributor other than the designated beneficiary, the qualified ABLE program must notify the designated beneficiary of such return at the time of the return. The proposed regulations further provide that such returns of excess contributions and excess aggregate contributions must be received by the contributor(s) on or before the due date (including extensions) of the designated beneficiary's income tax return for the year in which the excess contributions were made or in the year the excess aggregate contributions caused amounts in the ABLE account to exceed the limit in effect under section 529A(b)(6), respectively. The proposed regulations provide rules for determining the net income attributable to a contribution made to an ABLE account, and also provide that these excess contributions and excess aggregate contributions must be returned to contributors on a last-in, first-out basis. In the case of contributions that exceed the annual gift tax exclusion, a failure to return such excess contributions within the time period discussed in this paragraph will result in the imposition on the designated beneficiary of a 6 percent excise tax under section 4973(a)(6) on the amount of excess contributions. As part of a planned revision of IRA regulations, the Treasury Department and the IRS intend to propose regulations under section 4973 to reflect that ABLE accounts are subject to section 4973.

Application of Gift Tax to Contributions to an ABLE Account

Gift tax consequences may arise from contributions to an ABLE account even though the aggregate amount of such contributions to an ABLE account from all contributors may not exceed the annual exclusion amount under section 2503(b) applicable to any single contributor. Specifically, if a contributor makes other gifts to a designated beneficiary in addition to the gift to the designated beneficiary's ABLE account, the contributor's total gifts made to the designated beneficiary in that year could give rise to a gift tax liability.

Contributions may be made by any person. The term *person* is defined in section 7701(a)(1) to include an individual, trust, estate, partnership, association, company, or corporation. Therefore, for purposes of section 529A(b)(1)(A), a person would include an individual and each of the entities described in section 7701(a)(1). Under section 2501(a)(1), the gift tax applies only to gifts by individuals, but it also applies to gifts made directly or indirectly. As a result, a gift made by a trust, estate, association, company, corporation, or partnership is treated as having been made by the owner(s) of that entity. For example, a gift from a corporation to a designated beneficiary is treated as a gift from the shareholders of the corporation to the designated beneficiary. *See Example (1)* of

§ 25.2511–1(h). Accordingly, the proposed regulations provide that, for purposes of sections 529A(b)(1)(A) and 529A(c)(1)(C), a contribution by a corporation is treated as a gift by its shareholders and a contribution by a partnership is treated as a gift by its partners. This rule also applies to trusts, estates, associations, and companies. *See* section 2511 and § 25.2511–1(c).

The legislative history of section 529A suggests that a ''person'' described in section 529A(b)(1)(A) includes the designated beneficiary of an ABLE account. *See* 160 Cong. Rec. H7051, H8317, H8318, H8321, H8322 (2014). A person may transfer his or her property into an account, such as a bank account or a trust, for his or her benefit and retain dominion and control over the property transferred. Because an individual cannot make a transfer of property to himself or herself and a transfer of property is a fundamental requirement for a completed gift, this type of transfer from a person's own property cannot be treated as a completed gift for tax purposes. *See* § 25.2511–2(b) and (c). Therefore, the proposed regulations provide that any contribution by a designated beneficiary to a qualified ABLE program benefitting the designated beneficiary is not treated as a completed gift. Because the designated beneficiary remains the owner of the account for purposes of chapter 12, if the designated beneficiary transfers the funds in the account to another person as permitted under these proposed regulations, the designated beneficiary making the transfer is the donor for purposes of chapter 12 and the transferor for generation-skipping transfer tax purposes of chapter 13.

Distributions

If distributions from an ABLE account do not exceed the designated beneficiary's qualified disability expenses, no amount is includible in the designated beneficiary's gross income. Otherwise, the earnings portion of the distributions from the ABLE account as determined in the manner provided under section 72, reduced by the product of such earnings portion and the ratio of the amount of the distributions for qualified disability expenses to total distributions, is includible in the gross income of the designated beneficiary to the extent not otherwise excluded from gross income. As required by section 529A(c)(1)(D), the proposed regulations provide that, for purposes of applying section 72 to amounts distributed from an ABLE account: (1) all distributions during a taxable year are treated as one distribution; and (2) the value of the contract, income on the contract, and investment in the contract are computed as of the close of the calendar year in which the designated beneficiary's taxable year begins.

The proposed regulations also provide that, in addition to the income tax on the portion of a distribution included in gross income, an additional tax of 10 percent of the amount includible in gross income is imposed. This additional tax does not apply, however, to distributions on or after the designated beneficiary's death or to returns of excess contributions, excess aggregate contributions, or contributions to additional purported ABLE accounts made by the due date (including extensions) of the designated beneficiary's tax return for the year in which the relevant contributions were made.

Section 529A(c)(1)(C) addresses the tax consequences of the rollover of an ABLE account to an ABLE account for the same designated beneficiary maintained under a different State's qualified ABLE program, as well as a change of designated beneficiary. The proposed regulations describe with respect to these two situations the circumstances in which amounts will not be includible in income. The first is any change of designated beneficiary if the new designated beneficiary is both (1) an eligible individual for his or her taxable year in which the change is made and (2) a sibling of the former designated beneficiary. For purposes of these proposed regulations, a sibling also includes step-siblings and half-siblings, whether by blood or by adoption. The proposed regulations provide that a qualified ABLE program must permit a change of designated beneficiary, as long as the change is made prior to the death of the former designated beneficiary and as long as the successor designated beneficiary is an eligible individual. Because the designated beneficiary will be subject to gift and/or generation-skipping transfer tax if the successor designated beneficiary is not a sibling of the designated beneficiary, the Treasury Department and the IRS request comments regarding whether the final regulations should permit States to require that a successor designated beneficiary also must be a sibling of the designated beneficiary.

The second situation in which a distribution is not included in gross income arises if a distribution to the designated beneficiary of the ABLE account is paid, not later than the 60th day after the date of the distribution, to another (or the same) ABLE account for the benefit of the designated beneficiary or for the benefit of an eligible individual who is a sibling of the designated beneficiary. However, the preceding sentence does not apply to such a distribution that occurs within 12 months of a previous rollover to another ABLE account for the same designated beneficiary.

The Treasury Department and the IRS have been asked whether a qualified tuition account under section 529 may be rolled into an ABLE account for the same designated beneficiary free of tax. Because such a distribution to the ABLE account would not constitute a qualified higher education expense under section 529, the Treasury Department and the IRS do not believe they have the authority to allow such a transfer on a tax-free basis.

In addition, the proposed regulations authorize a qualified ABLE program to allow program-to-program transfers to effectuate a change of qualified ABLE program or a change of designated beneficiary to another eligible individual. Such a direct transfer is neither a distribution taxed in accordance with section 72 nor an excess contribution. A program-to-program transfer also could be accomplished, if permitted by the qualified ABLE program, through a check delivered to the designated beneficiary but negotiable only by the qualified State program under which the new ABLE account is being established.

The Treasury Department and the IRS recognize that moving funds by use of a program-to-program transfer may be preferable to moving them by a rollover because a rollover, even if made within the permissible 60-day period, may jeopardize the designated beneficiary's eligibility for certain benefits under various means-tested programs. Moreover, a direct program-to-program transfer could facilitate the efficient transfer of all relevant information regarding the application of contribution limits and the total amount of accumulated earnings that will also apply to the new account. The Treasury Department and the IRS request comments as to whether and to what extent a qualified ABLE program should be permitted to require that funds from another State's ABLE program be accepted only through program-to-program transfers.

Qualified Disability Expenses

Section 529A(e)(5) defines a *qualified disability expense.* Consistent with that subsection, the proposed regulations provide that qualified disability expenses are expenses that relate to the designated beneficiary's blindness or disability and are for the benefit of that

designated beneficiary in maintaining or improving his or her health, independence, or quality of life. Such expenses include, but are not limited to, expenses for education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other expenses that may be identified from time to time in future guidance published in the Internal Revenue Bulletin. As previously stated, expenses incurred at a time when a designated beneficiary is neither disabled nor blind within the meaning of the proposed regulations are not qualified disability expenses.

In order to implement the legislative purpose of assisting eligible individuals in maintaining or improving their health, independence, or quality of life, the Treasury Department and the IRS conclude that the term ''qualified disability expenses'' should be broadly construed to permit the inclusion of basic living expenses and should not be limited to expenses for items for which there is a medical necessity or which provide no benefits to others in addition to the benefit to the eligible individual. For example, expenses for common items such as smart phones could be considered qualified disability expenses if they are an effective and safe communication or navigation aid for a child with autism. The Treasury Department and the IRS request comments regarding what types of expenses should be considered qualified disability expenses and under what circumstances. The proposed regulations authorize the identification of additional types of qualified disability expenses in guidance published in the Internal Revenue Bulletin. *See* § 601.601(d)(2). A qualified ABLE program must establish safeguards to distinguish between distributions used for the payment of qualified disability expenses and other distributions, and to permit the identification of the amounts distributed for housing expenses as that term is defined for purposes of the Supplemental Security Income program of the Social Security Administration.

Limitation on Number of ABLE Accounts of a Designated Beneficiary

Section 529A(c)(4) generally provides that, except with respect to certain rollovers, once an ABLE account has been established for a designated beneficiary, no account subsequently established for that same designated beneficiary may qualify as an ABLE account. The proposed regulations provide that, except with respect to rollovers and program-to-program transfers, no designated beneficiary may have more than one ABLE account in existence at the same time, but provides that a prior ABLE account that has been closed does not prohibit the subsequent creation of another ABLE account for the same designated beneficiary. A qualified ABLE program must obtain a verification from the eligible individual, signed under penalties of perjury, that he or she has no other ABLE account (except in the case of a rollover or program-to-program transfer). The proposed regulations provide that, in the event that any additional ABLE account is opened for a designated beneficiary with an ABLE account already in existence, only the first such account created for that designated beneficiary qualifies as an ABLE account, and each other account is treated for all purposes as being an account of the designated beneficiary that is not an ABLE account under a qualified ABLE program. The proposed regulations also provide, however, that a return, in accordance with the rules that apply to returns of excess contributions and excess aggregate contributions under § 1.529A–2(g)(4), of the entire balance of a second or other subsequent account received by the contributor(s) on or before the due date (including extensions) for filing the designated beneficiary's income tax return for the year in which the account was opened and contributions to the second or subsequent account were made will not be treated as a gift or distribution to the designated beneficiary for purposes of section 529A.

The prohibition of multiple ABLE accounts, however, does not apply to prevent a timely rollover or program-to-program transfer of the designated beneficiary's account to an ABLE account under a different qualified ABLE program.

Residency Requirements

Consistent with section 529A(b)(1)(C), the proposed regulations require that an ABLE account for a designated beneficiary may be established only under the qualified ABLE program of the State in which that designated beneficiary is a resident or with which the State of the designated beneficiary's residence has contracted for the provision of ABLE accounts. If a State does not establish and maintain a qualified ABLE program, it may contract with another State to provide an ABLE program for its residents. The statute is silent as to whether a designated beneficiary must move his or her existing ABLE account when the designated beneficiary changes his or her residence. The Treasury Department and the IRS are concerned about imposing undue administrative burdens and costs on designated beneficiaries who frequently change State residency, such as members of military families. Therefore, the proposed regulations provide that a qualified ABLE program may permit a designated beneficiary to continue to maintain his or her ABLE account that was created in that State, even after the designated beneficiary is no longer a resident of that State. However, in order to enforce the one ABLE account limitation and in accordance with section 529A(g)(1), the proposed regulations provide that, other than in the case of a rollover or a program-to-program transfer of a designated beneficiary's ABLE account, a qualified ABLE program must require the designated beneficiary to verify, under penalties of perjury, when creating an ABLE account that the account being established is the designated beneficiary's only ABLE account. For example, the eligible individual could be required to check a box providing such verification on a form used to establish the account. The Treasury Department and the IRS are concerned that without such safeguards individuals could inadvertently establish two accounts with adverse tax consequences due to the loss of ABLE account status for the second account and expect qualified ABLE programs to establish safeguards to ensure that the required limit of one ABLE account per designated beneficiary is not violated.

Investment Direction

Section 529A(b)(4) states that a program shall not be treated as a qualified ABLE program unless it provides that the designated beneficiary may directly or indirectly direct the investment of any contributions to the program or any earnings thereon no more than two times in any calendar year. A program will not violate this requirement merely because it permits a designated beneficiary or a person with signature authority over a designated beneficiary's account to serve as one of the program's board members or employees, or as a board member or employee of a contractor that the program hires to perform administrative services.

Cap on Contributions

Section 529A(b)(6) provides that a qualified ABLE program must provide adequate safeguards to prevent aggregate

contributions on behalf of a designated beneficiary in excess of the limit established by the State under section 529(b)(6) relating to Qualified State Tuition Programs. The proposed regulations provide a safe harbor that permits a qualified ABLE program to satisfy this requirement regarding total cumulative contributions if the program prohibits any additional contributions to an account as soon as the account balance reaches the specified contribution limit under such State's program established under section 529. Once the account balance falls below the prescribed limit, contributions may resume, subject to the same limitation. The Treasury Department and the IRS believe that recommencement of contributions is appropriate based on the nature and purposes of the ABLE program.

Gift and Generation-Skipping Transfer (GST) Taxes

The proposed regulations provide that contributions to an ABLE account by a person other than the designated beneficiary are treated as completed gifts to the designated beneficiary of the account, and that such gifts are neither gifts of a future interest nor a qualified transfer under section 2503(e). Accordingly, no distribution from an ABLE account to the designated beneficiary of that account is treated as a taxable gift. Finally, neither gift nor GST taxes apply to the change of designated beneficiary of an ABLE account, as long as the new designated beneficiary is an eligible individual who is a sibling of the former designated beneficiary.

Distribution on Death

The proposed regulations provide that, upon the death of the designated beneficiary, all amounts remaining in the ABLE account are includible in the designated beneficiary's gross estate for purposes of the estate tax. *See* section 2031. Further, the proposed regulations cross-reference section 2053 for purposes of determining the deductibility by the designated beneficiary's estate of amounts payable from the ABLE account to satisfy claims by creditors such as a State and also cross-reference section 2652(a)(1) for treatment of the deceased designated beneficiary as the transferor of any property remaining in the ABLE account that may pass to a beneficiary.

Pursuant to section 529A(f), a qualified ABLE program must provide that, upon the designated beneficiary's death, any State may file a claim (either with the person with signature authority over the ABLE account or the executor of the designated beneficiary's estate as defined in section 2203) for the amount of the total medical assistance paid for the designated beneficiary under the State's Medicaid plan after the establishment of the ABLE account. The amount paid in satisfaction of such a claim is not a taxable distribution from the ABLE account. Further, the amount is to be paid only after the payment of all outstanding payments due for the qualified disability expenses of the designated beneficiary and is to be reduced by the amount of all premiums paid by or on behalf of the designated beneficiary to a Medicaid Buy-In program under that State's Medicaid plan.

Unrelated Business Taxable Income and Filing Requirements

A qualified ABLE program generally is exempt from income taxation. A qualified ABLE program, however, is subject to the taxes imposed by section 511 relating to the imposition of tax on unrelated business taxable income (''UBTI''). For purposes of this tax, certain administrative and other fees do not constitute unrelated business income to the ABLE program. A qualified ABLE program is not required to file Form 990, ''Return of Organization Exempt From Income Tax,'' but will be required to file Form 990–T, ''Exempt Organization Business Income Tax Return,'' if a filing would be required under the rules of §§ 1.6012–2(e) and 1.6012–3(a)(5) if the ABLE program were an organization described in those sections.

Reporting Requirements

The proposed regulations set forth recordkeeping and reporting requirements. A qualified ABLE program must maintain records that enable the program to account to the Secretary with respect to all contributions, distributions, returns of excess contributions or additional accounts, income earned, and account balances for any designated beneficiary's ABLE account. In addition, a qualified ABLE program must report to the Secretary the establishment of each ABLE account, including the name and residence of the designated beneficiary, and other relevant information regarding the account that is included on the new Form 5498–QA, ''ABLE Account Contribution Information.'' It is anticipated that the qualified ABLE program will report if the eligible individual has presented an adequate disability certification, accompanied by a diagnosis, to demonstrate eligibility to establish an account. Information regarding distributions will be reported on the new Form 1099–QA, ''Distributions from ABLE Accounts.'' The proposed regulations contain more detail on how the information must be reported.

In addition, section 529A(b)(3) requires that a qualified ABLE program provide separate accounting for each designated beneficiary. Separate accounting requires that contributions for the benefit of a designated beneficiary, as well as earnings attributable to those contributions, are allocated to that designated beneficiary's account. Whether or not a program ordinarily provides each designated beneficiary an annual account statement showing the income and transactions related to the account, the program must give this information to the designated beneficiary upon request.

Section 529A(d)(4) provides that States are required to submit electronically to the Commissioner of Social Security, on a monthly basis and in the manner specified by the Commissioner of Social Security, statements on relevant distributions and account balances from all ABLE accounts. The report of the Committee on Ways and Means (H.R. Rep. No. 113–614, pt. 1, at 15 (2014)) indicates that States should work with the Commissioner of Social Security to identify data elements for the monthly reports, including the type of qualified disability expenses.

Effective Date/Applicability Date

These regulations are proposed to be effective as of the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**. These rules, when adopted as final regulations, will apply to taxable years beginning after December 31, 2014. The reporting requirements of §§ 1.529A–5 through 1.529A–7 will apply to information returns required to be filed, and payee statements required to be furnished, after December 31, 2015. Until the issuance of final regulations, taxpayers and qualified ABLE programs may rely on these proposed regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to this regulation and, because the regulation does not impose a collection of information on small

entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. This regulation, if adopted, would primarily affect states and individuals and therefore would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are timely submitted to the IRS as prescribed in this preamble under the ''Addresses'' heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules. All comments will be available at *www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written or electronic comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

A public hearing has been scheduled for October 14, 2015, beginning at 10:00 a.m. in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written comments by September 21, 2015, and an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by September 21, 2015. Submit a signed paper original and eight (8) copies or an electronic copy. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal authors of these regulations are Terri Harris and Sean Barnett, Office of Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the Treasury Department and the IRS participated in the development of these regulations.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 25

Gift taxes, Reporting and recordkeeping requirements.

26 CFR Part 26

Estate taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR parts 1, 25, 26 and 301 are proposed to be amended as follows:

PART 1—INCOME TAXES

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

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

Sections 1.529A–1 through 1.529A–7 also issued under 26 U.S.C. 529A(g). * * *

■ **Par. 2.** Section 1.511–2 is amended by adding paragraph (e) to read as follows:

§ 1.511–2 Organizations subject to tax.

* * * * *

(e) *ABLE programs*—(1) *Unrelated business taxable income.* A qualified ABLE program described in section 529A generally is exempt from income taxation, but is subject to taxes imposed by section 511 relating to the imposition of tax on unrelated business income. A qualified ABLE program is required to file Form 990–T, ''Exempt Organization Business Income Tax Return,'' if such filing would be required under the rules of §§ 1.6012–2(e) and 1.6012–3(a)(5) if the ABLE program were an organization described in those sections.

(2) *Effective/applicability dates.* This paragraph (e) applies to taxable years beginning after December 31, 2014.

■ **Par. 3.** Section 1.513–1 is amended by adding *Example 4* to paragraph (d)(4)(i) to read as follows:

§ 1.513–1 Definition of unrelated trade or business.

* * * * *

(d) * * *

(4) * * *

(i) * * *

Example 4. P is a qualified ABLE program described in section 529A. P receives amounts in order to open or maintain ABLE accounts, as administrative or maintenance fees and other similar fees including service charges. Because the payment of these amounts are essential to the operation of a qualified ABLE program, the income generated from the activity does not constitute gross income from an unrelated trade or business.

* * * * *

■ **Par. 4.** An undesignated center heading is added immediately following § 1.528–10 and §§ 1.529A–0 through 1.529A–7 are added to read as follows:

Sec.

* * * * *

Qualified Able Programs

1.529A–0 Table of contents.
1. 529A–1 Exempt status of qualified ABLE program and definitions.
1.529A–2 Qualified ABLE program.
1.529A–3 Tax treatment.
1.529A–4 Gift, estate, and generation-skipping transfer taxes.
1.529A–5 Reporting of the establishment of and contributions to an ABLE account.
1.529A–6 Reporting of distributions from and termination of an ABLE account.
1.529A–7 Electronic furnishing of statements to designated beneficiaries and contributors.

* * * * *

§ 1.529A–0 Table of contents.

This section lists the following captions contained in §§ 1.529A–1 through 1.529A–7.

§ 1.529A–1 Exempt status of qualified ABLE program and definitions.

(a) In general.
(b) Definitions.
(1) ABLE account.
(2) Contracting State.
(3) Contribution.
(4) Designated beneficiary.
(5) Disability certification.
(6) Distribution.
(7) Earnings.
(8) Earnings ratio.
(9) Eligible individual.
(10) Excess contribution.
(11) Excess aggregate contribution.
(12) Investment in the account.
(13) Member of the family.
(14) Program-to-program transfer.
(15) Qualified ABLE program.
(16) Qualified disability expenses.
(17) Rollover.

(c) Effective/applicability date.

§ 1.529A–2 Qualified ABLE program.

(a) In general.
(b) Established and maintained by a State or agency or instrumentality of a State.
(1) Established.
(2) Maintained.
(3) Community Development Financial Institutions (CDFIs).
(c) Establishment of an ABLE account.
(1) In general.
(2) Only one ABLE account.
(3) Beneficial interest.
(d) Eligible individual.
(1) In general.
(2) Frequency of recertification.
(3) Loss of qualification as an eligible individual.
(e) Disability certification.
(1) In general.
(2) Marked and severe functional limitations.
(3) Compassionate allowance list.
(4) Additional guidance.
(5) Restriction on use of certification.
(f) Change of designated beneficiary.
(g) Contributions.
(1) Permissible property.
(2) Annual contributions limit.
(3) Cumulative limit.
(4) Return of excess contributions and excess aggregate contributions.
(h) Qualified disability expenses.
(1) In general.
(2) Example.
(i) Separate accounting.
(j) Program-to-program transfers.
(k) Carryover of attributes.
(l) Investment direction.
(m) No pledging of interest as security.
(n) No sale or exchange.
(o) Change of residence.
(p) Post-death payments.
(q) Reporting requirements.
(r) Effective/applicability date.

§ 1.529A–3 Tax treatment.

(a) Taxation of distributions.
(b) Additional exclusions from gross income.
(1) Rollover.
(2) Program-to-program transfers.
(3) Change in designated beneficiary.
(4) Payments to creditors post-death.
(c) Computation of earnings.
(d) Additional tax on amounts includible in gross income.
(1) In general.
(2) Exceptions.
(e) Tax on excess contributions.
(f) Filing requirements.
(g) Effective/applicability date.

§ 1.529A–4 Gift, estate, and generation-skipping transfer taxes.

(a) Contributions.
(1) In general.
(2) Generation-skipping transfer (GST) tax.
(3) Designated beneficiary as contributor.
(b) Distributions.
(c) Change of designated beneficiary.
(d) Transfer tax on death of designated beneficiary.
(e) Effective/applicability date.

§ 1.529A–5 Reporting of the establishment of and contributions to an ABLE account.

(a) In general.
(b) Additional definitions.
(1) Filer.
(2) TIN.
(c) Requirement to file return.
(1) Form of return.
(2) Information included on return.
(3) Time and manner of filing return.
(d) Requirement to furnish statement.
(1) In general.
(2) Time and manner of furnishing statement.
(3) Copy of Form 5498–QA.
(e) Request for TIN of designated beneficiary.
(f) Penalties.
(1) Failure to file return.
(2) Failure to furnish TIN.
(g) Effective/applicability date.

§ 1.529A–6 Reporting of distributions from and termination of an ABLE account.

(a) In general.
(b) Requirement to file return.
(1) Form of return.
(2) Information included on return.
(3) Time and manner of filing return.
(c) Requirement to furnish statement.
(1) In general.
(2) Time and manner of furnishing statement.
(3) Copy of Form 1099–QA.
(d) Request for TIN of contributor(s).
(e) Penalties.
(1) Failure to file return.
(2) Failure to furnish TIN.
(f) Effective/applicability date.

§ 1.529A–7 Electronic furnishing of statements to designated beneficiaries and contributors.

(a) Electronic furnishing of statements.
(1) In general.
(2) Consent.
(3) Required disclosures.
(4) Format.
(5) Notice.
(6) Access period.
(b) Effective/applicability date.

§ 1.529A–1 Exempt status of qualified ABLE program and definitions.

(a) *In general.* A qualified ABLE program described in section 529A is exempt from income tax, except for the tax imposed under section 511 on the unrelated business taxable income of that program.

(b) *Definitions.* For purposes of section 529A, this section and §§ 1.529A–2 through 1.529A–7—

(1) *ABLE account* means an account established under a qualified ABLE program and owned by the designated beneficiary of that account.

(2) *Contracting State* means a State without a qualified ABLE program of its own, which, in order to make ABLE accounts available to its residents who are eligible individuals, contracts with another State having such a program.

(3) *Contribution* means any payment directly allocated to an ABLE account for the benefit of a designated beneficiary.

(4) *Designated beneficiary* means the individual who is the owner of the ABLE account and who either established the account at a time when he or she was an eligible individual or who has succeeded the former designated beneficiary in that capacity (successor designated beneficiary). If the designated beneficiary is not able to exercise signature authority over his or her ABLE account or chooses to establish an ABLE account but not exercise signature authority, references to the designated beneficiary with respect to his or her actions include actions by the designated beneficiary's agent under a power of attorney or, if none, a parent or legal guardian of the designated beneficiary.

(5) *Disability certification* means a certification deemed sufficient by the Secretary to establish a certain level of physical or mental impairment that meets the requirements described in § 1.529A–2(e).

(6) *Distribution* means any payment from an ABLE account. A *program-to-program transfer* is not a distribution.

(7) *Earnings* attributable to an account are the excess of the total account balance on a particular date over the *investment in the account* as of that date.

(8) *Earnings ratio* means the amount of earnings attributable to the account as of the last day of the calendar year in which the designated beneficiary's taxable year begins, divided by the total account balance on that same date, after taking into account all distributions made during that calendar year and all contributions received during that same year other than those (if any) returned in accordance with § 1.529A–2(g)(4).

(9) *Eligible individual* for a taxable year means an individual who either:

(i) Is entitled during that taxable year to benefits based on blindness or disability under title II or XVI of the Social Security Act, provided that such

blindness or disability occurred before the date on which the individual attained age 26 (and, for this purpose, an individual is deemed to attain age 26 on his or her 26th birthday); or

(ii) Is the subject of a disability certification filed with the Secretary for that taxable year.

(10) *Excess contribution* means the amount by which the amount contributed during the taxable year of the designated beneficiary to an ABLE account exceeds the limit in effect under section 2503(b) for the calendar year in which the taxable year of the designated beneficiary begins.

(11) *Excess aggregate contribution* means the amount contributed during the taxable year of the designated beneficiary that causes the total of amounts contributed since the establishment of the ABLE account (or of an ABLE account for the same designated beneficiary that was rolled into the current ABLE account) to exceed the limit in effect under section 529(b)(6). In the context of the safe harbor in § 1.529A–2(g)(3), however, excess aggregate contribution means a contribution that causes the account balance to exceed the limit in effect under section 529(b)(6).

(12) *Investment in the account* means the sum of all contributions made to the account, reduced by the aggregate amount of contributions included in distributions, if any, made from the account. In the case of a rollover into an ABLE account the amount included as investment in the recipient account is not the full amount of the rollover contribution, but instead is equal to the amount of the rollover contribution that constituted the investment in the account from which the rollover was made.

(13) *Member of the family* means a sibling, whether by blood or by adoption. Such term includes a brother, sister, stepbrother, stepsister, half-brother, and half-sister.

(14) *Program-to-program transfer* means the direct transfer of the entire balance of an ABLE account into an ABLE account of the same designated beneficiary in which the transferor ABLE account is closed upon completion of the transfer, or of part or all of the balance to an ABLE account of another eligible individual who is a member of the family of the former designated beneficiary, without any intervening distribution or deemed distribution to the designated beneficiary.

(15) *Qualified ABLE program* means a program established and maintained by a State, or agency or instrumentality of a State, under which an ABLE account may be established by and for the benefit of the account's designated beneficiary who is an eligible individual, and that meets the requirements described in § 1.529A–2.

(16) *Qualified disability expenses* means any expenses incurred at a time when the designated beneficiary is an eligible individual that relate to the blindness or disability of the designated beneficiary of an ABLE account, including expenses that are for the benefit of the designated beneficiary in maintaining or improving his or her health, independence, or quality of life. *See* § 1.529A–2(h). Any expenses incurred at a time when a designated beneficiary is neither disabled nor blind within the meaning of § 1.529–1(b)(9)(A) or § 1.529–2(e)(1)(i) are not qualified disability expenses.

(17) *Rollover* means a contribution to an ABLE account of a designated beneficiary (or of an eligible individual who is a member of the family of the designated beneficiary) of all or a portion of an amount withdrawn from the designated beneficiary's ABLE account, provided the contribution is made within 60 days of the date of the withdrawal and, in the case of a rollover to the designated beneficiary's ABLE account, no rollover has been made to an ABLE account of the designated beneficiary within the prior 12 months.

(c) *Effective/applicability date.* This section applies to taxable years beginning after December 31, 2014.

§ 1.529A–2 Qualified ABLE program.

(a) *In general.* A qualified ABLE program is a program established and maintained by a State, or an agency or instrumentality of a State, that satisfies all of the requirements of this section and under which—

(1) An ABLE account may be established for the purpose of meeting the qualified disability expenses of the designated beneficiary of the account;

(2) The designated beneficiary must be a resident of such State or a resident of a Contracting State (as residence is determined under the law of the State of the designated beneficiary's residence);

(3) A designated beneficiary is limited to only one ABLE account at a time except as otherwise provided with respect to program-to-program transfers and rollovers;

(4) Any person may make contributions to such an ABLE account, subject to the limitations described in paragraph (g) of this section; and

(5) Distributions (other than rollovers and returns of contributions as described in paragraph (g)(4) of this section) may be made only to or for the benefit of the designated beneficiary of the ABLE account.

(b) *Established and maintained by a State or agency or instrumentality of a State*—(1) *Established.* A program is established by a State or its agency or instrumentality if the program is initiated by State statute or regulation or by an act of a State official or agency with the authority to act on behalf of the State.

(2) *Maintained.* A program is maintained by a State or an agency or instrumentality of a State if—

(i) The State or its agency or instrumentality sets all of the terms and conditions of the program, including but not limited to who may contribute to the program, who may be a designated beneficiary of the program, and what benefits the program may provide; and

(ii) The State or its agency or instrumentality is actively involved on an ongoing basis in the administration of the program, including supervising the implementation of decisions relating to the investment of assets contributed under the program. Factors that are relevant in determining whether a State or its agency or instrumentality is actively involved in the administration of the program include, but are not limited to: Whether the State or its agency or instrumentality provides services to designated beneficiaries that are not provided to persons who are not designated beneficiaries; whether the State or its agency or instrumentality establishes detailed operating rules for administering the program; whether officials of the State or its agency or instrumentality play a substantial role in the operation of the program, including selecting, supervising, monitoring, auditing, and terminating the relationship with any private contractors that provide services under the program; whether the State or its agency or instrumentality holds the private contractors that provide services under the program to the same standards and requirements that apply when private contractors handle funds that belong to the State or its agency or instrumentality or provide services to the State or its agency or instrumentality; whether the State or its agency or instrumentality provides funding for the program; and whether the State or its agency or instrumentality acts as trustee or holds program assets directly or for the benefit of the designated beneficiaries. For example, if the State or its agency or instrumentality thereof exercises the same authority over the funds invested in the program as it does over the investments in or pool of funds of a State employees' defined benefit pension plan, then the

State or its agency or instrumentality will be considered actively involved on an ongoing basis in the administration of the program.

(3) *Community Development Financial Institutions (CDFIs).* Some or all of the services described in paragraphs (b)(2)(i) and (ii) of this section may be performed by one or more Community Development Financial Institutions (CDFIs) with whom the State (or its agency or instrumentality) contracts for that purpose.

(c) *Establishment of an ABLE account*—(1) *In general.* Except as otherwise provided in this paragraph (c), a qualified ABLE program must provide that an ABLE account may be established only for an eligible individual under a qualified ABLE program of the State in which the eligible individual is a resident. The qualified ABLE program also may allow the establishment of an ABLE account for an eligible individual who is a resident of a *Contracting State* as defined in § 1.529A–1(b)(2). If an eligible individual is unable to establish an ABLE account on his or her own behalf, the ABLE account may be established on behalf of the eligible individual by the eligible individual's agent under a power of attorney or, if none, by a parent or legal guardian of the eligible individual.

(2) *Only one ABLE account*—(i) *In general.* Except in the case of rollovers or program-to-program transfers, a designated beneficiary is limited to one ABLE account at a time, regardless of where located. To ensure that this requirement is met, a qualified ABLE program must obtain a verification, signed under penalties of perjury, that the eligible individual has no other existing ABLE account (other than an ABLE account that will terminate with the rollover or program-to-program transfer into the new ABLE account) before that program can permit the establishment of an ABLE account for that eligible individual. In the case of a rollover, the ABLE account from which amounts were rolled must be closed as of the 60th day after the amount was distributed from the ABLE account in order for the account that received the rollover to be treated as an ABLE account.

(ii) *Treatment of additional accounts.* Except in the case of rollovers or program-to-program transfers, if an ABLE account is established for a designated beneficiary who already has an ABLE account in existence, an additional account will not be treated as an ABLE account. However, if all contributions made to that account are returned in accordance with the rules that apply to excess contributions and excess aggregate contributions under paragraph (g)(4) of this section, the additional account will be treated as never having been established.

(3) *Beneficial interest.* The eligible individual for whose benefit an ABLE account is established is the designated beneficiary of the account. A person other than the designated beneficiary with signature authority over the account of the designated beneficiary may neither have nor acquire any beneficial interest in the account during the lifetime of the designated beneficiary and must administer the account for the benefit of the designated beneficiary of the account.

(d) *Eligible individual*—(1) *In general.* Whether an individual is an eligible individual (as defined in § 1.529A–1(b)(9)) is determined for each taxable year, and that determination applies for the entire year. A qualified ABLE program must specify the documentation that an individual must provide, both at the time an ABLE account is established for that individual and thereafter, in order to ensure that the designated beneficiary of the ABLE account is, and continues to be, an eligible individual. For purposes of determining whether an individual is an eligible individual, a disability certification will be deemed to be filed with the Secretary once the qualified ABLE program has received the disability certification (as described in paragraph (e) of this section) or a disability certification has been deemed to have been received under the rules of the qualified ABLE program, which information the qualified ABLE program will file in accordance with the filing requirements under § 1.529A–5(c)(2)(iv).

(2) *Frequency of recertification*—(i) *In general.* A qualified ABLE program may choose different methods of ensuring a designated beneficiary's status as an eligible individual and may impose different periodic recertification requirements for different types of impairments.

(ii) *Considerations.* In developing its rules on recertification, a qualified ABLE program may take into consideration whether an impairment is incurable and, if so, the likelihood that a cure may be found in the future. For example, a qualified ABLE program may provide that the initial certification will be deemed to be valid for a stated number of years, which may vary with the type of impairment. If the qualified ABLE program imposes an enforceable obligation on the designated beneficiary or other person with signature authority over the ABLE account to promptly report changes in the designated beneficiary's condition that would result in the designated beneficiary's failing to satisfy the definition of eligible individual, the program also may provide that a certification is valid until the end of the taxable year in which the change in the designated beneficiary's condition occurred.

(3) *Loss of qualification as an eligible individual.* If the designated beneficiary of an ABLE account ceases to be an eligible individual, then for each taxable year in which the designated beneficiary is not an eligible individual, the account will continue to be an ABLE account, the designated beneficiary will continue to be the designated beneficiary of the ABLE account (and will be referred to as such), and the ABLE account will not be deemed to have been distributed. However, beginning on the first day of the designated beneficiary's first taxable year for which the designated beneficiary does not satisfy the definition of an eligible individual, additional contributions to the designated beneficiary's ABLE account must not be accepted by the qualified ABLE program. Additionally, no amounts incurred during that year and each subsequent year in which the designated beneficiary does not satisfy the definition of an eligible individual will be qualified disability expenses. If the designated beneficiary subsequently again becomes an eligible individual, contributions to the designated beneficiary's ABLE account again may be accepted subject to the contribution limits under section 529A, and expenses incurred that meet the definition of a qualified disability expense will be qualified disability expenses.

(e) *Disability certification*—(1) *In general.* Except as provided in paragraph (e)(3) of this section or additional guidance described in paragraph (e)(4) of this section, a disability certification with respect to an individual is a certification signed under penalties of perjury by the individual, or by the other individual establishing (or with signature authority over) the ABLE account for the individual, that—

(i) The individual—

(A) Has a medically determinable physical or mental impairment that results in marked and severe functional limitations (as defined in paragraph (e)(2) of this section), and that—

(*1*) Can be expected to result in death; or

(*2*) Has lasted or can be expected to last for a continuous period of not less than 12 months; or

(B) Is blind (within the meaning of section 1614(a)(2) of the Social Security Act);

(ii) Such blindness or disability occurred before the date on which the individual attained age 26 (and, for this purpose, an individual is deemed to attain age 26 on his or her 26th birthday); and

(iii) Includes a copy of the individual's diagnosis relating to the individual's relevant impairment or impairments, signed by a physician meeting the criteria of section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)).

(2) *Marked and severe functional limitations.* For purposes of paragraph (e)(1) of this section, the phrase ''marked and severe functional limitations'' means the standard of disability in the Social Security Act for children claiming Supplemental Security Income for the Aged, Blind, and Disabled (SSI) benefits based on disability (*see* 20 CFR 416.906). Specifically, this is a level of severity that meets, medically equals, or functionally equals the severity of any listing in appendix 1 of subpart P of 20 CFR part 404, but without regard to age. (*See* 20 CFR 416.906, 416.924 and 416.926a.) Such phrase also includes any impairment or standard of disability identified in future guidance published in the Internal Revenue Bulletin (*see* § 601.601(d)(2) of this chapter). Consistent with the regulations of the Social Security Administration, the level of severity is determined by taking into account the effect of the individual's prescribed treatment. (*See* 20 CFR 416.930.)

(3) *Compassionate allowance list.* Conditions listed in the ''List of Compassionate Allowances Conditions'' maintained by the Social Security Administration (at *www.socialsecurity.gov/compassionateallowances/conditions.htm*) are deemed to meet the requirements of section 529A(e)(1)(B) regarding the filing of a disability certification, if the condition was present before the date on which the individual attained age 26. To establish that an individual with such a condition meets the definition of an eligible individual, the individual must identify the condition and certify to the qualified ABLE program both the presence of the condition and its onset prior to age 26, in a manner specified by the qualified ABLE program.

(4) *Additional guidance.* Additional guidance on conditions deemed to meet the requirements of section 529A(e)(1)(B) may be identified in future guidance published in the Internal Revenue Bulletin. *See* § 601.601(d)(2) of this chapter.

(5) *Restriction on use of certification.* No inference may be drawn from a disability certification described in this paragraph (e) for purposes of establishing eligibility for benefits under title II, XVI, or XIX of the Social Security Act.

(f) *Change of designated beneficiary.* A qualified ABLE program must permit a change in the designated beneficiary of an ABLE account, but only during the life of the designated beneficiary. At the time of the change, the successor designated beneficiary must be an eligible individual.

(g) *Contributions*—(1) *Permissible property.* Except in the case of program-to-program transfers, contributions to an ABLE account may only be made in cash. A qualified ABLE program may allow cash contributions to be made in the form of a check, money order, credit card, electronic transfer, or similar method.

(2) *Annual contributions limit.* A qualified ABLE program must provide that no contribution to an ABLE account will be accepted to the extent such contribution, when added to all other contributions (whether from the designated beneficiary or one or more other persons) to that ABLE account made during the designated beneficiary's taxable year causes the total of such contributions to exceed the amount in effect under section 2503(b) for the calendar year in which the designated beneficiary's taxable year begins. For this purpose, contributions do not include rollovers or program-to-program transfers.

(3) *Cumulative limit*—(i) *In general.* A qualified ABLE program maintained by a State or its agency or instrumentality must provide adequate safeguards to prevent aggregate contributions on behalf of a designated beneficiary in excess of the limit established by that State under section 529(b)(6). For purposes of the preceding sentence, aggregate contributions include contributions to any prior ABLE account maintained by any State or its agency or instrumentality for the same designated beneficiary or any prior designated beneficiary.

(ii) *Safe harbor.* A qualified ABLE program maintained by a State or its agency or instrumentality satisfies the requirement in paragraph (g)(3)(i) of this section if it refuses to accept any additional contribution to an ABLE account once the balance in that account reaches the limit established by that State under section 529(b)(6). Once the account balance falls below such limit, additional contributions again may be accepted, subject to the limits under this paragraph (g)(3)(i) of this section.

(4) *Return of excess contributions and excess aggregate contributions.* If an excess contribution as defined in § 1.529A–1(b)(10) or an excess aggregate contribution as defined in § 1.529A–1(b)(11) is allocated to or deposited into the ABLE account of a designated beneficiary, a qualified ABLE program must return that excess contribution or excess aggregate contribution, including all net income attributable to that excess contribution or excess aggregate contribution, as determined under the rules set forth in § 1.408–11 (treating an IRA as an ABLE account and returned contributions under section 408(d)(4) as excess contributions or excess aggregate contributions), to the person or persons who made that contribution. An excess contribution or excess aggregate contribution must be returned to its contributor(s) on a last-in-first-out basis until the entire excess contribution or excess aggregate contribution, along with all net income attributable to such contribution, has been returned. Returned contributions must be received by the contributor(s) on or before the due date (including extensions) for the Federal income tax return of the designated beneficiary for the taxable year in which the excess contribution or excess aggregate contribution was made. *See* § 1.529A–3(e) for income tax considerations for the contributor(s). If an excess contribution or excess aggregate contribution and the net income attributable to the excess contribution or excess aggregate contribution are returned to a contributor other than the designated beneficiary, the qualified ABLE program must notify the designated beneficiary of such return at the time of the return.

(h) *Qualified disability expenses*—(1) *In general.* Qualified disability expenses, as defined in § 1.529A–1(b)(16), are expenses incurred that relate to the blindness or disability of the designated beneficiary of the ABLE account and are for the benefit of that designated beneficiary in maintaining or improving his or her health, independence, or quality of life. Such expenses include, but are not limited to, expenses related to the designated beneficiary's education, housing, transportation, employment training and support, assistive technology and related services, personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, and funeral and burial expenses, as well

as other expenses that may be identified from time to time in future guidance published in the Internal Revenue Bulletin. *See* § 601.601(d)(2) of this chapter. Qualified disability expenses include basic living expenses and are not limited to items for which there is a medical necessity or which solely benefit a disabled individual. A qualified ABLE program must establish safeguards to distinguish between distributions used for the payment of qualified disability expenses and other distributions, and to permit the identification of the amounts distributed for housing expenses as that term is defined for purposes of the Supplemental Security Income program of the Social Security Administration.

(2) *Example.* The following example illustrates this paragraph (h):

Example. B, an individual, has a medically determined mental impairment that causes marked and severe limitations on her ability to navigate and communicate. A smart phone would enable B to navigate and communicate more safely and effectively, thereby helping her to maintain her independence and to improve her quality of life. Therefore, the expense of buying, using, and maintaining a smart phone that is used by B would be considered a qualified disability expense.

(i) *Separate accounting.* A program will not be treated as a qualified ABLE program unless it provides separate accounting for each ABLE account. Separate accounting requires that contributions for the benefit of a designated beneficiary and any earnings attributable thereto must be allocated to that designated beneficiary's account. Whether or not a program provides each designated beneficiary an annual account statement showing the total account balance, the investment in the account, the accrued earnings, and the distributions from the account, the program must give this information to the designated beneficiary upon request.

(j) *Program-to-program transfers.* A qualified ABLE program may permit a change of qualified ABLE program or a change of designated beneficiary by means of a program-to-program transfer as defined in § 1.529A–1(b)(14). In that event, subject to any contrary provisions or limitations adopted by the qualified ABLE program, rules similar to the rules of § 1.401(a)(31)–1, Q&A–3 and 4 (which apply for purposes of a direct rollover from a qualified plan to an eligible retirement plan) apply for purposes of determining whether an amount is paid in the form of a program-to-program transfer.

(k) *Carryover of attributes.* Upon a rollover or program-to-program transfer, all of the attributes of the former ABLE account relevant for purposes of calculating the investment in the account and applying the annual and cumulative limits on contributions are applicable to the recipient ABLE account. The portion of the rollover or transfer amount that constituted investment in the account from which the distribution or transfer was made is added to investment in the recipient ABLE account. Similarly, the portion of the rollover or transfer amount that constituted earnings of the account from which the distribution or transfer was made is added to the earnings of the recipient ABLE account.

(l) *Investment direction.* A program will not be treated as a qualified ABLE program unless it provides that the designated beneficiary of an ABLE account established under such program may direct, whether directly or indirectly, the investment of any contributions to the program (or any earnings thereon) no more than two times in any calendar year.

(m) *No pledging of interest as security.* A program will not be treated as a qualified ABLE program unless the terms of the program, or a state statute or regulation that governs the program, prohibit any interest in the program or any portion thereof from being used as security for a loan. This restriction includes, but is not limited to, a prohibition on the use of any interest in the ABLE program as security for a loan used to purchase such interest in the program.

(n) *No sale or exchange.* A qualified ABLE program must ensure that no interest in an ABLE account may be sold or exchanged.

(o) *Change of residence.* A qualified ABLE program may continue to maintain the ABLE account of a designated beneficiary after that designated beneficiary changes his or her residence to another State.

(p) *Post-death payments.* A qualified ABLE program must provide that a portion or all of the balance remaining in the ABLE account of a deceased designated beneficiary must be distributed to a State that files a claim against the designated beneficiary or the ABLE account itself with respect to benefits provided to the designated beneficiary under that State's Medicaid plan established under title XIX of the Social Security Act. The payment of such claim (if any) will be made only after providing for the payment from the designated beneficiary's ABLE account of all outstanding payments due for his or her qualified disability expenses, and will be limited to the amount of the total medical assistance paid for the designated beneficiary after the establishment of the ABLE account (the date on which the ABLE account, or any ABLE account from which amounts were rolled or transferred to the ABLE account of the same designated beneficiary, was opened) over the amount of any premiums paid, whether from the ABLE account or otherwise by or on behalf of the designated beneficiary, to a Medicaid Buy-In program under any such State Medicaid plan.

(q) *Reporting requirements.* A qualified ABLE program must comply with all applicable reporting requirements, including without limitation those described in §§ 1.529A–5 through 1.529A–7.

(r) *Effective/applicability dates.* This section applies to taxable years beginning after December 31, 2014.

§ 1.529A–3 Tax treatment.

(a) *Taxation of distributions.* Each distribution from an ABLE account consists of earnings (computed in accordance with paragraph (c) of this section) and investment in the account. If the total amount distributed from an ABLE account to or for the benefit of the designated beneficiary of that ABLE account during his or her taxable year does not exceed the qualified disability expenses of the designated beneficiary for that year, no amount distributed is includible in the gross income of the designated beneficiary for that year. If the total amount distributed from an ABLE account to or for the benefit of the designated beneficiary of that ABLE account during his or her taxable year exceeds the qualified disability expenses of the designated beneficiary for that year, the distributions from the ABLE account, except to the extent excluded from gross income under this section or any other provision of chapter 1 of the Internal Revenue Code, must be included in the gross income of the designated beneficiary in the manner provided under this section and section 72. In such a case, the earnings portion of the distribution includible in gross income is equal to the earnings portion of the distribution reduced by an amount that bears the same ratio to the earnings portion as the amount of qualified disability expenses during the year bears to the total distributions during the year. For this purpose, all amounts relevant under section 72 are determined as of December 31 of the year in which the designated beneficiary's taxable year begins, and all amounts distributed from an ABLE account to or for the benefit of the designated beneficiary during his or her taxable year are treated as one distribution. If an excess contribution or excess aggregate contribution is

returned within the time period required in § 1.529A–2(g)(4), any net income distributed is includible in the gross income of the contributor(s) in the taxable year in which the excess contribution or excess aggregate contribution was made.

(b) *Additional exclusions from gross income*—(1) *Rollover.* A rollover as defined in § 1.529A–1(b)(17) is not includible in gross income under paragraph (a) of this section.

(2) *Program-to-program transfers.* A program-to-program transfer as defined in § 1.529A–1(b)(14) is not a distribution and is not includible in gross income under paragraph (a) of this section.

(3) *Change of designated beneficiary*—(i) *In general.* A change of designated beneficiary of an ABLE account is not treated as a distribution for purposes of section 529A, and is not includible in gross income under paragraph (a) of this section, if the successor designated beneficiary is—

(A) An eligible individual for such calendar year; and

(B) A member of the family of the former designated beneficiary.

(ii) *Other designated beneficiary changes.* In the case of any change of designated beneficiary not described in paragraph (b)(3)(i) of this section, the former designated beneficiary of that ABLE account will be treated as having received a distribution of the fair market value of the assets in that ABLE account on the date on which the change is made to the new designated beneficiary.

(4) *Payments to creditors post-death.* Distributions made after the death of the designated beneficiary in payment of outstanding obligations due for qualified disability expenses of the designated beneficiary are not includible in the gross income of the designated beneficiary or his or her estate. Included among these obligations is the post-death payment of any part of a claim filed against the designated beneficiary or the ABLE account by a State under a State Medicaid plan.

(c) *Computation of earnings.* The earnings portion of a distribution is equal to the product of the amount of the distribution and the earnings ratio, as defined in § 1.529A–1(b)(8). The balance of the distribution (the amount of the distribution minus the earnings portion of that distribution) is the portion of that distribution that constitutes the return of investment in the account.

(d) *Additional tax on amounts includible in gross income*—(1) *In general.* If any amount of a distribution from an ABLE account is includible in the gross income of a person for any taxable year under paragraph (a) of this section (the ''includible amount''), the tax imposed on that person by Chapter 1 of the Internal Revenue Code shall be increased by an amount equal to 10 percent of the includible amount.

(2) *Exceptions*—(i) *Distributions on or after the death of the designated beneficiary.* Paragraph (d)(1) of this section does not apply to any distribution made from the ABLE account on or after the death of the designated beneficiary to the estate of the designated beneficiary, to an heir or legatee of the designated beneficiary, or to a creditor described in paragraph (b)(4) of this section.

(ii) *Returned excess contributions and additional accounts.* Paragraph (d)(1) of this section does not apply to any return made in accordance with § 1.529A–2(g)(4) of an excess contribution, excess aggregate contribution, or additional account.

(e) *Tax on excess contributions.* Under section 4973(h), a contribution to an ABLE account in excess of the annual contributions limit described in § 1.529A–2(g)(2) is subject to an excise tax in an amount equal to 6 percent of the excess contribution. However, if the excess contribution is returned in accordance with the provisions of § 1.529A–2(g)(4), it is treated as an amount not contributed.

(f) *Filing requirements.* A qualified ABLE program is not required to file Form 990, ''Return of Organization Exempt From Income Tax,'' Form 1041, ''U.S. Income Tax Return for Estates and Trusts,'' or Form 1120, ''U.S. Corporation Income Tax Return.'' However, a qualified ABLE program is required to file Form 990–T, ''Exempt Organization Business Income Tax Return,'' if such filing would be required under the rules of §§ 1.6012–2(e) and 1.6012–3(a)(5) if the ABLE program were an organization described in those sections.

(g) *Effective/applicability dates.* This section applies to taxable years beginning after December 31, 2014.

§ 1.529A–4 Gift, estate, and generation-skipping transfer taxes.

(a) *Contributions*—(1) *In general.* Each contribution by a person to an ABLE account other than by the designated beneficiary of that account is treated as a completed gift to the designated beneficiary of the account for gift tax purposes. Under the applicable gift tax rules, a contribution from a corporation, partnership, trust, estate, or other entity is treated as a gift by the shareholders, partners, or other beneficial owners in proportion to their respective ownership interests in the entity. *See* § 25.2511–1(c) and (h). A gift into an ABLE account is not treated as either a gift of a future interest in property, or a qualified transfer under section 2503(e). To the extent a contributor's gifts to the designated beneficiary, including gifts paid into the designated beneficiary's ABLE account, do not exceed the annual limit in section 2503(b), the contribution is not subject to gift tax. This provision, however, does not change any other provision applicable to the transfer. For example, a contribution by the employer of the designated beneficiary's parent continues to constitute earned income to the parent and then a gift by the parent to the designated beneficiary.

(2) *Generation-skipping transfer (GST) tax.* To the extent the contribution into an ABLE account is a nontaxable gift for gift tax purposes, the inclusion ratio for purposes of the GST tax will be zero pursuant to section 2642(c)(1).

(3) *Designated beneficiary as contributor.* A designated beneficiary may make a contribution to fund his or her own ABLE account. That contribution is not a gift. However, in the event of any change of designated beneficiary, the portion of the then fair market value of the ABLE account attributable to that contribution and any earnings attributable to that contribution will constitute a gift by the designated beneficiary to the successor designated beneficiary, and the usual gift and GST tax rules will apply.

(b) *Distributions.* No distribution from an ABLE account to or for the benefit of the designated beneficiary is treated as a taxable gift to that designated beneficiary.

(c) *Change of designated beneficiary.* Neither gift tax nor generation-skipping transfer tax applies to a change of designated beneficiary if the successor designated beneficiary is both an eligible individual and a member of the family (as described in § 1.529A–1(b)(13)) of the designated beneficiary. The previous sentence does not apply to any other change of designated beneficiary.

(d) *Transfer tax on death of designated beneficiary.* Upon the death of the designated beneficiary, the designated beneficiary's ABLE account is includible in his or her gross estate for estate tax purposes under section 2031. The payment of outstanding qualified disability expenses and the payment of certain claims made by a State under its Medicaid plan may be deductible for estate tax purposes if the requirements of section 2053 are satisfied.

(e) *Effective/applicability date.* This section applies to taxable years beginning after December 31, 2014.

§ 1.529A–5 Reporting of the establishment of and contributions to an ABLE account.

(a) *In general.* A filer defined in paragraph (b)(1) of this section must, with respect to each ABLE account—

(1) File an annual information return, as described in paragraph (c) of this section, with the Internal Revenue Service; and

(2) Furnish an annual statement, as described in paragraph (d) of this section, to the designated beneficiary of the ABLE account.

(b) *Additional definitions.* In addition to the definitions in § 1.529A–1(b), the following definitions also apply for purposes of this section—

(1) *Filer* means the State or its agency or instrumentality that establishes and maintains the qualified ABLE program under which an ABLE account is established. The filing may be done by either an officer or employee of the State or its agency or instrumentality having control of the qualified ABLE program, or the officer's or employee's designee.

(2) *TIN* means taxpayer identification number as defined in section 7701(a)(41).

(c) *Requirement to file return*—(1) *Form of return.* For purposes of reporting the information described in paragraph (c)(2) of this section, the filer must file Form 5498–QA, ''ABLE Account Contribution Information,'' or any successor form, together with Form 1096, ''Annual Summary and Transmittal of U.S. Information Returns.''

(2) *Information included on return.* With respect to each ABLE account, the filer must include on the return—

(i) The name, address, and TIN of the designated beneficiary of the ABLE account;

(ii) The name, address, and TIN of the filer;

(iii) Information regarding the establishment of the ABLE account, as required by the form and its instructions;

(iv) Information regarding the disability certification or other basis for eligibility of the designated beneficiary, as required by the form and its instructions. For further information regarding eligibility and disability certification, *see* § 1.529A–2(d) and (e), respectively;

(v) The total amount of any contributions made with respect to the ABLE account during the calendar year;

(vi) The fair market value of the ABLE account as of the last day of the calendar year; and

(vii) Any other information required by the form, its instructions, or published guidance. *See* §§ 601.601(d) and 601.602 of this chapter.

(3) *Time and manner of filing return*—(i) *In general.* Except as provided in paragraph (c)(3)(ii) of this section, the information returns required under this paragraph must be filed on or before May 31 of the year following the calendar year with respect to which the return is being filed, in accordance with the forms and their instructions.

(ii) *Extensions of time. See* §§ 1.6081–1 and 1.6081–8 of this chapter for rules relating to extensions of time to file information returns required in this section.

(iii) *Electronic filing. See* § 301.6011–2 of this chapter for rules relating to electronic filing.

(iv) *Substitute forms.* The filer may file the returns required under this paragraph (c) on a substitute form. A substitute form must comply with applicable revenue procedures (*see* § 601.601(d)(2) of this chapter) or other guidance published by the IRS, including Publication 1179, ''General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns.''

(d) *Requirement to furnish statement*—(1) *In general.* The filer must furnish a statement to the designated beneficiary of the ABLE account for which it is required to file a Form 5498–QA (or any successor form). The statement must include—

(i) The information required under paragraph (c)(2) of this section;

(ii) A legend that identifies the statement as important tax information that is being furnished to the Internal Revenue Service; and

(iii) The name and address of the office or department of the filer that is the information contact for questions regarding the ABLE account to which the Form 5498–QA relates.

(2) *Time and manner of furnishing statement*—(i) *In general.* Except as provided in paragraph (d)(2)(ii) of this section, the filer must furnish the statement described in paragraph (d)(1) of this section to the designated beneficiary on or before March 15 of the year following the calendar year with respect to which the statement is being furnished. If mailed, the statement must be sent to the designated beneficiary's last known address. The statement may be furnished electronically, as provided in § 1.529A–7.

(ii) *Extensions of time.* The Internal Revenue Service may grant an extension of time to furnish statements required in this section upon a showing of good cause. *See* the instructions to Form 5498–QA.

(3) *Copy of Form 5498–QA.* The filer may satisfy the requirement of this paragraph (d) by furnishing either a copy of Form 5498–QA (or successor form) or another document that contains the information required by paragraph (d)(1) of this section, if the document complies with applicable revenue procedures (*see* § 601.601(d)(2) of this chapter) or other guidance published by the IRS relating to substitute statements, including Publication 1179, ''General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns.''

(e) *Request for TIN of designated beneficiary.* The filer must request the TIN of the designated beneficiary at the time the ABLE account is opened if the filer does not already have a record of the designated beneficiary's correct TIN. The filer must clearly notify the designated beneficiary that the law requires the designated beneficiary to furnish a TIN so that it may be included on an information return to be filed by the filer. The designated beneficiary may provide his or her TIN in any manner including orally, in writing, or electronically. If the TIN is furnished in writing, no particular form is required. Form W–9, ''Request for Taxpayer Identification Number and Certification,'' may be used, or the request may be incorporated into the forms related to the establishment of the ABLE account.

(f) *Penalties*—(1) *Failure to file return.* The section 6693 penalty may apply to the filer that fails to file information returns at the time and in the manner required by this section, unless it is shown that such failure is due to reasonable cause. *See* section 6693 and the regulations thereunder.

(2) *Failure to furnish TIN.* The section 6723 penalty may apply to any designated beneficiary who fails to furnish his or her TIN to the filer. *See* section 6723, and the regulations thereunder, for rules relating to the penalty for failure to furnish a TIN.

(g) *Effective/applicability date.* The rules of this section apply to information returns required to be filed, and payee statements required to be furnished, after December 31, 2015.

§ 1.529A–6 Reporting of distributions from and termination of an ABLE account.

(a) *In general.* The filer as defined in § 1.529A–5(b)(1) must, with respect to each ABLE account from which any distribution is made or which is terminated during the calendar year—

(1) File an annual information return, as described paragraph (b) of this section, with the Internal Revenue Service; and

(2) Furnish an annual statement, as described in paragraph (c) of this

section, to the designated beneficiary of the ABLE account and to each contributor who received a returned contribution in accordance with § 1.529A–2(g)(4) attributable to the calendar year.

(b) *Requirement to file return*—(1) *Form of return.* For purposes of reporting the information in paragraph (b)(2) of this section, the filer must file Form 1099–QA, ''Distributions from ABLE Accounts,'' or any successor form, together with Form 1096, ''Annual Summary and Transmittal of U.S. Information Returns.''

(2) *Information included on return.* The filer must include on the return—

(i) The name, address, and TIN of the designated beneficiary of the ABLE account or of any contributor who received a returned contribution in accordance with § 1.529A–2(g)(4) attributable to the calendar year, as applicable;

(ii) The name, address, and TIN of the filer;

(iii) The aggregate amount of distributions from the ABLE account during the calendar year;

(iv) Information as to basis and earnings with respect to such distributions or returns of contributions;

(v) Information regarding termination (if any) of the ABLE account;

(vi) Information regarding each rollover and any program-to-program transfer to or from the ABLE account during the designated beneficiary's taxable year;

(vii) Whether the return is being furnished to the designated beneficiary or to a contributor; and

(viii) Any other information required by the form, its instructions, or published guidance. *See* §§ 601.601(d) and 601.602 of this chapter.

(3) *Time and manner of filing return*—(i) *In general.* Except as provided in paragraph (b)(3)(ii) of this section, the Forms 1099–QA and 1096 must be filed on or before February 28 (March 31 if filing electronically) of the year following the calendar year with respect to which the return is being filed, in accordance with the forms and their instructions.

(ii) *Extensions of time. See* §§ 1.6081–1 and 1.6081–8 of this chapter for rules relating to extensions of time to file information returns required in this section.

(iii) *Electronic filing. See* § 301.6011–2 of this chapter for rules relating to electronic filing.

(iv) *Substitute forms.* The filer may file the return required under this paragraph (b) on a substitute form. A substitute form must comply with applicable revenue procedures (*see* § 601.601(d)(2) of this chapter) or other guidance published by the IRS, including Publication 1179, ''General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns.''

(c) *Requirement to furnish statement*—(1) *In general.* The filer must furnish a statement to the designated beneficiary and each contributor (if any) of the ABLE account for which it is required to file a Form 1099–QA (or any successor form). The statement must include—

(i) The information required under paragraph (b)(2) of this section.

(ii) A legend that identifies the statement as important tax information that is being furnished to the Internal Revenue Service;

(iii) The name and address of the office or department of the filer that is the information contact for questions regarding the ABLE account to which the Form 1099–QA relates.

(2) *Time and manner of furnishing statement*—(i) *In general.* Except as provided in paragraph (c)(2)(ii) of this section, a filer must furnish the statement described in paragraph (c)(1) of this section to the designated beneficiary on or before January 31 of the year following the calendar year with respect to which the statement is being furnished. If mailed, the statement must be sent to the recipient's last known address. The statement may be furnished electronically, as provided in § 1.529A–7.

(ii) *Extensions of time.* The Internal Revenue Service may grant an extension of time to furnish statements required in this section upon a showing of good cause. *See* the instructions to Form 1099–QA.

(3) *Copy of Form 1099–QA.* A filer may satisfy the requirement of this paragraph (c) by furnishing either a copy of Form 1099–QA (or successor form) or another document that contains the information required by paragraph (c)(1) of this section and that complies with applicable revenue procedures (*see* § 601.601(d)(2) of this chapter) or other guidance published by the IRS relating to substitute statements, including Publication 1179, ''General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns.''

(d) *Request for TIN of contributor(s).* A filer must request the TIN for each contributor to the ABLE account at the time a contribution is made, if the filer does not already have a record of that person's correct TIN. The filer must clearly notify each contributor to the account that the law requires that person to furnish a TIN so that it may be included on an information return to be filed by the filer. The contributor may provide his or her TIN in any manner including orally, in writing, or electronically. If the TIN is furnished in writing, no particular form is required. Form W–9, ''Request for Taxpayer Identification Number and Certification,'' may be used, or the request may be incorporated into the forms related to the establishment of the ABLE account.

(e) *Penalties*—(1) *Failure to file return.* The section 6693 penalty may apply to a filer that fails to file information returns at the time and in the manner required by this section, unless it is shown that such failure is due to reasonable cause. *See* section 6693 and the regulations thereunder.

(2) *Failure to furnish TIN.* The section 6723 penalty may apply to any contributor who fails to furnish his or her TIN to the filer. *See* section 6723, and the regulations thereunder, for rules relating to the penalty for failure to furnish a TIN.

(f) *Effective/applicability date.* The rules of this section apply to information returns required to be filed, and payee statements required to be furnished, after December 31, 2015.

§ 1.529A–7 Electronic furnishing of statements to designated beneficiaries and contributors.

(a) *Electronic furnishing of statements*—(1) *In general.* A filer required under § 1.529A–5 or § 1.529A–6 of this chapter to furnish a written statement to a designated beneficiary of or contributor to an ABLE account may furnish the statement in an electronic format in lieu of a paper format. A filer who meets the requirements of paragraphs (a)(2) through (6) of this section is treated as furnishing the required statement.

(2) *Consent*—(i) *In general.* The recipient of the statement must have affirmatively consented to receive the statement in an electronic format. The consent may be made electronically in any manner that reasonably demonstrates that the recipient can access the statement in the electronic format in which it will be furnished to the recipient. Alternatively, the consent may be made in a paper document if it is confirmed electronically.

(ii) *Withdrawal of consent.* The consent requirement of this paragraph (a)(2) is not satisfied if the recipient withdraws the consent and the withdrawal takes effect before the statement is furnished. The filer may provide that a withdrawal of consent takes effect either on the date it is received by the filer or on another date

no more than 60 days later. The filer also may provide that a request for a paper statement will be treated as a withdrawal of consent.

(iii) *Change in hardware or software requirements.* If a change in the hardware or software required to access the statement creates a material risk that the recipient will not be able to access the statement, the filer must, prior to changing the hardware or software, provide the recipient with a notice. The notice must describe the revised hardware and software required to access the statement and inform the recipient that a new consent to receive the statement in the revised electronic format must be provided to the filer if the recipient does not want to withdraw the consent. After implementing the revised hardware and software, the filer must obtain from the recipient, in the manner described in paragraph (a)(2)(i) of this section, a new consent or confirmation of consent to receive the statement electronically.

(iv) *Examples.* For purposes of the following examples that illustrate the rules of this paragraph (a)(2), assume that the requirements of § 1.529A–7(a)(3) have been met:

Example 1. Filer F sends Recipient R a letter stating that R may consent to receive statements required under § 1.529A–5 or § 1.529A–6 electronically on a Web site instead of in a paper format. The letter contains instructions explaining how to consent to receive the statements electronically by accessing the Web site, downloading the consent document, completing the consent document, and emailing the completed consent back to F. The consent document posted on the Web site uses the same electronic format that F will use for the electronically furnished statements. R reads the instructions and submits the consent in the manner provided in the instructions. R has consented to receive the statements electronically in the manner described in paragraph (a)(2)(i) of this section.

Example 2. Filer F sends Recipient R an email stating that R may consent to receive statements required under § 1.529A–5 or § 1.529A–6 electronically instead of in a paper format. The email contains an attachment instructing R how to consent to receive the statements electronically. The email attachment uses the same electronic format that F will use for the electronically furnished statements. R opens the attachment, reads the instructions, and submits the consent in the manner provided in the instructions. R has consented to receive the statements electronically in the manner described in paragraph (a)(2)(i) of this section.

Example 3. Filer F posts a notice on its Web site stating that Recipient R may receive statements required under § 1.529A–5 or § 1.529A–6 electronically instead of in a paper format. The Web site contains instructions on how R may access a secure Web page and consent to receive the statements electronically. By accessing the secure Web page and giving consent, R has consented to receive the statements electronically in the manner described in paragraph (a)(2)(i) of this section.

(3) *Required disclosures*—(i) *In general.* Prior to, or at the time of, a recipient's consent, the filer must provide to the recipient a clear and conspicuous disclosure statement containing each of the disclosures described in paragraphs (a)(3)(ii) through (viii) of this section.

(ii) *Paper statement.* The recipient must be informed that the statement will be furnished on paper if the recipient does not consent to receive it electronically.

(iii) *Scope and duration of consent.* The recipient must be informed of the scope and duration of the consent. For example, the recipient must be informed whether the consent applies to statements furnished every year after the consent is given until it is withdrawn in the manner described in paragraph (a)(3)(v)(A) of this section, or only to the statement required to be furnished on or before the due date immediately following the date on which the consent is given.

(iv) *Post-consent request for a paper statement.* The recipient must be informed of any procedure for obtaining a paper copy of the recipient's statement after giving the consent and whether a request for a paper statement will be treated as a withdrawal of consent.

(v) *Withdrawal of consent.* The recipient must be informed that—

(A) The recipient may withdraw a consent by writing (electronically or on paper) to the person or department whose name, mailing address, and email address is provided in the disclosure statement;

(B) The filer will confirm, in writing (either electronically or on paper), the withdrawal and the date on which it takes effect; and

(C) A withdrawal of consent does not apply to a statement that was furnished electronically in the manner described in this paragraph (a) before the date on which the withdrawal of consent takes effect.

(vi) *Notice of termination.* The recipient must be informed of the conditions under which a filer will cease furnishing statements electronically to the recipient.

(vii) *Updating information.* The recipient must be informed of the procedures for updating the information needed by the filer to contact the recipient. The filer must inform the recipient of any change in the filer's contact information.

(viii) *Hardware and software requirements.* The recipient must be provided with a description of the hardware and software required to access, print, and retain the statement, and the date when the statement will no longer be available on the Web site.

(4) *Format.* The electronic version of the statement must contain all required information and comply with applicable revenue procedures or other guidance published by the IRS relating to substitute statements to recipients, including Publication 1179, ''General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns.''

(5) *Notice*—(i) *In general.* If the statement is furnished on a Web site, the filer must notify the recipient that the statement is posted on a Web site. The notice may be delivered by mail, electronic mail, or in person. The notice must provide instructions on how to access and print the statement. The notice must include the following statement in capital letters, ''IMPORTANT TAX RETURN DOCUMENT AVAILABLE.'' If the notice is provided by electronic mail, the foregoing statement must be on the subject line of the electronic mail.

(ii) *Undeliverable electronic address.* If an electronic notice described in paragraph (a)(5)(i) of this section is returned as undeliverable, and the correct electronic address cannot be obtained from the filer's records or from the recipient, then the filer must furnish the notice by mail or in person within 30 days after the electronic notice is returned.

(iii) *Corrected statements.* If the filer has corrected a recipient's statement that was furnished electronically, the filer must furnish the corrected statement to the recipient electronically. If the recipient's statement was furnished though a Web site posting and the filer has corrected the statement, the filer must notify the recipient that it has posted the corrected statement on the Web site within 30 days of such posting in the manner described in paragraph (a)(5)(i) of this section. The corrected statement or the notice must be furnished by mail or in person if—

(A) An electronic notice of the Web site posting of an original statement or the corrected statement was returned as undeliverable; and

(B) The recipient has not provided a new email address.

(6) *Access period.* Statements furnished on a Web site must be retained on the Web site through October 15 of the year following the

calendar year to which the statements relate (or the first business day after such October 15 if October 15 falls on a Saturday, Sunday, or legal holiday). The filer must maintain access to corrected statements that are posted on the Web site through October 15 of the year following the calendar year to which the statements relate (or the first business day after such October 15 if October 15 falls on a Saturday, Sunday, or legal holiday) or the date 90 days after the corrected statements are posted, whichever is later. The rules in this paragraph (a)(6) do not replace the filer's obligation to keep records under section 6001 and § 1.6001–1(a) of this chapter.

(b) *Effective/applicability date.* This section applies to statements required to be furnished after December 31, 2015.

PART 25—GIFT TAXES

■ **Par. 5.** The authority citation for part 25 continues to read in part as follows:

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

■ **Par. 6.** Section 25.2501–1 is amended by adding a sentence at the end of paragraph (a)(1) to read as follows:

§ 25.2501–1 Imposition of Tax.

(a) * * *

(1) * * * For gift tax rules related to an ABLE account established under section 529A, *see* regulations promulgated thereunder.

* * * * *

■ **Par. 7.** Section 25.2503–3 is amended by adding a sentence at the end of paragraph (a) to read as follows:

§ 25.2503–3 Future interests in property.

(a) * * * A contribution to an ABLE account established under section 529A is not a future interest.

* * * * *

■ **Par. 8.** Section 25.2503–6 is amended by adding a sentence at the end of paragraph (a) to read as follows:

§ 25.2503–6 Exclusion for certain qualified transfers to tuition or medical expenses.

(a) * * * A contribution to an ABLE account established under section 529A is not a qualified transfer.

* * * * *

■ **Par. 9.** Section 25.2511–2 is amended by adding a sentence at the end of paragraph (a) to read as follows:

§ 25.2511–2 Cessation of donor's dominion and control.

(a) * * * For gift tax rules related to an ABLE account established under section 529A, *see* regulations promulgated thereunder.

* * * * *

PART 26—ESTATE TAXES

■ **Par. 10.** The authority citation for part 26 continues to read in part as follows:

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

■ **Par. 11.** Section 26.2642–1 is amended by adding a sentence at the end of paragraph (a) to read as follows:

§ 26.2642–1 Inclusion ratio.

(a) * * * For generation-skipping transfer tax rules related to an ABLE account established under section 529A, *see* regulations promulgated thereunder.

* * * * *

■ **Par. 12.** Section 26.2652–1 is amended by adding a sentence at the end of paragraph (a)(1) to read as follows:

§ 26.2652–1 Transferor defined; other definitions.

(a) * * *

(1) * * * For generation-skipping transfer tax rules related to an ABLE account established under section 529A, *see* regulations promulgated thereunder.

* * * * *

PART 301—REPORTING AND RECORDKEEPING REQUIREMENTS

■ **Par. 13.** The authority citation for part 301 continues to read in part as follows:

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

§ 301.6011–2 [Amended]

■ **Par. 14.** Section 301.6011–2 is amended by adding the word ''series'' after ''5498'' in the first sentence of paragraph (b)(1).

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2015–15280 Filed 6–19–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

West Arm Behm Canal, Naval Surface Warfare Center, Ketchikan Alaska; Restricted Areas.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed amendment and request for comments.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is proposing to amend existing regulations for an existing restricted area near Ketchikan, Alaska to correct inaccuracies in regards to flashing beacon light descriptions, point of contact changes, and restrictive area distances for small craft.

DATES: Written comments must be submitted on or before July 22, 2015.

ADDRESSES: You may submit comments, identified by docket number COE–2015–0009, by any of the following methods:

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

Email: david.b.olson@usace.army.mil. Include the docket number, COE–2015–0009, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW–CO (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2015–0009. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through regulations.gov or email. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through 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, we recommend 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 we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All documents in the docket are listed. Although listed in

the index, some information is not publicly available, such as 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.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or Ms. Linda Speerstra, U.S. Army Corps of Engineers, Alaska District, Regulatory Division, at 907–747–0658.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3), the Corps is proposing to amend the regulation at 33 CFR part 334 by amending existing language applicable to restricted area in the waters of the West Arm Behm Canal, Naval Surface Warfare Center, Ketchikan Alaska; Area No. 5. The proposed amendment would revise the wording of the existing restricted area description to accurately describe the installed light configuration, update contact information and increase vessel transiting area.

Procedural Requirements

a. *Review Under Executive Order 12866.* The proposed rule is issued with respect to a military function of the Department of Defense and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act.* This proposed rule has been reviewed under the Regulatory Flexibility Act (Public Law 96–354). The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (*i.e.,* small businesses and small governments). The restricted area is necessary to protect users of this waterway during naval operations. The restricted area will only be closed for brief amounts of time (usually no more than 20 minutes) when it is activated. Unless information is obtained to the contrary during the comment period, the Corps certifies that the proposed rule would have no significant economic impact on the public. After considering the economic impacts of this proposed restricted area regulation on small entities, I certify that this action will not have a significant impact on a substantial number of small entities.

c. *Review Under the National Environmental Policy Act.* Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that these amendments to regulation, if adopted, will not have a significant impact on the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered.

d. *Unfunded Mandates Act.* This proposed rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any one year. Therefore, this proposed rule is not subject to the requirements of Sections 202 and 205 of the Unfunded Mandates Reform Act (UMRA). The proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments. Therefore, the proposed rule is not subject to the requirements of Section 203 of UMRA.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Amend § 334.1275 by revising paragraphs (b)(5), (c) and (d) to read as follows:

§ 334.1275 West Arm Behm Canal, Ketchikan, Alaska, restricted area.

* * * * *

(b) * * *

(5) *Area No. 5.* (i) The area will be open unless the Navy is actually conducting operations. To ensure safe and timely passage through the restricted area vessel operators are required to notify the Facility Control Officer of their expected time of arrival, speed and intentions. For vessels not equipped with radio equipment, the Navy shall signal with flashing beacon lights whether passage is prohibited and when it is safe to pass through the area. A flashing amber beacon means that the area is closed to all vessels and to await a clear signal. The flashing amber beacon not lighted is the clear signal and indicates that vessels may proceed through the area. Each closure of the area by the Navy will normally not exceed 20 minutes.

(ii) When Area No. 5 restrictions are in place, vessels may operate within 1000 yards of the shoreline at speeds no greater than 5 knots in accordance with the restriction in effect in Area No. 3.

(c) Vessels will be allowed to transit Restricted Area #5 within 20 minutes of marine radio or telephone notification to the Navy Facility Control Officer.

(d) *Enforcement.* The regulations in this section shall be enforced by the Commander, Naval Surface Warfare Center, Carderock Division, and such agencies he/she may designate.

Dated: May 12, 2015.

Edward E. Belk, Jr.,

Chief, Operations and Regulatory Division, Directorate of Civil Works.

[FR Doc. 2015–15294 Filed 6–19–15; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

Atlantic Ocean South of Entrance to Chesapeake Bay off Camp Pendleton, Virginia; Firing Range

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Corps of Engineers is proposing to establish a permanent danger zone in waters of the Atlantic Ocean south of Rudee Inlet in Virginia Beach, Virginia. The Camp Pendleton firing range supports a myriad of stakeholders that include all components of the Department of Defense, including: US Army, Army National Guard, Army Reserve, US Navy, Navy Reserve, US Marine Corps, US Marine Corps Reserve, US Air Force, Air Force National Guard, Air Force Reserve, US Coast Guard, and Coast Guard Reserve, as well as many non-DoD units. Camp Pendleton, VA will provide an economical, safe training environment for individual live fire exercises, and collective units to conduct the minimum requirements for weapons qualification. The proposed danger zone will increase the level of

safety to the public in the vicinity of the live firing operations by providing additional notice of the hazards present.

DATES: Written comments must be submitted on or before July 22, 2015.

ADDRESSES: You may submit comments, identified by docket number COE–2015–0006, by any of the following methods:

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

Email: david.b.olson@usace.army.mil. Include the docket number, COE–2015–0006, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW–CO–R (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2015–0006. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through regulations.gov or email. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through 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, we recommend that you include your name and other contact information in the body of your comment and also include your contact information with any disk or CD–ROM you submit. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov* . All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as 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.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922, or Ms. Nicole Woodward, Corps of Engineers, Norfolk District, Regulatory Branch, at 757–201–7122.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers is proposing amendments to regulations in 33 CFR part 334 to establish a permanent danger zone in waters of the Atlantic Ocean, south of the entrance to Chesapeake Bay off Camp Pendleton, Virginia. The proposed establishment of a permanent danger zone is necessary to protect the public from hazards associated with live firing operations.

Procedural Requirements

a. Review under Executive Order 12866.

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354). The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (*i.e.,* small businesses and small governments). The danger zone is necessary to protect public safety and satisfy Department of Defense operations requirements for weapons training. Small entities can utilize other navigable waters outside of the danger zone when the danger zone is activated. After considering the economic impacts of this proposed danger zone regulation on small entities, I certify that this action will not have a significant impact on a substantial number of small entities. We are interested in the potential impacts of the danger zone on small entities and welcome comments on issues related to such impacts.

c. Review Under the National Environmental Policy Act

Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered.

d. Unfunded Mandates Act

This proposed rule does not impose an enforceable duty among the private sector and, therefore, it is not a Federal private sector mandate and it is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.405 to read as follows:

§ 334.405 South of entrance to Chesapeake Bay off Camp Pendleton, Virginia; firing range.

(a) *The danger zone.* The danger zone encompasses all navigable waters of the United States as defined at 33 CFR part 329, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at latitude 36°49′00″ N., longitude 75°58′04″ W.; thence to latitude 36°49′19″ N., longitude 75°57′41″ W.; thence to latitude 36°49′21″ N., longitude 75°57′32″ W.; thence to latitude 36°49′13″ N., longitude 75°56′44″ W.; thence to latitude 36°49′22″ N., longitude 75°55′48″ W.; thence to latitude 36°49′12″ N., longitude 75°55′46″ W.; thence to

latitude 36°49′02″ N., longitude 75°55′45″ W.; thence to latitude 36°48′52″ N., longitude 75°55′45″ W.; thence to latitude 36°48′54″ N., longitude 75°56′42″ W.; thence to latitude 36°48′41″ N., longitude 75°57′28″ W.; thence to latitude 36°48′41″ N., longitude 75°57′37″ W.; thence to latitude 36°48′57″ N., longitude 75°58′04″ W. The datum for these coordinates is WGS84.

(b) *The regulations.* (1) Persons and vessels shall proceed through the area with caution and shall remain therein no longer than necessary for purpose of transit.

(2) When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach. No firing will be done during the hours of darkness or low visibility.

(3) Firing on the ranges shall be suspended as long as any persons or vessels are within the danger zone.

(4) Lookout posts shall be manned by the activity or agency operating the firing range State Military Reservation, Camp Pendleton.

(5) There shall be no firing on the range during periods of low visibility which would prevent the recognition of a person or vessel (to a distance of 7,500 yards) which is properly displaying navigation lights, or which would preclude a vessel from observing the red range flags or lights.

(c) *Enforcement.* The regulations in this section shall be enforced by the Adjutant General of Virginia, and such agencies as he or she may designate.

Dated: June 12, 2015.

Edward E. Belk, Jr.,

Chief, Operations and Regulatory Division, Directorate of Civil Works.

[FR Doc. 2015–15293 Filed 6–19–15; 8:45 am]

BILLING CODE 3720–58–P

Notices

Federal Register
Vol. 80, No. 119
Monday, June 22, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 16, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 22, 2015 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Institute of Food and Agriculture

Title: Organizational Information.

OMB Control Number: 0524–0026.

Summary of Collection: The National Institute of Food and Agriculture (NIFA) has primary responsibility for providing linkages between the Federal and State components of a broad-based, national agricultural research, extension, and higher education system. Focused on national issues, its purpose is to represent the Secretary of Agriculture and the intent of Congress by administering formula and grant funds appropriated for agricultural research, extension, and higher education. Before awards can be made, certain information is required from applicant to effectively assess the potential recipient's capacity to manage Federal funds. NIFA will collection information using form NIFA 666, ''Organizational Information.''

Need and Use of the Information: NIFA will collect information to determine that applicants recommended for awards will be responsible recipients of Federal funds. The information pertains to organizational management and financial matters of the potential grantee. If the information were not collected, it would not be possible to determine that the prospective grantees are responsible.

Description of Respondents: Not-for-profit institutions; Business or other for-profit; Individuals or households; State, Local, or Tribal Government.

Number of Respondents: 150.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 945.

National Institute of Food and Agriculture

Title: NIFA Grant Application.

OMB Control Number: 0524–0039.

Summary of Collection: The United States Department of Agriculture (USDA), National Institute of Food and Agriculture (NIFA) sponsors ongoing agricultural research, education, and extension programs under which competitive, formula, and special awards of a high-priority nature are made These programs are authorized pursuant to the authorities contained in the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101), the Smith-Lever Act, and other legislative authorities. Before awards can be made, certain information is required from applicants as part of an overall application. In addition to a project summary, proposal narrative, vitae of key personnel, and other pertinent technical aspects of the proposed project, supporting documentation of an administrative and budgetary nature also must be provided. This information is obtained via applications through the use of federal-wide standard grant application forms and NIFA specific application forms. Because competitive applications are submitted, many of which necessitate review by peer panelists, it is particularly important that applicants provide the information in a standardized fashion to ensure equitable treatment for all.

Need and Use of the Information: The fundamental purpose of the information requested is for USDA proposal evaluation, award, management, reporting, and recordkeeping, as part of the overall administration of the research, education, and extension programs administered by NIFA. In addition to federal-wide standard grant application forms, NIFA will use the following program and agency specific components as part of its application package: Letter of Intent Form, Supplemental Information Form; Application Type Form; Application Modification Form; Form NIFA–2008, Assurance Statement(s); Form NIFA–2010, Fellowships/Scholarships Entry/Annual Update/Exit Form.

Description of Respondents: Not-for-profit institutions; Business or other for-profit; Individuals or household; Federal Government; State, Local or Tribal Government.

Number of Respondents: 6,150.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 24,104.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–15203 Filed 6–19–15; 8:45 am]

BILLING CODE 3410–09–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of Solicitation of Members to the National Agricultural Research, Extension, Education, and Economics Advisory Board

AGENCY: Research, Education, and Economics, USDA.

ACTION: Solicitation for membership.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces solicitation for nominations to fill 9 vacancies on the National Agricultural Research, Extension, Education, and Economics Advisory Board.

DATES: Deadline for Advisory Board member nominations is July 31, 2015.

ADDRESSES: The nominee's name, resume, completed Form AD–755, and any letters of support must be submitted via one of the following methods:

(1) Email to *nareee@ars.usda.gov;* or

(2) By mail delivery service to Thomas Vilsack, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250, Attn: NAREEE Advisory Board, Room 332A, Whitten Building.

FOR FURTHER INFORMATION CONTACT: Michele Esch, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, 1400 Independence Avenue SW., Room 332A, Whitten Building, Washington, DC 20250–2255, telephone: 202–720–3684; fax: 202–720–6199; email: *michele.esch@ars.usda.gov.* Committee Web site: *www.nareeeab.ree.usda.gov.*

SUPPLEMENTARY INFORMATION: The National Agricultural Research, Extension, Education, and Economics Advisory Board was established in 1996 via Section 1408 of the *National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123)* to provide advice to the Secretary of Agriculture and land-grant colleges and universities on top priorities and policies for food and agricultural research, education, extension and economics. Section 1408 of the *National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123)* was amended by the Farm Security and Rural Investment Act of 2008 by deleting six membership categories in the National Agricultural Research, Extension, Education, and Economics Advisory Board, which totals 25 members. Since the Advisory Boards inception by congressional legislation in 1996, each member has represented a specific category related to farming or ranching, food production and processing, forestry research, crop and animal science, land-grant institutions, non-land grant college or university with a historic commitment to research in the food and agricultural sciences, food retailing and marketing, rural economic development, and natural resource and consumer interest groups, among many others. The Board was first appointed by the Secretary of Agriculture in September 1996 and one-third of its members were appointed for a one, two, and three-year term, respectively. The terms for 9 members who represent specific categories will expire September 30, 2015. Nominations for a 3-year appointment for these 9 vacant categories are sought. All nominees will be carefully reviewed for their expertise, leadership, and relevance to a category.

The 9 slots to be filled are:

Category A. National Farm Organization
Category C. Food Animal Commodity Producer
Category I. National Human Health Association
Category N. Non-Land Grant College or University w/historic commitment to research in food and agricultural sciences
Category O. Hispanic-serving Institutions
Category Q. Transportation of Food and Agricultural Products to domestic and foreign markets
Category R. Food Retailing and Marketing Interests
Category S. Food and Fiber Processors
Category X. Private Sector Organization involved in International Development

Nominations are solicited from organizations, associations, societies, councils, federations, groups, and companies that represent a wide variety of food and agricultural interests throughout the country. Nominations for one individual who fits several of the categories listed above, *or* for more than one person who fits one category, will be accepted. In your nomination letter, please indicate the specific membership category for each nominee. Each nominee must submit form AD–755, ''Advisory Committee Membership Background Information'' (which can be obtained from the contact person below or from: *http://www.ocio.usda.gov/sites/default/files/docs/2012/AD-755_Master_2012_508%20Ver.pdf*). All nominees will be vetted before selection.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure the recommendation of the Advisory Board take into account the needs of the diverse groups served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the needs of all racial and ethnic groups, women and men, and persons with disabilities.

Please note that registered lobbyist and individuals already serving another USDA Federal Advisory Committee, are ineligible for nomination.

Appointments to the National Agricultural Research, Extension, Education, and Economics Advisory Board will be made by the Secretary of Agriculture.

Done at Washington, DC, this 10th day of June 2015.

Catherine Woteki,

Under Secretary, Research, Education, and Economics, Chief Scientist, USDA.

[FR Doc. 2015–15206 Filed 6–19–15; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Recreation Fee

AGENCY: Plumas National Forest, Forest Service, USDA.

ACTION: Notice of new recreation fee; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108–447).

SUMMARY: The Plumas National Forest is proposing to add Crocker Guard Station to the recreation rental program. The proposal is to charge $85.00 per night. The house has four bedrooms with a total of nine beds, a living room, a dining room and a kitchen. A vault toilet building was installed in June 2015. The rental building will have a propane operated heater, stove and lights. Visitors will have to bring water. The building will accommodate up to 16 people.

Fees are assessed based on the level of amenities and services provided, cost of operation and maintenance, market assessment and public comment. The fee listed is only proposed and final determination will be made upon further analysis and public comment. Other cabin rentals on National Forests in California have shown the public appreciates the enhanced recreational opportunity offered by these rehabilitated historic structures. Revenue from the fees would be retained locally and used for the

operation and maintenance of the facility, and for future improvements.

DATES: Send any comments about this fee proposal by January 15, 2016 so comments can be compiled, analyzed and shared with the Recreation Resource Advisory Council (RRAC) prior to final decision and implementation by the Regional Forester, Region 5, USDA Forest Service. If approved, the rental would be available in April 2016.

ADDRESSES: Chris French, Acting Forest Supervisor, Plumas National Forest, 159 Lawrence Street, Quincy California 95971

FOR FURTHER INFORMATION CONTACT: Mary Kliejunas, District Archaeologist, Beckwourth Ranger District, Plumas National Forest, 530–836–2575 or email *mkliejunas@fs.fed.us.* Information about the proposed new fee can also be found on the Plumas National Forest Web site: *http://www.fs.usda.gov/plumas.*

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established.

This proposed new fee will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

The Plumas National Forest currently has one cabin rental, which is booked regularly throughout the season of operation. The public has expressed interest in additional cabin rental opportunities on the Forest.

People wanting to rent Crocker Guard Station will need to do so through the National Recreation Reservation Service, at *www.recreation.gov* or by calling 1–877–444–6777. The National Recreation Reservation Service charges a $9 fee for online reservations and a $10 fee for phone reservations.

Dated: June 10, 2015.

Chris French,

Acting Forest Supervisor.

[FR Doc. 2015–15243 Filed 6–19–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830]

Carbon and Certain Alloy Steel Wire Rod From Mexico: Amended Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (''Department'') is amending the *Final Results* [1] of the administrative review of the antidumping duty order on carbon and certain alloy steel wire rod from Mexico to correct ministerial errors. The period of review (''POR'') is October 1, 2012, through September 30, 2013.

DATES: Effective date June 22, 2015.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202–482–3965.

SUPPLEMENTARY INFORMATION:

Background

On May 11, 2015, the Department disclosed to interested parties its calculations for the *Final Results.*[2] On May 18, 2015, we received ministerial error allegations from Petitioners [3] and Deacero S.A.P.I de C.V. and Deacero USA (''Deacero'') regarding the Department's final margin calculations.[4] On May 26, 2015, Deacero submitted rebuttal comments to Petitioners' allegations.[5]

Period of Review

The POR covered by this review is October 1, 2012, through September 30, 2013.

Scope of the Order

The merchandise subject to this order is carbon and certain alloy steel wire rod. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7213.91.3010, 7213.91.3090, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6051, 7227.90.6053, 7227.90.6058, and 7227.90.6059. Although the HTS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[6]

Ministerial Errors

Section 751(h) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.224(f) define a ''ministerial error'' as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any similar type of unintentional error which the Secretary considers ministerial.'' We analyzed Petitioners' and Deacero's ministerial error comments and determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), that there were three ministerial errors in our calculation of Deacero's margin for the *Final Results.* For a complete discussion of these allegations, *see* the Department's Ministerial Errors Memorandum.[7]

In accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results.*[8] The revised weighted-average dumping margin is detailed below.

Amended Final Results

As a result of correcting for these ministerial errors, we determine the following margin exists for the period October 1, 2012, through September 30, 2013.

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[1] *See Carbon and Certain Alloy Steel Wire Rod from Mexico: Final Results of Antidumping Duty Administrative Review; 2012–2013* 80 FR 27147 (May 12, 2015) (''*Final Results''*).

[2] *See* Memorandum, ''Calculation Memorandum for Daecero S.A. de C.V. and Deacero USA, INC. (collectively, Deacero)'' dated May 6, 2015.

[3] Petitioners are Gerdau Ameristeel USA, Inc. and Arcelor Mittal USA LLC.

[4] *See* Letter from Petitioners, ''Eighth (12/13) Administrative Review of Carbon and Certain Alloy Steel Wire Rod from Mexico—Petitioner's Comments on a Ministerial Error in Final Results'' dated May 18, 2015; and Letter from Deacero '' Carbon and Certain Alloy Steel Wire Rod from Mexico: Ministerial Error Comments'' dated May 18, 2015.

[5] *See* Letter from Deacero, ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Reply to Respondent's Ministerial Error Comments'' dated May 26, 2015.

[6] For a complete description of the scope of the order, *see* ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Issues and Decision Memorandum for the Final Results of the Antidumping Administrative Review; 2012–2013'' dated May 6, 2015 (''Issues and Decision Memorandum'').

[7] *See* ''2012–2013 Administrative Review of the Antidumping Order on Carbon and Certain Alloy Steel Wire Rod from Mexico: Ministerial Error Allegations for Final Results'' dated concurrently with this notice (''Ministerial Errors Memorandum'').

[8] *Id.*

Manufacturer/exporter	Weighted-average dumping margin (percent)
Deacero S.A.P.I. de C.V. and Deacero USA, Inc. (collectively, Deacero).	0.37 (*de minimis*) *ad valorem*

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the amended final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

For assessment purposes, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

We calculated such rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. If an importer-specific assessment rate is zero or *de minimis* (*i.e.,* less than 0.50 percent) or the exporter has a weighted-average dumping margin that is zero or *de minimis,* the Department will instruct CBP to assess that importer's entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2).

For entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this assessment practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of amended final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the amended final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Deacero will be the rate established in the amended final results of this administrative review (except, if the rate is zero or *de minimis, i.e.,* less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 20.11 percent, the all-others rate established in the investigation.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent increase in antidumping duties by the amount of antidumping duties reimbursed.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

[9] *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine,* 67 FR 65945 (October 29, 2002).

Disclosure

We will disclose the calculations performed for these amended final results to interested parties within five business days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: June 11, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–15063 Filed 6–19–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Corporation for Travel Promotion (dba Brand USA)

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an opportunity for travel and tourism industry leaders to apply for membership on the Board of Directors of the Corporation for Travel Promotion.

SUMMARY: The Department of Commerce is currently seeking applications from travel and tourism leaders from specific industries for membership on the Board of Directors (Board) of the Corporation for Travel Promotion (dba Brand USA). The purpose of the Board is to guide the Corporation for Travel Promotion on matters relating to the promotion of the United States as a travel destination and communication of travel facilitation issues, among other tasks.

DATES: All applications must be received by the National Travel and Tourism Office by close of business on August 7, 2015.

ADDRESSES: Electronic applications may be sent to: *CTPBoard@trade.gov*. Written applications can be submitted to Isabel Hill, Director, National Travel and Tourism Office, U.S. Department of Commerce, Mail Stop 10007, 1401 Constitution Avenue NW., Washington, DC 20230. *Telephone:* 202.482.0140. *Email: Isabel.Hill@trade.gov*.

FOR FURTHER INFORMATION CONTACT: Julie Heizer, Deputy Director, Industry Relations, National Travel and Tourism Office, Mail Stop 10003, 1401 Constitution Avenue NW., Washington, DC, 20230. Telephone: 202.482.4904. Email: *julie.heizer@trade.gov*.

SUPPLEMENTARY INFORMATION:

Background: The Travel Promotion Act of 2009 (TPA) was signed into law by President Obama on March 4, 2010. The TPA established the Corporation for Travel Promotion (the Corporation), as a non-profit corporation charged with the development and execution of a plan to (A) provide useful information to those interested in traveling to the United States; (B) identify and address perceptions regarding U.S. entry policies; (C) maximize economic and diplomatic benefits of travel to the United States through the use of various promotional tools; (D) ensure that international travel benefits all States and the District of Columbia, and (E) identify opportunities to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers.

The Corporation is governed by a Board of Directors, consisting of 11 members with knowledge of international travel promotion or marketing, broadly representing various regions of the United States. The TPA directs the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State) to appoint the Board of Directors for the Corporation.

At this time, the Department will be selecting three individuals with the appropriate expertise and experience from specific sectors of the travel and tourism industry to serve on the Board as follows:

(A) 1 shall have appropriate expertise and experience in a city convention and visitors' bureau;

(B) 1 shall have appropriate expertise and experience in the restaurant industry; and

(C) 1 shall have appropriate expertise and experience as an official in a State tourism office.

To be eligible for Board membership, individuals must have international travel and tourism marketing experience, be a current or former chief executive officer, chief financial officer, or chief marketing officer or have held an equivalent management position. Additional consideration will be given to individuals who have experience working in U.S. multinational entities with marketing budgets, and who are audit committee financial experts as defined by the Securities and Exchange Commission (in accordance with section 407 of Pub. L. 107–204 [15 U.S.C. 7265]). Individuals must be U.S. citizens, and in addition, cannot be federally registered lobbyists or registered as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Those selected for the Board must be able to meet the time and effort commitments of the Board.

Board members serve at the discretion of the Secretary of Commerce (who may remove any member of the Board for good cause). The terms of office of each member of the Board appointed by the Secretary shall be 3 years. Board members can serve a maximum of two consecutive full three-year terms. Board members are not considered Federal government employees by virtue of their service as a member of the Board and will receive no compensation from the Federal government for their participation in Board activities. Members participating in Board meetings and events may be paid actual travel expenses and per diem when away from their usual places of residence by the Corporation.

To be considered for appointment, please provide the following:

1. Name, title, and personal resume of the individual requesting consideration, including address, email address and phone number; and

2. A brief statement of why the person should be considered for appointment to the Board. This statement should also address the individual's relevant international travel and tourism marketing experience and indicate clearly the sector or sectors enumerated above in which the individual has the requisite expertise and experience. Individuals who have the requisite expertise and experience in more than one sector can be appointed for only one of those sectors. Appointments of members to the Board will be made by the Secretary of Commerce.

Dated: June 17, 2015.

Julie P. Heizer

Deputy Director, National Travel and Tourism Office.

[FR Doc. 2015–15239 Filed 6–19–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–867]

Large Power Transformers From the Republic of Korea: Second Amended Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is amending its amended final results in the administrative review of the antidumping duty order on large power transformers from the Republic of Korea (Korea) for the period February 16, 2012, through July 31, 2013, to correct certain ministerial errors.

DATES: Effective date June 22, 2015.

FOR FURTHER INFORMATION CONTACT: Brian Davis (Hyosung) or David Cordell (Hyundai), AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7924 or (202) 482–0408, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 2015, the Department published its amended final results in the administrative review of the antidumping duty order on large power transformers from Korea.[1] On May 5, 2015,[2] Hyundai Heavy Industries Co., Ltd. (HHI) and Hyundai Corporation, USA (Hyundai USA) (collectively, Hyundai) submitted a timely ministerial error allegation with respect to the programming language used in the *Amended Final Results*.[3] No other party commented on this allegation. Based on our analysis of this allegation, we made changes to the calculation of the weighted-average dumping margins for Hyundai, Hyosung and for the non-individually examined respondents.

Scope of the Order

The scope of this order covers large liquid dielectric power transformers (LPTs) having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete.

Incomplete LPTs are subassemblies consisting of the active part and any other parts attached to, imported with or invoiced with the active parts of LPTs. The ''active part'' of the transformer consists of one or more of the following when attached to or otherwise assembled with one another: The steel core or shell, the windings, electrical

[1] *See Large Power Transformers From the Republic of Korea: Amended Final Results of Antidumping Duty Administrative Review; 2012–2013,* 80 FR 26001 (May 6, 2015) (*Amended Final Results*).

[2] May 5, 2015, was within 5 days of disclosure of the Department's calculations to all interested parties.

[3] *See* Letter from Hyundai to the Department, ''Antidumping Administrative Review of Large Power Transformers from Korea—Ministerial Error Comments on the Amended Final Results of the First Antidumping Duty Administrative Review'' dated May 5, 2015.

insulation between the windings, the mechanical frame for an LPT.

The product definition encompasses all such LPTs regardless of name designation, including but not limited to step-up transformers, step-down transformers, autotransformers, interconnection transformers, voltage regulator transformers, rectifier transformers, and power rectifier transformers.

The LPTs subject to this order are currently classifiable under subheadings 8504.23.0040, 8504.23.0080 and 8504.90.9540 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Ministerial Error

Section 751(h) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.224(f) define a ''ministerial error'' as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.''

We agree with Hyundai that in the Department's amended final Margin Program, the Department erred by inadvertently removing the commission offset from the Margin Program. However, for reasons outlined in the accompanying ministerial error memorandum and in the calculation memoranda,[4] the Department does not agree with Hyundai's suggested programming changes because it would revert the program back to the program used in the final results, which the Department determined to be incorrect in its amended final. As we explain in the Ministerial Error Memorandum and company–specific analysis memoranda, we continue to find that CEPOTHER is meant to capture any other CEP (incurred in the U.S.) direct selling, further manufacturing, *etc.* However, we agree that by including commissions in the CEPOTHER field we inadvertently failed to account for the commission offset as we originally intended (and did) in the preliminary and final results. We are therefore making changes to the Margin Program and the Macros Program to account for the error. We find that we made an inadvertent error in not accounting for the commission offset, and therefore, are correcting and amending the amended final results of review in accordance with section 751(h) of the Act and 19 CFR 351.224(e).

Amended Final Results of the Review

The Department determines that the following amended weighted-average dumping margins exist for the period February 16, 2012, through July 31, 2013:

Manufacturer/exporter	Weighted-average margin (percent)
Hyosung Corporation	8.23
Hyundai Heavy Industries Co., Ltd.	12.36
ILJIN Electric Co., Ltd.	10.54
ILJIN	10.54
LSIS Co., Ltd.	10.54

Duty Assessment

The Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.[5] For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Upon issuance of the amended final results of this administrative review, if any importer-specific assessment rates calculated in the amended final results are above *de minimis* (*i.e.,* at or above 0.5 percent), the Department will issue instructions directly to CBP to assess antidumping duties on appropriate entries.

To determine whether the duty assessment rates covering the period were *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), for each respondent we calculated importer (or customer)-specific *ad valorem* rates by aggregating the amount of dumping calculated for all U.S. sales to that importer or customer and dividing this amount by the total entered value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis,* and the respondent has reported reliable entered values, we apply the assessment rate to the entered value of the importer's/customer's entries during the review period.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[6] This clarification will apply to entries of subject merchandise during the period of review (POR) produced by the respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see* the *Automatic Assessment Clarification.*

We do not intend to issue assessment instructions to CBP at this time because of the preliminary injunction that was issued after the issuance of the *Final Results. See* CBP Message Number 5111304. We intend to issue assessment instructions directly to CBP after conclusion of the litigation and the ending of the injunction.

Cash Deposit Instructions

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of these amended final results, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the *Amended Final Results* of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most

[4] *See* Memoranda entitled ''Second Amended Final Results of the Antidumping Duty Administrative Review of Large Power Transformers From the Republic of Korea; 2012–2013: Allegations of Ministerial Errors'' (Ministerial Error Memorandum); ''Analysis of Data Submitted by Hyosung Corporation in the Second Amended Final Results of the Antidumping Duty Administrative Review of Large Power Transformers From the Republic of Korea; 2012–2013''; and ''Analysis of Data Submitted by Hyundai Heavy Industries Co., Ltd. (HHI) and Hyundai Corporation, USA (Hyundai USA) (collectively, Hyundai) in the Second Amended Final Results of the Antidumping Duty Administrative Review of Large Power Transformers From the Republic of Korea; 2012–2013,'' dated concurrently with this notice.

[5] In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[6] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Automatic Assessment Clarification*).

recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 22.00 percent, the all-others rate established in the antidumping investigation.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these amended final results in accordance with section 751(h) of the Act and 19 CFR 351.224(f).

Dated: June 15, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–15312 Filed 6–19–15; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See Large Power Transformers From the Republic of Korea: Antidumping Duty Order,* 77 FR 53177 (August 31, 2012).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Progress Report on Cooperative Halibut Prohibited Species Catch Minimization

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 August 21, 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 Patsy A. Bearden, (907) 586–7008 or *Patsy.Bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision of an existing information collection.

The purpose of this collection is for each sector in the Bering Sea and Aleutian Islands Management Area (BSAI) groundfish fisheries to inform the North Pacific Fisheries Management Council (Council) of their progress on voluntary, non-regulatory methods they are using within their fishery cooperatives to reduce halibut mortality and to report the effectiveness of those actions in absolute reductions in halibut mortality.

At the June 2015 meeting, the Council requested that, in addition to providing the BSAI Halibut Prohibited Species Catch (PSC) Progress Report, Amendment 80 cooperatives provide their 2016 Halibut PSC Management Plans at the December 2015 Council meeting. Since 2011, all vessels and companies participating in the Amendment 80 sector have been affiliated with one of two Amendment 80 cooperatives, the Alaska Seafood Cooperative or the Alaska Groundfish Cooperative. The plans should be designed not just to accommodate the revised hard caps, but to bring savings to levels below the hard cap.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0697.

Form Number: None.

Type of Review: Regular submission (revision of an existing information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 8.

Estimated Time per Response: 40 hours for BSAI Halibut Bycatch Avoidance Progress report; 12 hours for Amendment 80 Halibut PSC Management Plan.

Estimated Total Annual Burden Hours: 264 hours.

Estimated Total Annual Cost to Public: $4 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 17, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–15235 Filed 6–19–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX69

Marine Mammals; File Nos. 13846 and 14353

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

ACTION: Notice; issuance of permit amendments.

SUMMARY: Notice is hereby given that Jim Darling, Ph.D., Whale Trust, P.O. Box 384, Tofino, BC, V0R2Z0, Canada, and Ann Zoidis, Cetos Research Organization, 11 Des Isle Ave Bar Harbor, ME 04609, have been issued minor amendments to Scientific Research Permit Nos. 13846 and 14353, respectively.

ADDRESSES: The amendments and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Rosa L. González or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendments have been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 13846 was issued on July 14, 2010 (75 FR 43150) and subsequently amended on December 20, 2012, May 9, 2013 (78 FR 30872), October 23, 2013, and December 2, 2014. It authorizes Dr. Darling to study humpback whales (*Megaptera novaeangliae*) in Hawaii (primarily off west Maui) and humpback and Eastern gray (*Eschrichtius robustus*) whales off Washington and Alaska through July 31, 2015. Research activities can occur from a variety of platforms (vessel, aerial, and underwater) and include photo-identification, passive acoustic recording, behavioral observation, videorecording, collection of sloughed skin, photogrammetry, biopsy sampling, playback experiments, and suction cup and implantable tagging of target whales. The permit also authorizes incidental harassment of other cetacean and pinniped species. On May 19, 2015, a minor amendment (No. 13846–05) was issued that extends the duration of the permit through July 31, 2016, but does not change any other terms or conditions of the permit.

Permit No. 14353 was issued to Ann Zoidis on July 14, 2010 (75 FR 43150) and subsequently amended on May 9, 2013 (78 FR 30872). It authorizes scientific research on humpback and minke (*Balaenoptera acutorostrata*) whales in Hawaiian waters through July 31, 2015. Research activities include photo-identification, behavioral observations, passive acoustic recording, underwater photo/videography, and suction cup tagging. A minor amendment (No. 14353–02) was issued on May 4, 2015 that extends the duration of the permit through July 31, 2016, but does not change any other terms or conditions of the permit.

Dated: June 16, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–15204 Filed 6–19–15; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions; Correction

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice; correction.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled published a document in the **Federal Register** of June 12, 2015, concerning a notice of intent to add various eyewear and components to the Procurement List for the Department of Veterans Affairs (VA). The document contained the incorrect ''Mandatory Purchase For:'' information.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–2118.

Correction

In the **Federal Register** of June 12, 2015, in FR Doc. 2015–14441, on page 33488, in the third column, correct the Mandatory Purchase For: statement to read: Mandatory For: 100% of the requirements of the Orlando VA Medical Center, Orlando, FL and Off-site facility, Holly Hills, FL; William V. Chappell, Jr. VA Satellite Outpatient Clinic, Daytona Beach, FL; and the VA Lake Nona Campus, Orlando, FL. Comments must be received on or before July 13, 2015.

Dated: June 17, 2015.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2015–15266 Filed 6–19–15; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0022]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Department of the Army proposes to add a new system of records, A0215–1b OAA, entitled ''Army Executive Dining Facility ARDEF Accounting System (AAS)'' to provide accounting management functions for the Army Executive Dining Facility (ARDEF). ARDEF managers will utilize the ARDEF Accounting System (AAS) to provide members an automatic payment option for services using the member's credit card account number. The ASS generates a monthly statement for member's review.

DATES: Comments will be accepted on or before July 22, 2015. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Rogers, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905 or by calling (703) 428–7499.

SUPPLEMENTARY INFORMATION: The Department of the Army's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a(r)), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/*.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, were submitted on May 18, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996, (February 20, 1996, 61 FR 6427).

Dated: June 17, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0215–1b OAA

SYSTEM NAME:

Army Executive Dining Facility ARDEF Accounting System (AAS)

SYSTEM LOCATION:

Headquarters Department of the Army (HQDA) Office of the Administrative Assistant, Army Executive Dining Facility, 114 Army Pentagon, Washington, DC 20310–1114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Flag Officers and civilian Senior Executive Service employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, billing address, credit card account number and expiration date, and email address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; DoD Instruction 5000.24, Pentagon Executive Dining Facilities (EDFs); DoD Directive 1015.10, Military Morale, Welfare, and Recreation (MWR) Programs; Army Regulation 215–1, Military Morale, Welfare, and Recreation Programs and Non-appropriated Fund Instrumentalities.

PURPOSE(S):

To provide accounting management functions for the Army Executive Dining Facility (ARDEF). ARDEF managers will utilize the ARDEF Accounting System (AAS) to provide members an automatic payment option for services using the member's credit card account number. The ASS generates a monthly statement for member's review.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the Army compilation of system of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media and paper records.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Access to computerized data is restricted to authorized and approved person(s) properly screened and cleared for need-to-know basis. Desktops and database server reside on the DOD HQDA Network with no remote access. They are located in a secured facility that employs physical restrictions and safeguards such as security guards, identification badges, key cards, and locks. Access to computerized data is restricted by use of common access cards (CACs) and is accessible only by users with an authorized account.

RETENTION AND DISPOSAL:

Records are retained only for the length of duty assigned to the position. Once the military member makes a permanent change of station or a civilian is no longer an employee of a Pentagon agency, the paper records are destroyed by burning. The electronic records are deleted immediately upon member departure from the position.

SYSTEM MANAGER(S) AND ADDRESS:

HQDA Office of the Administrative Assistant, Manager, Army Executive Dining Facility, 114 Army Pentagon, Washington DC 20310–1114.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, HQDA Office of the Administrative Assistant, Army Executive Dining Facility, 114 Army Pentagon, Washington, DC 20310–1114.

Individual should provide their full name and signature. In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, HQDA Office of the Administrative Assistant, Army Executive Dining Facility, 114 Army Pentagon, Washington, DC 20310–1114.

Individual should provide their full name and signature. In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and

appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015–15261 Filed 6–19–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0025]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army proposes to alter a system of records notice AAFES 1504.03, entitled ''Personal Property Movement and Storage Files'' in its existing inventory of records systems subject to the Privacy Act of 1974, as amended. This system is used by the Army and Air Force Exchange Service to arrange the movement, storage, and handling of personal property; to identify/trace lost or damaged shipments; and to answer inquiries and monitor effectiveness of personal property traffic management functions.

DATES: Comments will be accepted on or before July 22, 2015. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Jr., Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905 or by calling (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/*. The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, were submitted on February 11, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 17, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

AAFES 1504.03

SYSTEM NAME:

Personal Property Movement and Storage Files (August 9, 1996, 61 FR 41572).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Headquarters, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Employees of the Army and Air Force Exchange Service (Exchange) whose permanent change of station is authorized by the Exchange.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Employee's name, address and telephone number, forwarding address, mobile number, vehicle identification number (VIN), orders authorizing shipment/storage of personal property to include privately owned vehicles and house trailers/mobile homes; cash collection vouchers; application for shipment and/or storage of personal property, transportation control and movement document; personal property counseling checklist; government bill of lading; and storage contracts.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''Title 10 U.S.C. 3013, Secretary of the Army; Title 10 U.S.C. 8013, Secretary of the Air Force; Army Regulation 215–1, Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities; and Army Regulation 215–8/AFI 34–211(I), Army and Air Force Exchange Service Operations.''

* * * * *

ROUTINE USES FOR RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 542a(b)(3) as follows:

Information is disclosed to commercial carriers for the purposes of identifying ownership, verifying delivery of shipment, supporting billing for services rendered, and justifying claims for loss, damage, or theft.

The Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic images of paper records kept locally on secured network drive.''

RETRIEVABILITY:

Delete entry and replace with ''By individual's name.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel.

Access to records is limited to person(s) with an official ''need to know'' who are responsible for servicing the record in performance of their official duties. Persons are properly screened and cleared for access. Access to computerized data is role-based and further restricted by passwords which are changed periodically. In addition, integrity of automated data is ensured by internal audit procedures, data base access accounting reports and controls to preclude unauthorized disclosure.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Paper documents are maintained while case is open. When movement is complete, paper documents are scanned and uploaded into an electronic database within 7 days at which time paper records are destroyed by shredding. Electronic documents are cutoff at the close of the calendar year and destroyed by erasing/reformatting the media.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

Individual should provide their full name or sufficient details to assist in locating their record, current address and telephone number, and signature.

In addition, the requestor must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).' ''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director/Chief Executive Officer, Army and Air Force Exchange Service, ATTN: FOIA/Privacy Manager, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

Individual should provide their full name or sufficient details to assist in locating their record, current address and telephone number, and signature.

In addition, the requestor must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746 in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

* * * * *

[FR Doc. 2015–15277 Filed 6–19–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0024]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Department of the Army proposes to amend a system of records notice, A0215–1 CFSC, entitled ''Non-appropriated Fund Employee Insurance and Retirement Files,'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system substantiates initial enrollment and subsequent change in the NAF Group Insurance and Retirement Plan, and it is used to verify monthly deductions and to compute annuities, refunds, and death benefit.

DATES: Comments will be accepted on or before July 22, 2015. This proposed action will be effective on the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

* Mail: Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Rogers, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22315–3827 or by phone at 703–428–7499.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/*.

The proposed changes to the record system being amended are set forth below. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 17, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0215–1 CFSC

SYSTEM NAME:

Non-appropriated Fund Employee Insurance and Retirement Files (August 8, 2001, 66 FR 41574)

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''A0215–1 HQ IMCOM (G9).''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Non-appropriated Fund (NAF) Employee

Benefits Office, 2455 Reynolds Road, Joint Base San Antonio Fort Sam Houston, Texas 78234–7588.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army; Pub. L. 101–508, Portability of Benefits for NAF Employees Act of 1990; Pub. L. 104–106, National Defense Authorization Act for Fiscal Year 1996; 26 U.S.C. 401, Qualified Pension, Profit-sharing, and Stock Bonus Plans; Army Regulation 215–3, Non-appropriated Funds Personnel Policy; and E.O. 9397 (SSN), as amended.''

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the Army compilation of system of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Paper records and electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''By individual's name and SSN.''

SAFEGUARDS:

Delete entry and replace with ''Access is limited to designated authorized individuals having official need for the information in the performance of their duties. Buildings housing records are protected by security guards. DoD Components and approved users ensure that electronic records collected and used are maintained in controlled areas accessible only to authorized personnel. Physical security differs from site to site, but the automated records must be maintained in controlled areas accessible only by authorized personnel. Access to computerized data is restricted by use of common access cards (CACs) and is accessible only by users with an authorized account. The system and electronic backups are maintained in controlled facilities that employ physical restrictions and safeguards such as security guards, identification badges, key cards, and locks.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Keep in Current File Area (CFA) until separation from Federal service occurs and then no longer needed for conducting business, but not more than 6 years after separation, then transfer to the Records Holding Area (RHA). The RHA will destroy records 65 years after separation from service. Disposal of paper records is by shredding or burning. Electronic records are erased.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''NAF Personnel Services, IMCOM G9–HRB, 2455 Reynolds Road, Joint Base San Antonio Fort Sam Houston, TX 78234–7588.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, NAF Personnel Services, IMCOM G9–HRB, 2455 Reynolds Road, Joint Base San Antonio Fort Sam Houston, TX 78234–7588.

Individual should provide the name, SSN, current address, and identify the specific category of record involved.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).' ''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, NAF Personnel Services, IMCOM G9–HRB, 2455 Reynolds Road, Joint Base San Antonio Fort Sam Houston, TX 78234–7588.

Individual should provide the name, SSN, current address, and identify the specific category of record involved.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).' ''

* * * * *

[FR Doc. 2015–15259 Filed 6–19–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0023]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army proposes to alter a system of records, A0027–40 DAJA, entitled ''Litigation Case Files'' to defend the Army in civil suits filed against it in the state or federal courts.

DATES: Comments will be accepted on or before July 22, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these

submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Rogers, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905 or by calling (703) 428–7499.

SUPPLEMENTARY INFORMATION: The Department of the Army's notices for system of records subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division Web site *http://dpcld.defense.gov/*.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on May 18, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I of OMB Circular No. A–130, Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 17, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0027–40 DAJA

SYSTEM NAME:

Litigation Case Files (February 1, 1996, 61 FR 3683).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Office of the Judge Advocate General, U.S. Army Litigation Division, 9275 Gunston Road, Building 1450, Fort Belvoir, VA 22060–5546.''

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Full name, current address, telephone number, case number, court docket number, pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied materials involved in representing the U.S. Army in the Federal Court System.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army; and Army Regulation 27–40, Litigation.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media and paper records.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in file cabinets within secured buildings and available only to designated authorized individuals who have official need therefor. DoD Components and approved users ensure that electronic records collected and used are maintained in controlled areas accessible only to authorized personnel. Physical security differs from site to site, but the automated records must be maintained in controlled areas accessible only by authorized personnel. Access to computerized data is restricted by use of common access cards (CACs) and is accessible only by users with an authorized account. The system and electronic backups are maintained in controlled facilities that employ physical restrictions and safeguards such as security guards, identification badges, key cards, and locks.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Office of the Judge Advocate General, U.S. Army Litigation Division, 9275 Gunston Road, Building 1450, Fort Belvoir, VA 22060–5546.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, U.S. Army Litigation Division, 9275 Gunston Road, Building 1450, Fort Belvoir, VA 22060–5546.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, U.S. Army Litigation Division, 9275 Gunston Road, Building 1450, Fort Belvoir, VA 22060–5546.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

* * * * *

[FR Doc. 2015–15262 Filed 6–19–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Regents, Uniformed Services University of the Health Sciences; Notice of Federal Advisory Committee Meeting

AGENCY: Uniformed Services University of the Health Sciences (USU), Department of Defense.

ACTION: Quarterly meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following meeting of the Board of Regents, Uniformed Services University of the Health Sciences (''the Board'').

DATES: Wednesday, August 5, 2015, from 8:00 a.m. to 8:30 a.m. (Open Session) and 8:30 a.m. to 9:00 a.m. (Closed Session).

ADDRESSES: Navy Lodge Norfolk, 7811 Hampton Boulevard, Norfolk, Virginia 23505.

FOR FURTHER INFORMATION CONTACT: Jennifer Nuetzi James, Designated Federal Officer, 4301 Jones Bridge Road, D3002, Bethesda, Maryland 20814; telephone 301–295–3066; email *jennifer.nuetzi-james@usuhs.edu.*

SUPPLEMENTARY INFORMATION: This meeting notice is being published under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide advice and recommendations to the Secretary of Defense through the Under Secretary of Defense for Personnel and Readiness, on academic and administrative matters critical to the full accreditation and successful operation of the University. These actions are necessary for the University to pursue its mission, which is to educate, train and comprehensively prepare uniformed services health professionals, officers, scientists and leaders to support the Military and Public Health Systems, the National Security and National Defense Strategies of the United States, and the readiness of the Uniformed Services.

Agenda: The actions scheduled to occur include the approval of the minutes from the Board Meeting held on May 15, 2015; recommendations regarding the awarding of post-baccalaureate degrees; recommendations regarding the approval of faculty appointments and promotions; and award nominations. The USU President will provide a report on recent actions affecting academic and operational aspects of the University. A closed session will be held, after the open session, to discuss active investigations and personnel actions.

Meeting Accessibility: Pursuant to Federal statute and regulations (5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 8:00 a.m. to 8:30 a.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact Jennifer Nuetzi James five business days prior to the meeting, at the address and phone number noted in the **FOR FURTHER INFORMATION CONTACT** section.

Pursuant to 5 U.S.C. 552b(c)(2, 5–7), the Department of Defense has determined that the portion of the meeting from 8:30 a.m. to 9:00 a.m. shall be closed to the public. The Under Secretary of Defense (Personnel and Readiness), in consultation with the Office of the DoD General Counsel, has determined in writing that a portion of the committee's meeting will be closed as the discussion will disclose sensitive personnel information, will include matters that relate solely to the internal personnel rules and practices of the agency, will involve allegations of a person having committed a crime or censuring an individual, and may disclose investigatory records compiled for law enforcement purposes.

Written Statements: Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Board about its approved agenda pertaining to this meeting or at any time regarding the Board's mission. Individuals submitting a written statement must submit their statement to the Designated Federal Officer at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written statements that do not pertain to a scheduled meeting of the Board may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at the planned meeting, then these statements must be received at least 5 calendar days prior to the meeting, otherwise, the comments may not be provided to or considered by the Board until a later date. The Designated Federal Officer will compile all timely submissions with the Board's Chairman and ensure such submissions are provided to Board Members before the meeting.

Dated: June 17, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–15226 Filed 6–19–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–HA–0060]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 21, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the TRICARE Dental Care Office, Health Plan Execution and Operation, Defense Health Agency (DHA), Rm 3M 451, ATTN: COL Colleen C. Shull, Falls Church, VA 22042 or call (703) 681–9517, DSN 761.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: TRDP Enrollment Application; OMB Control Number 0720–0015.

Needs and Uses: This information collection is completed by Uniformed Services members entitled to retired pay and their eligible family members who are seeking enrollment in the TRICARE Retiree Dental Program (TRDP). The information is necessary to enable the DoD-contracted third party administrator of the program to identify the program's applicants, determine their eligibility for TRDP enrollment, establish the premium payment amount, and to verify by the applicant's signature that the applicant understands the benefits and rules of the program.

Affected Public: Business or other for profit; Not-for-profit institutions.

Annual Burden Hours: 12,000.

Number Of Respondents: 48,000.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: On occasion.

Respondents are retired members of the Uniformed Services who elect to enroll themselves and their families into the TRDP. The enrollment application must be completed and submitted to the TRDP contractor, along with two-month premium payment, prior to enrollment. The contractor will validate eligibility and complete the enrollment action.

Dated: June 17, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–15227 Filed 6–19–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0021]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Army proposes to amend a system of records, A0070–45 DASG, entitled ''Medical Scientific Research Data Files''. This is now a closed system; no new records will be added. Records were used to create a database of immunological or vaccinal data for research purposes to answer inquiries and provide data on health issues of individuals who participated in research conducted or sponsored by U.S. Army Medical Research Institute of Infectious Diseases, U.S. Army Medical Research and Development Command, and U.S. Army Chemical Research, Development, and Engineering Center.

DATES: Comments will be accepted on or before July 22, 2015. This proposed action will be effective on the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Rogers, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Room 144, Alexandria, VA 22315–3827 or by phone at 703–428–7499.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/*.

The proposed changes to the record system being amended are set forth below. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 17, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0070–45 DASG

SYSTEM NAME:

Medical Scientific Research Data Files (April 4, 2003, 68 FR 16484)

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''CLOSED—Medical Scientific Research Data Files.''

SYSTEM LOCATION:

Delete entry and replace with ''Primary location: U.S. Army Medical Research and Development Command, 504 Scott Street, Fort Detrick, MD 21701–5009.

Secondary location: U.S. Army Chemical Research, Development, and Engineering Center, Aberdeen Proving Ground, MD 21010–5423.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''This is a closed system—no new records will be added. Volunteers who participated in the Sandfly Fever (Clinical Research Data) studies at the U.S. Army Medical Research Institute of Infectious Diseases; individuals who participated in research sponsored by the U.S. Army Medical Research and Development Command and the U.S. Army Chemical Research, Developments, and Engineering Center; and individuals at Fort Detrick who had been immunized with a biological product or who fell under the Occupational Health and Safety Act or Radiologic Safety Program.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army; 10 U.S.C., Chapter 55, Medical and Dental Care; Army Regulation 70–25, Use of Volunteers as Subjects of Research; Army Regulation 70–45, Scientific and Technical Information Program; Occupational Safety and Health Administration Act of 1970; and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''Records were used to create a database of immunological or vaccinal data for research purposes to answer inquiries and provide data on health issues of individuals who participated in

research conducted or sponsored by U.S. Army Medical Research Institute of Infectious Diseases, U.S. Army Medical Research and Development Command, and U.S. Army Chemical Research, Development, and Engineering Center.

To provide individual participants with newly acquired information that may impact their health; to maintain and manage scheduling of health screening tests immunizations, physicals, safety and immunogenicity and other special procedures for a given vaccine or biosurveillance program, radiologic safety program and occupational health safety program.''

ROUTINE USES FOR RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Department of Veteran Affairs to assist in making determinations relative to claims for service connected disabilities; and other such benefits.

The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18–R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media and paper records.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in buildings which are locked when unattended and are accessed only by authorized personnel having an official need-to-know. DoD Components and approved users ensure that electronic and paper records collected and used are maintained in controlled areas accessible only to authorized personnel. Physical security differs from site to site, but the automated records must be maintained in controlled areas accessible only by authorized personnel. Access to computerized data is restricted by use of common access cards (CACs) and is accessible only by users with an authorized account. The system and electronic backups are maintained in controlled facilities that employ physical restrictions and safeguards such as security guards, identification badges, key cards, and locks.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''The records are kept until no longer needed for conducting business, then retired to the Records Holding Area and/or Army Electronic Archive (RHA/AEA). The RHA/AEA will destroy records when the record is 75 years old.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Commander, U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID), 1425 Porter Street, Fort Detrick, MD 21702–5011 for special immunization records and research records that have been conducted at the facility.

Office of The Surgeon General, Headquarters, Department of Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258 for all other records maintained in this system of records.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Commander, USAMRIID 1425 Porter Street Fort Detrick, MD 21702–5011.

For verification purposes the individual should provide full name, SSN, military status, and any other information verifiable from the record itself.

For personal visits, the individual should provide a state or Federal picture identification card.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).' ''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Commander, USAMRIID 1425 Porter Street Fort Detrick, MD 21702–5011.

For verification purposes the individual should provide full name, SSN, military status, and any other information verifiable from the record itself.

For personal visits, the individual should provide a state or Federal picture identification card.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).' ''

* * * * *

[FR Doc. 2015–15260 Filed 6–19–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2015–ICCD–0041]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; An Impact Evaluation of Support for Principals

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection

DATES: Interested persons are invited to submit comments on or before July 22, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://*

www.regulations.gov by selecting Docket ID number ED–2015–ICCD–0041 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Elizabeth Warner, (202) 208–7169.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: An Impact Evaluation of Support for Principals.

OMB Control Number: 1850—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 1,880.

Total Estimated Number of Annual Burden Hours: 745.

Abstract: This submission requests approval of data collection activities that will be used to support An Impact Evaluation of Support for Principals. The evaluation will estimate the impact of offering professional development to principals that emphasizes instructional leadership strategies in addition to supporting some aspects of improving organizational and human capital management.

Dated: June 17, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–15276 Filed 6–19–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0079]

Agency Information Collection Activities; Comment Request; NPEFS 2015–2017: Common Core of Data (CCD) National Public Education Financial Survey

AGENCY: Institute of Education Sciences/National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 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–0079 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 Kashka Kubzdela, (202) 502–7411.

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: NPEFS 2015–2017: Common Core of Data (CCD) National Public Education Financial Survey.

OMB Control Number: 1850–0067.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: SEAs.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 5,264.

Abstract: The National Public Education Financial Survey (NPEFS) is an annual collection of state-level finance data that has been included in the NCES Common Core of Data (CCD) since FY 1982 (school year 1981–82). NPEFS provides function expenditures by salaries, benefits, purchased services, and supplies, and includes federal, state, and local revenues by source. The NPEFS collection includes data on all

state-run schools from the 50 states, the District of Columbia, American Samoa, the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands. NPEFS data are used for a wide variety of purposes, including to calculate federal program allocations such as states' ''average per-pupil expenditure'' (SPPE) for elementary and secondary education, certain formula grant programs (*e.g.* Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) as amended, Impact Aid, and Indian Education programs). Furthermore, other federal programs, such as the Educational Technology State Grants program (Title II Part D of the ESEA), the Education for Homeless Children and Youth Program under Title VII of the McKinney-Vento Homeless Assistance Act, and the Teacher Quality State Grants program (Title II Part A of the ESEA) make use of SPPE data indirectly because their formulas are based, in whole or in part, on State Title I Part A allocations. This submission is to conduct the annual collection of state-level finance data for FY 2015–2017.

Dated: June 17, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–15244 Filed 6–19–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Impact Evaluation of Data-Driven Instruction Professional Development for Teachers; Docket ID Number; Correction

AGENCY: Department of Education.

ACTION: Correction Notice.

SUMMARY: On June 15, 2015 the U.S. Department of Education published a 60-day comment period notice in the **Federal Register** Page 34150, Column 3; Page 34151, Column 1 and 2 seeking public comment for an information collection entitled, ''Impact Evaluation of Data-Driven Instruction Professional Development for Teachers''. ED is requesting a correction to the Docket ID Number. The correct Docket ID Number is ED–2015–ICCD–0078.

The Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: June 17, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–15228 Filed 6–19–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–511–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Request Under Blanket Authorization

Take notice that on June 4, 2015, Transcontinental Gas Pipe Line Company, LLC (Transco), pursuant to its blanket certificate authorization granted in Docket No. CP82–426–000,[1] filed an application in accordance to sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (NGA) as amended, requesting authority to abandon certain pipeline facilities and removing related ancillary facilities, as necessary, located in Terrebonne Parish, Louisiana. The proposed abandonment are no longer required for gas service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco requests authorization to abandon an approximately 1.1-mile, 16-inch pipeline extending from Ship Shoal Block 28, Platform ''C'' to Ship Shoal Block 28, Platform ''D1''; an approximately 10.5 mile, 16-inch pipeline extending from Ship Shoal Block 28, Platform ''D1'' to the Mosquito Bay Junction Platform ''A''; and approximately 0.03-mile, 12-inch pipeline extending from Ship Shoal Block 28, Platform ''D2'' to a subsea tie-in with the 16-inch pipeline (Supply Laterals). The Supply Laterals will be abandoned in place. The tube turns and portions of the risers will be recovered and taken to shore. The Supply Laterals have not been used in the previous 12 months to provide service and are not expected to be used in the future. The proposed abandonment will have no impact on the daily design capacity and operating conditions of Transco's pipeline system. No customers have been served through the Supply Laterals during the previous 12 months.

Any questions concerning this application may be directed to Marg Camardello, P.O. Box 1396, Houston, Texas 77251, or by phone at (713) 215–3380.

This filing is available for review at the Commission 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 filed to access the document. For assistance, please contact FERC Online Support at FERC *OnlineSupport@ferc.gov* or call toll-free at (866) 206–3676, or, for TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages interveners to file electronically.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

[1] 20 FERC ¶ 62,420 (1982).

Dated: June 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–15232 Filed 6–19–15; 8:45 am]

BILLING CODE 6717–0–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: PR15–37–000.

Applicants: Bay Gas Storage Company, Ltd.

Description: Submits tariff filing per 284.123(b)(2) + (g): Petition for Approval of Rates_6.8.15 to be effective 6/8/2015 Filing Type: 1310.

Filed Date: 6/8/15.

Accession Number: 20150608–5133.

Comments Due: 5 p.m. ET 6/29/15.

284.123(g) Protests Due: 5 p.m. ET 8/7/15.

Docket Numbers: RP15–1055–000.

Applicants: Dominion Transmission, Inc.

Description: § 4(d) rate filing per 154.204: DTI—Dekaflow Transition to be effective 7/11/2015.

Filed Date: 6/10/15.

Accession Number: 20150610–5236.

Comments Due: 5 p.m. ET 6/22/15.

Docket Numbers: RP15–1056–000.

Applicants: Dominion Cove Point LNG, LP.

Description: § 4(d) rate filing per 154.204: DCP—Dekaflow Transition to be effective 7/11/2015.

Filed Date: 6/10/15.

Accession Number: 20150610–5244.

Comments Due: 5 p.m. ET 6/22/15.

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: June 11, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–15234 Filed 6–19–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC15–3–000]

Commission Information Collection Activities, (FERC–567 and FERC–587), Comment Request

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting these information collections [FERC–567 (Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity) and FERC–587 (Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States])] to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (80 FR 19308, 4/10/2015) requesting public comments. The Commission received no comments on neither the FERC–567 nor FERC–587 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by July 22, 2015.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0005 (FERC–567) and 1902–0145 (FERC–587) should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Commission, in Docket No. IC15–3–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FERC–567, [Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity]

OMB Control No.: 1902–0005.

Abstract: The Commission uses the information from the FERC–567 to obtain accurate data on pipeline facilities and the peak capacity of these facilities. Additionally, the Commission validates the need for new facilities proposed by pipelines in certificate applications. By modeling an applicant's pipeline system, Commission staff utilizes the FERC–567

data to determine configuration and location of installed pipeline facilities; verify and determine the receipt and delivery points between shippers, producers and pipeline companies; determine the location of receipt and delivery points and emergency interconnections on a pipeline system; determine the location of pipeline segments, laterals and compressor stations on a pipeline system; verify pipeline segment lengths and pipeline diameters; justify the maximum allowable operating pressures and suction and discharge pressures at compressor stations; verify the installed horsepower and volumes compressed at each compressor station; determine the existing shippers and producers currently using each pipeline company; verify peak capacity on the system; and develop and evaluate alternatives to the proposed facilities as a means to mitigate environmental impact of new pipeline construction.

18 Code of Federal Regulations (CFR) 260.8(a) requires each major natural gas pipeline with a system delivery capacity exceeding 100,000 Mcf[1] per day to submit by June 1 of each year, diagrams reflecting operating conditions on the pipeline's main transmission system during the previous 12 months ended December 31. These physical/engineering data are not included as part of any other data collection requirement.

Type of Respondent: Applicants proposing hydropower projects on (or changes to existing projects located within) lands owned by the United States.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–567—Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours and cost per response[2]	Total annual burden hours and total annual cost	Cost per respondent ($)
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	(5)÷(1)
FERC–567 Applicants	93	1	93	3 $216	279 $20,088	$216

FERC–587, [Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States])]

OMB Control No.: 1902–0145.

Abstract: The Commission requires the FERC–587 information collection to satisfy the requirements of section 24 of the Federal Power Act (FPA). The Federal Power Act grants the Commission authority to issue licenses for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from or in any of the steams or other bodies of water over which Congress has jurisdiction.[3] The Electric Consumers Protection Act (ECPA) amends the FPA to allow the Commission the responsibility of issuing licenses for nonfederal hydroelectric plants.[4] section 24 of the FPA requires that applicants proposing hydropower projects on (or changes to existing projects located within) lands owned by the United States to provide a description of the applicable U.S. land. Additionally, the FPA requires the notification of the Commission and Secretary of the Interior of the hydropower proposal. FERC–587 consolidates the information required and identifies hydropower project boundary maps associated with the applicable U.S. land.

The information consolidated by the Form No. 587 verifies the accuracy of the information provided for the FERC–587 to the Bureau of Land Management (BLM) and the Department of the Interior (DOI). Moreover, this information ensures that U.S. lands can be reserved as hydropower sites and withdrawn from other uses.

Type of Respondent: Applicants proposing hydropower projects on (or changes to existing projects located within) lands owned by the United States.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–587—Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States])

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours and cost per response[2]	Total annual burden hours and total annual cost	Cost per respondent ($)
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	(5)÷(1)
Hydropower Project Applicants	137	1	137	1 $72	137 $9,864	$72

[1] ''Mcf'' is an abbreviation denoting a thousand cubic feet of natural gas.

[2] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $72 per Hour = Average Cost per Response. The hourly cost figure comes from the FERC average salary. Subject matter experts found that industry employment costs closely resemble FERC's regarding the FERC–567 information collection.

[3] 16 U.S.C. Section 797d (2010)

[4] Public Law 99–495, 100 Stat. 1243 (1996)

Dated: June 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–15233 Filed 6–19–15; 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 exempt wholesale generator filings:

Docket Numbers: EG15–96–000.

Applicants: 87RL 8me LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of 87RL 8me LLC.

Filed Date: 6/16/15.

Accession Number: 20150616–5089.

Comments Due: 5 p.m. ET 7/7/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–520–001.

Applicants: Deseret Generation & Transmission Co-operative, Inc.

Description: Compliance filing per 35: Compliance Filing to May 18 Order to be effective 2/2/2015.

Filed Date: 6/16/15

Accession Number: 20150616–5154.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–528–001.

Applicants: Golden Spread Electric Cooperative, Inc.

Description: Compliance filing per 35: OATT Order No. 676–H Second Compliance Filing to be effective 5/15/2015.

Filed Date: 6/16/15.

Accession Number: 20150616–5269.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–1541–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–06–16_SA 764 Compliance ATC-Wisconsin Electric Bill of Sales to be effective N/A.

Filed Date: 6/16/15.

Accession Number: 20150616–5145.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–1920–000.

Applicants: MATL LLP.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Attachment L Creditworthiness Filing to be effective 6/16/2015.

Filed Date: 6/16/15.

Accession Number: 20150616–5001.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–1921–000.

Applicants: Southern California Edison Company.

Description: Tariff Withdrawal per 35.15: Notices of Cancellation LGIA and Distribution Service Agmt Daggett Ridge to be effective 8/31/2013.

Filed Date: 6/16/15.

Accession Number: 20150616–5007.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–1924–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Bylaws Revision for Board of Directors Expansion to be effective 8/15/2015.

Filed Date: 6/16/15.

Accession Number: 20150616–5155.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–1925–000.

Applicants: Breckinridge Wind Project, LLC.

Description: Baseline eTariff Filing per 35.1: Breckinridge Wind Project, LLC Market-Based Rate Application to be effective 8/1/2015.

Filed Date: 6/16/15.

Accession Number: 20150616–5195.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–1926–000.

Applicants: Innoventive Power LLC.

Description: Request of Innoventive Power LLC for Limited Tariff Waiver on an Expedited Basis.

Filed Date: 6/16/15.

Accession Number: 20150616–5213.

Comments Due: 5 p.m. ET 6/26/15.

Docket Numbers: ER15–1927–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Interconnection Service Agreement to be effective 7/8/2015.

Filed Date: 6/16/15.

Accession Number: 20150616–5215.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–1928–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–06–16_SA 1564 NSP–NSP 2nd Rev. GIA (G237/J320) to be effective 6/17/2015.

Filed Date: 6/16/15.

Accession Number: 20150616–5234.

Comments Due: 5 p.m. ET 7/7/15.

Docket Numbers: ER15–1929–000.

Applicants: Louisville Gas and Electric Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revised Att M LGIP to be effective 8/17/2015.

Filed Date: 6/16/15.

Accession Number: 20150616–5235.

Comments Due: 5 p.m. ET 7/7/15.

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: June 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–15231 Filed 6–19–15; 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: ER11–2489–005; ER12–726–004; ER12–2639–003; ER11–3620–007; ER11–2882–008; ER10–2432–007; ER10–2435–007; ER10–2440–007; ER10–2442–007; ER10–2444–007; ER10–2446–007; ER10–2449–007; ER12–1431–005; ER12–1434–005; ER12–1432–005; ER12–1435–005; ER13–2102–003; ER12–2510–004; ER12–2511–004; ER12–2512–004; ER12–2513–004; ER13–2308–002; ER14–1439–002; ER14–1656–004; ER15–1019–001; ER10–2628–002 ; *ER11–3959–004.*

Applicants: Hatchet Ridge Wind, LLC, Spring Valley Wind LLC, Ocotillo Express LLC, Lyonsdale Biomass, LLC, ReEnergy Sterling CT Limited Partnership, Bayonne Plant Holding, L.L.C., Camden Plant Holding, L.L.C., Dartmouth Power Associates Limited Partnership, Elmwood Park Power, LLC, Newark Bay Cogeneration Partnership, L.P, Pedricktown Cogeneration Company LP, York Generation Company LLC, ReEnergy Ashland LLC, ReEnergy Fort Fairfield LLC, ReEnergy Livermore Falls LLC, ReEnergy Stratton LLC, ReEnergy Black River LLC, Brandon Shores LLC, C.P. Crane LLC, H.A. Wagner LLC, Raven Power Marketing LLC, Sapphire Power Marketing LLC, TrailStone Power, LLC, CSOLAR IV West, LLC, Fowler Ridge IV Wind Farm

LLC, Lost Creek Wind, LLC, Post Rock Wind Power Project, LLC.
Description: Notification of Non-Material Change in Status of the Riverstone MBR Entities.
Filed Date: 6/15/15.
Accession Number: 20150615–5351.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–120–006.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: Compliance filing per 35: Order No. 1000 OATT Fourth Regional Compliance Filing to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5252.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–75–009.
Applicants: Public Service Company of Colorado.
Description: Compliance filing per 35: 2015–6–15_PSCo Order 1000–4th Reg Comp Filing to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5166.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–77–007.
Applicants: Tucson Electric Power Company.
Description: Compliance filing per 35: OATT Order No. 1000 Compliance Filing to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5180.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–78–007.
Applicants: UNS Electric, Inc.
Description: Compliance filing per 35: OATT Order No. 1000 Compliance Filing to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5187.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–79–007.
Applicants: Public Service Company of New Mexico.
Description: Compliance filing per 35: Order No. 1000 OATT Fourth Regional Compliance Filing to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5087.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–82–007.
Applicants: Arizona Public Service Company.
Description: Compliance filing per 35: OATT Order No. 1000 Compliance Filing to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5200.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–836–004.
Applicants: MATL LLP.
Description: Compliance filing per 35: Order 1000 Compliance Filing to be effective 6/16/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5248.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–91–006.
Applicants: El Paso Electric Company.
Description: Compliance filing per 35: OATT Order No. 1000 Compliance Filing to Comply with May 14, 2015 Order to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5085.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–94–005.
Applicants: Avista Corporation.
Description: Compliance filing per 35: Avista Corp OATT Order 1000 Compliance Filing to be effective 6/16/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5239.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–96–006.
Applicants: Black Hills Power, Inc.
Description: Compliance filing per 35: Order No. 1000 OATT Fourth Regional Compliance Filing to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5249.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–97–006.
Applicants: Black Hills/Colorado Electric Utility Company, LP.
Description: Compliance filing per 35: Order No. 1000 OATT Fourth Regional Compliance Filing to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5251.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER13–99–005.
Applicants: Puget Sound Energy, Inc.
Description: Compliance filing per 35: OATT Order No. 1000 Compliance Filing to be effective 6/16/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5192.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–411–001.
Applicants: Arizona Public Service Company.
Description: Compliance filing per 35: Rate Schedule No. 274—WestConnect Planning Participation Agreement to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5201.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–422–001.
Applicants: Avista Corporation.
Description: Compliance filing per 35: Avista Corp Order 1000 FERC Rate Schedule No. CG2 Compliance Filing to be effective 6/16/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5247.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–428–002.
Applicants: Nevada Power Company.
Description: Compliance filing per 35: OATT Order No. 1000 Compliance Attachment K to be effective 1/1/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5207.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–429–001.
Applicants: Puget Sound Energy, Inc.
Description: Compliance filing per 35: Columbia Grid Functional Agreement Second Amendment to be effective 6/16/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5170.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–1190–002.
Applicants: Duke Energy Florida, Inc., Duke Energy Progress, Inc., Duke Energy Carolinas, LLC.
Description: Compliance filing per 35: OATT Attachment C–1 DEP Effective Date to be effective 6/10/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5263.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–1289–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing per 35: 2015–06–15_GRE RTO Adder Compliance to be effective 5/16/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5122.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–1293–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment per 35.17(b): Revisions to Att AE Sections 4.5.2 and 4.5.3 Deficiency Response in ER15–1293 to be effective 5/15/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5246.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–1427–001.
Applicants: Calpine New Jersey Generation, LLC.
Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter to be effective 1/28/2015.
Filed Date: 6/15/15.
Accession Number: 20150615–5264.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–1916–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Concurrences to NPC Rate Schedules 95 and 96 to be effective 11/1/2014.
Filed Date: 6/15/15.
Accession Number: 20150615–5197.
Comments Due: 5 p.m. ET 7/6/15.
Docket Numbers: ER15–1917–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 4173; Queue No. Z1–066 to be effective 5/14/2015.

Filed Date: 6/15/15.

Accession Number: 20150615–5253.

Comments Due: 5 p.m. ET 7/6/15.

Docket Numbers: ER15–1918–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Transmission Owner Selection Process Revisions to be effective 8/15/2015.

Filed Date: 6/15/15.

Accession Number: 20150615–5259.

Comments Due: 5 p.m. ET 7/6/15.

Docket Numbers: ER15–1919–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–06–15 EIM Year One Enhancements—Phase 1 to be effective 9/15/2015.

Filed Date: 6/15/15.

Accession Number: 20150615–5261.

Comments Due: 5 p.m. ET 7/6/15.

Docket Numbers: ER15–1922–000.

Applicants: Entergy Gulf States Louisiana, L.L.C., Entergy Louisiana, LLC, Entergy New Orleans, Inc.

Description: Request for Limited Waiver and Effective Date of Entergy Services, Inc. on behalf of the participating Entergy Operating Companies.

Filed Date: 6/15/15.

Accession Number: 20150615–5298.

Comments Due: 5 p.m. ET 7/6/15.

Docket Numbers: ER15–1923–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of Interconnection Service Agreement of PJM Interconnection, L.L.C.

Filed Date: 6/15/15.

Accession Number: 20150615–5345.

Comments Due: 5 p.m. ET 7/6/15.

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: June 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–15230 Filed 6–19–15; 8:45 am]

BILLING CODE 6717–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Notice

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Wednesday, July 1, 2015, 9:30 a.m. Eastern Time.

PLACE: Commission Meeting Room on the First Floor of the EEOC Office Building, 131 ''M'' Street NE., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session:

1. Announcement of Notation Votes, and

2. EEOC at 50: Progress and Continuing Challenges in Eradicating Employment Discrimination.

NOTE: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. Seating is limited and it is suggested that visitors arrive 30 minutes before the meeting in order to be processed through security and escorted to the meeting room. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its Web site, eeoc.gov., and provides a recorded announcement a week in advance on future Commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation and Communication Access Realtime Translation (CART) services at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR MORE INFORMATION: Bernadette B. Wilson, Acting Executive Officer on (202) 663–4077.

This Notice Issued June 18, 2015.

Bernadette B. Wilson,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 2015–15357 Filed 6–18–15; 11:15 am]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–1169]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 21, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Benish Shah, FCC, via email *PRA@fcc.gov* and to *Benish.Shah@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact *Benish.Shah@fcc.gov,* (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1169.

Title: Part 11—Emergency Alert System (EAS), Fifth Report and Order, FCC 12–7.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

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

Number of Respondents: 10 respondents; 20 responses.

Estimated Time per Response: 20 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Voluntary. Statutory authority for this collection of information is contained in 47 U.S.C. 154(i) and 601 of the Communications Act of 1934, as amended.

Total Annual Burden: 200 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this comment period in order to obtain approval from them for the full three year clearance period.

Part 11 contains rules and regulations addressing the nation's Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public at the national, state and local area level during periods of national emergency. The EAS also provides state and local governments and the National Weather Service with the capability to provide immediate communications and information to the general public concerning emergency situations posting a threat to life and property.

The Commission amended its Part 11 rules governing the EAS to more fully codify the existing obligation to process Common Alerting Protocol (CAP)-formatted alert messages adopted in the Second Report and Order.

Certification procedures for meeting general certification requirements are under *47 CFR 11.34.* Paragraphs 164–167, 107–171, and 175–176 in the Fifth Report and Order, establish that integrated CAP-capable EAS devices and intermediate devices that are used in tandem with legacy EAS equipment are subject to the Commission's existing device certification requirements set forth in the Commission's Part 2 equipment authorization rules. These paragraphs also establish specific procedures by which EAS device manufacturers can update existing device certifications and obtain new certifications, which generally involve the submission of test data and other materials to the FCC.

The information collected by the Commission is used to confirm that EAS devices comply with the technical and performance requirements set forth in the EAS rules and other applicable rules maintained by the Commission. These rules are designed to minimize electrical radiofrequency interference and to ensure that the EAS, including individual devices within the EAS, operate at intended.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–15252 Filed 6–19–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting Thursday, June 18, 2015

June 11, 2015.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 18, 2015. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

Item No.	Bureau	Subject
1	WIRELINE COMPETITION	TITLE: Numbering Policies for Modern Communications (WC Docket No. 13–97); IP-Enabled Services (WC Docket No. 04–36); Telephone Number Requirements for IP-Enabled Services Providers (WC Docket No. 07–243); Telephone Number Portability (CC Docket No. 95–116); Developing a Unified Intercarrier Compensation Regime (CC Docket No. 01–92); Connect America Fund (WC Docket No. 10–90); Numbering Resource Optimization (CC Docket No. 99–200). SUMMARY: The Commission will consider a Report and Order that will facilitate innovative technologies and services by establishing a process to authorize interconnected VoIP providers to obtain telephone numbers directly from the Numbering Administrators, rather than through intermediaries.
2	WIRELINE COMPETITION	TITLE: Lifeline and Link Up Reform (WC Docket No. 11–42); Telecommunications Carriers Eligible for Universal Service Support, (WC Docket No. 09–197) SUMMARY: The Commission will consider a Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order in order to comprehensively restructure and modernize the Lifeline program to efficiently and effectively connect low-income Americans to broadband, strengthen program oversight and administration, and take additional measures to eliminate waste, fraud, and abuse.

Item No.	Bureau	Subject
3	CONSUMER & GOVERNMENTAL AFFAIRS.	TITLE: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 (CG Docket No. 02–278; WC Docket No. 07–135); American Association of Healthcare Administrative Management Petition for Expedited Declaratory Ruling and Exemption; American Bankers Association Petition for Exemption; Coalition of Mobile Engagement Providers Petition for Declaratory Ruling; Consumer Bankers Association Petition for Declaratory Ruling; Direct Marketing Association Petition for Forbearance and Emergency Petition for Special Temporary Relief; Paul D. S. Edwards Petition for Expedited Clarification and Declaratory Ruling; Milton H. Fried, Jr., and Richard Evans Petition for Expedited Declaratory Ruling; Glide Talk, Ltd. Petition for Expedited Declaratory Ruling; Global Tel*Link Corporation Petition for Expedited Clarification and Declaratory Ruling; National Association of Attorneys General Request for Clarification; National Employment Network Association Petition for Expedited Declaratory Ruling; Professional Association for Customer Engagement Petition for Expedited Declaratory Ruling and/or Expedited Rulemaking; Retail Industry Leaders Association Petition for Declaratory Ruling; Revolution Messaging Petition for Expedited Clarification and Declaratory Ruling; RTI International Petition for Expedited Declaratory Ruling; Rubio's Restaurant, Inc. Petition for Expedited Declaratory Ruling; Santander Consumer USA, Inc. Petition for Expedited Declaratory Ruling; Stage Stores, Inc. Petition for Expedited Declaratory Ruling; TextMe, Inc. Petition for Expedited Declaratory Ruling and Clarification; United Healthcare Services, Inc. Petition for Expedited Declaratory Ruling; YouMail, Inc. Petition for Expedited Declaratory Ruling; 3G Collect, Inc., and 3G Collect LLC Petition for Expedited Declaratory Ruling; ACA International Petition for Rulemaking. SUMMARY: The Commission will consider a Declaratory Ruling and Order reaffirming the Telephone Consumer Protection Act's protections against unwanted robocalls, encouraging pro-consumer uses of robocall technology, and responding to a number of requests for clarity from businesses and other parties.
4	INCENTIVE AUCTION TASK FORCE	TITLE: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268). SUMMARY: The Commission will consider a Second Order on Reconsideration that resolves petitions for reconsideration of the Commission's Order adopting rules to implement the Broadcast Television Spectrum Incentive Auction, providing parties with additional certainty ahead of the auction.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–15253 Filed 6–19–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10323, United Americas Bank, Atlanta, GA

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for United Americas Bank, Atlanta, GA (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of United Americas Bank on December 17, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: June 17, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–15217 Filed 6–19–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank

Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 7, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Mary Ellen Organ, Northfield, Minnesota, individually, Erick Organ, Pine Island, Minnesota, and Kenneth Organ,* Northfield, Minnesota; all as part of the Organ Family Group, to retain voting shares of West Concord Bancshares, Inc., and thereby indirectly retain voting shares of Farmers State Bank of West Concord, both in West Concord, Minnesota.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Susan Chrastil,* Crete, Nebraska; to retain voting shares of TCM Company, Crete, Nebraska, and thereby indirectly retain voting shares of City Bank & Trust Co., Lincoln, Nebraska.

Board of Governors of the Federal Reserve System, June 17, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–15258 Filed 6–19–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 17, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Mid Illinois Bancorp, Inc., Employee Stock Ownership Plan,* Peoria, Illinois; to become a bank holding company by acquiring up to 30 percent of the voting shares of Mid Illinois Bancorp, Inc., and thereby indirectly acquire voting shares of South Side Trust and Savings Bank, both in Peoria, Illinois.

In connection with this application, Applicant also has applied to engage in extending credit and servicing loans, pursuant to section 225.28(b)(1).

Board of Governors of the Federal Reserve System, June 17, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–15257 Filed 6–19–15; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CECANF–2015–05; Docket No. 2015–0005; Sequence No. 5]

Commission To Eliminate Child Abuse and Neglect Fatalities; Announcement of Meeting

AGENCY: Commission To Eliminate Child Abuse and Neglect Fatalities, General Services Administration.

ACTION: Meeting notice.

SUMMARY: The Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), a Federal Advisory Committee established by the Protect Our Kids Act of 2012, will hold a meeting open to the public on Wednesday, July 15, 2015 and Thursday, July 16, 2015 in Madison, Wisconsin.

DATES: The meeting will be held on Wednesday, July 15, 2015, from 8:00 a.m. to 5:15 p.m. and Thursday, July 16, 2015, from 8:00 a.m. to 12:30 p.m. Central Daylight Time (CDT). Comments regarding this meeting should be received by Monday, July 13, 2015, for consideration prior to the meeting.

ADDRESSES: CECANF will convene its meeting at the Sheraton, 706 John Nolen Drive, Madison, Wisconsin. This site is accessible to individuals with disabilities. The meeting also will be made available via teleconference and/or webinar.

Submit comments identified by ''Notice–CECANF–2015–05,'' by either of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Notice–CECANF–2015–05.'' Select the link ''Comment Now'' that corresponds with ''Notice–CECANF–2015–05.'' Follow the instructions provided on the screen. Please include your name, organization name (if any), and ''Notice–CECANF–2015–05'' on your attached document.
- *Mail:* U.S. General Services Administration, 1800 F Street NW., Room 7003D, Washington DC 20405, Attention: Tom Hodnett (CD) for CECANF.

Instructions: Please submit comments only and cite ''Notice–CECANF–2015–05'' in all correspondence related to this notice. 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: Visit the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/* or contact Patricia Brincefield, Communications Director, at 202–818–9596, U.S. General Services Administration, 1800 F Street NW., Room 7003D, Washington, DC 20405, Attention: Tom Hodnett (CD) for CECANF.

SUPPLEMENTARY INFORMATION:

Background: CECANF was established to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

Agenda: This meeting will explore key research, policy, and practice in the state of Wisconsin related to addressing and preventing child abuse and neglect fatalities. Commission members will then continue discussing the work plans

of the Commission subcommittees, the information that they have obtained to date, and emerging recommendations.

Attendance at the Meeting: Individuals interested in attending the meeting in person or participating by webinar and teleconference must register in advance. To register to attend in person or by webinar/phone, please go to *http://meetingtomorrow.com/webcast/CECANF* and follow the prompts. Once you register, you will receive a confirmation email with the webinar login and teleconference number. Detailed meeting minutes will be posted within 90 days of the meeting. Members of the public will not have the opportunity to ask questions or otherwise participate in the meeting.

However, members of the public wishing to comment should follow the steps detailed under the heading **ADDRESSES** in this publication or contact us via the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/contact-us/*.

Dated: June 16, 2015.

Karen White,

Executive Assistant.

[FR Doc. 2015–15314 Filed 6–19–15; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7037–N2]

Health Insurance Marketplace, Medicare, Medicaid, and Children's Health Insurance Programs; Meeting of the Advisory Panel on Outreach and Education (APOE), July 22, 2015

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the rescheduling of the June 25, 2015 meeting and announces the new meeting date of the Advisory Panel on Outreach and Education (APOE) (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Health Insurance Marketplace, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES: *Meeting Date:* Wednesday, July 22, 2015, 8:30 a.m. to 4:00 p.m. eastern daylight time (e.d.t).

Deadline for Meeting Registration, Presentations and Comments: Wednesday, July 8, 2015, 5:00 p.m., e.s.t.

Deadline for Requesting Special Accommodations: Wednesday, July 8, 2015, 5:00 p.m., e.s.t.

ADDRESSES: *Meeting Location:* U.S. Department of Health & Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW., Room 738 G, Conference Room, Washington, DC 20201.

Presentations and Written Comments: Presentations and written comments should be submitted to the DFO as listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register at the Web site *https://www.regonline.com/apoejuly2015meeting* or by contacting the DFO as listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at **FOR FURTHER INFORMATION CONTACT ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Abigail Huffman, Designated Federal Official (DFO), Office of Communications, CMS, 7500 Security Boulevard, Mail Stop S1–05–06, Baltimore, MD 21244, 410–786–0897, email *Abigail.Huffman1@cms.hhs.gov.* Additional information about the APOE is available on the Internet at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.html*

Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background

The Advisory Panel for Outreach and Education (APOE) (the Panel) is governed by the provisions of Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Act (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a).

The Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) signed the charter establishing the Citizen's Advisory Panel on Medicare Education [1] (the predecessor to the APOE) on January 21, 1999 (64 FR 7899, February 17, 1999) to advise and make recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. We have had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. The successful MA program implementation required CMS to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, Title I of the MMA authorized the Secretary and the Administrator of CMS (by delegation) to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Affordable Care Act (Patient Protection and Affordable Care Act, Pub. L. 111–148, and Health Care and Education Reconciliation Act of 2010, Pub. L. 111–152) expanded the availability of other options for health care coverage and enacted a number of changes to Medicare as well as to Medicaid and the Children's Health Insurance Program (CHIP). Qualified individuals and qualified employers are now able to purchase private health insurance coverage through competitive marketplace, called Affordable Insurance Exchange (also called Health

[1] We note that the Citizen's Advisory Panel on Medicare Education is also referred to as the Advisory Panel on Medicare Education (65 FR 4617). The name was updated in the Second Amended Charter approved on July 24, 2000.

Insurance Marketplace, and ''Marketplace''). In order to effectively implement and administer these changes, we must provide information to consumers, providers, and other stakeholders through education and outreach programs regarding how existing programs will change and the expanded range of health coverage options available, including private health insurance coverage through the Marketplace. The APOE (the Panel) allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

The scope of this panel also includes advising on issues pertaining to the education of providers and stakeholders with respect to the Affordable Care Act and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA).

On January 21, 2011, the Panel's charter was renewed and the Panel was renamed the Advisory Panel for Outreach and Education. The Panel's charter was most recently renewed on January 21, 2015, and will terminate on January 21, 2017 unless renewed by appropriate action.

Under the current charter, the APOE will advise the Secretary and the Administrator on optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP), or coverage available through the Health Insurance Marketplace.
- Enhancing the federal government's effectiveness in informing Health Insurance Marketplace, Medicare, Medicaid, and CHIP consumers, issuers, providers, and stakeholders, through education and outreach programs, on issues regarding these programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers, and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Health Insurance Marketplace, Medicare, Medicaid, and CHIP education programs.
- Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health coverage options.
- Building and leveraging existing community infrastructures for information, counseling, and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

The current members of the Panel are: Samantha Artiga, Principal Policy Analyst, Kaiser Family Foundation; Joseph Baker, President, Medicare Rights Center; Kellan Baker, Senior Fellow, Center for American Progress; Philip Bergquist, Manager, Health Center Operations, Children's Health Insurance Program Reauthorization Act (CHIPRA) Outreach & Enrollment Project and Director, Michigan Primary Care Association; Marjorie Cadogan, Executive Deputy Commissioner, Department of Social Services; Barbara Ferrer, Chief Strategy Officer, W. K. Kellogg Foundation; Shelby Gonzales, Senior Health Outreach Associate, Center on Budget & Policy Priorities; Jan Henning, Benefits Counseling & Special Projects Coordinator, North Central Texas Council of Governments' Area Agency on Aging; Louise Knight, Director, The Sidney Kimmel Comprehensive Cancer Center at Johns Hopkins; Miriam Mobley-Smith, Dean, Chicago State University, College of Pharmacy; Ana Natale-Pereira, M.D., Associate Professor of Medicine, Rutgers-New Jersey Medical School; Roanne Osborne-Gaskin, M.D., Associate Medical Director, Neighborhood Health Plan of Rhode Island; Megan Padden, Vice President, Sentara Health Plans; Jeanne Ryer, Director, New Hampshire Citizens Health Initiative, University of New Hampshire; Carla Smith, Executive Vice President, Healthcare Information and Management Systems Society (HIMSS); Winston Wong, Medical Director, Community Benefit Director, Kaiser Permanente and Darlene Yee-Melichar, Professor & Coordinator, San Francisco State University.

II. Provisions of This Notice

In the May 29, 2015 **Federal Register** (80 FR 30684), in accordance with section 10(a) of the FACA, we published a notice announcing a June 25, 2015 meeting of the APOE. In this notice, we are notifying interested parties we are rescheduling the meeting to July 22, 2015. The agenda for the July 22, 2015 meeting will include the following:

- Welcome and listening session with CMS leadership
- Recap of the previous (March 19, 2015) meeting
- Affordable Care Act initiatives
- An opportunity for public comment
- Meeting summary, review of recommendations, and next steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

Authority: Sec. 222 of the Public Health Service Act (42 U.S.C. 217a) and sec. 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, sec. 10(a) and 41 CFR 102–3).

Dated: June 16, 2015.

Andrew M. Slavitt,

Acting Administrator Centers for Medicare & Medicaid Services.

[FR Doc. 2015–15263 Filed 6–17–15; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of Legislative Affairs and Budget, Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: Statement of Organizations, Functions, and Delegations of Authority. The Administration for Children and Families (ACF) has realigned the Office of Legislative Affairs and Budget (OLAB). This realignment will permit the office to serve as the ACF liaison to the Government Accountability Office (GAO) and to the Office of Inspector General (OIG) for OIG engagements relating to the management of ACF programs.

FOR FURTHER INFORMATION CONTACT: Matthew McKearn, Office of Legislative Affairs and Budget, 901 D Street SW., Washington, DC 20447, 202–401–9222.

This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the

Department of Health and Human Services, Administration for Children and Families (ACF), as follows: Chapter KT, as last amended, 65 FR 30413–14, May 11, 2000.

I. Under Chapter KT, Office of Legislative Affairs and Budget, delete KT.00 Mission in its entirety and replace with the following:

KT.00 MISSION. The Office of Legislative Affairs and Budget (OLAB) provides leadership in the development of legislation, budget, and policy, ensuring consistency in these areas among ACF program and staff offices, and with ACF and the Department's vision and goals. It advises the Assistant Secretary for Children and Families on all policy and programmatic matters that substantially impact the agency's legislative program, budget development, budget execution, and regulatory agenda. The Office serves as the primary contact for the Department, the Executive Branch, and the Congress on all legislative, budget development and execution, and regulatory activities. The Office serves as the ACF liaison to the Government Accountability Office and to the Office of Inspector General (OIG) for OIG engagements relating to the management of ACF programs.

II. Under Chapter KT, Office of Legislative Affairs and Budget, delete KT.20, Functions, Paragraph B, in its entirety and replace with the following:

B. The Division of Legislative and Regulatory Affairs serves as the focal point for congressional liaison in ACF; provides guidance to the Assistant Secretary for Children and Families and senior ACF staff on congressional activities and relations; manages the preparation of testimony and briefings for programmatic and budget-related hearings; negotiates clearance of testimony; monitors hearings and other congressional activities that affect ACF programs; and responds to congressional inquiries.

The Division manages the ACF legislative planning cycle and the development of Reports to Congress; reviews and analyzes a wide range of congressional policy documents including: legislative proposals, pending legislation, and bill reports; solicits and synthesizes internal ACF comments on such documents; negotiates legislative policy positions with the Department and the Executive Branch; and reviews other policy significant documents to ensure consistency with statutory and congressional intent and the agency legislative agenda.

The Division manages the ACF regulatory development process; negotiates regulatory policy positions with the Department and the Executive Branch; and provides guidance to ACF program and staff components on policy and programmatic matters related to the regulatory development process.

The Division manages all Government Accountability Office (GAO) engagements with ACF; coordinates entrance and exit conferences within ACF; ensures GAO requests for information are fulfilled; and coordinates ACF comments on GAO draft reports and Statements of Action on GAO's recommendations.

The Division facilitates OIG engagements relating to the management of ACF programs, to include, but not be limited to, audits to determine whether an ACF program office met its statutory requirements; audits to determine whether an ACF program office complied with internal policies and procedures; evaluations of an ACF program for efficiency and effectiveness; and evaluation of both ACF management and selected grantees' management of their grants.

III. Continuation of Policy. Except as inconsistent with this realignment, all statements of policy and interpretations with respect to organizational components affected by this notice within ACF, heretofore issued and in effect on this date of this realignment are continued in full force and effect.

IV. Delegation of Authority. All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this realignment.

V. Funds, Personnel, and Equipment. Transfer of organizations and functions affected by this realignment shall be accompanied in each instance by direct and support funds, positions, personnel, records, equipment, supplies, and other resources.

This realignment will be effective upon date of signature.

Dated: June 12, 2015.

Mark H. Greenberg,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2015–15237 Filed 6–19–15; 8:45 am]

BILLING CODE 4184–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0097]

Mirwaiss Aminzada: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) permanently debarring Mirwaiss Aminzada from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. Aminzada was convicted of a felony under Federal law for conduct relating to the regulation of a drug product. Mr. Aminzada was given notice of the proposed permanent debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Mr. Aminzada failed to request a hearing. Mr. Aminzada's failure to request a hearing constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective June 22, 2015.

ADDRESSES: Submit applications for termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade (ELEM–4144), Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Drive, Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(B) of the FD&C Act (21 U.S.C. 335a(a)(2)(B)) requires debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of any drug product under the FD&C Act.

On June 10, 2014, the U.S. District Court for the Eastern District of Virginia entered judgment against Mr. Aminzada for one count of introducing misbranded drugs into interstate commerce with intent to defraud or mislead, in violation of sections 301(a) and 303(a)(2) of the FD&C Act (21 U.S.C. 331(a) and 333(a)(2)).

FDA's finding that debarment is appropriate is based on the felony conviction referenced herein. The

factual basis for this conviction is as follows: Between around August 2009 and August 2013, Mr. Aminzada owned and operated several companies dedicated to international sales, including Royal Canadian Imports (headquartered in Canada), and Essa Gulf Trading (headquartered in Dubai, United Arab Emirates).

Between approximately August 2009 and August 2012, Mr. Aminzada sold misbranded chemotherapy drugs and injectable cosmetic drugs to Gallant Pharma International, Inc. (Gallant Pharma) for resale in the United States. Neither of Mr. Aminzada's companies were licensed as a prescription drug wholesaler anywhere in the United States. Mr. Aminzada admitted that the drugs he sold to Gallant Pharma for resale in the United States were prescription only, and that many of the drugs were misbranded in that the drugs did not bear adequate directions for use and were not subject to an exemption from that requirement, and were accompanied by non-FDA approved packaging and inserts, which were sometimes written in foreign languages. The drugs Mr. Aminzada sold to Gallant Pharma also lacked the FDA-required pedigree, which protects patients' health by tracking each sale, purchase, or trade of a drug from the time of manufacturing to delivery to the patient. Between August 2009 and August 2012, Mr. Aminzada received at least $586,798 in wire transfers from Gallant Pharma, representing revenues from sales of such drugs to Gallant Pharma. Mr. Aminzada admitted that his actions were in all respect knowing, voluntary, intentional, and did not occur by accident, mistake, or for another innocent reason.

As a result of his conviction, on March 9, 2015, FDA sent Mr. Aminzada a notice by certified mail proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on the finding, under section 306(a)(2)(B) of the FD&C Act, that Mr. Aminzada was convicted of a felony under Federal law for conduct related to the regulation of a drug product. FDA determined that Mr. Aminzada's felony conviction was related to the regulation of drug products because the conduct underlying his conviction undermined FDA's regulatory oversight over drug products marketed in the United States by intentionally introducing into interstate commerce drug products that did not bear adequate directions for use and were not subject to an exemption from that requirement, and which, among other things, were accompanied by non-FDA approved packaging and inserts. The proposal also offered Mr. Aminzada an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. The proposal was received on March 16, 2015. Mr. Aminzada failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and has waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under section 306(a)(2)(B) of the FD&C Act, under authority delegated to the Director (Staff Manual Guide 1410.35), finds that Mirwaiss Aminzada has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product. Section 306(c)(2)(A)(ii) of the FD&C Act (21 U.S.C. 335a(c)(2)(A)(ii)) requires that Mr. Aminzada's debarment be permanent.

As a result of the foregoing findings, Mirwaiss Aminzada is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (see sections 201(dd), 306(c)(1)(B), and 306(c)(2)(A)(ii) of the FD&C Act, (21 U.S.C. 321(dd), 335a(c)(1)(B), and 335a(c)(2)(A)(ii)). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Mirwaiss Aminzada, in any capacity during his debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Mr. Aminzada provides services in any capacity to a person with an approved or pending drug product application during his period of debarment he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act (21 U.S.C. 335b(a)(7))). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Mirwaiss Aminzada during his period of debarment (section 306(c)(1)(A) of the FD&C Act (21 U.S.C. 335a(c)(1)(A))).

Any application by Mr. Aminzada for special termination of debarment under section 306(d)(4) of the FD&C Act (21 U.S.C. 335a(d)(4)) should be identified with Docket No. FDA–2015–N–0097 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20.

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 16, 2015.

Douglass Stearn,

Director, Division of Compliance Policy, Office of Enforcement, Office of Regulatory Affairs.

[FR Doc. 2015–15162 Filed 6–19–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–2101]

Anoushirvan Sarraf: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) permanently debarring Anoushirvan Sarraf from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Dr. Sarraf was convicted of seven felonies under Federal law for conduct relating to the regulation of a drug product. Dr. Sarraf was given notice of the proposed permanent debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Dr. Sarraf failed to request a hearing. Dr. Sarraf's failure to request a hearing constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective June 22, 2015.

ADDRESSES: Submit applications for termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade (ELEM–4144) Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Drive, Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(B) of the FD&C Act (21 U.S.C. 335a(a)(2)(B)) requires debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of any drug product under the FD&C Act.

On July 23, 2014, the U.S. District Court for the Eastern District of Virginia entered judgment against Dr. Sarraf after a jury found him guilty of one count of conspiracy, in violation of 18 U.S.C. 371, three counts of importation contrary to law, in violation of 18 U.S.C. 545 and 18 U.S.C. 2, two counts of receipt and delivery of misbranded drugs, in violation of 21 U.S.C. 331(c), 333(a)(2), and 18 U.S.C. 2, and one count of unlicensed wholesale distribution of prescription drugs, in violation of 21 U.S.C. 331(t), 333(b)(1)(D), 353(e)(2)(A), 353(e)(3)(B), and 18 U.S.C. 2.

FDA's finding that debarment is appropriate is based on the felony convictions referenced herein. The factual basis for these convictions is as follows: Dr. Sarraf was a physician and owner of Aphrodite in McLean, Virginia, in the Eastern District of Virginia. Dr. Sarraf provided his medical license to Gallant Pharma International Inc. (Gallant Pharma), for use by international co-conspirators, received importations in his and Aphrodite's name on behalf of Gallant Pharma, and purchased misbranded and non-FDA approved drugs and devices from Gallant Pharma. In exchange for use of his medical license, mailing name, and address, Dr. Sarraf received discounted pricing from Gallant Pharma.

Beginning in or around June 2009, and continuing until at least August 2013, in the Eastern District of Virginia and elsewhere, Dr. Sarraf knowingly and intentionally conspired and agreed to commit offenses against the United States by: Fraudulently and knowingly importing misbranded drugs; knowingly engaging in the wholesale distribution of prescription drugs in Virginia without being licensed to do so; receiving in interstate commerce, delivering and proffering delivery for pay, misbranded drugs; defrauding the United States and its Agencies by impeding, impairing, and defeating the lawful functions of FDA to protect the health and safety of the public.

Dr. Sarraf provided Gallant Pharma with his medical license to enable Gallant Pharma to order non-FDA-approved chemotherapy and cosmetic drugs from around the world, and allowed those drugs to be shipped into the United States to Aphrodite. When the drugs arrived, he would alert individuals at Gallant Pharma to retrieve the illegal drugs. He additionally would take some of the misbranded and non-FDA-approved drugs from the packages intended for Gallant Pharma for use on his patients at Aphrodite.

Between August 2009 and August 2012, Dr. Sarraf received and handed off at least 40 shipments containing illegally imported drugs and devices. Between August 2009 and August 2012, Dr. Sarraf purchased approximately $250,000 in misbranded and non-FDA-approved drugs and devices from Gallant Pharma.

As a result of his convictions, on March 9, 2015, FDA sent Dr. Sarraf a notice by certified mail proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on the finding, under section 306(a)(2)(B) of the FD&C Act, that Dr. Sarraf was convicted of felonies under Federal law for conduct related to the regulation of a drug product. FDA determined that Dr. Sarraf's felony convictions were related to the regulation of drug products because the conduct underlying his convictions undermined FDA's regulatory oversight over drug products marketed in the United States, by intentionally introducing into interstate commerce drug misbranded products. The proposal also offered Dr. Sarraf an opportunity to request a hearing, provided him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. The proposal was received on March 12, 2015. Dr. Sarraf failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and has waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under section 306(a)(2)(B) of the FD&C Act, under authority delegated to the Director (Staff Manual Guide 1410.35), finds that Anoushirvan Sarraf has been convicted of seven felonies under Federal law for conduct relating to the regulation of a drug product.

As a result of the foregoing findings, Anoushirvan Sarraf is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (see section 201(dd), 306(c)(1)(B), and 306(c)(2)(A)(ii) of the FD&C Act, (21 U.S.C. 321(dd), 335a(c)(1)(B), and 335a(c)(2)(A)(ii)). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Anoushirvan Sarraf, in any capacity during his debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Dr. Sarraf provides services in any capacity to a person with an approved or pending drug product application during his period of debarment he will be subject to civil money penalties (section 307(a)(7) of the Act (21 U.S.C. 335b(a)(7))). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Anoushirvan Sarraf during his period of debarment (section 306(c)(1)(A) of the FD&C Act (21 U.S.C. 335a(c)(1)(A))).

Any application by Dr. Sarraf for special termination of debarment under section 306(d)(4) of the FD&C Act (21 U.S.C. 335a(d)(4)) should be identified with Docket No. FDA–2014–N–2101 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20.

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 16, 2015.

Douglass Stearn,

Director, Division of Compliance Policy, Office of Enforcement, Office of Regulatory Affairs.

[FR Doc. 2015–15163 Filed 6–19–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Delegation of Authority

Notice is hereby given that I have delegated to the Administrator of the Health Resources and Services Administration, or his or her successor,

the following authorities vested in the Secretary:

• The authorities vested under Section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, [8 U.S.C. 1182(a)(5)], as amended, titled ''Certification Requirements for Foreign Healthcare Workers.''

These authorities may be redelegated. Exercise of these authorities is concurrent and does not supplant existing delegations of authority from the Secretary. Exercise of these authorities shall be in accordance with established policies, procedures, guidelines, and regulations as prescribed by the Secretary.

This delegation is effective immediately upon date of signature.

Dated: June 16, 2015.

Sylvia M. Burwell,

Secretary.

[FR Doc. 2015–15288 Filed 6–19–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–0388–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for renewal of the approved information collection assigned OMB control number 0990–0388, scheduled to expire on July 31, 2015. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before July 22, 2015.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the OMB control number 0990–0388 and document identifier HHS–OS–0990–0388 30D for reference.

Information Collection Request Title: *Let's Move!* Cities, Towns, and Counties -

Abstract: The Office of the Assistant Secretary for Health (OASH) is requesting an approval on an extension by Office of Management and Budget (OMB) on a currently approved information collection; the OMB number is 0990–0388. The project on, *Let's Move!* Cities, Towns and Counties (LMCTC), seeks to continue to conduct a survey of local government organizations for the Initiative. *Let's Move* is a comprehensive initiative, launched by the First Lady, Michelle Obama, dedicated to solving the challenge of childhood obesity within a generation. The online survey is the mechanism by which *Let's Move!* Cities, Towns and Counties report progress on the initiative's goals and are recognized for that progress. LMCTC calls on local elected officials to adopt long-term, sustainable, and holistic approaches to addressing childhood obesity. Local elected officials who sign up for the initiative are willing to commit to five goals that are intended to create healthier, more livable communities.

Therefore, the online survey is essential to the successful operation of the initiative. Since July 2012 until January 31 2015, 463 sites had signed up for *Let's Move!* Cities, Towns and Counties. Sites who have completed the online survey report that they have implemented a total of 2170 promising practices intended to promote healthy eating and active living for community residents.

Likely Respondents: This activity is requesting comment on the burden for a survey for local government officials who have chosen to participate in *Let's Move!* Cities, Towns and Counties. The survey requests information about the activities the locality has undertaken against the initiative's goals. The responses to these questions are used to show progress, and to recognize municipal and county sites' success in participating in *Let's Move!* Cities, Towns and Counties.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Government Official (city, town, county)	500	1	30/60	250
Total				

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2015–15225 Filed 6–19–15; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C., notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP and the full meeting agenda will be posted on the SACHRP Web site at: *http://www.dhhs.gov/ohrp/sachrp/mtgings/index.html.*

DATES: The meeting will be held on Tuesday, July 21, 2015, from 8:30 a.m. until 5:00 p.m. and Wednesday, July 22, 2015, from 8:30 a.m. until 4:30 p.m.

ADDRESSES: Fishers Lane Conference Center, Terrace Level, 5635 Fishers Lane, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jerry Menikoff, M.D., J.D., Director, Office for Human Research Protections (OHRP), or Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; 240–453–8141; fax: 240–453–6909; email address: *SACHRP@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services through the Assistant Secretary for Health on issues and topics pertaining to or associated with the protection of human research subjects.

The meeting will open to the public at 8:30 a.m. on Tuesday, July 21, 2015. Following opening remarks from Dr. Jerry Menikoff, Executive Secretary of SACHRP and OHRP Director, and Dr. Jeffrey Botkin, SACHRP Chair, the Subpart A Subcommittee (SAS) will present their report on informed consent for minimal risk research. SAS was established by SACHRP in October 2006 and is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment.

In the afternoon of July 21, the Subcommittee on Harmonization (SOH) will present their report, including recommendations pertaining to waiver of consent in cluster randomized trials, the application of the HHS regulations to data registries, and the topic of ''benchmarking'' in human subjects research. SOH was established by SACHRP at its July 2009 meeting and is charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination. On July 22, the SOH will discuss the return of individual research results with special considerations regarding HIPAA and CLIA.

In the afternoon special guest speaker Dr. Robert Klitzman will present on his recent work, *The Ethics Police.* The meeting will adjourn at 4:30 p.m. on July 22, 2015. Time for public comment sessions will be allotted both days.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify one of the designated SACHRP points of contact at the address/phone number listed above at least one week prior to the meeting. Pre-registration is required for participation in the on-site public comment session; individuals may pre-register the day of the meeting. Individuals who would like to submit written statements should email or fax their comments to SACHRP at *SACHRP@hhs.gov* at least five business days prior to the meeting.

Dated: June 17, 2015.

Jerry Menikoff,

Executive Secretary, Secretary's Advisory Committee on Human Research Protections, Director, Office for Human Research Protections.

[FR Doc. 2015–15286 Filed 6–19–15; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Developing Technologies and Tools to Monitor HIV Brain Reservoirs and How They May be Altered by Exposure to Substances of Abuse (R21/R33).

Date: July 16, 2015.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, 301–435–1426, *mcguireso@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NIDA I/START Small Grant Review.

Date: July 21, 2015.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Contact Person: Jagadeesh S. Rao, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 02892, 301–443–9511, *jrao@nida.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: June 16, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–15168 Filed 6–19–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grants (R34) and NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: July 17, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fisher Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: B. Duane Price, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, RM 3G50, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5074, *pricebd@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Clinical Trial Planning Grant (R34) and Implementation (R01) Grant and Cooperative Agreement (U01).

Date: July 20, 2015.

Time: 10:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fisher Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5026, *haririmf@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 16, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–15165 Filed 6–19–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of 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 National Advisory Neurological Disorders and Stroke 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 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 Advisory Neurological Disorders and Stroke Council.

Date: September 10–11, 2015.

Open: September 10, 2015, 8:00 a.m. to 3:00 p.m.

Agenda: Report by the Director, NINDS; Report by the Associate Director for Extramural Research; and Administrative and Program Developments.

Place: National Institutes of Health, Natcher Building, 45 Convent Drive, Conference Room E1/E2, Bethesda, MD 20892.

Closed: September 10, 2015, 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Convent Drive, Conference Room E1/E2, Bethesda, MD 20892.

Closed: September 11, 2015, 8:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Convent Drive, Conference Room E1/E2, Bethesda, MD 20892.

Contact Person: Robert Finkelstein, Ph.D., Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, NIH, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892, (301) 496–9248.

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.ninds.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: June 16, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–15166 Filed 6–19–15; 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; SBIR: Development of Cancer Therapeutics.

Date: July 14–15, 2015.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Bacterial Pathogenesis.

Date: July 16–17, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard G Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240–519–7808, *kostrikr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; EB15–004: Pediatric Research using Integrated Sensor Monitoring Systems Data and Software Coordination and Integration Centers (U24).

Date: July 22, 2015.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301–435–1042, *capraramg@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 16, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–15170 Filed 6–19–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies: Gunstad, Kahn, Palmer, Pasinetti, and Selvin.

Date: July 17, 2015.

Time: 2:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Diabetes Complications.

Date: July 21, 2015.

Time: 9:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 16, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–15164 Filed 6–19–15; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Environmental Health Sciences Research Independence.

Date: July 9, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Suite 3118, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@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: June 16, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–15167 Filed 6–19–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Population Assessment of Tobacco and Health (PATH) Study (5582).

Date: June 29, 2015.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.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.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: June 16, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–15169 Filed 6–19–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0559]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Working Group Meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee will meet to work on and review Task Statement 89, concerning review and update of the International Maritime Organization Maritime Safety Committee's Circular MSC/Circ.1014—Guidelines on fatigue mitigation and management. This meeting will be open to the public.

DATES: The Merchant Marine Personnel Advisory Committee working group will meet on July 14 and 15, 2015, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if all business is finished. Written comments for distribution to working group members and inclusion on the Merchant Marine Personnel Advisory Committee's Web site must be submitted by July 6, 2015.

ADDRESSES: The working group will meet at the United States Coast Guard's Personnel Support Center at 4200 Wilson Blvd., Arlington, VA 20598. For further information on the location of the United States Coast Guard's Personnel Support Center or services for individuals with disabilities or to request special assistance, please contact YNC Michael King at (703) 872–6417 or by email at *Micheal.T.King@uscg.mil.*

To facilitate public participation, we are inviting public comment on the issues to be considered by the working group, as listed in the ''Agenda'' section below. Written comments must be identified by Docket No. USCG–2015–0559, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number for the Docket Management Facility is 202–366–9329.

Instructions: All written comments received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* enter the docket number in the ''Search'' field and follow instructions on the Web site.

A public oral comment period will be held each day during the working group meeting and speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end before the prescribed ending times following the last call for comments. Contact Mr. Ram Nagendran as indicated below no later than July 6, 2015 to register as a speaker.

This notice may be viewed in our online docket, USCG–2015–0559, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Ram Nagendran, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, telephone 202–372–1492 or at *ram.nagendran@uscg.mil.* If you have any questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the U.S. merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant; shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

A copy of all meeting documentation, including the Task Statement, is available at *https://homeport.uscg.mil/* by using these key strokes: Missions; Port and Waterways; Safety Advisory Committees; MERPAC; and then use the announcements key. Alternatively, you may contact Mr. Nagendran as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda

The agenda for the July 14, 2015, working group meeting is as follows:

(1) Comment period for all attendees to discuss information that might assist the working group and the Merchant Marine Personnel Advisory Committee in meeting its objectives for Task Statement 89, concerning review and update of the International Maritime Organization Maritime Safety Committee's Circular MSC/Circ.1014—Guidelines on fatigue mitigation and management;

(2) The working group will review and develop proposed recommendations for Task Statement 89; and

(3) Adjournment of meeting.

The agenda for the July 15, 2015, working group meeting is as follows:

(1) The working group will review and develop proposed recommendations concerning review and update of the International Maritime Organization Maritime Safety Committee's Circular MSC/Circ.1014—Guidelines on fatigue mitigation and management;

(2) Public comment period;

(3) The working group will discuss and finalize proposed recommendations for the full committee to consider with regards to Task Statement 89, concerning review and update of the International Maritime Organization Maritime Safety Committee's Circular MSC/Circ.1014—Guidelines on fatigue mitigation and management; and

(4) Adjournment of meeting.

Dated: June 16, 2015.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2015–15216 Filed 6–19–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0193]

Imposition of Conditions of Entry for Certain Vessels Arriving to the United States From the Republic of the Gambia

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that it will impose conditions of entry on vessels arriving from the Gambia. Conditions of entry are intended to protect the United States from vessels arriving from countries that have been found to have deficient port anti-terrorism measures in place.

DATES: The policy announced in this notice will become effective July 6, 2015.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Michael Brown, International Port Security Evaluation Division, United States Coast Guard, telephone 202–372–1081. For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Discussion

The authority for this notice is 5 U.S.C. 552(a), 46 U.S.C. 70110, and Department of Homeland Security Delegation No. 0170.1(II)(97.f). As delegated, section 70110 authorizes the Coast Guard to impose conditions of entry on vessels arriving in U.S. waters from ports that the Coast Guard has not found to maintain effective anti-terrorism measures.

On September 25, 2013 the Coast Guard did not find that ports in the Republic of the Gambia maintained effective anti-terrorism measures and that the Republic of the Gambia's legal regime, designated authority oversight, access control and cargo control are all deficient.

On July 16, 2014, the Republic of the Gambia was notified of this determination and given recommendations for improving antiterrorism measures and 90 days to respond. To date, we cannot confirm that the Republic of the Gambia has corrected the identified deficiencies.

Accordingly, beginning July 6, 2015, the conditions of entry shown in Table 1 will apply to any vessel that visited a port in the Republic of the Gambia in its last five port calls.

TABLE 1—CONDITIONS OF ENTRY FOR VESSELS VISITING PORTS IN THE REPUBLIC OF THE GAMBIA

No.	Each vessel must:
1	Implement measures per the vessel's security plan equivalent to Security Level 2 while in a port in the Republic of the Gambia. As defined in the ISPS Code and incorporated herein, ''Security Level 2'' refers to the ''level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident.''
2	Ensure that each access point to the vessel is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel while the vessel is in ports in the Republic of the Gambia.
3	Guards may be provided by the vessel's crew; however, additional crewmembers should be placed on the vessel if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or provided by outside security forces approved by the vessel's master and Company Security Officer. As defined in the ISPS Code and incorporated herein, ''Company Security Officer'' refers to the ''person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer.''
4	Attempt to execute a Declaration of Security while in a port in the Republic of the Gambia.
5	Log all security actions in the vessel's security records.
6	Report actions taken to the cognizant Coast Guard Captain of the Port (COTP) prior to arrival into U.S. waters.
7	In addition, based on the findings of the Coast Guard boarding or examination, the vessel may be required to ensure that each access point to the vessel is guarded by armed, private security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in U.S. ports. The number and position of the guards has to be acceptable to the cognizant COTP prior to the vessel's arrival.

The following countries currently do not maintain effective anti-terrorism measures and are therefore subject to conditions of entry: Cambodia, Cameroon, Comoros, Cote d'Ivoire, Cuba, Equatorial Guinea, the Republic of the Gambia, Guinea-Bissau, Iran, Liberia, Libya, Madagascar, Nigeria, Sao Tome and Principe, Syria, Timor-Leste, Venezuela, and Yemen. This list is also available in a policy notice available at *https://homeport.uscg.mil* under the Maritime Security tab; International Port Security Program (ISPS Code); Port Security Advisory link.

Dated: May 26, 2015.

Charles D. Michel,

Vice Admiral, USCG, Deputy Commandant for Operations.

[FR Doc. 2015–15325 Filed 6–19–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5871–N–01]

Notice of Regulatory Waiver Requests Granted for the First Quarter of Calendar Year 2015

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform

Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on January 1, 2015, and ending on March 31, 2015.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10282, Washington, DC 20410–0500, telephone 202–708–1793 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the first quarter of calendar year 2015.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives first issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from January 1, 2015 through March 31, 2015. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the first quarter of calendar year 2015) before the next report is published (the second quarter of calendar year 2015), HUD will include any additional waivers granted for the first quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: June 16, 2015.

Tonya T. Robinson,

Principal Deputy General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development January 1, 2015 Through March 31, 2015

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory waivers granted by the Office of Community Planning and Development.

II. Regulatory waivers granted by the Office of Housing.

III. Regulatory waivers granted by the Office of Public and Indian Housing.

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• Regulation: 24 CFR 58.22(a).

Project/Activity: The City of Eek, AK, requested a waiver of 24 CFR 58.22(a) with regard to the submission of an application for CDBG funds to the State of Alaska Department of Commerce, Community and Economic Development for the construction of a solid waste facility and the closing of the existing uncontrolled dumpsite. The new landfill would allow the city to close its existing, uncontrolled open dumpsite. The existing dumpsite is collocated with a honey-bucket dumpsite, allowing waste to mix with water. A new landfill is needed to eliminate the safety hazard of an unfenced dumpsite and to eliminate fecal contaminated water in the community.

Nature of Requirement: The second sentence of HUD's regulation at § 58.22(a), entitled ''Limitation on activities pending clearance'', provides that until the Request for Release of Funds (RROF) and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in § 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives. A waiver is required because the city accepted and recorded a quitclaim deed transfer of surface and subsurface rights for the new landfill prior to receiving an approved RROF.

Granted By: Clifford Taffet, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 23, 2015.

Reason Waived: The above project will further the HUD mission and will advance HUD program goals to develop viable, quality communities—specifically, by constructing a

much needed landfill and closing the existing, uncontrolled open dumpsite; the City of Eek did not willfully violate the applicable regulations; no HUD funds were committed; and the waiver would not result in any unmitigated, adverse environmental impact.

Contact: Nelson A. Rivera, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7134, Washington, DC 20410, telephone number (202) 402–4455.

• Regulation: 24 CFR 84.22(g), 85.21, and Appendix I, section N.2 of the Neighborhood Stabilization Program 2 (NSP2) Notice of funding Availability (NOFA).

Project/Activity: HUD regulations at 24 CFR 84.22(g), 24 CFR 85.21, and Office of Management and Budget (OMB) policy require NSP2 funds to be expended by September 30, 2015 or returned to the U.S. Treasury. However, 42 of the 56 NSP2 grantees have a substantial amount of program income that prevents them from meeting this requirement. For a listing of the affected NSP2 grantees see: *https://www.hudexchange.info/resources/documents/NSP2-Program-Income-Waiver.pdf*.

Nature of Requirement: The regulations at 24 CFR 84.22(g) and 24 CFR 85.21 state that recipients shall disburse funds available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

Granted By: Clifford Taffet, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 28, 2015.

Reason Waived: Compliance with these program requirements has hindered NSP2 grantees' ability to rapidly expend their line of credit funds as many have successfully generated substantial amounts of program income. Unlike the line of credit funds, program income is not subject to the September 30, 2015, deadline imposed by OMB. Loss of the grant funds would reduce the ability of these grantees to invest in declining neighborhoods. The line of credit funds are used for such purposes as: investment in distressed or foreclosed properties, rehabilitation and reconstruction of deteriorated homes, down payment assistance for purchasers of redeveloped properties, rental assistance for multifamily properties, demolitions of homes in areas with serious abandonment and vacancies, and land banking to manage properties in areas with little current demand for real estate. All of these activities would be curtailed if grantees cannot expend their line of credit funds. As of January 12, 2015, $71,843,226 was subject to loss and approximately 1,033 homes would go untreated if this amount of funding was lost.

Contact: Stanley Gimont, Director, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7286, Washington, DC 20410, telephone (202) 708–3587.

• Regulation: 24 CFR 92.500(d)(1)(C) .

Project/Activity: Spartanburg County, SC, requested a waiver of 24 CFR 92.500(d)(1)(C) to enable it complete the Ridge at Southport project, a housing project for low-income seniors, for which expenditures under the HOME Investment Partnerships Program (HOME) had been suspended pending resolution of HUD monitoring findings.

Nature of Requirement: The regulation at 24 CFR 92.500(d)(1)(C) requires that a participating jurisdiction expend its annual allocation of HOME funds within five years after HUD notifies the participating jurisdiction that HUD has executed the jurisdiction's HOME Investment Partnership Agreement. The regulation at 24 CFR 92.500(d)(1)(C) requires HUD to reduce or recapture any HOME funds in a participating jurisdiction's HOME Investment Trust Fund that are not expended within five years of HUD's notification to the participating jurisdiction that it has executed its HOME grant agreement. The County failed to disburse $92,686 of HOME grant funds by its July 31, 2014 deadline.

Granted By: Clifford Taffet, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2015.

Reason Waived: HUD instructed the County to cease HOME disbursements pending the resolution of HUD monitoring findings and the County could not disburse funds to the project for a two year period. The waiver was granted because deobligation of $92,686 of HOME funds would create an undue financial hardship for the County and jeopardize the completion of the Ridge at Southport project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2486.

• Regulation: 24 CFR 570.208(a)(l)(ii) and CPD Notice 14–11.

Project/Activity: The City of Portage, MI, requested a waiver of 24 CFR 570.208(a)(1)(ii) to allow the city to remove a block group from its upper quartile calculation when it determines whether service areas for Community Development Block Grant (CDBG) assisted activities meet the national objective of providing benefit to low- and moderate-income persons on an area basis. The city maintained the block group is not representative of the actual population within the city.

Nature of Requirement: HUD's regulations at 24 CFR 570.208(a)(1)(ii) allow metropolitan cities and urban counties to qualify an activity under § 570.208(a), area benefit, when the area served contains less than 51% low and moderate income residents and when the proportion of low to moderate income persons in the area is within the highest quartile of all areas in the recipient's jurisdiction in terms of the degree of concentration of such persons. CPD Notice 14–11, which implements that regulation for current year grants, provides guidance on the use of updated Low/Moderate Income Summary Data (LMISD) by Entitlement CDBG grantees. The updated LMISD are based upon a new process incorporating the 2006–2010 American Community Survey. The Notice requires grantees to use the updated LMISD, effective July 1, 2014, to determine whether service areas for CDBG-assisted activities meet the national objective of providing benefit to low- and moderate-income persons on an area basis.

Granted By: Clifford Taffet, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 8, 2015.

Reason Waived: The city has documented that the majority of census tract 18.02, as well as all of its population and households, is physically located within the city of Kalamazoo, which is not a part of the city of Portage's entitlement area. Block group 2 of census tract 18.02 is the only block group of this tract currently belonging to the city of Portage. This block group is surrounded by the city of Kalamazoo. The block group consists of 2.31 acres of land and has no residents, has no household income and is on the grounds of the Kalamazoo-Battle Creek International airport where no residents or housing units will be permitted. The waiver allowed the city to remove the block group from its upper quartile calculation because it is not representative of the actual population within the city and has limited its ability to use CDBG funds for the benefit of low/moderate income persons.

Contact: Steve Johnson, Director of Entitlement Communities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7282, Washington, DC 20410, telephone (202) 402–4548.

• Regulation: 24 CFR 570.208(a)(l)(vi) and CPD Notice 14–11.

Project/Activity: Snohomish County, WA, requested a waiver of 24 CFR 570.208(a)(l)(vi) to allow the use of prior Low and Moderate Income Summary Data for an infrastructure activity (sidewalk and storm water drainage improvements) in the City of Monroe in order to demonstrate compliance with the low- and moderate-income benefit national objective requirements.

Nature of Requirement: HUD's regulation at 24 CFR 570.208(a)(l)(vi) requires that the most recently available decennial census information must be used to the fullest extent feasible, together with the section 8 income limits that would have applied at the time the income information was collected by the Census Bureau, to determine whether there is a sufficiently large percentage of low- and moderate-income persons residing in the area served by a CDBG funded activity. The HUD-produced Low and Moderate Income Summary Data provide this data to grantees. On June 10, 2014, HUD issued new Low and Moderate Income Summary Data (LMISD), with an effective date of July 1, 2014 for use by grantees.

Granted By: Clifford Taffet, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 8, 2015.

Reason Waived: The request pertained to an infrastructure activity in the City of Monroe, which had been in the planning

stage for many months, and was included in the county's Fiscal Year (FY) 2014 Annual Action Plan. The county had dedicated significant time and effort to designing this activity and ensuring that this activity met all applicable programmatic requirements. However, funds could not be obligated by the county to this activity prior to July 1, 2014, because the grant agreement was not executed until July 10, 2014, nine days after the effective date of the new LMISD. It was determined that, unless the waiver was granted for the county, this activity that directly benefits the safety of residents would not be completed due to the lack additional funds needed to conduct a special survey to qualify the service area. It was further determined that the waiver would allow the county to use the prior Low and Moderate Income Summary Data to demonstrate compliance with the low- and moderate-income benefit national objective requirements.

Contact: Steve Johnson, Director of Entitlement Communities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7282, Washington, DC 20410, telephone (202) 402–4548.

• Regulation: Neighborhood Stabilization Program 3 (NSP 3) Notice published on October 19, 2010, at 75 FR 64322 (II.H.3.F) in accordance with Title XII of Division A under the heading Community Planning and Development: Community Development Fund of the American Recovery and Reinvestment Act of 2009.

Project/Activity: Butler County, OH, requested a waiver of the 10 percent demolition cap under the Neighborhood Stabilization Program, which restricts grantees from spending more than 10 percent of total grant funds on demolition activities. Butler County requested a waiver to increase an earlier approved waiver from 22.6 percent ($300,000) to 24.8 percent ($330,000) to address the increasing costs associated with removing vacant units what will never be occupied again due to their unsafe and neglected condition and preserving housing units that enhance the stabilization of communities impacted from foreclosures and abandonment.

Nature of Requirement: Section II.H.3.F of the NSP3 Notice provides that a grantee may not use more than ten percent of its grant for demolition activities.

Granted By: Clifford Taffet, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 9, 2015.

Reason Waived: Butler County provided statistical data showing high vacancy and abandonment rates that resulted from significant population and job loss. The county also demonstrated that its NSP3 target areas of Hamilton and New Miami, Ohio, have not benefitted from the recovery that other areas have seen. Within the target areas, roughly 80 percent of the housing stock is pre-1979, and subsequently as older homes, lack energy efficient elements and are not affordable for low and moderate income families.

Contact: Jessie Handforth Kome, Deputy Director, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7286, Washington, DC 20410, telephone (202) 402–5539.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• Regulation: 24 CFR 219.220(b) (1995).

Project/Activity: Cottage Brook Apartments, FHA Project Number 023–069NIT, Boston, MA. The Owners requested a waiver of 24 CFR 219.220(b) (1995) to exempt Cottage Brook Apartments, Incorporated (owner) from the requirement to repay the Flexible Subsidy Operating Assistance Loan (Flexible Subsidy Loan) totaling $4,428,814.26, including accrued interest.

Nature of Requirement: HUD's regulation at 24 CFR 219.220(b) (1995), which governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Properties, states ''Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or a sale of the project.

Granted by: Biniam Gebre, Acting Assistant Secretary for Housing Federal Housing Commissioner, H.

Date Granted: January 26, 2015.

Reason Waived: The regulation was waived to permit the deferment of the repayment of the Flexible Subsidy Loan, plus accrued interest.

Contact: James Wyatt, Account Executive, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6172, Washington, DC 20410, telephone (202) 402–2636.

• Regulation: 24 CFR 219.220(b) (1995).

Project/Activity: Spring Gate Apartments, Newark New Jersey, FHA number 023057NI owned by Rockland Place Apartments, LP Rockland, MA. The Owner has requested a one year deferral of the Flexible Subsidy Loan in order to position the project for recapitalization and preservation as affordable housing.

Nature of Requirement: HUD's regulation at 24 CFR 219.220(b) (1995), which governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Properties, states ''Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or a sale of the project.

Granted by: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: February, 2015.

Reason Waived: The Owner requested and was granted waiver of the requirement to defer repayment of the Flexible Subsidy Operating Assistance Loan to allow the much needed preservation and moderate rehabilitation of the project. The project will be preserved as an affordable housing resource.

Contact: Minnie Monroe-Baldwin, Director of Preservation, Office of Affordable Housing Preservation, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410–8000, telephone: (202) 402–2636.

• Regulation: 24 CFR 266.200(b).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Substantial Rehabilitation Defined. Eleven qualified Housing Finance Agencies (HFAs) participating.

Nature of Requirement: HUD's regulation at 24 CFR 266.200(b) Substantial Rehabilitation Defined. The following changes apply to both Level I and II Housing Finance Agencies Definition of Substantial Rehabilitation (S/R) revised as: Work that exceeds either: (a) $15,000 times the high cost factor ''as adjusted by HUD for inflation'', or (b) replacement of two or more building systems. ''Replacement'' is when cost of replacement work exceeds 50% of the cost of replacing the entire system. This is consistent with proposed changes in the Multifamily Accelerated Processing (MAP) Guide.

Granted By: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: March 20, 2015.

Reason Waived: The waiver was necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. There are 11 qualified HFAs participants. Concurrent with the rollout of the FFB Initiative, HUD's Office of Multifamily Housing is beginning the process of making regulatory changes to these same provisions. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Theodore K. Toon, Director, FHA Multifamily Production, Office of Multifamily Housing Programs, Office of Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–8386.

• Regulation: 24 CFR 266.200(c).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Equity Take-Outs. Eleven qualified Housing Finance Agencies (HFAs) participating.

Nature of Requirement: HUD's regulation at 24 CFR 266.200(c) addresses equity take-outs for existing projects (refinance transactions), and permits the insured mortgage to exceed the sum of the total cost of acquisition, cost of financing, cost of repairs, and reasonable transaction costs or ''equity take-outs'' in refinances of HFA-financed projects and those outside of HFA's portfolio if the result is preservation with the following conditions: (1) Occupancy is no less than 93% for previous 12 months; (2) no defaults in the last 12 months of the HFA loan to be refinanced; (3) a 20 year affordable

housing deed restriction placed on title that conforms to the statutory definition in section 542(c) of the Housing and Community Development Act of 1992; (4) a Property Capital Needs Assessment (PCNA) must be performed and funds escrowed for all necessary repairs, and reserves funded for future capital needs; and (5) for projects subsidized by Section 8 Housing Assistance Payment (HAP) contracts, owner agrees to renew HAP contract(s) for 20 year term, (subject to appropriations and statutory authorization), and existing and post-refinance HAP residual receipts are set aside to be used to reduce future HAP payments.

Granted By: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: March 20, 2015.

Reason Waived: Waiver of the regulation was necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. There are 11 qualified HFAs participants. Concurrent with the rollout of the FFB Initiative, HUD's Office of Multifamily Housing is beginning the process of making regulatory changes to these same provisions. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Theodore K. Toon, Director, FHA Multifamily Production, Office of Multifamily Housing Programs, Office of Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–8386.

• Regulation: 24 CFR 266.200(d).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Underwriting of Projects with Section 8 HAP Contracts. Eleven qualified Housing Finance Agencies (HFAs) participating.

Nature of Requirement: HUD's regulation at 24 CFR 266.200(d) addresses projects with Section 8 rental subsidies or other rental subsidies, and provides that refinancing of Section 202 projects the HFA is permitted to underwrite the mortgage using current or to be adjusted project-based Section 8 assisted rents, even though the rents exceed the market rates. This is consistent with HUD Housing Notice 2013–17—Updated Requirements for Prepayment and Refinance of Section 202 Direct Loans.

Granted By: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: March 20, 2015.

Reason Waived: The waiver was necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. There are 11 qualified HFAs participants. Concurrent with the rollout of the FFB Initiative, HUD's Office of Multifamily Housing is beginning the process of making regulatory changes to these same provisions. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Theodore K. Toon, Director, FHA Multifamily Production, Office of Multifamily Housing Programs, Office of Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–8386.

• Regulation: 24 CFR 266.620(e).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Termination of Mortgage Insurance. Eleven qualified Housing Finance Agencies (HFAs) participating.

Nature of Requirement: HUD's regulation at 24 CFR 266.620(e), addresses termination of mortgage insurance provision (required for FFB Initiative), and in accordance with this regulation only Level I HFAs rated ''A'' or higher are permitted to substitute an indemnification agreement or similar document binding the FIFA to reimburse FHA for 100% of claim losses in the event the HFA commits fraud or mismanagement. Only Level I HFAs are eligible for FFB financing, thereby ensuring the HFA maintains financial capacity to perform under the indemnification agreement. If the HFA loses its ''A'' rating, HFA must post the required reserve account as outlined in 24 CFR part 266.

Granted By: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: March 20, 2015.

Reason Waived: The waiver was necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. There are 11 qualified HFAs participants. Concurrent with the rollout of the FFB Initiative, HUD's Office of Multifamily Housing is beginning the process of making regulatory changes to these same provisions. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Theodore K. Toon, Director, FHA Multifamily Production, Office of Multifamily Housing Programs, Office of Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–8386.

• Regulation: 24 CFR 266.200(c).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Equity Take-Outs. Eleven qualified Housing Finance Agencies (HFAs) participates.

Nature of Requirement: HUD's regulation at 24 CFR 266.200(c) addresses equity take-outs for existing projects (refinance transactions), and permits the insured mortgage to exceed the sum of the total cost of acquisition, cost of financing, cost of repairs, and reasonable transaction costs or ''equity take-outs'' in refinances of HFA-financed projects and those outside of HFA's portfolio if the result is preservation with the following conditions: (1) Occupancy is no less than 93% for previous 12 months; (2) no defaults in the last 12 months of the HFA loan to be refinanced; (3) a 20 year affordable housing deed restriction placed on title that conforms to the statutory definition in section 542(c) of the Housing and Community Development Act of 1992; (4) a Property Capital Needs Assessment (PCNA) must be performed and funds escrowed for all necessary repairs, and reserves funded for future capital needs; and (5) for projects subsidized by Section 8 Housing Assistance Payment (HAP) contracts, owner agrees to renew HAP contract(s) for 20 year term, (subject to appropriations and statutory authorization), and existing and post-refinance HAP residual receipts are set aside to be used to reduce future HAP payments.

Granted By: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: March 20, 2015.

Reason Waived: The waiver was necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. There are eleven qualified HFAs participates. Concurrent with the rollout of the FFB Initiative, Multifamily is beginning the process of making regulatory changes to these same provisions. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Theodore K. Toon, Director, FHA Multifamily Production, Office of Multifamily Housing Programs, Office of Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–8386.

• Regulation: 24 CFR 266.200(d).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Underwriting of Projects with Section 8 HAP Contracts. Eleven qualified Housing Finance Agencies (HFAs) participates.

Nature of Requirement: HUD's regulation at 24 CFR 266.200(d) addresses projects with Section 8 rental subsidies or other rental subsidies, and provides that refinancing of Section 202 projects the HFA is permitted to underwrite the mortgage using current or to be adjusted project-based Section 8 assisted rents, even though the rents exceed the market rates. This is consistent with HUD Housing Notice 2013–17—Updated Requirements for Prepayment and Refinance of Section 202 Direct Loans.

Granted By: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: March 20, 2015.

Reason Waived: The waiver was necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. There are 11 qualified HFAs participants. Concurrent with the rollout of the FFB Initiative, HUD's Office of Multifamily Housing is beginning the process of making regulatory changes to these same provisions. Under this Initiative, FFB provides capital to participating Housing

Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Theodore K. Toon, Director, FHA Multifamily Production, Office of Multifamily Housing Programs, Office of Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–8386.

• Regulation: 24 CFR 891.100(d).

Project/Activity: Stroud Manor, Sulphur, LA, Project Number: 046–HD143/LA48–Q101–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: February 20, 2015.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Alicia Anderson, Branch Chief, Grants and New Funding, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 402–5787.

• Regulation: 24 CFR 891.130(b).

Project/Activity: Pollywog Creek Senior Housing, Lebelle, FL, Project Number: 066–EE120/FL29–S101–006.

Nature of Requirement: Section 891.130(b) prohibits an identify of interest between the sponsor or owner (or borrower, as applicable) and any development team member or between development team members until two years after final closing.

Granted by: Biniam Gebre, Acting Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: February 11, 2015.

Reason Waived: The entities are all affiliated, non-profit, and have non-compensated officers. They meet HUD requirements.

Contact: Alicia Anderson, Branch Chief, Grants and New Funding, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 402–5787.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• Regulations: 24 CFR 5.216(b), 5.508(h) and 5.609.

Project/Activity: San Antonio, Texas.

Nature of Requirement: These regulations require applicants for and participation in covered HUD programs to disclose and submit documentation to verify their Social Security Numbers and immigration status, and for the public housing authority to obtain income information about the applicant or participant prior to determining eligibility.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public Housing and Indian Housing.

Reason Waived: In accordance with 24 CFR 5.110 and by virtue of section B.1 of the Redelegation of Authority to the Deputy Assistant Secretaries for Public and Indian Housing published August 4, 2011 at 76 FR 47231, HUD found that good cause exists to grant a waiver to permit San Antonio Housing Authority (SAHA) to provide temporary housing assistance for families displaced by a fire at the former Wedgwood Apartments for up to 120 days until eligibility for assistance can be determined by SAHA. It has been generally represented to HUD that these displaced families are all at least low-income.

Contact: Todd Thomas, Housing Program Specialist, Office of Public Housing Management & Occupancy Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 17th Floor, Atlanta, GA 30303, telephone (678) 732–2056.

• Regulation: 24 CFR 5.801(d)(1).

Project/Activity: Ogden Housing Authority (UT002) Ogden, UT.

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: March 5, 2015.

Reason Waived: Pursuant to 24 CFR 5.110, the request to waive the reporting compliance deadlines under 24 CFR 5.801 and remove the LPF score of zero was granted. The circumstances that prevented resubmitting and correcting the audited financial data by the due date are acceptable. The agency had made good faith efforts during the submission process.

Contact: Judy Wojciechowski, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone (202) 475–7907.

• Regulation: 24 CFR 5.801(d)(1).

Project/Activity: Housing Authority of the City of Reno (NV001) Reno, NV.

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: March 5, 2015.

Reason Waived: The circumstances that prevented the HA from resubmitting and correcting the unaudited financial data to be available for review by the auditor were beyond the agency's control. The agency made good faith efforts during the submission process. However, this Financial Assessment Subsystem (FASS) audited submission waiver (extension) does not apply to Single Audit submissions to the Federal Audit Clearinghouse. The HA is required to meet the Single Audit due dates.

Contact: Judy Wojciechowski, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone (202) 475–7907.

• Regulation: 24 CFR 902.20.

Project/Activity: Tupelo of Mesa Housing Authority (MS077), Tupelo, MS.

Nature of Requirement: The objective of this regulation is to determine whether a housing authority (HA) is meeting the standard of decent, safe, sanitary, and in good repair. The Real Estate Assessment Center (REAC) provides for an independent physical inspection of a HA's property of properties that includes a statistically valid sample of the units.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: February 26, 2015.

Reason Waived: The circumstances surrounding the waiver request are unusual and beyond the agency's control. No physical inspections will be conducted for the HA's FYE December 31, 2015; however, HUD expects that physical inspections for all projects will resume for the HA's fiscal year ending December 31, 2016.

Contact: Judy Wojciechowski, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone (202) 475–7907.

• Regulation: 24 CFR 943.115(b)(3).

Project/Activity: Greeley Housing Authority (GHA), Greeley, CO.

Nature of Requirement: This regulation states that a public housing agency may not participate in a consortium in its capacity as an owner of a Section 8 project

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: March 10, 2015.

Reason Waived: These 20 project-based vouchers would provide decent, safe and sanitary housing for low-income elderly families that may not otherwise be obtainable due to the shrinking vacancy rate and oil and gas expansion and overall increase in economic activity.

Contact: Becky Primeaux, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.207(b)(1)(ii).

Project/Activity: New York City Housing Authority (NYCHA), New York, NY.

Nature of Requirement: This regulation states that a residency preference is a

preference for admissions of persons who reside in a specific geographic area (''residency preference area''). A county or municipality may be used as a residency preference area; however, the regulation stipulates that ''an area smaller than a county or municipality may not be used as a residency preference area.''

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: January 15, 2015.

Reason Waived: The area known as Community Block 11 has a population of more than 120,000 which would rant in the top one percent of municipalities nationwide. Nearly 50 percent of seniors in CB11 live at or below the federal poverty level compared with just under 30 percent of seniors in the larger borough of Manhattan. This preference was granted for 25 percent of residents at Draper Hall, a project-based voucher project for the elderly, and only for initial leasing of the project and not in perpetuity.

Contact: Becky Primeaux, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).

Project/Activity: Brookline Housing Authority (BHA), Brookline, MA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: January 7, 2015.

Reason Waived: The participant, who is a person with disabilities, required an exception payment standard to remain in his current unit that meets his needs. To provide this reasonable accommodation so that the client could remain in his current unit and pay no more than 40 percent of his adjusted income toward the family share, the BHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).

Project/Activity: Housing Authority of the City of Alameda (HACA), Alameda, CA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2015.

Reason Waived: The participant, who is a person with disabilities, required an exception payment standard to move to a new unit that meets her needs. To provide this reasonable accommodation so that the client could move to this unit and pay no more than 40 percent of her adjusted income toward the family share, the HACA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).

Project/Activity: Housing Authority of the County of Alameda (HACA), Hayward, CA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: February 11, 2015.

Reason Waived: The participant, who is a person with disabilities, required an exception payment standard to remain in his current unit that meets his needs. To provide this reasonable accommodation so that the client could remain in his current unit and pay no more than 40 percent of his adjusted income toward the family share, the HACA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).

Project/Activity: Berkeley Housing Authority (BHA), Berkeley, CA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: March 6, 2015.

Reason Waived: The participant, who is a person with disabilities, required an exception payment standard to move to a more accessible unit that met her needs. To provide this reasonable accommodation so that the client could move to this new unit and pay no more than 40 percent of her adjusted income toward the family share, the BHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).

Project/Activity: Housing Authority of the County of Alameda (HACA), Hayward, CA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: March 6, 2015.

Reason Waived: The participant, who is a person with disabilities, required an exception payment standard to remain in his current unit that meets his needs. To provide this reasonable accommodation so that the client could remain in his current unit and pay no more than 40 percent of his adjusted income toward the family share, the HACA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).

Project/Activity: South Metro Housing Options (SMHO), Littleton, CO.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: March 27, 2015.

Reason Waived: The applicant, who is a person with disabilities, required an exception payment standard to remain in her mobile home and rent the manufactured home space. To provide this reasonable accommodation so that the client could remain in her current unit and pay no more than 40 percent of her adjusted income toward the family share, SMHO was allowed to approve an exception payment standard

that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).

Project/Activity: Bangor Housing Authority (BHA), Bangor, ME.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Lourdes Castro Ramirez, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 27, 2015.

Reason Waived: The applicant, who is a person with disabilities, required an exception payment standard to rent her manufactured home space for her mobile home. To provide this reasonable accommodation so that the client could remain in her current unit and pay no more than 40 percent of her adjusted income toward the family share, BHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 983.53(a)(2).

Project/Activity: Hall County Housing Authority (HCHA), Grand Island, NE.

Nature of Requirement: This regulation states that the public housing agency may not attach or pay project-based voucher assistance for units on the grounds of a penal, reformatory, medical, mental or similar public or private institutions.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: February 11, 2015.

Reason Waived: The project is part of the Veterans Affairs' (VA) Burr Initiative in which public and private developers bid on vacant VA land for housing development geared towards Veterans. The project will offer veterans supportive services including case management, substance abuse counseling, and other services to promote self-sufficiency. By housing additional homeless veterans, the HCHA will be assisting the Department in obtaining the goal of ending Veteran homelessness by the end of 2015.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 985.101(a).

Project/Activity: Bellevue Housing Authority (BHA), Omaha, NE.

Nature of Requirement: HUD's regulation at 24 CFR 985.101(a) states a PHA must submit the HUD-required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: February 12, 2015.

Reason Waived: This waiver was granted because for its fiscal year ending June 30, 2014, the BHA was required to submit a SEMAP certification because it no longer had less than 250 vouchers. However, the BHA was mistakenly notified by the HUD Field Office on August 5, 2014, that is was not required to submit a SEMAP certification. BHA was permitted to submit its SEMAP certification after the due date.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 985.101(a).

Project/Activity: Chesapeake Redevelopment and Housing Authority (CRHA), Chesapeake, VA.

Nature of Requirement: HUD's regulation at 24 CFR 985.101(a) states a PHA must submit the HUD-required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year.

Granted By: Lourdes Castro Ramirez, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 27, 2015.

Reason Waived: The CRHA's Board of Commissioners was unable to meet to approve the SEMAP certification prior to its due date of February 29, 2015, because of severe weather. The board meets on the fourth Wednesday of each month. On the fourth Wednesday of February evening activities were cancelled due to a snow storm. CRHA was permitted to submit its SEMAP certification after the due date.

Contact: Becky Primeaux, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 985.101(a).

Project/Activity: Franklin Township Housing Authority (FTHA), Somerset, NJ. e, VA.

Nature of Requirement: HUD's regulation at 24 CFR 985.101(a) states a PHA must submit the HUD-required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year.

Granted By: Lourdes Castro Ramirez, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 27, 2015.

Reason Waived: FTHA is a small deregulated PHA with 230 voucher units. FTHA submitted its last SEMAP certification for its fiscal year ending September 30, 2013, when small PHAs were not required to submit a biennial certification. Its designation for that period was high performer. However, all PHAs (including small PHAs) were required to submit SEMAP certifications for the period ending September 30, 2014. Since FTHA had submitted its certification the year before, there was confusion regarding these submission requirements and the certification was not submitted for the period ending September 30, 2014. FTHA was permitted to submit its SEMAP certification after the due date.

Contact: Becky Primeaux, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 985.101(a).

Project/Activity: Garden State Episcopal Community Development Corporation (GSECDC), Jersey City, NJ.

Nature of Requirement: HUD's regulation at 24 CFR 985.101(a) states a PHA must submit the HUD-required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year.

Granted By: Lourdes Castro Ramirez, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 27, 2015.

Reason Waived: This waiver was granted since the SEMAP certification could not be submitted due to an issue with the Information Management System/Public and Indian Housing Information Center (IMS/PIC) when information for the GSECDC was updated. GSECDC was permitted to submit its SEMAP certification after the due date.

Contact: Becky Primeaux, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

[FR Doc. 2015–15324 Filed 6–19–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–30]

Notice of Emergency Submission of Proposed Information Collection to OMB; Emergency Comment Request Renewable Energy Commitment Form

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, HUD has requested from the Office of Management and Budget (OMB) emergency approval of the information collection described in this notice.

DATES: Comments Due Date: June 29, 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 Colette Pollard 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.

A. Overview of Information Collection

Title of Information Collection: Renewable Energy Commitment Form.

OMB Approval Number: 2506–New.

Type of Request: New collection.

Form Number: N/A

Description of the need for the information and proposed use: Currently, there is no vehicle available to allow program partners to make a public commitment toward the Administration's Federal Renewable Energy Target. For owners or managers of federally assisted housing (including Public Housing Authorities) to make a pledge, they must provide the amount of on-site capacity they have already installed or intend to install by 2020. The information collected will make these organizations eligible for technical assistance funds.

Respondents: Organizations (owners or managers of federally assisted housing) contact that make a voluntary public commitment to the Administration's Federal Renewable Energy Target.

Estimated Number of Respondents: 50.

Estimated Number of Responses: 50.

Frequency of Response: Once per year.

Average Hours per Response: 0.5.

Total Estimated Burdens: 25 burden hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: June 16, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–15274 Filed 6–19–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/A0A501010.999900 253G]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Class III Gaming Compacts taking effect.

SUMMARY: This notice publishes the Indian Gaming Compacts between the State of New Mexico and the Jicarilla Apache Nation, Mescalero Apache Tribe of the Mescalero Reservation, Navajo Nation, Pueblo of Acoma, and Pueblo of Jemez governing Class III gaming (Compacts) taking effect.

DATES: Effective June 22, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR § 293.4, all compacts are subject to review and approval by the Secretary. The Secretary took no action on the Compacts within 45 days of their submission. Therefore, the Compacts are considered to have been approved, but only to the extent the Compacts are consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Dated: June 16, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–15207 Filed 6–19–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA942000 L57000000.BX0000 13X L5017AR]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of lands described below are scheduled to be officially filed in the Bureau of Land Management, California State Office, Sacramento, California.

DATES: July 22, 2015.

ADDRESSES: A copy of the plats may be obtained from the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, upon required payment.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Geographic Services, Bureau of Land Management, California State Office, 2800 Cottage Way W–1623, Sacramento, California 95825, (916) 978–4310. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest a survey must file a notice that they wish to protest with the Chief, Branch of Geographic Services. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Chief, Branch of Geographic Services within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Mount Diablo Meridian, California

T. 16 N., R. 8 E., dependent resurvey and subdivision of section 12, accepted April 27, 2015.

T. 2 S., R. 31 E., dependent resurvey and subdivision of section 11, accepted April 29, 2015.

T. 4 S., R. 29 E., dependent resurvey and subdivision of sections 17 and 35, accepted May 7, 2015.

T. 4 S., R. 30 E., dependent resurvey, accepted May 7, 2015.

T. 3 S., R. 31 E., dependent resurvey and subdivision of section 11, accepted May 7, 2015.

T. 1 S., R. 19 E., supplemental plat of lot 13 of section 2 and lot 4 of section 11, accepted June 1, 2015.

San Bernardino Meridian, California

T. 4 N., R. 5 E., dependent resurvey and metes-and-bounds survey, accepted May 20, 2015.

T. 5 N., R. 5 E., dependent resurvey and metes-and-bounds survey, accepted May 20, 2015.

Authority: 43 U.S.C., Chapter 3.

Dated: June 4, 2015.

Lance J. Bishop,

Chief Cadastral Surveyor, California.

[FR Doc. 2015–15240 Filed 6–19–15; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORL00000.L10200000.DF0000.LXSS020H0000.15XL0019AF; HAG 15–0163]

Notice of Public Meeting for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below:

DATES: The Southeast Oregon RAC will hold a public meeting Monday and Tuesday, July 13 and 14, 2015. The meeting time and agenda will be announced online at *http://www.blm.gov/or/rac/seorrac.php* prior to July 9, 2015. A public comment period will be available each day of the session. Unless otherwise approved by the Southeast Oregon RAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the Southeast Oregon RAC for a maximum of 5 minutes. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate necessary business and all who seek to be heard regarding matters before the Southeast Oregon RAC.

ADDRESSES: The meeting will be held at the Harney County Community Center located at 484 N Broadway in Burns, Oregon 97720.

FOR FURTHER INFORMATION CONTACT: Lisa Bryant, BLM Lakeview District Office, 1301 S G Street, Lakeview, Oregon 97630, (541) 947–6237, or email *lmbryant@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Southeast Oregon RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in southeast Oregon. Tentative agenda items for the July 13–14 meeting include: Vale Tri-State Fuels Project; Greater Sage-Grouse Conservation Planning Effort; Management recommendations to promote ecological stewardship of public lands, including Lands with Wilderness Character; updates from the Designated Federal Official and other regular business items, such as approving the previous meeting's minutes, member round-table, subgroup reports, and any other matters that may reasonably come before the Southeast Oregon RAC to be addressed. The public is welcome to attend all sessions and this meeting is open in its entirety. Information to be distributed to the Southeast Oregon RAC is requested prior to the start of each meeting.

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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.

ELynn Burkett,

Lakeview District Manager.

[FR Doc. 2015–15181 Filed 6–19–15; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–9570000–15–L13100000–PP0000]

Filing of Plats of Survey, Wyoming and Nebraska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) has filed the plats of survey of the lands described below in the BLM Wyoming State Office, Cheyenne, Wyoming, on the dates indicated.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: These supplementals and surveys were executed at the request of the U.S. Forest Service, Bureau of Land

Management, Bureau of Indian Affairs and Bureau of Reclamation and are necessary for the management of resources. The lands surveyed are:

The plats and field notes representing the dependent resurvey of portions of the north boundary, certain tracts and subdivisional lines, the survey of the subdivision of certain sections, and the metes-and-bounds survey of the Raymond Mountain Wilderness Study Area boundary, Township 25 North, Range 119 West, Sixth Principal Meridian, Wyoming, Group No. 861, was accepted February 26, 2015.

The plat and field notes representing the dependent resurvey of a portion of the south boundary and a portion of the subdivisional lines, and the survey of the subdivision of section 35, Township 26 North, Range 73 West, Sixth Principal Meridian, Wyoming, Group No. 891, was accepted February 26, 2015.

The plat and field notes representing the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and the survey of the subdivision of section 13, Township 29 North, Range 90 West, Sixth Principal Meridian, Wyoming, Group No. 913, was accepted February 26, 2015.

The supplemental plat showing a corrected lot number and based upon the dependent resurvey plat accepted November 17, 2008, Township 30 North, Range 108 West, Sixth Principal Meridian, Wyoming, Group No. 924, was accepted February 26, 2015.

The supplemental plat showing amended lottings and based upon the dependent resurvey plat accepted April 8, 1981 and supplemental plat accepted October 18, 1985, Township 40 North, Range 71 West, Sixth Principal Meridian, Wyoming, Group No. 925, was accepted February 26, 2015.

The supplemental plat showing amended lottings and based upon the dependent resurvey plat accepted February 7, 1980 and supplemental plat accepted September 13, 1985, Township 51 North, Range 72 West, Sixth Principal Meridian, Wyoming, Group No. 926, was accepted February 26, 2015.

The supplemental plat showing the subdivision of the SW¼SW¼NE¼NE¼ into Lots 5, 6 and 7 is based upon the Survey Plat accepted January 13, 1984, Township 1 North, Range 4 East, Wind River Meridian, Wyoming, Group No. 928, was accepted March 31, 2015.

The plat and field notes representing the dependent resurvey of portions of the Eighth Standard Parallel North, through Range 52 West, the east and west boundaries, and the subdivisional lines, the survey of the subdivision of certain sections, and the rehabilitation of the corner of sections 4, 5, 32 and 33, on the north boundary, Township 33 North, Range 52 West, of the Sixth Principal Meridian, Nebraska, Group No. 181, was accepted May 28, 2015.

The field notes representing remonumentation of the ¼ section corner of sections 25 and 30, on the Thirteenth Auxiliary Guide Meridian West, Township 31 North, between Ranges 108 and 109 West, Sixth Principal Meridian, Wyoming, Group 850, was accepted May 28, 2015.

The plats and field notes representing the dependent resurvey of portions of the north boundary, subdivisional lines, and adjusted 1909 meanders of the Green River, the survey of the subdivision of sections 4, 5, 6 and 8, and the metes-and-bounds survey of certain lots, Township 22 North, Range 110 West, Sixth Principal Meridian, Wyoming, Group No. 892, was accepted May 28, 2015.

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines and the survey of the subdivision of section 18, Township 29 North, Range 99 West, Sixth Principal Meridian, Wyoming, Group No. 901, was accepted May 28, 2015.

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines and the survey of the subdivision of section 3, Township 43 North, Range 78 West, Sixth Principal Meridian, Wyoming, Group No. 906, was accepted May 28, 2015.

The plat and field notes representing the dependent resurvey of a portion of the north boundary and subdivisional lines, and the survey of the subdivision of section 4, and the metes-and-bounds survey of lot 13, section 4, Township 18 North, Range 89 West, Sixth Principal Meridian, Wyoming, Group No. 908, was accepted May 28, 2015.

The plat and field notes representing the dependent resurvey of a portion of the Twelfth Auxiliary Guide Meridian West, through Township 33 North, a portion of the subdivisional lines, and the survey of the subdivision of section 13, Township 33 North, Range 101 West, Sixth Principal Meridian, Wyoming, Group No. 914, was accepted May 28, 2015.

The plat and field notes representing the dependent resurvey of portions of the south and west boundaries, and portions of the subdivisional lines, and the survey of the subdivision of sections 29 and 30, Township 16 North, Range 87 West, Sixth Principal Meridian, Wyoming, Group No. 920, was accepted May 28, 2015.

Copies of the preceding described plats and field notes are available to the public at a cost of $1.10 per page.

Dated: June 16, 2015.

John P. Lee,

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. 2015–15241 Filed 6–19–15; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2015–0003; OMB Control Number 1014–0016; 15XE1700DX EEEE500000 EX1SF0000.DAQ000]

Information Collection Activities: Pipelines and Pipeline Rights-of-Way (ROW); Submitted for Office of Management and Budget (OMB) Review; Comment Request

ACTION: 30-day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Safety and Environmental Enforcement (BSEE) is notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under Subpart J, *Pipelines and Pipeline Rights-of-Way (ROW).* This notice also provides the public a second opportunity to comment on the revised paperwork burden of these regulatory requirements.

DATES: You must submit comments by July 22, 2015.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014–0016). Please provide a copy of your comments to BSEE by any of the means below.

- Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2015–0003 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *cheryl.blundon@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Cheryl Blundon; 45600 Woodland Road, Sterling, VA 20166. Please reference ICR 1014–0016 in your

comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to *http://www.reginfo.gov* (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart J, *Pipelines and Pipeline Rights-of-Way (ROW).*

Form: BSEE–0149.

OMB Control Number: 1014–0016.

Abstract: The Outer Continental Shelf (OCS) Lands Act at (43 U.S.C. 1334), authorizes the Secretary of the Interior to prescribe rules and regulations necessary for the administration of the leasing provisions of the Act related to mineral resources on the OCS. Such rules and regulations apply to all operations conducted under a lease, pipeline right-of-way (ROW), or a right-of-use and easement. Section 1334(e) authorizes the Secretary to grant ROWs through the submerged lands of the OCS for pipelines ''. . . for the transportation of oil, natural gas, sulphur, or other minerals, or under such regulations and upon such conditions as may be prescribed by the Secretary, . . . including (as provided in Section 1347(b) of this title) assuring maximum environmental protection by utilization of the best available and safest technologies, including the safest practices for pipeline burial. . . .''

In addition to the general authority of OCSLA, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. The Secretary has delegated some of the authority under FOGRMA to BSEE.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and OMB Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's implementing policy, BSEE is required to charge the full cost for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those that accrue to the public at large. Several requests for approval required in Subpart K are subject to cost recovery and BSEE regulations specify service fees for these requests.

This authority and responsibility are among those delegated to BSEE. The regulations at 30 CFR 250, Subpart J, pertain to the regulatory requirements relating to pipelines and pipeline ROWs on the OCS and are the subject of this collection. This collection also covers the related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify and provide additional guidance on some aspects of the regulations.

The current Subpart J regulations specify the use of form BSEE–0149, Assignment of Federal OCS Pipeline Right-of-Way Grant. BSEE uses the information on the information submitted via the form to track the holdership of pipeline ROWs; as well as use this information to update the corporate database that is used to determine what leases are available for a Lease Sale and the ownership of all OCS leases. In this collection, we made a minor revision to the form. Under Part A—Assignment—we added in the under legal description, ''and any accessory information.'' Under § 250.1012, pipeline ROW grants can include accessories. Therefore, when transferring a Pipeline ROW grant, the description of the pipeline ROW grant should identify everything. This will help facilitate BSEE's review when an application has been submitted.

Responses are mandatory or are required to obtain or retain a benefit. No questions of a sensitive nature are asked. BSEE protects information considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR 2), and under regulations at 30 CFR part 250.197, *Data and information to be made available to the public or for limited inspection,* 30 CFR part 252, *OCS Oil and Gas Information Program.*

Lessees and pipeline ROW holders design the pipelines that they install, maintain, and operate. To ensure those activities are performed in a safe manner, BSEE needs information concerning the proposed pipeline and safety equipment, inspections and tests, and natural and manmade hazards near the proposed pipeline route. BSEE uses the information to review pipeline designs prior to approving an application for an ROW or lease term pipeline to ensure that the pipeline, as constructed, will provide for safe transportation of minerals through the submerged lands of the OCS. BSEE reviews proposed pipeline routes to ensure that the pipelines would not conflict with any State requirements or unduly interfere with other OCS activities. BSEE reviews proposals for taking pipeline safety equipment out of service to ensure alternate measures are used that will properly provide for the safety of the pipeline and associated facilities (platform, etc.). BSEE reviews notifications of relinquishment of ROW grants and requests to decommission pipelines for regulatory compliance and to ensure that all legal obligations are met. BSEE monitors the records concerning pipeline inspections and tests to ensure safety of operations and protection of the environment and to schedule witnessing trips and inspections. Information is also necessary to determine the point at which DOI or Department of Transportation (DOT) has regulatory responsibility for a pipeline and to be informed of the identified operator if not the same as the pipeline ROW holder.

Frequency: On occasion and as required by regulations.

Description of Respondents: Potential respondents include Federal OCS lessees, lease operators, and holders of pipeline ROWs.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 36,564 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN TABLE

Citation 30 CFR 250 subpart J and related NTL(s)	Reporting & recordkeeping requirement *	Hour burden	Average number of annual responses	Annual burden hours (rounded)
		Non-hour cost burdens		
Lease Term (L/T) Pipeline (P/L) Applications				
1000(b)(1); 1004(b)(5); 1007(a).	Submit application and all required information and notices to install new L/T P/L.	92	61—new L/T P/L applications.	5,612
		$3,541 × 61 L/T P/L applications = $216,001		
1000(b)(1); 1007(b) ...	Submit application and all required information and notices to modify a L/T P/L	30	102 modifications	3,060
		$2,056 × 102 L/T P/L applications = $209,712		
1000(b)(1);	Submit an application to decommission a lease-term pipeline	Burden covered under 1014–0010, 30 CFR 250, Subpart Q.		0
Subtotal			163 responses	8,672 hours
			$425,713 non-hour cost burdens	
Right of Way (ROW) P/L Applications and Grants				
1000(b)(2), (d); 1004(b)(5); 1007(a); 1009(a); 1015; 1016.	Submit application and all required information and notices for new P/L ROW grant and to install a new ROW P/L.	107	62—new ROW grant and P/L applications.	6,634
		$2,771 × 62 applications = $171,802		
1000(b)(2), (3);1007(b); 1017.	Submit application and all required information and notices to modify a P/L ROW grant and to modify an ROW P/L (includes route modifications, cessation of operations, partial relinquishments, hot taps, and new and modified accessory platforms).	45	190 modifications	8,550
		$4,169 × 190 applications = $792,110		
1000(b)(3); 1010(h); 1017(b)(2)(ii); 1019.	Submit application and all required information and notices to relinquish P/L ROW grant.	Burden covered under 1014–0010, 30 CFR 250, Subpart Q.		
1015	Submit application and all required information and notices for a P/L ROW grant to convert a lease-term P/L to an ROW P/L.	15	15 conversions	225
		$236 × 15 applications = $3,540		
1016	Request opportunity to eliminate conflict when an application has been rejected.	5	1 request	5
1018	Submit application and all required information and notices for assignment of a pipeline ROW grant using Form BSEE–0149 (burden includes approximately 30 minutes to fill out form).	13	275 assignments	3,575
		$201 × 275 P/L ROW requests = $55,275		
Subtotal			543 responses	18,989 hours
			$1,022,727 non-hour cost burdens	
Notifications and Reports				
1004(b)(5)	In lieu of a continuous volumetric comparison system, request substitution; submit any supporting documentation if requested/required.	35	1 submittal	35
1007(a)(4)(i)(A); (B); (C).	Provide specified information in your pipeline application if using unbonded flexible pipe.	4	20 submittals	80

BURDEN TABLE—Continued

Citation 30 CFR 250 subpart J and related NTL(s)	Reporting & recordkeeping requirement *	Hour burden	Average number of annual responses	Annual burden hours (rounded)
		Non-hour cost burdens		
1007(a)(4)(i)(D)	Provide results of third party IVA review in your pipeline application if using unbonded flexible pipe.	For risers, this verification is included in the IVA analysis. For jumpers, it is not required.		0
1007(a)(4)(ii)	Provide specified information in your pipeline application.	25	40 applications	1,000
1008(a)	Notify BSEE before constructing or relocating a pipeline.	½	62 notices	31
1008(a)	Notify BSEE before conducting a pressure test.	½	87 notices	44
1008(b)	Submit L/T P/L construction report.	18	28 reports	504
1008(b)	Submit ROW P/L construction report.	19	17 reports	323
1008(c)	Notify BSEE of any pipeline taken out of service.	½	415 notices	208
1008(d)	Notify BSEE of any pipeline safety equipment taken out of service more than 12 hours.	½	2 notices	1
1008(e)	Notify BSEE of any repair and include procedures.	3	156 notices	468
		$388 × 156 notices = $60,528		
1008(e)	Submit repair report.	4	132 reports	528
1008(f)	Submit report of pipeline failure analysis.	½	4 reports	2
1008(g)	Submit plan of corrective action and report of any remedial action.	13	19 plans/reports	247
1008(h)	Submit the results and conclusions of pipe-to-electrolyte potential measurements.	1	794 results	794
1010(c)	Notify BSEE of any archaeological resource discovery.	5	1 notices	5
1010(d)	Notify BSEE of P/L ROW holder's name and address changes.	Not considered IC under 5 CFR 1320.3(h).		0
Subtotal			1,778 responses 4,270 hours	
			$60,528 non-hour cost burdens	
	General			
1000(c)(2)	Identify in writing P/L operator on ROW if different from ROW grant holder.	Cover by applicable applications		0
1000(c)(3)	Mark specific point on P/L where operating responsibility transfers to transporting operator or depict transfer point on a schematic located on the facility. One-time requirement after final rule published; now part of application or construction process involving no additional burdens.			0
1000(c)(4)	Petition BSEE for exceptions to general operations transfer point description.	5	1 petition	5
1000(c)(8)	Request BSEE recognize valves landward of last production facility but still located on OCS as point where BSEE regulatory authority begins (none received to date).	1	1 request	1
1000(c)(12)	Petition BSEE to continue to operate under DOT regulations upstream of last valve on last production facility (one received to date).	40	1 petition	40
1000(c)(13)	Transporting P/L operator petition to DOT and BSEE to continue to operate under BSEE regulations (none received to date)	40	1 petition	40
1004(c)	Place sign on safety equipment identified as ineffective and removed from service.	See footnote [1]		0
1000–1019	General departure and alternative compliance requests not specifically covered elsewhere in subpart J regulations.	2	200 requests	400
Subtotal			204 responses	486 hours

BURDEN TABLE—Continued

Citation 30 CFR 250 subpart J and related NTL(s)	Reporting & recordkeeping requirement *	Hour burden	Average number of annual responses	Annual burden hours (rounded)
		Non-hour cost burdens		
	Recordkeeping			
1000–1008	Make available to BSEE design, construction, operation, maintenance, testing, and repair records on lease-term P/Ls [2]	5	128 lease-term P/L operators.	640
1005(a)	Inspect P/L routes for indication of leakage [1], record results, maintain records 2 years [2]	2 per month = 24	128 lease-term P/L operators.	3,072
1010(g)	Make available to BSEE design, construction, operation, maintenance, testing, and repair records on P/L ROW area and improvements [2]	5	87 P/L ROW holders	435
Subtotal			343 responses	4,147 hours
Total Hour Burdens.			3,031 responses	36,564 hours
Total Non–Hour Cost Burdens.			$1,508,968 non-hour cost burdens	

[1] These activities are usual and customary practices for prudent operators.
[2] Retaining these records is usual and customary business practice; required burden is minimal to make available to BSEE.
* In the future, BSEE will be allowing the option of electronic reporting for certain requirements.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified seven non-hour cost burdens, all of which are the cost recovery fees required under 30 CFR 250, subpart J. However, note that the actual fee amounts are specified in 30 CFR 250.125, which provides a consolidated table of all of the fees required under the 30 CFR 250 regulations. The total of the non-hour cost burden (cost recovery fees) in this IC request is an estimated $1,508,968.

The non-hour cost burdens required in 30 CFR 250, subpart J (and respective cost-recovery fee amount per transaction) are required under:

§ 250.1000(b)—New Pipeline Application (lease term)—$3,541.
§ 250.1000(b)—Pipeline Application Modification (lease term)—$2,056.
§ 250.1000(b)—Pipeline Application Modification (ROW)—$4,169.
§ 250.1008(e)—Pipeline Repair Notification—$388.
§ 250.1015(a)—Pipeline ROW Grant Application—$2,771.
§ 250.1015(a)—Pipeline Conversion from Lease Term to ROW—$236.
§ 250.1018(b)—Pipeline ROW Assignment—$201.

We have not identified any other non-hour cost burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .'' Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on April 10, 2015, we published a **Federal Register** notice (69 FR 19348) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB Control Number for the information collection requirements imposed by the 30 CFR 250, subpart J regulations and the form. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received one comment in response to the **Federal Register** notice or unsolicited comments from respondents covered under these regulations. The comment was from a private citizen and it was not germane to the paperwork burden of this ICR.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 11, 2015.

Keith Good,

Acting Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2015–15242 Filed 6–19–15; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

On June 16, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Arizona in the lawsuit entitled *United States* v. *Burr-Brown Corporation (now Texas Instruments Tucson Corporation),* Civil Action No. 89–594–TUC–RMB. On the same date, the State of Arizona lodged the same proposed Consent Decree with the United States District Court for the District of Arizona in the lawsuit entitled *State of Arizona* v. *Texas Instruments Tucson Corporation,* Civil Action No. 4:15–cv–00257–DCB. The United States has filed a motion to consolidate the two actions, and the State of Arizona and Texas Instruments Tucson Corporation (''TI'') have consented to that motion.

TI is working under an existing consent decree, entered in 1990 in Civil Action No. 89–594–TUC–RMB (''1990 Decree''), to perform a CERCLA response action to address contaminated groundwater on part of the Tucson International Airport Authority Superfund Site (''TIAA Site'') in Tucson, Arizona. The TIAA Site includes the Tucson International Airport, Air Force Plant 44, and several other adjacent areas. The proposed Consent Decree addresses only the TI portion of Area ''B'' of the TIAA Site (''Project Area''). Other areas of the TIAA Site are being addressed under separate federal facility agreements, consent decrees and fund-lead remedial actions. The Project Area was operated by TI's predecessor-in-interest, Burr-Brown Corporation. Operations included microchip manufacturing and involved chemical storage and disposal. In 2013, TI sold the Project Area to HSL TI Properties, which does not use it for industrial purposes.

The 1990 Decree contains provisions that the parties would like to amend as TI begins to implement an amended Record of Decision (''Amended ROD''). At the same time, the Arizona Department of Environmental Quality (''ADEQ'') would like to resolve its claims under state law with TI, and to participate in oversight of the remedy.

The proposed Consent Decree, which would supersede the 1990 Decree, would implement the Amended ROD, add the State of Arizona as a party, and resolve its claims under state law. Under the Consent Decree, TI commits to perform the work set out in the Amended ROD, and to pay the United States its Response Costs and the State its State Future Response Costs, as those terms are defined in the Consent Decree. The Consent Decree contains covenants not the sue by the United States and the State for the performance of the Work and for recovery of Response Costs and State Future Response Costs, and by TI for all claims related to the Project Area and the Consent Decree. The Consent Decree provides TI with the standard contribution protection for ''matters addressed'' in the Consent Decree: Work, Response Costs, and State Future Response Costs.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Burr-Brown Corporation (now Texas Instruments Tucson Corporation,* D.J. Ref. No. 90–11–3–369. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $47.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits, the cost is $21.25.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–15205 Filed 6–19–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of Disability Employment Policy

Advisory Committee on Increasing Competitive Integrated Employment for Individuals With Disabilities; Notice of Meeting

The Advisory Committee on Increasing Competitive Integrated Employment for Individuals With Disabilities (the Committee) was mandated by section 609 of the Rehabilitation Act of 1973, as amended by section 461 of the Workforce Innovation and Opportunity Act (WIOA). The Secretary of Labor established the Committee on September 15, 2014 in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The purpose of the Committee is to study and prepare findings, conclusions and recommendations for Congress and the Secretary of Labor on (1) ways to increase employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities in competitive, integrated employment; (2) the use of the certificate program carried out under section 14(c) of the Fair Labor Standards Act (FLSA) of 1938 (29 U.S.C. 214(c)); and (3) ways to improve oversight of the use of such certificates.

The Committee is required to meet no less than eight times. It is also required to submit an interim report to the Secretary of Labor; the Senate Committee on Health, Education, Labor and Pensions; and the House Committee on Education and the Workforce within one year of the Committee's establishment by September 15, 2015. A final report must be submitted to the same entities no later than two years from the Committee establishment date. The Committee terminates one day after the submission of the final report.

The next meeting of the Committee will take place on Monday, July 13, 2015 and Tuesday, July 14, 2015. The meeting will be open to the public on Monday, July 13 from 8:30 a.m. to 5:00 p.m., Eastern Daylight Time (EDT). On Tuesday, July 14th, the meeting will be open to the public from 8:00 a.m. to 4:00 p.m., EDT. The meeting will take place at the U.S. Access Board, 1331 F Street NW., Suite 800, Washington, DC 20004–1111.

On July 13th and 14th, the four subcommittees of the Committee will report out on their work on draft chapters for the interim report. The four subcommittees are: The Transition to

Careers Subcommittee, the Complexity and Needs in Delivering Competitive Integrated Employment Subcommittee, the Marketplace Dynamics Subcommittee, and the Building State and Local Capacity Subcommittee. Each subcommittee will have 30 minutes to present its work, and then the whole Committee will discuss the proposed findings, conclusions, and recommendations from the subcommittee. In addition, the Committee will hear expert testimony on a number of topics, including, but not limited to: An overview of State policy reform through the Employment First initiative. The Committee will also hear from expert panels that will address issues with provider transformation to Competitive Integrated Employment. The Committee will also acknowledge the 25th anniversary of the Americans with Disabilities Act (ADA) and its connection to competitive integrated employment. Finally, the Committee will hear from a panel of providers about their experiences with sheltered workshops under section 14(c) of the FLSA.

Members of the public who wish to address the Committee on the topics being discussed at the meeting during the public comment period of the meeting on Monday, July 13 between 2:15 p.m. and 3:00 p.m., EDT, should send their name, their organization's name (if applicable) and any additional materials (such as a copy of the proposed testimony) to *IntegratedCompetitiveEmployment@dol.gov* or call David Berthiaume at DOL's Office of Disability Employment Policy at (202) 693–7887 by Thursday, July 2nd. Please ensure that any attachments are in an accessible format or the submission will be returned. Also, note that public comments will be limited to five minutes in length. Due to time constraints, we will be able to accommodate up to eight requests to address the Committee. If more than eight requests are received, we will select a representative sample to speak and the remainder will be permitted to file written statements. Individuals with disabilities who need accommodations should also contact Mr. Berthiaume at the email address or phone number above.

Organizations or members of the public wishing to submit a written statement may do so by submitting five copies on or before July 2, 2015 to David Berthiaume, Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, U.S. Department of Labor, Suite S–1303, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in rich text, Word, or pdf format transmitted to *IntegratedCompetitiveEmployment@dol.gov.* Please ensure that any written submission is in an accessible format or the submission will be returned. It is requested that statements not be included in the body of an email. Statements deemed relevant by the Committee and received on or before July 2, 2015 will be included in the record of the meeting. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Signed at Washington, DC, this 15th day of June, 2015.

Jennifer Sheehy,

Acting Assistant Secretary, Office of Disability Employment Policy.

[FR Doc. 2015–15200 Filed 6–19–15; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Requirements Survey

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) proposal titled, ''Occupational Requirements Survey,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 22, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201502–1220–006* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Occupational Requirements Survey (ORS) information collection. The ORS will be a nationwide survey that the BLS will conduct at the request of the Social Security Administration (SSA). The first three years of data collection and capture for the ORS will start in 2015 and end in mid-2018. The SSA, Members of the Congress, and representatives of the disability community have all identified the collection of updated information on the requirements of work in today's economy as crucial to the equitable and efficient operation of the Social Security Disability Insurance (SSDI) program. The information currently available is more than twenty (20) years old. Estimates produced from the data collected by the ORS will be used by the SSA to update occupational requirements data in administering the SSDI and Supplemental Security Income SSI programs. The ORS will collect data from a sample of employers. These requirements of work data will consist of information about the duties, responsibilities, and job tasks for a sample of occupations for each sampled employer. The BLS Authorizing Statute and the Economy Act authorize this information collection. *See* 29 U.S. C. 9, 9(a) and 31 U.S.C. 1535.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB

Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on February 18, 2015 (80 FR 8696).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention ICR Reference Number 201502–1220–006. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Occupational Requirements Survey.

OMB ICR Reference Number: 201502–1220–006.

Affected Public: State, Local and Tribal Governments and Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 10,071.

Total Estimated Number of Responses: 10,557.

Total Estimated Annual Time Burden: 18,915 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: June 15, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–15196 Filed 6–19–15; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Experience Rating Report

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Experience Rating Report,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 22, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201506-1205-004* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Experience Rating Report (Form ETA–204) information collection that provides data to the ETA for the study of seasonality, employment, or payroll fluctuations and stabilization, expansion, or contraction in operations on employment experience. The data are used to provide an indication of whether solvency problems exist in a State's Unemployment Insurance Trust Fund accounts and in analyzing factors that give rise to solvency problems. The data are also used to complete the Experience Rating Index. Social Security Act section 303(a)(6) authorizes information collection. *See* 42 U.S.C. 503(a)(6).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0164.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 26, 2014 (79 FR 70568).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0164. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Experience Rating Report.

OMB Control Number: 1205–0164.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 53.

Total Estimated Annual Time Burden: 27 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: June 12, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–15197 Filed 6–19–15; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the VETS core programs and services regarding efforts that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at 202–693–4734.

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Friday, July 10, 2015 by contacting Mr. Gregory Green at 202–693–4734. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed. The meeting site is accessible to individuals with disabilities. This Notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

Date and Time: Thursday, July 16, 2015 beginning at 9:00 a.m. and ending at approximately 4:00 p.m. (EST).

ADDRESSES: The meeting will take place at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210, Suite N–5437 A & B. Members of the public are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

Security Instructions: Meeting participants should use the visitors' entrance to access the Frances Perkins Building, one block north of Constitution Avenue at 3rd and C Streets NW. For security purposes meeting participants must:

1. Present a valid photo ID to receive a visitor badge.

2. Know the name of the event being attended: the meeting event is the Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO).

3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW. When receiving a visitor badge, the security officer will retain the visitor's photo ID until the visitor badge is returned to the security desk.

4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, Metro's Judiciary Square station is the easiest way to access the Frances Perkins Building.

Notice of Intent to Attend the Meeting: All meeting participants are being asked to submit a notice of intent to attend by Friday, July 10, 2015, via email to Mr. Gregory Green at *green.gregory.b@dol.gov,* subject line ''July 2015 ACVETEO Meeting.''

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Designated Federal Official for the ACVETEO, (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for VETS, with respect to outreach activities and employment and training needs of Veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:00 a.m. Welcome and remarks, Teresa W. Gerton, Acting Assistant Secretary for Veterans Employment and Training Service

9:05 a.m. Administrative Business, Gregory Green, Designated Federal Official

9:15 a.m. Outreach Subcommittee Briefing and Discussion

10:00 a.m. Break

10:15 a.m. Continued Outreach Subcommittee Briefing and Discussion

11:00 a.m. Break

11:15 a.m. Focused Populations Subcommittee Briefing and Discussion

12:00 p.m. Lunch

1:00 p.m. Continued Focused Populations Subcommittee Briefing and Discussion

2:00 p.m. Break

2:15 p.m. Transition Subcommittee Briefing and Discussion

3:15 p.m. Continued Transition Subcommittee Briefing and Discussion

3:30 p.m. Public Forum, Gregory Green Designated Federal Official

4:00 p.m. Adjourn

Signed in Washington, DC, this 16th day of June, 2015.

Teresa W. Gerton,

Acting Assistant Secretary for Veterans' Employment and Training Service.

[FR Doc. 2015–15195 Filed 6–19–15; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Reintegration of Ex-Offenders Adult Reporting System

ACTION: Notice.

SUMMARY: On June 30, 2015, the Department of Labor (DOL) will submit the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Reintegration of Ex-Offenders Adult Reporting System,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 30, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201506–1205–005* (this link will only become active on July 1, 2015) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street, NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue, NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to revise the Reintegration of Ex-Offenders (RExO) Adult Reporting System information collection. RExO Adult Program grantees provide selected standardized information pertaining to customers in the programs for general program oversight, evaluation, and performance assessment purposes. The ETA provides all grantees with a management information system for use to collect participant data and for preparing and submitting the required quarterly reports. This ICR has been identified as a revision, because the agency has made minor changes to the data elements.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0455.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0455. The current approval is scheduled to expire on June 30, 2015; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 2, 2015 (80 FR 17787).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0455. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Reintegration of Ex-Offenders Adult Reporting System.

OMB Control Number: 1205–0455.

Affected Public: State, Local, and Tribal Governments; Individuals or Households; and Private Sector—not-for-profit institutions.

Total Estimated Number of Respondents: 5,740.

Total Estimated Number of Responses: 5,945.

Total Estimated Annual Time Burden: 15,245 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: June 15, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–15199 Filed 6–19–15; 8:45 am]

BILLING CODE 4510–FT–P

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities

Public Availability of the National Endowment for the Humanities FY 2014 Service Contract Inventory

AGENCY: National Endowment for the Humanities, National Foundation on the Arts and Humanities.

ACTION: Notice of Public Availability of FY 2014 Service Contract Inventory.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the National Endowment for the Humanities (NEH) is publishing this notice to advise the public of the availability of the FY 2014 Service Contract Inventory. This inventory provides 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. NEH has developed this inventory in accordance with guidance issued on November 5, 2010 and 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/omb/procurement-service-contract-inventories.* NEH has posted its FY 2014 inventory documents on its Web site at the following link: *http://www.neh.gov/about/legal/reports.*

FOR FURTHER INFORMATION CONTACT: Barry Maynes in the Administrative Services Office at 202–606–8233 or *bmaynes@neh.gov.*

Dated: June 15, 2015.

Michael P. McDonald,

General Counsel and Federal Register Liaison Officer.

[FR Doc. 2015–15183 Filed 6–19–15; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of National Council on the Humanities

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Council on the Humanities will meet to advise the Chairman of the National Endowment for the Humanities (NEH) with respect to policies, programs and procedures for carrying out his functions; to review applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 and make recommendations thereon to the Chairman; and to consider gifts offered to NEH and make recommendations thereon to the Chairman.

DATES: The meeting will be held on Thursday, July 9, 2015, from 10:30 a.m. until adjourned, and Friday, July 10, 2015, from 9:00 a.m. until adjourned.

ADDRESSES: The meeting will be held at Constitution Center, 400 7th Street SW., Washington, DC 20506. See **SUPPLEMENTARY INFORMATION** section for room numbers.

FOR FURTHER INFORMATION CONTACT: Lisette Voyatzis, Committee Management Officer, 400 7th Street SW., 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.* Hearing-impaired individuals who prefer to contact us by phone may use NEH's TDD terminal at (202) 606–8282.

SUPPLEMENTARY INFORMATION: The National Council on the Humanities is meeting pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951–960, as amended). The Committee meetings of the National Council on the Humanities will be held on July 9, 2015, as follows: The policy discussion session (open to the public) will convene at 10:30 a.m. until approximately 11:30 a.m., followed by the discussion of specific grant applications and programs before the Council (closed to the public) from 11:30 a.m. until 12:30 p.m.

Digital Humanities: Room 4089
Education Programs: Conference Room C
Preservation and Access: Room 2002
Public Programs & Federal/State Partnership: Room P003
Research Programs: Room 4002

The plenary session of the National Council on the Humanities will convene on July 10, 2015, at 9:00 a.m. in the Conference Center at Constitution Center. The agenda for the morning session (open to the public) will be as follows:

A. Minutes of the Previous Meeting
B. Reports
1. Chairman's Remarks
2. Deputy Chairman's Remarks
3. Presentation by Cathy Gorn, Executive Director, National History Day
4. Congressional Affairs Report
5. Reports on Policy and General Matters
a. Digital Humanities
b. Education Programs
c. Preservation and Access
d. Public Programs
e. Federal/State Partnership
f. Research Programs

The remainder of the plenary session will be for consideration of specific applications and therefore will be closed to the public.

As identified above, portions of the meeting of the National Council on the Humanities will be closed to the public pursuant to sections 552b(c)(4), 552b(c)(6) and 552b(c)(9)(b) of Title 5 U.S.C., as amended. The closed sessions will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, and discussion of certain information, the premature disclosure of which could significantly frustrate implementation of proposed agency action. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated July 19, 1993.

Please note that individuals planning to attend the public sessions of the meeting are subject to security screening procedures. If you wish to attend any of the public sessions, please inform NEH as soon as possible by contacting Ms. Katherine Griffin at (202) 606–8322 or *kgriffin@neh.gov.* Please also provide advance notice of any special needs or accommodations, including for a sign language interpreter.

Dated: June16, 2015.

Lisette Voyatzis,

Committee Management Officer.

[FR Doc. 2015–15330 Filed 6–19–15; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by July 22, 2015. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, at

the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. Applicant

Shaun O'Boyle, 30 South Carson Ave., Dalton, MA 01226.

Permit Application: 2016–001.

Activity for Which Permit Is Requested

ASPA entry, Applicant, as an NSF artist, desires to enter several ASPAs in order to take photos of manmade structures and their relationship to surrounding landscapes.

Location

ASPA 121 Cape Royds; ASPA 122 Arrival Heights; ASPA 124 Cape Crozier; ASPA 131 Canada Clacier; ASPA 155 Cape Evans; ASPA 157 Backdoor Bay; ASPA 158 Hut Point; ASPA 172 Lower Taylor Glacier and Blood Falls.

Dates

November 1 to December 15, 2015.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2015–15155 Filed 6–19–15; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATES: June 22, 29, July 6, 13, 20, 27, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed

Week of June 22, 2015

Tuesday, June 23

9:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting) (Contact: Dafna Silberfeld, 301–287–0737)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, June 25, 2015

9:00 a.m. Briefing on Proposed Revisions to Part 10 CFR part 61 and Low-Level Radioactive Waste Disposal (Public Meeting) (Contact: Gregory Suber, 301–415–8087)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 29, 2015—Tentative

There are no meetings scheduled for the week of June 29, 2015.

Week of July 6, 2015—Tentative

Tuesday, July 7, 2015

9:00 a.m. Briefing on Inspections, Tests, Analyses, and Acceptance Criteria (Public Meeting) (Contact: James Beardsley, 301–415–5998)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, July 9, 2015

9:00 a.m. Briefing on the Mitigation of Beyond Design Basis Events Rulemaking (Public Meeting) (Contact: Tara Inverso, 301–415–1024)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of July 13, 2015—Tentative

There are no meetings scheduled for the week of July 13, 2015.

Week of July 20, 2015—Tentative

There are no meetings scheduled for the week of July 20, 2015.

Week of July 27, 2015—Tentative

There are no meetings scheduled for the week of July 27, 2015.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301–415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: June 18, 2015.

Richard J. Laufer,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2015–15355 Filed 6–18–15; 11:15 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of China Organic Fertilizer, Inc., Order of Suspension of Trading

June 18, 2015.

It appears to the Securities and Exchange Commission (''Commission'') that there is a lack of current and accurate information concerning the securities of China Organic Fertilizer, Inc. (''CHOR'' [1]) (CIK No. 1081944), a revoked Nevada corporation whose principal place of business is listed as Beijing, China because it is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended March 31, 2011. As of June 10, 2015, CHOR's common stock was quoted on OTC Link (previously ''Pink Sheets'') operated by OTC Markets Group Inc. On May 12, 2014, the Commission's Division of Corporation Finance sent a delinquency letter to CHOR at the address shown in its then-most recent filing in the Commission's EDGAR system requesting compliance with its periodic filing requirements, which CHOR failed to receive because the letter was not deliverable as addressed. CHOR thus failed to maintain a valid address on file with the Commission as required by Commission rules (Rule 301 of Regulation S–T, 17 CFR 232.301 and Section 5.4 of EDGAR Filer Manual). To

[1] The short form of the issuer's name is also its ticker symbol.

date, CHOR has failed to cure its delinquencies.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on June 18, 2015, through 11:59 p.m. EDT on July 1, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–15381 Filed 6–18–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Regulation 14A (Commission Rules 14a–1 through 14a–21 and Schedule 14A), SEC File No. 270–056, OMB Control No. 3235–0059.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 14(a) of the Securities Exchange Act of 1934 (the ''Exchange Act'') operates to make it unlawful for a company with a class of securities registered pursuant to Section 12 of the Exchange Act to solicit proxies in contravention of such rules and regulations as the Commission has prescribed as necessary or appropriate in the public interest or for the protection of investors. The Commission has promulgated Regulation 14A to regulate the solicitation of proxies or consents. Regulation 14A (Exchange Act Rules 14a–1 through 14a–21 and Schedule 14A) (17 CFR 240.14a–1 through 240.14a–21 and 240.14a–101) sets forth the requirements for the dissemination, content and filing of proxy or consent solicitation materials in connection with annual or other meetings of holders of a Section 12-registered class of securities. We estimate that Schedule 14A takes approximately 130.52 hours per response and will be filed by approximately 5,586 issuers annually. In addition, we estimate that 75% of the 130.52 hours per response (97.89 hours) is prepared by the issuer for an annual reporting burden of 546,814 hours (97.89 hours per response x 5,586 responses).

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 16, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–15174 Filed 6–19–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75178; File No. SR–NASDAQ–2015–059]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Relating to the Listing and Trading of the Shares of the Reaves Utilities ETF of ETFis Series Trust I

June 16, 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 June 2, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in in Items I, II, and III below, which Items have been prepared by Nasdaq. On June 12, 2015, Nasdaq submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to list and trade the shares of the Reaves Utilities ETF (the ''Fund''), a series of ETFis Series Trust I (the ''Trust''), under Nasdaq Rule 5735 (''Managed Fund Shares'').[4] The shares of the Fund are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at Nasdaq's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, Nasdaq clarified that the equity securities referred to in the Principal Investments section, *infra,* refers to exchange-listed equity securities and that the repurchase agreements in the Other Investments section, *infra,* will be high quality short duration repurchase agreements.

[4] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008) 73 FR 35175 (June 20, 2008) (SR-NASDAQ–2008–039). There are already multiple actively-managed funds listed on the Exchange; *see e.g.,* Securities Exchange Act Release No. 72411 (June 17, 2014), 79 FR 35598 (June 23, 2014) (SR–NASDAQ–2014–40) (order approving listing and trading of Calamos Focus Growth ETF). The Exchange believes the proposed rule change raises no significant issues not previously addressed in those prior Commission orders.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares [5] on the Exchange. The Fund will be an actively managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust, which was established as a Delaware statutory trust on September 20, 2012.[6] 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.[7] The Fund is a series of the Trust.

Etfis Capital LLC will be the investment adviser (''Adviser'') to the Fund. W.H. Reaves & Co., Inc. (dba Reaves Asset Management) will be the investment sub-adviser (''Sub-Adviser'') to the Fund. ETF Distributors LLC (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon (''BNY Mellon'') will act as the administrator, accounting agent, custodian, and transfer agent to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[8] In addition, paragraph (g) further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio. Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not registered as a broker-dealer; however the Adviser is affiliated with a broker-dealer. The Sub-Adviser is registered as a broker-dealer. The Adviser has implemented a fire wall with respect to its broker-dealer affiliate, and the Sub-Adviser has also implemented a firewall, regarding access to information concerning the composition and/or changes to the portfolio. In addition, personnel of both the Adviser and the Sub-Adviser who make decisions on the Fund's portfolio composition will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio. In the event (a) the Adviser registers as a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, if applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Reaves Utilities ETF

Principal Investments

The Fund's investment objective will be to seek to provide total return through a combination of capital appreciation and income. Under normal market conditions, the Fund will invest not less than 80% of its total assets in exchange-listed equity securities of companies in the Utility Sector (''Utility Sector Companies'').[9] The Fund considers a company to be a ''Utility Sector Company'' if the company is a utility or if at least 50% of the company's assets or customers are committed to, or at least 50% of the company's revenues, gross income or profits derive from, the provision of products, services or equipment for the generation or distribution of electricity, gas or water. The Fund is an actively managed ETF and, thus, does not seek to replicate the performance of a specified passive index of securities. Instead, it uses an active investment strategy that seeks to meet its investment objective.

Other Investments

In order to seek its investment objective, the Fund may also invest in cash and cash equivalents, which may include, without limitation money market instruments or high quality, short duration repurchase agreements,[10] and may also invest in U.S. exchange-traded options on securities and securities indexes.

The Fund may make short sales, which are transactions in which the Fund sells a security it does not own in anticipation of a decline in the market value of that security. To complete a short sale transaction, the Fund will borrow the security from a broker-dealer, which generally involves the payment of a premium and transaction costs. The Fund then sells the borrowed security to a buyer in the market. The Fund will then cover the short position by buying shares in the market either (i) at its discretion or (ii) when called by the broker-dealer lender. Until the security is replaced, the Fund is required to pay the broker-dealer lender

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1)(the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] The Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act (the ''Exemptive Order''). *See* Investment Company Act Release No. 30607 (July 23, 2013). In compliance with Nasdaq Rule 5735(b)(5), which applies to Managed Fund Shares based on an international or global portfolio, the Trust's application for exemptive relief under the 1940 Act states that the Fund will comply with the federal securities laws in accepting securities for deposits and satisfying redemptions with redemption securities, including that the securities accepted for deposits and the securities used to satisfy redemption requests are sold in transactions that would be exempt from registration under the Securities Act of 1933 (15 U.S.C. 77a).

[7] *See* Registration Statement on Form N–1A for the Trust filed on January 30, 2015 (File Nos. 333–187668 and 811–22819). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

[8] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser, the Sub-Adviser and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[9] *See* Amendment No. 1, *supra* note 3.

[10] *See id.*

any dividends or interest that accrue during the period of the loan. In addition, the net proceeds of the short sale will be retained by the broker to the extent necessary to meet regulatory or other requirements, until the short position is closed out.

Investment Restrictions

Under normal market conditions, the Fund will invest not less than 80% of its total assets in exchange-traded U.S. equity securities. With the exception of exchange-traded options, the Fund will not use derivative instruments, including swaps, forwards and futures contracts, both listed and over-the-counter (''OTC'').

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities and other illiquid assets (calculated at the time of investment). The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities or other illiquid assets. Illiquid securities and other illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[11]

The Fund intends to qualify for and to elect to be treated as a separate regulated investment company under SubChapter M of the Internal Revenue Code.[12]

The Fund's investments will be consistent with its investment objective. The Fund does not presently intend to engage in any form of borrowing for investment purposes, except in the case of short sales, and will not be operated as a ''leveraged ETF'', *i.e.,* it will not be operated in a manner designed to seek a multiple of the performance of an underlying reference index.

Net Asset Value

The Fund's net asset value (''NAV'') will be determined as of the close of trading (normally 4:00 p.m., Eastern time (''E.T.'')) on each day the New York Stock Exchange (''NYSE'') is open for business. NAV will be calculated for the Fund by taking the market price of the Fund's total assets, including interest or dividends accrued but not yet collected, less all liabilities, and dividing such amount by the total number of Shares outstanding. The result, rounded to the nearest cent, will be the NAV per Share. All valuations will be subject to review by the Fund's board of Trustees (the ''Board'') or its delegate.

The Fund's investments will be valued at market value *(i.e.,* the price at which a security is trading and could presumably be purchased or sold) or, in the absence of market value with respect to any investment, at fair value in accordance with valuation procedures adopted by the Board and in accordance with the 1940 Act. Common stocks and equity securities will be valued at the last sales price on the primary exchange on which the securities are listed. Portfolio securities traded on more than one securities exchange will be valued at the last sale price or, if so disseminated by an exchange, the official closing price, as applicable, at the close of the exchange representing the principal exchange or market for such securities on the business day as of which such value is being determined. Money market funds are valued at the net asset value reported by the funds. Listed options are valued at the mean of the last quoted bid and ask prices at the time of valuation. If no bid quotation is readily available at the time of valuation, the option shall be valued at the mean of the last quoted ask price and $0.00. In determining bid and ask prices for exchange-listed options, pricing will be based on bid and ask prices as reported on the option's primary exchange.

Certain securities may not be able to be priced by pre-established pricing methods. Such securities may be valued by the Board or its delegate at fair value. The use of fair value pricing by the Fund will be governed by valuation procedures adopted by the Board and in accordance with the provisions of the 1940 Act. These securities generally include, but are not limited to, restricted securities (securities which may not be publicly sold without registration under the Securities Act of 1933) for which a pricing service is unable to provide a market price; securities whose trading has been formally suspended; a security whose market price is not available from a pre-established pricing source; a security with respect to which an event has occurred that is likely to materially affect the value of the security after the market has closed but before the calculation of the Fund's net asset value or make it difficult or impossible to obtain a reliable market quotation; and a security whose price, as provided by the pricing service, does not reflect the security's ''fair value.'' As a general principle, the current ''fair value'' of a security would appear to be the amount which the owner might reasonably expect to receive for the security upon its current sale. The use of fair value prices by the Fund generally results in the prices used by the Fund that may differ from current market quotations or official closing prices on the applicable exchange. A variety of factors may be considered in determining the fair value of such securities.

Creation and Redemption of Shares

The Trust will issue and sell Shares of the Fund only in Creation Unit aggregations typically in exchange for an in-kind portfolio of instruments, although cash in lieu of such instruments would be permissible, and only in aggregations of 50,000 Shares, on a continuous basis through the Distributor, without a sales load, at the NAV next determined after receipt, on any business day, of an order in proper form.

The consideration for purchase of Creation Unit aggregations of the Fund will consist of (i) a designated portfolio of securities determined by the Adviser that generally will conform to the holdings of the Fund consistent with its investment objective (the ''Deposit Securities'') per each Creation Unit aggregation and generally an amount of cash (the ''Cash Component'') computed as described below, or (ii) cash in lieu of all or a portion of the Deposit Securities, as defined below. Together, the Deposit Securities and the Cash Component (including the cash in lieu amount) will constitute the ''Fund Deposit,'' which will represent the minimum initial and subsequent investment amount for a Creation Unit aggregation of the Fund.

The consideration for redemption of Creation Unit aggregations of the Fund will consist of (i) a designated portfolio of securities determined by the Adviser that generally will conform to the holdings of the Fund consistent with its

[11] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), FN 34. *See also* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[12] 26 U.S.C. 851.

investment objective per each Creation Unit aggregation (''Fund Securities'') and generally a Cash Component, as described below, or (ii) cash in lieu of all or a portion of the Fund Securities as defined below. Typically, redemption orders will be made ''in kind,'' as described in (i) above.

The Cash Component is sometimes also referred to as the Balancing Amount. The Cash Component will serve the function of compensating for any differences between the NAV per Creation Unit aggregation and the Deposit Amount (as defined below). For example, for a creation the Cash Component will be an amount equal to the difference between the NAV of Fund Shares (per Creation Unit aggregation) and the ''Deposit Amount''—an amount equal to the market value of the Deposit Securities and/or cash in lieu of all or a portion of the Deposit Securities. If the Cash Component is a positive number *(i.e.,* the NAV per Creation Unit aggregation exceeds the Deposit Amount), the Authorized Participant (defined below) will deliver the Cash Component. If the Cash Component is a negative number *(i.e.,* the NAV per Creation Unit aggregation is less than the Deposit Amount), the Authorized Participant will receive the Cash Component.

BNY Mellon, through the National Securities Clearing Corporation (''NSCC''), will make available on each business day, prior to the opening of business of the Exchange (currently 9:30 a.m., E.T.), the list of the names and the quantity of each Deposit Security to be included in the current Fund Deposit (based on information at the end of the previous business day). Such Fund Deposit will be applicable, subject to any adjustments as described below, in order to effect creations of Creation Unit aggregations of the Fund until such time as the next-announced composition of the Deposit Securities is made available. BNY Mellon, through the NSCC, will also make available on each business day, prior to the opening of business of the Exchange (currently 9:30 a.m., E.T.), the list of the names and the quantity of each security to be included (based on information at the end of the previous business day), subject to any adjustments as described below, in order to affect redemptions of Creation Unit aggregations of the Fund until such time as the next-announced composition of the Fund Securities is made available.

The Trust will reserve the right to permit or require the substitution of an amount of cash, *i.e.,* a ''cash in lieu'' amount, to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or which might not be eligible for trading by an Authorized Participant or the investor for which it is acting or other relevant reason. To the extent the Trust effects the redemption of Shares in cash, such transactions will be effected in the same manner for all Authorized Participants.

In addition to the list of names and numbers of securities constituting the current Deposit Securities of a Fund Deposit, BNY Mellon, through the NSCC, will also make available on each business day, the estimated Cash Component, effective through and including the previous business day, per Creation Unit aggregation of the Fund.

To be eligible to place orders with respect to creations and redemptions of Creation Units, an entity must be (i) a ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the clearing process through the continuous net settlement system of the NSCC or (ii) a Depository Trust Company (''DTC'') Participant (a ''DTC Participant''). In addition, each Participating Party or DTC Participant (each, an ''Authorized Participant'') must execute an agreement that has been agreed to by the Distributor and BNY Mellon with respect to purchases and redemptions of Creation Units.

All orders to create Creation Unit aggregations must be received by the Distributor no later than 3:00 p.m., E.T., an hour earlier than the closing time of the regular trading session on the Exchange (ordinarily 4:00 p.m., E.T.), in each case on the date such order is placed in order for creations of Creation Unit aggregations to be effected based on the NAV of Shares of the Fund as next determined on such date after receipt of the order in proper form.

In order to redeem Creation Units of the Fund, an Authorized Participant must submit an order to redeem for one or more Creation Units. All such orders must be received by the Distributor in proper form no later than 3:00 p.m., E.T., an hour earlier than the close of regular trading on the Exchange (ordinarily 4:00 p.m., E.T.), in order to receive that day's closing NAV per Share.

Availability of Information

The Fund's Web site (*www.reavesetfs.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include the Share's ticker, Cusip and exchange information along with additional quantitative information updated on a daily basis, including, for the Fund: (1) Daily trading volume, the prior business day's reported NAV and closing price, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price'') [13] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Regular Market Session [14] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'' as defined in Nasdaq Rule 5735(c)(2)) held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[15]

On a daily basis, the Fund will disclose for each portfolio security and other asset of the Fund the following information on the Fund's Web site (if applicable): ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding); the identity of the security, commodity, index, or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holdings in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5735(c)(3) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's portfolio,

[13] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[14] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m. E.T.; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. E.T.; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. E.T.).

[15] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Notwithstanding the foregoing, portfolio trades that are executed prior to the opening of the Exchange on any business day may be booked and reflected in NAV on such business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service [16] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Price information regarding the equity securities, options, money market instruments and money market funds held by the Fund will be available through the U.S. exchanges trading such assets, in the case of exchange-traded securities, as well as automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters.

Intra-day price information for all assets held by the Fund will also be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and its Form N–CSR and Form N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those 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. The previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares and any underlying exchange-traded products other than options will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares. Quotation and last sale information for options is available via the Options Price Reporting Authority (''OPRA'').

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes will be included in the Registration Statement.

Initial and Continued Listing

The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [17] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which trading is not occurring in the securities and other assets constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m. E.T. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[18] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG'') [19] and FINRA may obtain trading information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG,[20] or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Fund's net assets that are invested in exchange-traded equities, including

[16] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

[17] *See* 17 CFR 240.10A–3.

[18] 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.

[19] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[20] *Id.*

ETPs and common stock, will be invested in instruments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value and Disclosed Portfolio is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV calculation time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund's Web site.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. In addition, paragraph (g) of Nasdaq Rule 5735 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio. The Fund's investments will be consistent with the Fund's investment objective. FINRA may obtain information via ISG from other exchanges that are members of ISG. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes all U.S. and some foreign securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Fund may invest up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment). The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio of the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares and any underlying exchange-traded products. Quotation and last sale information for U.S. exchange-traded options will be available via the OPRA. Intra-day price information will be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted under the conditions specified in Nasdaq Rules 4120 and 4121 or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund with

other markets and other entities that are members of the ISG and FINRA may obtain trading information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes all U.S. and some foreign securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Furthermore, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–059 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NASDAQ–2015–059. 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 Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2015–059 and should be submitted on or before July 13,2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Brent J. Fields,

Secretary.

[FR Doc. 2015–15171 Filed 6–19–15; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension

Regulation 14C (Commission Rules 14c–1 through 14c–7 and Schedule 14C), SEC File No. 270–057, OMB Control No. 3235–0057

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 14(c) of the Securities Exchange Act of 1934 (the ''Exchange Act'') operates to require issuers that do not solicit proxies or consents from any or all of the holders of record of a class of securities registered under Section 12 of the Exchange Act and in accordance with the rules and regulations prescribed under Section 14(a) in connection with a meeting of security holders (including action by consent) to distribute to any holders that were not solicited an information statement substantially equivalent to the information that would be required to be transmitted if a proxy or consent solicitation were made. Regulation 14C (Exchange Act Rules 14c–1 through 14c–7 and Schedule 14C) (17 CFR 240.14c–1 through 240.14c–7 and 240.14c–101) sets forth the requirements for the dissemination, content and filing of the information statement. We estimate that Schedule 14C takes approximately 130.95 hours per response and will be filed by approximately 569 issuers annually. In addition, we estimate that 75% of the 130.95 hours per response (98.21 hours) is prepared by the issuer for an annual reporting burden of 55,881 hours (98.21 hours per response × 569 responses).

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 16, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–15175 Filed 6–19–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of KPNQwest N.V. and Preventia, Inc.; Order of Suspension of Trading

June 18, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of KPNQwest N.V. (CIK No. 1097566), a Netherlands corporation with its principal place of business listed as Hoofddorp, The Netherlands, with stock quoted on OTC Link (previously, ''Pink Sheets'') operated by OTC Markets Group, Inc. (''OTC Link'') under the ticker symbol KQIPQ, because it has not filed any periodic reports since the period ended December 31, 2000. On March 10, 2014, KPNQwest N.V. received a delinquency letter sent by the Division of Corporation Finance requesting compliance with their periodic filing obligations.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Preventia, Inc. (CIK No. 1506302), a defaulted Nevada corporation with its principal place of business listed as Toronto, Ontario, Canada, with stock quoted on OTC Link under the ticker symbol PVTA, because it has not filed any periodic reports since the period ended September 30, 2012. On September 16, 2014, the Division of Corporation Finance sent Preventia a delinquency letter requesting compliance with their periodic filing obligations, but the letter was returned because of Preventia's failure to maintain a valid address on file with the Commission.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 18, 2015, through 11:59 p.m. EDT on July 1, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–15375 Filed 6–18–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75179; File No. SR–ICC–2015–012]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change To Correct Inconsistent Provisions Regarding the Risk Management Subcommittee

June 16, 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 June 10, 2015, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to amend the ICC Clearing Rules (the ''Rules'') to correct inconsistent provisions regarding the Risk Management Subcommittee.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed revisions are intended to make revisions to correct inconsistent provisions regarding the Risk Management Subcommittee. ICC believes such changes will protect investors and the public interest. The proposed Rule revisions are described in detail as follows.

In describing the independence requirements for certain Risk Management Subcommittee members in Rule 511(a)(iii), ICC mistakenly referred to U.S. Commodity Futures Trading Commission (''CFTC'') Regulation 1.3(ccc), a proposed regulation that, to date, the CFTC has not adopted. ICC proposes revising Rule 511(a)(iii) to remove the improper reference to CFTC Regulation 1.3(ccc) and replacing such rule cite with a reference to ICC's Independence Requirements, which are defined in Rule 503. Such independent Risk Management Subcommittee managers were previously defined as ''Independent Public Directors'' in Rules 511 and 512. ICC proposes re-defining such independent Risk Management Subcommittee managers to ''Independent ICE Subcommittee Managers'' and updating references in Rules 511 and 512 to reflect the new defined term. ICC also proposes clarifying language to specify that such Independent ICE Subcommittee Managers are appointed by the ICC Board. Finally, ICC proposes revising Rule 512 to clarify that for purposes of Rule 507(a), which sets forth meeting frequency requirements, the Risk

Management Subcommittee shall meet when deemed necessary or desirable by the Risk Management Subcommittee or its chairperson.

Section 17A(b)(3)(F) of the Act [3] requires, among other things, that the rules of a clearing agency be designed to protect investors and the public interest and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(F),[4] because ICC believes that the proposed rule change will protect investors and the public interest. The revisions to correct certain inconsistent provisions regarding the Risk Management Subcommittee alleviate potential confusion within the ICC Rules. As such, the proposed rule changes are designed to protect investors and the public interest within the meaning of Section 17A(b)(3)(F) [5] of the Act.

The proposed rule changes will also satisfy the requirements of Rule 17Ad–22.[6] In particular, the revisions to correct inconsistent provisions regarding the Risk Management Subcommittee ensure ICC's governance arrangements remain clear and transparent, consistent with the requirements of Rule 17Ad–22(d)(8).[7]

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The revisions to correct certain inconsistent provisions regarding the Risk Management Subcommittee apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

[3] 15 U.S.C. 78q–1(b)(3)(F).

[4] *Id.*

[5] *Id.*

[6] 17 CFR 240.17Ad–22.

[7] 17 CFR 240.17Ad–22(d)(8).

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 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–ICC–2015–012 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–ICC–2015–012. 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 filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2015–012 and should be submitted on or before July 13, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Brent J. Fields,

Secretary.

[FR Doc. 2015–15172 Filed 6–19–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street, NE., Washington, DC 20549–2736.

Extension:

Rule 17f–1(b), SEC File No. 270–28, OMB Control No. 3235–0032.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17f–1(b) (17 CFR 240.17f–1(b)) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17f–1(b) under the Exchange Act requires approximately 15,517 entities in the securities industry to register in the Lost and Stolen Securities Program (''Program''). Registration fulfills a statutory requirement that entities report and inquire about missing, lost, counterfeit, or stolen securities. Registration also allows entities in the securities industry to gain access to a confidential database that stores information for the Program.

The Commission staff estimates that 10 new entities will register in the Program each year. The staff estimates that the average number of hours necessary to comply with Rule 17f–1(b)

is one-half hour. Accordingly, the staff estimates that total annual burden for all participants is 5 hours (10 × one-half hour). The Commission staff estimates that compliance staff work at subject entities results in an internal cost of compliance, at an estimated hourly wage of $283, of $141.50 per year per entity (.5 hours × $283 per hour = $141.50 per year). Therefore, the aggregate annual internal cost of compliance is approximately $1,415 ($141.50 × 10= $1,415).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street, NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 16, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–15173 Filed 6–19–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of BioCoral, Inc., GC China Turbine Corp., Race World International, Inc., and Worldwide Biotech & Pharmaceutical Co.; Order of Suspension of Trading

June 18, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of BioCoral, Inc. (CIK No. 919605), a Delaware corporation with its principal place of business listed as La Garenne-Colombes, France, with stock quoted on OTC Link (previously, ''Pink Sheets'') operated by OTC Markets Group, Inc. (''OTC Link'') under the ticker symbol BCRA, because it has not filed any periodic reports since the period ended September 30, 2012. On February 27, 2014, the Division of Corporation Finance sent BioCoral a delinquency letter requesting compliance with its periodic filing obligations, but the letter was returned because of BioCoral's failure to maintain a valid address on file with the Commission.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of GC China Turbine Corp. (CIK No. 1380528), a revoked Nevada corporation with its principal place of business listed as Wuhan, China, with stock quoted on OTC Link under the ticker symbol GCHT, because it has not filed any periodic reports since the period ended September 30, 2011. On or about October 15, 2013, GC China Turbine received a delinquency letter sent by the Division of Corporation Finance requesting compliance with their periodic filing obligations.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Race World International, Inc. (CIK No. 1415736), a revoked Nevada corporation with its principal place of business listed as Weifang, China, with stock quoted on OTC Link under the ticker symbol RCWR, because it has not filed any periodic reports since the period ended June 30, 2011. On July 22, 2013, Race World International received a delinquency letter sent by the Division of Corporation Finance requesting compliance with their periodic filing obligations.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Worldwide Biotech & Pharmaceutical Co. (CIK No. 95302), a forfeited Delaware corporation with its principal place of business listed as Xi'an, China, with stock quoted on OTC Link under the ticker symbol WWBP, because it has not filed any periodic reports since the period ended March 31, 2011. On May 10, 2012, the Division of Corporation Finance sent Worldwide Biotech a delinquency letter requesting compliance with their periodic filing obligations, but the letter was returned because of Worldwide Biotech's failure to maintain a valid address on file with the Commission.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 18, 2015, through 11:59 p.m. EDT on July 1, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–15374 Filed 6–18–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Voluntary XBRL-Related Documents, SEC File No. 270–550, OMB Control No. 3235–0611.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

As part of our evaluation of the potential of interactive data tagging technology, the Commission permits registered investment companies (''funds'') to submit on a voluntary basis specified financial statement and portfolio holdings disclosure tagged in eXtensible Business Reporting Language (''XBRL'') format as an exhibit to certain filings on the Commission's Electronic Data Gathering, Analysis and Retrieval System (''EDGAR''). The current voluntary program permits any fund to participate merely by submitting a tagged exhibit in the required manner. These exhibits are publicly available but are considered furnished rather than filed. The purpose of the collection of information is to help evaluate the usefulness of data tagging and XBRL to registrants, investors, the Commission, and the marketplace.

We estimate that no funds participate in the voluntary program each year. This information collection, therefore, imposes no hour burden; however, we are requesting a burden of one hour for administrative purposes. We also estimate that the information collection imposes no cost burden.

Estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Participation in the program is voluntary. Submissions under the program will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 16, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–15176 Filed 6–19–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of GSP–2, Inc., Order of Suspension of Trading

June 18, 2015.

It appears to the Securities and Exchange Commission (''Commission'') that there is a lack of current and accurate information concerning the securities of GSP–2, Inc. (''GSPO'' [1]) (CIK No. 1497644), a revoked Nevada corporation whose principal place of business is listed as Gongzhuling City, Jilin Province, China because it is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended September 30, 2013. As of June 10, 2015, GSPO's common stock was quoted on OTC Link (previously ''Pink Sheets'') operated by OTC Markets Group Inc. On November 19, 2014, the Commission's Division of Corporation Finance sent a delinquency letter to GSPO at the address shown in its then-most recent filing in the Commission's EDGAR system requesting compliance with its periodic filing requirements, which GSPO failed to receive because the letter was undeliverable as addressed. GSPO thus failed to maintain a valid address on file with the Commission as required by Commission rules (Rule 301 of Regulation S–T, 17 CFR 232.301 and Section 5.4 of EDGAR Filer Manual). To date, GSPO has failed to cure its delinquencies.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on June 18, 2015, through 11:59 p.m. EDT on July 1, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–15382 Filed 6–18–15; 4:15 pm]

BILLING CODE 8011–01–P

[1] The short form of the issuer's name is also its ticker symbol.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–08]

Petition for Exemption; Summary of Petition Received; Ars Electronica Linz GmbH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 13, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–1095 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Nia Daniels, (202) 267–9677, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 15, 2015.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–1095.

Petitioner: Ars Electronica Linz GmbH.

Section(s) of 14 CFR Affected: part 21; 45.21(a); 45.22; 45.23(a) and (b); 45.27(a); 47.3(a); 61.3; 61.23; 91.7; 91.9(b) and (c); 91.103; 91.111; 91.113; 91.119; 91.126; 91.127; 91.129; 91.130; 91.151(a); 91.203; 91.215; part 91, Subpart E.

Description of Relief Sought: Ars Electronica Linz GmbH requests an exemption to operate up to 200 unmanned aircraft systems, using automated flight control systems, in a cylindrical airspace measuring less than 1,000 feet in diameter and less than 400 feet above ground level.

[FR Doc. 2015–15202 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Human Response to Aviation Noise in Protected Natural Areas Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This research is important for establishing the scientific basis for air tour management policy decisions in the National Parks as mandated by the National Parks Air Tour Management Act of 2000.

DATES: Written comments should be submitted by August 21, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 300, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0744.

Title: Human Response to Aviation Noise in Protected Natural Areas Survey.

Form Numbers: There are no FAA forms associated with this request.

Type of Review: Renewal of an information collection.

Background: The data from this research are critically important for establishing the scientific basis for air tour management policy decisions in the National Parks as mandated by the National Parks Air Tour Management Act of 2000 (NPATMA). The research expands on previous aircraft noise dose-response work by using a wider variety of survey methods, by including different site types and visitor experiences from those previously measured, and by increasing site type replication.

Respondents: Approximately 16,800 visitors to National Parks annually.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 4,200 hours annually.

Issued in Washington, DC on June 16, 2015.

Ronda Thompson,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–15270 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–09]

Petition for Exemption; Summary of Petition Received; Industrial Skyworks (USA), Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 13, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–1060 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Nia Daniels, (202) 267–9677, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 15, 2015.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–1060.

Petitioner: Industrial Skyworks (USA), Inc.

Section(s) of 14 CFR Affected: part 21; 91.113; 91.119(c); 91.151; 91.209; 91.405(a) and (b); 91.407(a)(1); 91.409(a)(1) and (2); and 91.417(a).

Description of Relief Sought: Industrial Skyworks (USA), Inc. petitions to operate a small unmanned aircraft system to provide inspection services during nighttime operations.

[FR Doc. 2015–15201 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification of Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 9, 2015. 14 CFR part 139 establishes certification requirements for airports serving scheduled air carrier operations in aircraft with 10–30 seats. These requirements result in information collections from respondents.

DATES: Written comments should be submitted by July 22, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0675

Title: Certification of Airports.

Form Numbers: FAA Form 5280–1.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 9, 2015 (80 FR 19108). Title 49, United States Code (U.S.C.) 44706, Airport operation certificates, authorizes the FAA to issue airport operating certificates to airports serving certain air carriers, and to establish minimum safety standards for the operation of those airports. Information collection requirements are used by the FAA to determine an airport operator's compliance with safety and operational requirements found in 14 CFR part 139, and to assist airport personnel to perform duties required under the regulation.

Respondents: Approximately 539 airports.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 22 hours.

Estimated Total Annual Burden: 96,801 hours.

Issued in Washington, DC, on June 16, 2015.

Ronda Thompson,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–15265 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Pilot Certification and Qualification Requirements for Air Carrier Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 9, 2015. FAA aviation safety inspectors review Airline Transport Pilot (ATP) Certification Training Program (CTP) submittals to determine that the program complies with the applicable requirements of 14 CFR 61.156.

DATES: Written comments should be submitted by July 22, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0755.

Title: Pilot Certification and Qualification Requirements for Air Carrier Operations.

Form Numbers: FAA Form 8700–1.

Type of Review: Revision of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 9, 2015 (80 FR 19107). FAA aviation safety inspectors review the Airline Transport Pilot (ATP) Certification Training Program (CTP) submittals to determine that the program complies with the applicable requirements of 14 CFR 61.156. The programs that comply with the minimum requirements receive approval to begin offering or providing the course to applicants for an ATP certificate with a multiengine class rating or an ATP certificate obtained concurrently with an airplane type rating. The inspectors also review an institution of higher education's application (new form) for the authority to certify its graduates meet the minimum requirements of 14 CFR 61.160. The institutions of higher education that receive a letter of authorization for their degree program(s) will be authorized to place a certifying statement on a graduates' transcript indicating he or she is eligible for a restricted privileges ATP certificate. For those institutions of higher education that have received the Letter of Authorization (LOA) from the FAA to certify graduates for a restricted privileges ATP certificate that would like to add degree programs or additional coursework to the authorization, they must submit an application for revision. FAA will review the revised application, and amend the LOA accordingly.

Respondents: Approximately 50 new applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 120 hours for ATP CTP course development, 8 hours for application for the authority to certify that graduates meet the minimum requirements of 14 CFR 61.160, 2 hours for revision application for authority to certify graduates for a restricted privileges ATP certificate.

Estimated Total Annual Burden: 1,411.75 hours.

Issued in Washington, DC, on June 16, 2015.

Ronda Thompson,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–15268 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Request for Comments; Revision of an Existing Information Collection: Medical Standards and Certification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the FAA invites public comments about our intention to request OMB approval to revise an existing information collection. The information collected is used to determine if applicants are medically qualified to perform the duties associated with the class of airman medical certificate sought. The FAA intends to revise the information it is collecting via FAA form 8500–8, in part, to respond to recommendations made in an April 2014 General Services Administration report entitled ''FAA Should Improve Usability of its Online Application System and Clarity of the Pilot's Medical Form.''

DATES: Comments should be submitted by August 21, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 300, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

The FAA is seeking comments only with regard to the burden associated with the information collection activity under OMB Control Number 2120–0034. As such, any comments received that cite this notice but are outside of the scope of the collection activity under OMB Control Number 2120–0034 will not be addressed.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0034.

Title: Medical Standards and Certification.

Form Numbers: FAA forms 8500–7, 8500–8, and 8500–14.

Type of Review: Revision of an existing information collection.

Background: The Secretary of Transportation collects this information under the authority of 49 U.S.C. 40113; 44701; 44510; 44702; 44703; 44709; 45303; and 80111. The airman medical certification program is implemented by Title 14 Code of Federal Regulations (CFR) parts 61 and 67 (14 CFR parts 61 and 67). The FAA determines if applicants are medically qualified to perform the duties associated with the class of airman medical certificate sought.

Respondents: Approximately 414,300 applicants for airman medical certificates.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1.5 hours.

Estimated Total Annual Burden: 598,950 hours.

Issued in Washington, DC, on June 16, 2015.

Ronda Thompson,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–15267 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Survey of Airman Satisfaction With Aeromedical Certification Services

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our

intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 9, 2015. This survey assesses airman opinion of key dimensions of service quality of aeromedical certification services.

DATES: Written comments should be submitted by July 22, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0707

Title: Survey of Airman Satisfaction with Aeromedical Certification Services

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Extension without change of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 9, 2015 (80 FR 19107). The Office of Aerospace Medicine (OAM) is responsible for the medical certification of pilots and certain other personnel to ensure they are medically qualified to operate aircraft and perform their duties safely. This survey is designed to meet the requirement to survey stakeholder satisfaction under E. O. No. 12862 and the Government Performance and Results Act of 1993 (GPRA).

Respondents: Approximately 2,333 pilots and certain other personnel who have applied for medical certification.

Frequency: Information is collected biennially.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 583.25 hours.

Issued in Washington, DC on June 16, 2015.

Ronda Thompson,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–15264 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fifth Meeting: Special Committee 147 (SC 147)

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

ACTION: Eighty-First Meeting Notice of Special Committee 147.

SUMMARY: The FAA is issuing this notice to advise the public of the eighty-first meeting of the Special Committee 147.

DATES: The meeting will be held July 16th from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at MIT McNair Building (#37), MIT Campus, Off Vassar Street, Boston, MA 02139, Tel: (202) 330–0663.

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 Sophie Bousquet, Program Director, RTCA, Inc., *sbousquet@rtca.org,* 202–330–0663.

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 Special Committee 147. The agenda will include the following:

Thursday, July 16, 2015

1. Opening Plenary Session
   a. Chairmen's Opening Remarks/ Introductions
   b. Approval of Summary from 80th meeting of SC–147
   c. Approval of Agenda
2. Report from WG 75
3. Loss of Altitude/Transponder
4. ''Unjustified RAs'' (60 min/1045) Brandao
   a. Ad hoc group status brief
   b. Proposed change document status and review
5. Working Group Reports
   a. Report from SWG
   b. Report from TWG
   i. Safety Sub-group
   ii. Xo Sub-group
   c. Report from OWG
   d. Report from CSG
6. ACAS X RF message typing/ identification
7. Review proposed TOR Changes to include ACAS Xu
8. Review of Joint/Plenary Actions/ Overflow
9. 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 June 17, 2015.

Latasha Robinson,

Management & Program Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.

[FR Doc. 2015–15272 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact/ Record of Decision (FONSI/ROD) for the Obstruction Removal Project for the Duluth-Sky Harbor Airport (DYT) in Duluth, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is issuing this notice to advise the public that the FAA has prepared and approved (May 8, 2015) a FONSI/ROD based on the Final EA for the DYT Obstruction Removal Project. The Final EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, FAA Orders 1050.1E, ''Environmental Impacts: Policies and Procedures'' and 5050.4B, ''NEPA Implementing Instructions for Airport Actions''.

DATES: This notice is effective June 22, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Josh Fitzpatrick, Environmental Protection Specialist, FAA Dakota-Minnesota Airports District Office (ADO), 6020 28th Avenue South, Suite 102, Minneapolis, Minnesota, 55450. Telephone number is (612) 253–4639. Copies of the FONSI/ROD and/or Final EA are available upon written request by contacting Mr. Josh Fitzpatrick through the contact information above.

SUPPLEMENTARY INFORMATION: The Final EA evaluated the DYT Obstruction Removal Project. The purpose of the project is to provide a safe airport facility that will meet FAA and MnDOT aeronautics design and operation requirements and safely maintain adequate runways with clear approach surfaces for local, regional, and interregional aviation users.

The FAA and the Duluth Airport Authority (DAA) jointly prepared the Final EA, pursuant to the requirements of the NEPA and the Minnesota Environmental Policy Act, respectively. A joint Federal-State EA was prepared.

Chapter 2 of the Final EA identified and evaluated all reasonable alternatives. Numerous alternatives were considered but eventually discarded for not meeting the purpose and need. Three alternatives (No Action, Alternative 5a Short, and Alternative 13) were examined in detail. After careful analysis and consultation with various resource agencies, the DAA selected Alternative 5a Short as the preferred alternative. Alternative 5a Short satisfies the purpose and need while minimizing impacts.

Alternative 5a Short includes the construction of a rotated and shortened runway. Compared to the existing runway, the new runway would be shortened by 450 feet and rotated five degrees (Runway 32 end) into Superior Bay. The primary surface would be graded and the parallel taxiway reconstructed at a separation of 150 feet. The existing Medium Intensity Runway Lights (MIRLs), Runway End Identifier Lights (REILs), Precision Approach Path Indicators (PAPIs) and Medium Intensity Taxiway Lights (MITLs) would be relocated or replaced. Existing pavements would be removed and previously paved areas would be restored with native vegetation.

Alternative 5a Short includes placing approximately 69,800 cubic yards of soil for runway construction (combined in water and on land), 50,000 cubic yards of surcharge (fill to be placed in order to compact soft soils, and then removed) and 25,000 tons of riprap over a total project area of 29.47 acres. The project will not impact the Scientific Natural Area.

Based on the analysis in the Final EA, the FAA has determined that Alternative 5a Short will not result in significant impacts to resources identified in accordance with FAA Orders 1050.1E and 5054.4B. Therefore, an environmental impact statement will not be prepared.

Issued in Minneapolis, Minnesota, on May 8, 2015.

Christopher Hugunin,

Manager, Dakota-Minnesota Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2015–15273 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Flight Plans

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Flight plan information is used to govern the flight of aircraft for the protection and identification of aircraft and property and persons on the ground. The use of form 7233–1, FAA Flight Plan, is being removed from this information collection request. Effective October 1, 2015, the civilian burden for all flight plan information, both domestic and international, will be collected via form 7233–4, FAA International Flight Plan. Form 7233–1 will continue to be used by military respondents.

DATES: Written comments should be submitted by August 21, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 300, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0026.

Title: Flight Plans.

Form Numbers: FAA form 7233–4.

Type of Review: Revision of an information collection.

Background: Title 49 U.S.C., paragraph 40103(b) authorizes regulations governing the flight of aircraft. 14 CFR 91 prescribes requirements for filing domestic and international flight plans. Information is collected to provide services to aircraft inflight and protection of persons/property on the ground.

Respondents: Approximately 300,000 air carriers, operators and pilots.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1–3 minutes.

Estimated Total Annual Burden: 225,966 hours.

Issued in Washington, DC on June 16, 2015.

Ronda Thompson,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–15269 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0313]

Parts and Accessories Necessary for Safe Operation; Grant of Exemption For HELP Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant an exemption to HELP, Inc. that will allow the placement of its transponder systems at the bottom of windshields on commercial motor vehicles (CMVs). The Federal Motor Carrier Safety Regulations (FMCSRs) currently require antennas, transponders, and similar devices to be located not more than 6 inches below the upper edge of the windshield, outside the area swept by the windshield wipers, and outside the

driver's sight lines to the road and highway signs and signals. The exemption will enable motor carriers to mount the HELP, Inc. transponder systems lower in the windshield than is currently permitted by the Agency's regulations in order to utilize a mounting location that maximizes the device's ability to send and receive roadside data. FMCSA believes that permitting the transponder systems to be mounted lower than currently allowed, but still outside the driver's sight lines to the road and highway signs and signals, will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: This exemption is effective from June 22, 2015 until June 22, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Mr. Mike Huntley, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–4325; Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) [Pub. L. 105–178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with 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 the safety analyses and the public comments 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 decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

HELP, Inc. Application for Exemption

Help, Inc. applied for an exemption from 49 CFR 393.60(e)(1) to allow the installation of transponders on its customers' CMVs in a location that is lower than currently allowed under the regulation. Section 393.60(e)(1) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted on the windshield. Antennas, transponders and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers and outside the driver's sight lines to the road, highway signs and signals.

In its application, Help, Inc. states:

> Help, Inc. is making this request because we are coordinating device development and installation of PrePass transponder in up to 430,000 commercial motor vehicles. The 5.9 and toll transponder equipment installed is located at the bottom of the windshield, but within the swept area of windshield because the safety equipment must have a clear forward facing view of the road, and low enough to accurately be read by roadside infrastructure . . . The restrictions on the location of devices mounted in the windshield area significantly degrade the ability to capture the proper viewing area in commercial motor vehicles. A 5.9 and toll transponder which lacks an effective view of the roadside infrastructure through the front windshield will negatively impact the ability to send and receive roadside data.

Help, Inc.'s preferred mounting location for the transponders is 2 inches right of the center of the windshield, and 2–3 inches above the dashboard. Help, Inc. states that using this mounting location that is lower in the windshield than currently permitted by the FMCSRs ''will offer the best opportunity to optimize the data transmission and evaluate the benefits of such a system'' while maximizing ''the external view of the roadway.''

Comments

On July 31, 2013, FMCSA published notice of the application and asked for public comment (78 FR 46406). The Agency received two comments.

1. Advocates for Highway and Auto Safety (''Advocates'') provided general comments stating that it ''supports the development and use of technology and devices to improve safety and vehicle operation,'' but noted that it ''is aware of several similar new and emerging technologies, with applications for commercial motor vehicles, that will likely come into conflict'' with the regulations in 49 CFR 393.60(e)(1) and (2) that limit the location of devices and decals in the windshield of CMVs. As a result, Advocates concluded that ''Advances in technology may be such that the agency should reconsider the limitations specified in section 393.60(e) and consider establishing updated guidelines which will both permit the optimal installation of beneficial safety devices while at the same time limiting the proliferation and installation of multiple devices that could interfere with a driver's view of the road, side and rearview mirrors or, in some cases, interfere or distract the driver from the driving task.''

Specifically with respect to Help, Inc.'s application, Advocates recommended ''that the agency consider the positioning/size of the device and its impact on the field of view afforded the driver in making the determination to grant or deny this application exemption.''

FMCSA response: Enforcement personnel, motor carriers, regulators, and manufacturers alike are increasingly faced with accommodating the use of various technologies, designed to improve commercial motor vehicle safety, which may impact the driver's field of view of the roadway through the windshield wiper swept area. Examples include a variety of electronic devices, window tint products, decorations, decals and stickers, sun visors and window shades, and other devices and products—all of which serve different purposes but can, in some cases, diminish or block part of the driver's view.

The Commercial Vehicle Safety Alliance (CVSA), in cooperation with FMCSA and other industry trade associations hosted a dialogue among enforcement experts, industry representatives, and Federal regulators to help improve the common understanding of the balance between the benefits and the possible risks of using these technologies and devices. The ''Technology Impacts on CMV Driver Direct Field of Vision Symposium'' was held on April 22, 2013 in conjunction with the CVSA Workshop in Louisville, KY. FMCSA may consider amendments to 49 CFR 393.60(e) in the future, and will certainly use the information gathered at that symposium—in conjunction with all other available information, research, and data—in the development of such possible amendments.

While FMCSA acknowledges that Help, Inc. did not present specific studies or data showing that safety will

not be degraded, the Agency believes that placement of the transponders lower in the windshield than currently permitted will be outside the drivers' sight lines, and therefore, will not have an adverse impact on safety.

2. Mr. Paul Baute supported the application, but noted that ''the exemption should not be necessary. FMCSA 393.60(e)(1) is in conflict with FMCSA 393.60(e)(2) with locations of items such as transponders and decals . . . FMCSR 393.60(e)(1) should be changed to allow the transponders to be mounted on the bottom of the windshield.''

FMCSA response: The regulations at section 393.60(e)(1) and section 393.60(e)(2) do not conflict. Section 393.60(e)(1) defines the dimensional limits at the *top* of the windshield in which ''antennas, *transponders,* and similar devices'' can be mounted, whereas section 393.60(e)(2) defines the dimensional limits at the *bottom* of the windshield for applying ''Commercial Vehicle Safety Alliance (CVSA) inspection decals, and stickers and/or decals required under Federal or State laws.'' Section 393.60(e)(2) does not currently allow other devices, such as transponders, to be mounted in the area at the bottom of the windshield, and any amendment to the regulation to allow such devices to be mounted in this location would have to be made through a notice-and-comment rulemaking.

Terms and Conditions for the Exemption

Based on its evaluation of the application for an exemption, FMCSA grants Help, Inc.'s exemption application. The Agency believes that the safety performance of motor carriers during the 2-year exemption period will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the transponders would obstruct drivers' views of the roadway, highway signs and surrounding traffic; (2) generally, trucks and buses have an elevated seating position which greatly improves the forward visual field of the driver, and any impairment of available sight lines would be minimal; and (3) the location at the bottom of the windshield but within the windshield wiper sweep, and out of the driver's sightline is reasonable and enforceable at roadside. Without the exemption, Help, Inc. would be unable to utilize a mounting location that maximizes the device's ability to send and receive roadside data.

The Agency hereby grants the exemption for a two-year period, beginning June 22, 2015 until June 22, 2017.

During the temporary exemption period, motor carriers using Help, Inc. transponders must ensure that the devices are mounted 2 inches right of the center of the windshield, and 2–3 inches above the dashboard. If however, because of the design and mounting of the windshield wipers on a particular CMV, use of the mounting location identified above does not result in the transponder being located within the swept area of the wipers, the transponder may be positioned such that it is located (1) to the right of the center of the windshield, and (2) as low as possible in the swept area of the wipers.

The FMCSA encourages any party having information that motor carriers utilizing this exemption are not achieving the requisite level of safety immediately to notify the Agency. If safety is being compromised, or if the continuation of the exemption is not consistent with 49 U.S.C. 31315(b) and 31136(e), FMCSA will take immediate steps to revoke the exemption.

Preemption

In accordance with section 381.600 of the FMCSRs, during the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person operating under the exemption.

Issued on: June 3, 2015.

T.F. Scott Darling III,

Chief Counsel.

[FR Doc. 2015–15159 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0052]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 34 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before July 22, 2015. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2015–0052 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The 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 of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 34 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Robert J. Bickel

Mr. Bickel, 60, has had amblyopia in his left eye since 1996. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2015, his optometrist stated, ''His vision is 20/20 in the better eye and has sufficient vision to operate a commercial vehicle.'' Mr. Bickel reported that he has driven straight trucks for 13 years, accumulating 130,000 miles. He holds a Class CA CDL from Michigan. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he disobeyed a stop sign.

Steven J. Brauer

Mr. Brauer, 61, has complete loss of vision in his left eye since 1972. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2014, his ophthalmologist stated, ''Mr. Brauer has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Brauer reported that he has driven straight trucks for 35 years, accumulating 630,000 miles. He holds an operator's license from New Jersey. His driving record for the last 3 years shows one crash, for which he was not cited and to which he did not contribute, and no convictions for moving violations in a CMV.

Steven R. Brinegar

Mr. Brinegar, 34, has a retinal detachment in his left eye due to a traumatic incident in 1999. The visual acuity in his right eye is 20/25, and in his left eye, light perception. Following an examination in 2015, his optometrist stated, ''Mr. Brinegar has sufficient vision to perform the driving tasks required to operate a commercial vehicle in my opinion.'' Mr. Brinegar reported that he has driven straight trucks for one year, accumulating 20,000 miles, and tractor-trailer combinations for four years, accumulating 320,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Garry D. Burkholder

Mr. Burkholder, 58, has corneal scarring and Descemet's folds in his left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2015, his ophthalmologist stated, ''In my medical opinion, he has been driving for the last 40 years without any issues and I believe that with the use of his right eye and his left eye for some peripheral vision, he should have enough vision to operate a commercial vehicle which he has done safely in the past.'' Mr. Burkholder reported that he has driven straight trucks for 10 years, accumulating 300,000 miles, and tractor-trailer combinations for 35 years, accumulating 2.1 million miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Orlando A. Cabrera

Mr. Cabrera, 50, has had retinal detachment in his left eye since 1991. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated, ''Although Mr. Cabrera is a monocular subject, I feel that he does have adequate vision to drive a commercial vehicle.''

Mr. Cabrera reported that he has driven straight trucks for 11 years, accumulating 229,075 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dennis W. Cosens, Jr.

Mr. Cosens, 39, has had congenital amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2015, his optometrist stated, ''It is my determination that Mr. Dennis Cosens is able to perform tasks required to operate a commercial vehicle.'' Mr. Cosens reported that he has driven straight trucks for 20 years, accumulating 800,000 miles. He holds an operator's license from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Rodney R. Dawson

Mr. Dawson, 50, has had a prosthetic left eye since 2009. The visual acuity in his right eye is 20/25, and in his left eye, no light perception. Following an examination in 2014, his ophthalmologist stated, ''Mr. Dawson has asked that I provide the information as it pertains to his DOT physical related to his visual results . . . Pt. [*sic*] does have sufficient visual acuity w/the right eye to perform duties with caution.''

Mr. Dawson reported that he has driven straight trucks for 12 years, accumulating 432,000 miles. He holds an operator's license from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David S. Devine

Mr. Devine, 56, has corneal scarring in his left eye due to a traumatic incident in 1984. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2014, his optometrist stated, ''He has sufficient functional vision to operate safely a commercial vehicle.'' Mr. Devine reported that he has driven straight trucks for 11.5 years, accumulating 460,000 miles. He holds a Class A CDL from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Lenton L. Dunston, Jr.

Mr. Dunston, 70, has had amblyopia with exotropia in his left eye since birth. The visual acuity in his right eye is 20/40, and in his left eye, 20/400. Following an examination in 2015, his ophthalmologist stated, ''In my medical opinion, the patient has sufficient vision to preform [*sic*] the driving tasks required to operate a commercial

vehicle.'' Mr. Dunston reported that he has driven straight trucks for 2 years, accumulating 4,000 miles, and tractor-trailer combinations for 20 years, accumulating two million miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Raymond C. Favreau

Mr. Favreau, 50, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''Mr. Favreau has been amblyopic in his right eye since very early childhood. He has been driving commercial vehicles for years without a problem.'' Mr. Favreau reported that he has driven straight trucks for 25 years, accumulating 1.63 million miles. He holds a Class A CDL from Vermont. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William J. Gargiulo

Mr. Gargiulo, 55, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2014, his ophthalmologist stated, ''I certify that in my medical opinion, patient William Gargiulo has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Gargiulo reported that he has driven straight trucks for 6.5 years, accumulating 65,000 miles. He holds an operator's license from Ohio. His driving record for the last 3 years shows one crash, for which he was not cited and to which he did not contribute, and one conviction for a moving violation in a CMV; he exceeded the speed limit by 15 mph.

Wladyslaw Gogola

Mr. Gogola, 45, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his ophthalmologist stated, ''With a normal kinetic peripheral field in each eye and normal color vision he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Gogola reported that he has driven straight trucks for five years, accumulating 250,000 miles, and tractor-trailer combinations for nine years, accumulating 765,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows two crashes, for which he was not cited and to which he did not contribute, and no convictions for moving violations in a CMV.

Antonio Gomez

Mr. Gomez, 59, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''In my professional opinion, Mr. Gomez has sufficient vision in his left eye to operate a commercial motor vehicle.'' Mr. Gomez reported that he has driven straight trucks for 33 years, accumulating 99,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Fred S. Graham

Mr. Graham, 70, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2014, his ophthalmologist stated, ''In my opinion Mr. Graham has sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Graham reported that he has driven straight trucks for three years, accumulating 6,000 miles. He holds an operator's license from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mark Grenier

Mr. Grenier, 52, has a prosthetic right eye due to a traumatic incident in 1988. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''It is my medical opinion that Mr. Grenier has sufficient vision in his left eye to operate a commercial vehicle.''

Mr. Grenier reported that he has driven straight trucks for 20 years, accumulating 500,000 miles, and tractor-trailer combinations for 20 years, accumulating 300,000 miles. He holds a Class A CDL from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jay R. Hendricks

Mr. Hendricks, 53, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''Yes, Mr. Hendricks has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Hendricks reported that he has driven tractor-trailer combinations for 17 years, accumulating 850,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Steven C. Holland

Mr. Holland, 55, has had amblyopia and a macular hole resulting in central scotoma in his right eye since birth. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2015 his optometrist stated, ''He has a history of amblyopia in the right eye . . . The right eye does have some slight pigmentary changes within the macula and possibly small macular hole explaining the reduction in acuity . . . At this time, I do not see anything that would limit Mr. Holland's ability to operate a commercial vehicle.'' Mr. Holland reported that he has driven tractor-trailer combinations for 27 years, accumulating 583,200 miles. He holds a Class A CDL from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Acquillious Jackson III

Mr. Jackson, 61, has had aphakia and corneal scarring resulting in amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, counting fingers. Following an examination in 2014, his ophthalmologist stated, ''In my medical opinion Mr. Jackson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Jackson reported that he has driven buses for 37 years, accumulating 588,744 miles. He holds a Class B CDL from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jimmy D. Johnson II

Mr. Johnson, 43, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''In summary, Mr. Johnson is well adapted to his long-standing amblyopia and, in my medical opinion, has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Johnson reported that he has driven straight trucks for 25 years, accumulating 107,500 miles, and tractor-trailer combinations for 15 years, accumulating 162,000 miles. He holds a Class AM CDL from Tennessee. His driving record for the last 3 years shows no crashes and

no convictions for moving violations in a CMV.

Bradley J. Kearl

Mr. Kearl, 45, has had congenital glaucoma in his left eye since birth. The visual acuity in his right eye is 20/25, and in his left eye, 20/400. Following an examination in 2015, his ophthalmologist stated, ''In my opinion, he has sufficient vision to continue performing the tasks necessary to operate a commercial vehicle.'' Mr. Kearl reported that he has driven straight trucks for 21 years, accumulating 10,000 miles, and tractor-trailer combinations for 10 years, accumulating 10,000 miles. He holds a Class A CDL from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Larry G. Kreke

Mr. Kreke, 61, has complete loss of vision in his left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, ''Larry Kreke is a 61 year old commercial vehicle operator . . . It is my clinical impression that Mr. Kreke can operate the aforementioned machinery as needed without visual restrictions.'' Mr. Kreke reported that he has driven straight trucks for 38 years, accumulating 1.7 million miles. He holds a Class AM CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard A. Lemke

Mr. Lemke, 64, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2015, his optometrist stated, ''I certify that in my medical opinion, Mr Lemke [*sic*] has sufficient vision to operate a commercial vehicle.'' Mr. Lemke reported that he has driven straight trucks for 25 years, accumulating 250,000 miles. He holds an operator's license from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Lawrence McGowan

Mr. McGowan, 60, has had staphyloma with optic atrophy in his left eye since childhood. The visual acuity in his right eye is 20/30, and in his left eye, counting fingers. Following an examination in 2014, his ophthalmologist stated, ''Formal HVF perimetry ordered 11–2014, >160 degrees of horizontal peripheral vision . . . In my opinion, it is safe for him to drive a commercial vehicle [*sic*].'' Mr. McGowan reported that he has driven straight trucks for 39 years, accumulating 585,000 miles, and tractor-trailer combinations for 39 years, accumulating 1.95 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James R. Milliken

Mr. Milliken, 64, has had a retinal detachment in his left eye since 1980. The visual acuity in his right eye is 20/15, and in his left eye, light perception. Following an examination in 2015, his optometrist stated, ''I certify that in my medical opinion James R. Milliken has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Milliken reported that he has driven straight trucks for 10.5 years, accumulating 372,750 miles, and tractor-trailer combinations for 5.5 years, accumulating 115,500 miles. He holds a Class A CDL from Colorado. His driving record for the last 3 years shows one crash, for which he was not cited and to which he did not contribute, and no convictions for moving violations in a CMV.

Christopher P. Mroczka

Mr. Mroczka, 26, has had refractive amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''I have no doubt that Mr. Mroczka's vision is suitable to operate a commercial vehicle.'' Mr. Mroczka reported that he has driven straight trucks for 3.5 years, accumulating 350,000 miles, and tractor-trailer combinations for two years, accumulating 600 miles. He holds an operator's license from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gary A. Oster, Jr.

Mr. Oster, 52, has a total cataract with iris synechia in his right eye due to a traumatic incident during childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''In my opinion Gary A. Oster has sufficient vision to perform all driving tasks required to operate a commercial vehicle.'' Mr. Oster reported that he has driven straight trucks for three years, accumulating 112,500 miles, and tractor-trailer combinations for 12.5 years, accumulating 1.1 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mark A. Pleskovitch

Mr. Pleskovitch, 59, has complete loss of vision in his right eye due to a traumatic incident during childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''Pt. [*sic*] Mark Pleskovitch has enough vision in his left eye to operate commercial vehical [*sic*] to my knowledge upon examining his left eye. But, In the end-decision to be made by dept. of transportation.'' Mr. Pleskovitch reported that he has driven tractor-trailer combinations for 32 years, accumulating 2.24 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Edward J. Puto

Mr. Puto, 54, has an optic nerve injury in his right eye due to a traumatic incident during childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, ''Patient had eye injury to Right Eye [*sic*] . . . With correction on may safely operate a commercial motor vehicle.'' Mr. Puto reported that he has driven straight trucks for three years, accumulating 75,000 miles, and tractor-trailer combinations for 30 years, accumulating 900,000 miles. He holds a Class A CDL from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Andrew Risner

Mr. Risner, 26, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his optometrist stated, ''Pt [*sic*] demonstrates sufficient vision for commercial vehicle operation.'' Mr. Risner reported that he has driven straight trucks for 6 years, accumulating 150,000 miles. He holds an operator's license from Ohio. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he exceeded the speed limit by 16 mph.

Kyle B. Sharp

Mr. Sharp, 36, has had complete loss of vision in his right eye since 2011 due

to Neisseria meningitis. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated, ''It is my understanding that Mr. Kyle Sharp presently operates a commercial vehicle. . . I found no evidence at his vision exam of a progressive type of ocular condition that would adversely effect [*sic*] his current vision status or performance.'' Mr. Sharp reported that he has driven straight trucks for 15 years, accumulating 150,000 miles, and tractor-trailer combinations for 15 years, accumulating 75,000 miles. He holds a Class CA CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Francis A. St. Pierre

Mr. St. Pierre, 51, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2014, his optometrist stated, ''It is my medical opinion that Mr. St. Pierre has sufficient vision to operate a vehicle, commercial or otherwise, as his condition is congenital and he has adapted to using his right eye for his good central vision while using both eyes for his peripheral vision.'' Mr. St. Pierre reported that he has driven straight trucks for 30 years, accumulating 420,000 miles, and tractor-trailer combinations for 22 years, accumulating 242,000 miles. He holds a Class AMC CDL from New Hampshire. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Sukru Tamirci

Mr. Tamirci, 50, has a cataract, mydriasis, and posterior senechiae in his right eye due to a traumatic incident in 1994. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, ''In my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Tamirci reported that he has driven straight trucks for three years, accumulating 504,000 miles, and buses for seven years, accumulating 910,000 miles. He holds an operator's license from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

George F. Treece

Mr. Treece, 59, has had a retinal scar in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2015, his optometrist stated, ''In my opinion, Mr. Treece has proven historically his ability to operate a commercial vehicle and also demonstrates sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Treece reported that he has driven straight trucks for 3 years, accumulating 1,500 miles, and tractor-trailer combinations for 17 years, accumulating 476,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jeff L. Wheeler

Mr. Wheeler, 50, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2015, his optometrist stated, ''I feel that Mr. Wheeler has adequate vision to operate a commercial vehicle and has been doing so for a number of years.'' Mr. Wheeler reported that he has driven tractor-trailer combinations for 25 years, accumulating 2.5 million miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2015–0052 in the ''Keyword'' box, and click ''Search. When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. . If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2015–0052 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: June 9, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–15208 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0370]

Hours of Service of Drivers: U.S. Department of Energy (DOE); Application for Renewal of Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant the U.S. Department of Energy's (DOE) request for a renewal of its exemption from the minimum 30-minute rest break provision of the Agency's hours-of-service (HOS) regulations for commercial motor vehicle (CMV) drivers. The exemption will enable DOE's contract motor carriers and their employee-drivers transporting security-sensitive radioactive materials to be treated the same as drivers transporting explosives. The exempted drivers will be allowed to use 30 minutes or more of on-duty ''attendance time'' to meet the HOS rest

break requirements providing they do not perform any other work during the break.

DATES: This exemption is effective from June 30, 2015 through June 30, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Pearlie Robinson, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325, Email: *MCPSD@dot.gov*, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Docket. For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit 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., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

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 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)).

Request for Exemption

Under 49 CFR 395.3(a)(3)(ii), a property-carrying CMV driver is prohibited from operating a CMV on a public road if more than eight hours have passed since the end of the driver's last off duty or sleeper-berth period of at least 30 minutes.

The initial DOE exemption application for relief from the HOS rule was submitted in 2012; a copy of that application is in the docket. That application fully described the nature of DOE's security-sensitive operations. On May 31, 2013, the Agency granted DOE's current exemption [78 FR 32700]. That exemption expires on June 30, 2015.

Certain motor carriers under contract to DOE transport ''security-sensitive radioactive materials.'' DOE requested a renewal of an exemption from the HOS regulation pertaining to rest breaks [49 CFR 395.3(a)(3)(ii)] to allow contract driver-employees transporting security-sensitive radioactive materials to be treated the same as drivers transporting explosives, as provided in § 395.1(q). Section 395.1(q) allows drivers of CMVs carrying Division 1.1, 1.2, or 1.3 explosives who are subject to the requirement for a 30-minute off-duty rest break in § 395.3(a)(3)(ii) to use 30 minutes or more of on-duty ''attendance time'' to meet the requirement for a rest break, provided they perform no other work.

In its exemption request, DOE contended that shipments of security-sensitive radioactive materials require a team of two drivers and the use of a sleeper berth to minimize risk and expedite delivery in a safe and secure manner. DOE asserted that granting the exemption would allow team drivers to manage their enroute rest periods efficiently and also perform mandated shipment security surveillance, resulting in a safe and secure driving performance during a long distance trip.

DOE states that it has instituted several technical and administrative controls to ensure the effective use of driver on-duty and rest-break time, which would remain in effect under the requested exemption. They include the following:

- Real-time tracking and monitoring of transuranic waste and security-sensitive shipments using DOE's satellite-based systems.
- Use of electronic on-board recorders on trucks, which is contractually required for motor carriers involved in the Waste Isolation Pilot Plant to ensure compliance with driver HOS rules.
- Continuous monitoring of the safety performance of DOE-qualified motor carriers using the FMCSA Compliance Safety Accountability Program's Safety Measurement System, and DOE's Motor Carrier Evaluation Program.

Further details regarding DOE's safety controls can be found in its application for exemption, which can be accessed in the docket identified at the beginning of this notice. DOE contends that these controls enable it to achieve a high level of safety and security for transportation of security-sensitive radioactive materials.

DOE anticipates no safety impacts from this exemption and notes that in the preamble to the FMCSA final rule on the ''Hours of Service of Drivers,'' dated December 27, 2011 (76 FR 81134), the Agency addressed concerns from commenters regarding rest breaks for carriers of hazardous materials. The Agency cited a recent study showing that on-duty breaks reduce the risk of crashes after the break (76 FR 81154).

DOE believes that its contract employee drivers should continue to be allowed to follow the requirements in § 395.1(q) when transporting shipments of security-sensitive radioactive materials. DOE believes that shipments made under the exemption would achieve a level of safety and security that is at least equivalent to that which would be obtained by following the normal break requirement in § 395.3(a)(3)(ii).

DOE estimated that 30 power units and 53 drivers would currently be eligible for the exemption, if renewed. The exemption will be effective from June 30, 2015 through June 30, 2017, the maximum period allowed by § 381.300. A copy of DOE's exemption application is available for review in the docket for this notice.

Public Comments

On March 27, 2015, FMCSA published notice of this application, and asked for public comment (80 FR 16506). There were no comments submitted to the docket.

FMCSA Decision

The FMCSA has evaluated DOE's application for renewal of the exemption. The Agency believes that DOE's contract carriers will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption [49 CFR 381.305(a)].

Terms of the Exemption

Period of the Exemption

The exemption from the requirements of 49 CFR 395.3(a)(3)(ii) is granted for the period from 12:01 a.m., June 30,

2015, through 11:59 p.m. on June 30, 2017.

Extent of the Exemption

The exemption is restricted to DOE's contract driver-employees transporting security-sensitive radioactive materials. This exemption is limited to the provisions of 49 CFR 395.3(a)(3)(ii) to allow contract driver-employees transporting security-sensitive radioactive materials to be treated the same as drivers transporting explosives, as provided in § 395.1(q). These drivers must comply with all other applicable provisions of the FMCSRs.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

The DOE must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

a. Exemption Identity: ''DOE''

b. Name of operating motor carrier and USDOT number,

c. Date of the accident,

d. City or town, and State, in which the accident occurred, or closest to the accident scene,

e. Driver's name and driver's license number and State of issuance,

f. Vehicle number and State license plate number,

g. Number of individuals suffering physical injury,

h. Number of fatalities,

i. The police-reported cause of the accident,

j. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and

k. The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV.*

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. The FMCSA will immediately revoke or restrict the exemption for failure to comply with its terms and conditions.

Issued on: June 8, 2015.

T. F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–15177 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0061]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 51 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before July 22, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2015–0061 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 51 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Timothy G. Baker

Mr. Baker, 64, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function

that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Baker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Baker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Daniel E. Benes

Mr. Benes, 52, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Benes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Benes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

William E. Blake

Mr. Blake, 60, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Blake understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Blake meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Thomas M. Burns

Mr. Burns, 38, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Burns understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burns meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

George W. Cahall

Mr. Cahall, 57, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cahall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cahall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Delaware.

John T. Curry

Mr. Curry, 60, has had ITDM since 2007. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Curry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Curry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Willie D. Davis

Mr. Davis, 73, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Davis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Davis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Alan E. Dean

Mr. Dean, 66, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Dean understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dean meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Nebraska.

Christopher A. DiCioccio

Mr. DiCioccio, 24, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. DiCioccio understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. DiCioccio meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

Johnny L. Emory

Mr. Emory, 71, has had ITDM since 1995. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting

in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Emory understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Emory meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Kansas.

Ike Gibbs

Mr. Gibbs, 51, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gibbs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gibbs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Joseph Gipson

Mr. Gipson, 60, has had ITDM since 2009. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gipson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gipson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Juan Gomez Jr.

Mr. Gomez, 50, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gomez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gomez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

George A. Gross

Mr. Gross, 74, has had ITDM since 2010. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gross understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gross meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Herman L. Hall

Mr. Hall, 71, has had ITDM since 2008. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from New Jersey.

Grover D. Johnson

Mr. Johnson, 63, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johnson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Bruce E. Johnston

Mr. Johnston, 36, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johnston understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnston meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Colorado.

Francis D. Judd

Mr. Judd, 60, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Judd understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Judd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

William J. Kaszubski

Mr. Kaszubski, 60, has had ITDM since 2005. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kaszubski understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kaszubski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

George S. Kean

Mr. Kean, 69, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kean understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kean meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Hampshire.

Jeffrey K. Lageson

Mr. Lageson, 67, has had ITDM since 1997. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lageson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lageson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Yehuda Lauber

Mr. Lauber, 36, has had ITDM since 1986. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lauber understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lauber meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Rickie D. Leonard

Mr. Leonard, 49, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Leonard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leonard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Washington.

Travis R. Mendenhall

Mr. Mendenhall, 40, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mendenhall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mendenhall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Ohio.

Danny R. Middlebrooks

Mr. Middlebrooks, 62, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Middlebrooks understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Middlebrooks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Kyle A. Mininger

Mr. Mininger, 21, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mininger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Mininger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Alabama.

John T. Murchison, Jr.

Mr. Murchison, 49, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Murchison understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Murchison meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Axel J. M. Murphy

Mr. Murphy, 22, has had ITDM since 1999. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Murphy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Murphy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Charles M. Naylis

Mr. Naylis, 63, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Naylis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Naylis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Craig J. Nelson

Mr. Nelson, 27, has had ITDM since 2006. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Nelson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Nelson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Richard A. Nigro

Mr. Nigro, 55, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Nigro understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nigro meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Jersey.

Thomas S. O'Brien

Mr. O'Brien, 50, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. O'Brien understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. O'Brien meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Paul T. Ozbun

Mr. Ozbun, 55, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ozbun understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ozbun meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oklahoma.

Modesto F. Pedote

Mr. Pedote, 49, has had ITDM since 2005. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pedote understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pedote meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

David M. Pomeroy

Mr. Pomeroy, 49, has had ITDM since 1971. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pomeroy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Pomeroy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Iowa.

Matthew C. Preston

Mr. Preston, 35, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no

severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Preston understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Preston meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kentucky.

Anthony A. Rachuy

Mr. Rachuy, 34, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rachuy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Rachuy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Joseph C. Richards

Mr. Richards, 56, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Richards understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Richards meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maryland.

Dwight B. Richardson

Mr. Richardson, 59, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Richardson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Richardson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

James C. Rocco

Mr. Rocco, 43, has had ITDM since 2007. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rocco understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rocco meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Jersey.

Daniel A. Ryan

Mr. Ryan, 72, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ryan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ryan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Patrick J. Severance

Mr. Severance, 53, has had ITDM since 2007. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Severance understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Severance meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Timothy F. Showers

Mr. Showers, 59, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Showers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Showers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

James A. Smit

Mr. Smit, 50, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smit understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV

safely. Mr. Smit meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

John W. Smith

Mr. Smith, 66, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Roland Thenor

Mr. Thenor, 43, has had ITDM since 2010. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Thenor understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Thenor meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Billy L. Wagner

Mr. Wagner, 58, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wagner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Wagner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Steven L. Wear

Mr. Wear, 65, has had ITDM since 2001. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wear understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wear meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Jeffrey S. Wilkinson

Mr. Wilkinson, 44, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wilkinson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Wilkinson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Indiana.

James T. Young

Mr. Young, 69, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Young understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Young meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Michigan.

David J. Zelhart

Mr. Zelhart, 52, has had ITDM since 1973. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Zelhart understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Zelhart meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C.. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. 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–2015–0061 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.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2015–0061 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: June 8, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–15179 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2015–0007–N–17]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting the information collection requests (ICRs) below for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than August 21, 2015.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–____.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6216 or (202) 493–6497, or via email to Mr. Brogan at *Robert.Brogan@dot.gov*, or to Ms. Toone at *Kim.Toone@dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding: (i) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.*, permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated

by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Railroad Locomotive Safety Standards and Event Recorders.

OMB Control Number: 2130–0004.

Abstract: The Locomotive Inspection requires railroads to inspect, repair, and maintain locomotives and event recorders so that they are safe, free of defects, and can be placed in service without peril to life. Crashworthy locomotive event recorders provide FRA with verifiable factual information about how trains are maintained and operated, and are used by FRA and State inspectors for part 229 rule enforcement. The information garnered from crashworthy event recorders is also used by railroads to monitor railroad operations and by railroad employees (locomotive engineers, train crews, dispatchers) to improve train handling, and promote the safe and efficient operation of trains throughout the country, based on a surer knowledge of different control inputs.

Form Number(s): FRA F 6180.49A.

Affected Public: Businesses.

Respondent Universe: 754 Railroads.

Frequency of Submission: On occasion.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
229.9—Movement of Non-Complying Locomotives.	44 Railroads	21,000 tags	1 minute	350
229.15—Remote control locomotive—tagging to indicate in remote control.	44 Railroads	3,000 tags	2 minutes	100
—Repair record of defective OCU linked to remote control locomotive.	44 Railroads	200 records	5 minutes	17
229.17—Accident Reports	44 Railroads	1 report	15 minutes	.25
229.20—Electronic Recordkeeping—Automatic notice to RR each time locomotive is due for inspection or maintenance.	44 Railroads	21,000 notifications	1 second	6
29.21—Daily Inspection	754 Railroads	6,890,000 insp. reports/records.	16 minutes or 18 minutes.	1,911,780
—Written Reports of MU Locomotive Inspections.	754 Railroads	250 written reports	13 minutes	54
Locomotive Inspection and Repair Record—Form FRA F 6180.49A.	754 Railroads	4,000 forms	2 minutes	133
229.23—Periodic Inspections of Locomotives	754 Railroads	9,500 tests/forms	8 hours	76,000
—Secondary record of information on Form FRA F 6180.49A.	754 Railroads	9,500 secondary records.	2 minutes	317
—List of defects/repairs during inspection provided to RR employees + copies of lists.	754 Railroads	4,000 lists + 4,000 copies.	2 minutes + 2 minutes	266
—Document from railroad to employees of all tests conducted since last periodic inspection.	754 Railroads	9,500 documents/records.	2 minutes	317
229.33—Out of Use Credit for Locomotives	754 Railroads	500 out-of-use notations.	5 minutes	42
Recordkeeping Requirements:				
229.25—Periodic Inspection of Event Recorders: Written Copy of Instructions—Amendments.	754 Railroads	200 amendments	15 minutes	50
—Data Verification Readout of Event Recorder.	754 Railroads	4,025 readout records/reports.	90 minutes	6,038
—Pre-Maintenance Test Failures of Event Recorder.	754 Railroads	700 test failure notations.	30 minutes	350
229.135—Removal of event recorder from service—Tags.	754 Railroads	1,000 removal tags	1 minute	17
—Preserving Locomotive Event Recorder Accident Data—reports.	754 Railroads	10,000 data reports	15 minutes	2,500
Other Requirements:				
229.27—Annual tests of event recorders w/ self-monitoring feature displaying a failure indication—tests.	754 Railroads	700 tests/records	90 minutes	1,050
229.29—Calibration of Locomotive Air Flow Meter—Tests.	754 Railroads	88,000 tests/records	15 seconds	367
229.46—Tagging locomotive with inoperative or ineffective automatic/independent brake that can only be used in trailing position.	754 Railroads	2,100 tags	2 minutes	70
229.85—Marking of all doors, cover plates, or barriers having direct access to high voltage equipment with words ''Danger High Voltage'' or with word ''Danger''.	754 Railroads	1,000 re-paintings/decals.	1 minute	17

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
229.123—Locomotives equipped with a pilot, snowplow, end plate with clearance above 6 inches—Marking/stenciling with words ''9 inch Maximum End Plate Height, Yard or Trail Service Only''.	754 Railroads	20 markings/stencils	2 minutes	1
—Notation in Remarks section of Form FRA F6180.49A of pilot, snowplow, or end plate clearance above 6 inches.	754 Railroads	20 notations	2 minutes	1
229.135—Re-manufactured locomotives equipped with certified crash-worthy event recorder.	754 Railroads	1,000 certified memory modules.	2 hours	2,000
229.140—Alerters—Visual indication to locomotive operator at least 5 seconds before audio alarm—New Locomotives.	754 Railroads	74,880,000 visual indications.	4 seconds	83,200
SUBPART E—229.303—Requests to FRA for on-track testing of products outside a facility.	754 Railroads	20 requests	8 hours	160
—Identification of all products developed by Railroads and Vendors.	754 Railroads	20 product identification documents.	2 hours	40
229.307—Safety Analysis for each product subject to this Subpart.	754 Railroads	300 safety analyses	240 hours	72,000
229.309—Safety critical changes to product subject to this Subpart—Notice to FRA.	754 Railroads	10 notifications	16 hours	160
—Report by product suppliers and private owners to railroads of any safety-critical changes to product.	3 Manufacturers	10 reports	8 hours	80
229.311—Railroad Notification to FRA of intent to place product subject to this Part in Service.	754 Railroads	300 notifications	2 hours	600
—Railroad document provided to FRA upon request demonstrating product meets Safety Analysis requirements for life cycle of product.	754 Railroads	300 documents	2 hours	600
—Railroad maintenance of data base of all safety relevant hazards encountered after product is placed in service.	754 Railroads	300 databases	4 hours	1,200
—Written report to FRA disclosing frequency of safety relevant hazards for product exceeding threshold set forth in Safety Analysis.	754 Railroads	10 written reports	2 hours	20
—Final Report to FRA on results of analyses and counter measures to reduce frequency of safety related hazards.	754 Railroads	10 written final reports	4 hours	40
219.313—Product testing results and records	754 Railroads	120,000 product testing records.	5 minutes	10,000
219.315—Railroad maintenance of Operations and Maintenance Manual containing all documents related to installation, maintenance, repair, modification, and testing of a product subject to this Part.	754 Railroads	300 manuals	40 hours	12,000
—RR Configuration Management Control Plan.	754 Railroads	300 plans	8 hours	2,400
—Positive ID of safety-critical components	754 Railroads	60,000 Identified components.	5 minutes	5,000
229.317—RR Establishment and Implementation of Training Qualification program for products subject to this Subpart.	754 Railroads	300 programs	40 hours	12,000
—Employees trained under RR program	754 Railroads	10,000 trained employees.	30 minutes	5,000
—Periodic refresher training of employees	754 Railroads	1,000 re-trained employees.	20 minutes	333
—RR regular and periodic evaluation of effectiveness of its training program.	754 Railroads	300 evaluations	4 hours	1,200
—RR record of individuals designated as qualified under this Section.	754 Railroads	10,000 records	10 minutes	1,667
Appendix F to Part 229—Guidance for Verification and Validation of Products—3rd Party Assessments.	754 Railroads/3 Manufacturers.	1 3rd party assessment	4,000 hours	4,000

Total Estimated Annual Responses: 82,168,698.

Total Estimated Annual Burden: 2,213,623 hours.

Status: Extension of a Currently Approved Collection.

Title: FRA Emergency Order No. 31, Notice No. 1.

OMB Control Number: 2130–0611.

Abstract: On May 21, 2015, FRA issued Emergency Order No. 31 (EO or Order) to require that the National Railroad Passenger Corporation (Amtrak) take actions to control passenger train speed at certain locations on main line track in the Northeast Corridor (as defined by 49 U.S.C. 24905(c)(1)(A)). Amtrak was required to immediately implement code changes to its Automatic Train Control (ATC) System to enforce the passenger train speed limit ahead of the curve at Frankford Junction in Philadelphia, Pennsylvania, where a fatal accident occurred on May 12, 2015. Amtrak was also required to identify all other curves on the Northeast Corridor where there is a significant reduction (more than 20 miles per hour (mph)) from the maximum authorized approach speed to those curves for passenger trains. Amtrak was then required to develop and comply with an FRA-approved action plan to modify its existing ATC System or other signal systems (or take alternative operational actions) to enable enforcement of passenger train speeds at the identified curves. Amtrak also had to install additional wayside passenger train speed limit signage at appropriate locations on its Northeast Corridor right-of-way. FRA is continuing this Emergency Order in full force and effect, and is now seeking regular clearance for the information collection associated with this Emergency Order.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 1 Railroad.

Frequency of Submission: On occasion.

Reporting Burden:

Emergency Order No. 31—Item:	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
(1) Amtrak survey of Northeast Corridor (NEC) main line track system to create list identifying each main track curve where there is a reduction of more than 20 mph from the maximum authorized speed to that curve.	1 Railroad	1 list	32 hours	32
(2) Development and submission of Amtrak Action Plan to FRA.	1 Railroad	1 action plan	80 hours	80
(3) Installation of Additional Wayside Signs throughout NEC, particularly along curve locations, to alert engineers and conductors of maximum authorized train speed.	1 Railroad	186 NEC wayside signs	15.4839 minutes per sign.	48
—Notice by Amtrak to FRA of Installation of Signs along NEC designated in its.	1 Railroad	6 notices	15 minutes	2
(4) Relief Petition to FRA to take action not in Accordance with this Emergency Order.	1 Railroad	1 petition request	80 hours	80

Total Estimated Annual Responses: 195.

Total Estimated Annual Burden: 242.

Status: Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2015–15214 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Safety Advisory 15–1]

Audits of Subway Tunnel Environments

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of safety advisory.

SUMMARY: On June 17, 2015, the Federal Transit Administration (FTA) issued Safety Advisory 15–1 to advise rail fixed guideway public transportation systems (RFGPTS) with subway tunnel environments of forthcoming audits to be conducted by State Safety Oversight Agencies (SSOAs) with oversight jurisdiction in the assessment of tunnel ventilation systems, emergency procedures for fire and smoke events, training programs to ensure compliance with those emergency procedures, and application of industry best standards in maintenance and emergency procedures. Additionally, FTA instructed all State Safety Oversight Agencies to conduct inspections of the rail transit agencies' tunnel ventilation systems, and to audit the rail transit agencies within their jurisdiction for the purpose of determining the mileage and characteristics of subway tunnels, assessing the adequacy of the rail transit agencies' emergency procedures, ensuring compliance with those emergency procedures, and determining compliance with industry best standards in maintenance and emergency procedure. The FTA issued Safety Advisory 15–1 in response to an urgent safety recommendation by the National Transportation Safety Board (NTSB). The FTA Safety Advisory 15–1, ''Audit All Rail Fixed Guideway Public Transportation Systems (RFGPTS) with Subway Tunnel Environments,'' is available on the FTA public Web site, *http://www.fta.dot.gov/tso.html*.

FOR FURTHER INFORMATION CONTACT: For program matters, Thomas Littleton, Associate Administrator for Transit Safety and Oversight, (202) 366–1738 or *Thomas.Littleton@dot.gov*. For legal matters, Scott Biehl, Senior Counsel, (202) 366–0826 or *Scott.Biehl@dot.gov*.

SUPPLEMENTARY INFORMATION: On January 12, 2015, at 3:15 p.m., Eastern Standard Time, a southbound Yellow Line rapid rail train number 302 operated by the Washington Metropolitan Area Transit Authority (WMATA) stopped after encountering heavy smoke in a subway tunnel between the L'Enfant Plaza station and the Potomac River Bridge. After stopping, the rear car of train 302 was about 386 feet from the south end of the L'Enfant Plaza station platform. The operator of train 302 informed WMATA's Operation Control Center (OCC) that the train had stopped due to heavy smoke. A following Yellow Line train, number 510, stopped about 100 feet short of the south end of the same platform, but its cars were entirely within the L'Enfant Plaza station. At

3:16 p.m., WMATA's OCC activated the under-platform fans at the L'Enfant Plaza Green and Yellow Line platforms, but because the fans were in exhaust mode—not supply mode—the activation of the fans pulled smoke toward rather than away from both trains. Moreover, the operator of train 302 had not shut off the train ventilation system that draws outside air into the train cars. WMATA procedure required the train operator to receive permission from the OCC to shut off the train ventilation system. Since both the station and vent shaft fans were all activated in exhaust mode—not supply mode—there was not a supply of fresh air to help move the smoke through the tunnel.

A post- accident inspection found that two of the four fans had tripped an overload circuit breaker and were non-operational.

Police and emergency responders assisted in the evacuation of both trains and the L'Enfant Plaza station. A limited number of passengers aboard train 302 were able to self-evacuate. One passenger died and 86 others were transported to local medical facilities for treatment for smoke inhalation. The WMATA incurred an estimated $120,000 in damage to assets. During its investigation, the NTSB determined the cause of the smoke to have been an electrical arcing incident, and the source of the smoke to have been about 1,100 feet ahead (south) of train 302. Further, as part of its investigation, the NTSB determined that WMATA did not have a written ventilation procedure for smoke and fire events in a tunnel, and that the ventilation strategy WMATA deployed during this accident was not consistent with best practice.

On February 11, 2015, the NTSB issued three urgent safety recommendations to WMATA, two urgent safety recommendations to the American Public Transportation Association, and urgent safety recommendation R–15–007 to FTA, calling for audits for all rail transit agencies that have subway tunnel environments to assess the state of good repair of their tunnel ventilation systems, their written emergency procedures for fire and smoke events, and their training programs to ensure compliance with those procedures, and to verify that the rail transit agencies are applying industry best standards, such as the National Fire Protection Association (NFPA) Code 130, *Standards for Fixed Guideway Transit and Passenger Rail Systems,* in their maintenance and emergency procedures. The FTA responded to the NTSB safety recommendation by letter of March 13, 2015, stating, in part, that we have identified the rail transit agencies with operational subway tunnel environments and will engage the State Safety Oversight Agencies (SSOAs) that have safety oversight jurisdiction over these rail transit agencies, in accordance with 49 U.S.C. 5329 and 5330 and 49 CFR part 659, for the purpose of addressing R–15–007.

To that end, on June 17, 2015, the FTA Office of Transit Safety and Oversight issued Safety Advisory 15–1, addressed to the RFGPTS that have operational subway tunnel environments, and a letter addressed to the SSOAs that have safety oversight jurisdiction over these the rail transit agencies, with instructions to conduct audits to (1) determine the extent of subway tunnel mileage at each such rail transit agency, and the characteristics of its operational subway tunnel environments; (2) assess each rail transit agency's written emergency procedures for fire and smoke events; (3) assess each rail transit agency's training programs for ensuring compliance with those emergency procedures; and (4) determine each rail transit agency's compliance with industry best standards, such as NFPA Code 130, in their maintenance and emergency procedures. Additionally, the SSOAs were instructed to complete a Tunnel Ventilation System Inspection of each such rail transit agency, using the audit tools provided by FTA, and to submit the results of their audits with supporting documentation no later than August 31, 2015. For additional guidance, FTA referred the SSOAs to the joint FTA/Federal Highway Administration *Highway and Rail Transit Tunnel Inspection Manual, 2005 Edition,* which sets forth established industry inspection standards. The FTA will use the data and information from these audits by the SSOAs in conducting a broader analysis for responding to NTSB recommendation R–15–007, and potentially, for future rulemaking and guidance to the rail transit industry. Both the FTA Safety Advisory 15–1 and the June 17, 2015 letter addressed to the SSOAs are available on the FTA public Web site, *http://www.fta.dot.gov/tso.html.*

The FTA's issuance of Safety Advisory 15–1 is in accordance with FTA's authority to ''investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents.'' 49 U.S.C. 5329(f) (5). The requests for information and data from the SSOAs and the rail transit agencies within their jurisdiction are based on FTA's authority to request program information pertinent to rail transit safety under the State Safety Oversight rule, 49 CFR 659.39(d).

Readers who have an interest in the January 12, 2015, WMATA accident that led to the urgent recommendations by the NTSB and FTA's issuance of Safety Advisory 15–1 can obtain further information about that accident in two reports issued on June 17, 2015: A Safety Management Inspection that FTA conducted of WMATA from March 16 to April 3, 2015, and a Safety Management System gap analysis FTA performed for WMATA from March 3 to March 5, 2015. Both documents are available on the FTA public Web site, *http://www.fta.dot.gov/tso.html.*

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2015–15256 Filed 6–19–15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0047]

Supplemental Notice of Public Hearing To Determine Whether Fiat Chrysler Has Reasonably Met Its Obligations To Remedy Recalled Vehicles and To Notify NHTSA, Owners, and Purchasers of Recalls

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Supplemental notice of public hearing.

SUMMARY: NHTSA will hold a public hearing on whether Fiat Chrysler Automobiles US LLC (Fiat Chrysler) has reasonably met its obligations to remedy recalled vehicles and to notify NHTSA, owners, and purchasers of recalls. This notice provides supplemental information on the subject matter of the hearing.

DATES: The public hearing will be held beginning at 10 a.m. ET on July 2, 2015, at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. If you wish to attend or speak at the hearing, you must register in advance no later than June 30, 2015 (and June 26, 2015, for non-U.S. citizens), by following the instructions in the Procedural Matters section of this notice. NHTSA will consider late registrants to the extent time and space allows, but cannot ensure that late registrants will be able to attend or speak at the hearing. To ensure that NHTSA has an opportunity to consider

comments, NHTSA must receive written comments by June 23, 2015.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *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.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket office at 202–366–9324.

Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For registration to attend or speak at the public hearing: Carla Bridges, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (Telephone: 202–366–2992) (Fax: 202–366–3820). For hearing procedures: Justine Casselle, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (Telephone: 202–366–2992) (Fax: 202–366–3820). Information regarding recalls is available on NHTSA's Web site: *http://www.safercar.gov.* To find recalls by NHTSA Recall Number: (1) In the drop-down menu in the lower right-hand corner for ''Shortcut search for a recall,'' select ''by Campaign ID Number; (2) click ''Go''; (3) select the box for ''Recalls''; (3) enter the recall number; and (4) click ''GO.''

SUPPLEMENTARY INFORMATION: As the agency explained in its **Federal Register** notice of May 22, 2015 (80 FR 29790), NHTSA has substantial concerns about the significant safety hazards posed to consumers in connection with Fiat Chrysler's administration and execution of its recalls. Pursuant to 49 U.S.C. 30118(e) and 30120(e), and 49 CFR 557.6(d) and 557.7, NHTSA has decided to hold a public hearing on whether Fiat Chrysler has reasonably met its obligations under the National Traffic and Motor Vehicle Safety Act, as amended (Safety Act), to remedy recalled vehicles and to provide notifications regarding its recalls.

I. Initiation of a Recall

A manufacturer of a motor vehicle that decides in good faith that the vehicle contains a defect related to motor vehicle safety or does not comply with an applicable Federal Motor Vehicle Safety Standard (FMVSS) must notify NHTSA by submitting a Defect and Noncompliance Information Report, commonly referred to as a Part 573 Report. 49 U.S.C. 30118(c); 49 CFR 573.6. The manufacturer must subsequently file quarterly reports with NHTSA on the recall, including the status of the manufacturer's recall notification campaign and the number of vehicles that have been remedied. 49 CFR 573.7.

II. Fiat Chrysler Recalls

NHTSA's public hearing may address Fiat Chrysler's performance in recalls including, but not limited to, NHTSA Recall Nos. 13V–038, 13V–252, 13V–527, 13V–528, 13V–529, 14V–154, 14V–373, 14V–391, 14V–438, 14V–567, 14V–634, 14V–635, 14V–749, 14V–795, 14V–796, 14V–817, 15V–041, 15V–046, 15V–090, 15V–114, 15V–115, and 15V–178. This includes two recalls, Recall Nos. 14V–154 and 14V–635, for which the agency identified concerns following publication of its May 22, 2015 **Federal Register** notice (80 FR 29790). These twenty-two recall campaigns are to address the following:

1. Loosening of the rear axle pinion nut causing loss of vehicle control (Recall No. 13V–038);
2. Rear fuel tank structure's risk of failure (Recall No. 13V–252);
3. Failure of the left tie rod assembly resulting in loss of steering control (Recall No. 13V–527);
4. Failure of the left tie rod assembly resulting in loss of steering control (Recall No. 13V–528);
5. Failure of the left tie rod assembly resulting in loss of steering control (Recall No. 13V–529);
6. Water freezing in the brake booster (Recall No. 14V–154);
7. Inadvertent ignition switch movement turning off the engine (Recall No. 14V–373);
8. Vanity lamp wiring shortages resulting in fire (Recall No. 14V–391);
9. Inadvertent ignition switch movement turning off the engine (Recall No. 14V–438);
10. Inadvertent ignition switch movement turning off the engine (Recall No. 14V–567);
11. Sudden failure of the alternator (Recall No. 14V–634);
12. Electrical connectors of the diesel fuel heater may overheat (Recall No. 14V–635);
13. Inoperative instrument cluster causing vehicle failure (Recall No. 14V–749);
14. Broken springs in the clutch ignition interlock switch (Recall No. 14V–795);
15. Loosening of the rear axle pinion nut causing loss of vehicle control (Recall No. 14V–796);
16. Potential air bag inflator rupture with metal fragments causing serious injury (14V–817);
17. Unintended air bag deployment during vehicle operation (Recall No. 15V–041);
18. Unintended air bag deployment during vehicle operation (Recall No. 15V–046);
19. Contaminated, dislodged or broken parking pawl or park rod (Recall No. 15V–090);
20. Fuel leak near an ignition source (Recall No. 15V–114);
21. Fuel pump relay causing a vehicle to stall without warning (Recall No. 15V–115); and
22. Driver and passenger side door latch failure (Recall No. 15V–178).

III. Recall Remedy Requirements

A manufacturer of a recalled motor vehicle is required to remedy the vehicle's defect or noncompliance without charge. 49 U.S.C. 30120(a). The manufacturer may repair the vehicle, replace the vehicle with an identical or reasonably equivalent vehicle, or refund the purchase price, less a reasonable allowance for depreciation. *Id.* If a manufacturer decides to repair a defect or noncompliance and the repair is not done adequately within a reasonable time, the manufacturer shall replace the vehicle without charge with an identical or reasonably equivalent vehicle, or refund the purchase price, less a reasonable allowance for depreciation. *Id.* § 30120(c).

On its own motion or on application by any interested person, NHTSA may conduct a hearing to decide whether a manufacturer has reasonably met the remedy requirements. *Id.* § 30120(e); 49 CFR 557.6. If NHTSA decides that the manufacturer has not reasonably met the remedy requirements, it shall order the manufacturer to take specified action to meet those requirements, including by ordering the manufacturer to refund the purchase price of the defective or noncomplying vehicles, less a reasonable allowance for depreciation. 49 U.S.C. 30120(a), (c), (e); *see* 49 CFR 557.8. NHTSA may also take any other action authorized by the Safety Act. 49 U.S.C. 30120(e); 49 CFR 557.8. A person

that violates the Safety Act, including the remedy requirements, or regulations prescribed thereunder, is liable to the United States Government for a civil penalty of not more than $7,000 for each violation. 49 U.S.C. 30165(a)(1); 49 CFR 578.6. A separate violation occurs for each motor vehicle and for each failure to perform a required act. *Id.* The maximum penalty for a related series of violations is $35,000,000. *Id.*

IV. Whether Fiat Chrysler Has Reasonably Met the Remedy Requirements

The public hearing will address NHTSA's concerns that Fiat Chrysler is not meeting its recall remedy requirements. NHTSA has tentatively concluded that Fiat Chrysler has not remedied vehicles in a reasonable time and has not adequately remedied vehicles. NHTSA will consider information on issues including, but not limited to, those detailed below in deciding whether Fiat Chrysler has reasonably met the remedy requirements of the Safety Act.

A. Failure To Remedy Vehicles in a Reasonable Time

On February 6, 2013, Fiat Chrysler recalled approximately 278,000 model year 2009 Dodge Durango, 2009 Plymouth Aspen, 2009–2011 Dodge Dakota and 2009–2012 Ram 1500 vehicles. This recall, 13V–038, involves a pinion nut on the vehicle's differential that may come loose. If this occurs, both rear wheels can lock up and the vehicle can become uncontrollable. Although this recall was initiated over 16 months ago, NHTSA has received, and continues to receive, numerous complaints from owners of these vehicles that they have been unable to have the recall repair performed because parts to perform the repair are not available. These complaints include incidents where the pinion nut has failed after the owners were notified that parts were not available, including two incidents resulting in crashes.

Another series of recalls involves a tie rod end that can fracture, disabling the steering gear and causing a loss of directional control. Fiat Chrysler filed recall notifications for recalls 13V–527 and 13V–529 on November 6, 2013. The company filed another recall notification for recall 13V–528 on November 11, 2013. These three recalls involve approximately one million Dodge Ram pickup trucks and cab chassis vehicles. Problems with producing sufficient replacement parts to allow repair of these vehicles were compounded by failures of the remedy part that caused Fiat Chrysler to stop shipment of the replacement parts. At this time, a year and a half after the recall notices were filed, many of the vehicles remain unrepaired. Owners have reported to NHTSA that they have been unable to have their vehicles repaired after making multiple attempts to do so because parts are unavailable.

On June 18, 2013 Fiat Chrysler notified NHTSA that it would conduct a recall of approximately 1.5 million model year 2003–2008 Jeep Liberty and model year 1993–1998 Jeep Grand Cherokee vehicles to reduce the risk of fire in rear end collisions. Among other things, Fiat Chrysler indicated that it would install trailer hitches on these vehicles to improve the performance of the rear structure of the vehicles in such impacts. As of April 30, 2015, Fiat Chrysler has completed remedy repairs on 320,000 of the 1.5 million vehicles involved in these recalls.

B. Failure To Adequately Repair Defects

Fiat Chrysler filed a recall notification on July 1, 2014 stating that a safety related defect existed in approximately 650,000 model year 2011–2014 Dodge Durango and Jeep Grand Cherokee vehicles. The defect results in the risk of fire inside the vehicle caused by a short circuit that occurs when fasteners used to secure a sun visor to the head liner pierce a wiring harness located above the sun visor mount. The remedy procedure called for re-locating the wiring to remove the risk that it would be pierced when the sun visor was re-installed. Following several incidents where vehicles experienced fires after the remedy repair had been conducted, Chrysler issued revised instructions and service procedures in April 2015 to ensure that the recall remedy repair procedure did not result in damage to the wiring harness when the sun visor was reattached. NHTSA is aware of 13 incidents where short circuits, including fires or thermal events, occurred after the recall remedy was attempted.

V. Recall Notification Requirements

A manufacturer must submit a Part 573 Report to NHTSA, initiating a recall, not more than five working days after it knew or should have known of a safety-related defect or noncompliance in its vehicles. *See* 49 CFR 573.6(b). The manufacturer's initial Part 573 Report to must contain, at a minimum the manufacturer's name, the identity of the vehicles potentially containing the defect or noncompliance, and a description of the defect or noncompliance. *Id.* Other required information not available at the time the initial Part 573 Report must be submitted within five working days after the manufacturer has confirmed the accuracy of the information. *Id.* This includes a chronology of all principal events that were the basis for the determination that the defect related to motor vehicle safety. 49 CFR 573.6(c)(6).

A manufacturer must amend its Part 573 Report within five working days after it has new information that updates or corrects information previously reported on the identity of the vehicles potentially containing the defect or noncompliance, the total number of vehicles potentially containing the defect or noncompliance, the manufacturer's program for remedying the defect or noncompliance, and the estimated date(s) on which it will begin sending notifications about the recall to owners and dealers. 49 CFR 573.6(b). If a manufacturer becomes aware that the beginning or completion dates reported to the agency for its notifications to owners or dealers will be delayed by more than two weeks, it must promptly advise the agency of the delay and the reasons for the delay, and provide a revised estimate. 49 CFR 573.6(b), (c)(8)(ii).

A manufacturer who decides in good faith that the vehicle contains a safety-related defect or does not comply with an applicable FMVSS must notify owners of the defect or noncompliance no later than 60 days from the date it files its Part 573 Report with NHTSA. 49 U.S.C. 30118(c); 49 CFR 577.7(a)(1).

Owner notifications must be sent, by first class mail, to each person registered under State law as the owner of the vehicle and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources. 49 U.S.C. 30119(d); 49 CFR 577.7(a)(2)(i). If the owner cannot be reasonably ascertained, the manufacturer shall notify the most recent purchaser known to the manufacturer. *Id.* Among other things, the notification to owners must contain a clear description of the safety-related defect or noncompliance, an evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance, the measures to be taken to obtain a remedy, and the earliest date on which the vehicle will be remedied without charge. 49 U.S.C. 30119(a); 49 CFR part 577. If a remedy is not available at the time of the initial notice, then the manufacturer must send a second notice to owners once a remedy is available. 49 CFR 577.7(a)(1).

A manufacturer must submit a copy of its proposed owner notification letter to NHTSA's Recall Management Division no fewer than five Federal Government

business days before it intends to begin mailing it to owners. 49 CFR 577.5(a).

A manufacturer must also send notifications to dealers within a reasonable time after the manufacturer first decides that a safety-related defect or noncompliance exists. 49 U.S.C. 30119(c); 49 CFR 577.7(a). Among other requirements, the dealer notice must identify the vehicles covered by the recall, describe the defect or noncompliance, provide a brief evaluation of the risk to motor vehicle safety associated with the defect or noncompliance, and include a complete description of the recall remedy and the estimated date on which the remedy will be available. 49 CFR 577.13. The dealer notice must also include an advisory that it is a violation of Federal law for a dealer to deliver a new motor vehicle covered by the notification under a sale or lease until the defect or noncompliance is remedied. *Id.* Any required information that is not available at the time of the initial dealer notice shall be provided as it becomes available. *Id.*

A manufacturer is required to submit to NHTSA a representative copy of all notices, bulletins, and other communications that related directly to a defect or noncompliance and are sent to more than one manufacturer, distributor, dealer or purchaser no later than five days after they are initially sent. 49 CFR 573.6(c)(10).

All submissions pursuant to 49 CFR part 573, except as otherwise required, must be submitted to NHTSA through its online recalls portal. 49 CFR 573.9. A manufacturer must use the provided templates for all required submissions. *Id.*

On its own motion or on petition of any interested person, NHTSA may conduct a hearing to decide whether a manufacturer has reasonably met its notification requirements. 49 U.S.C. 30118(e); 49 CFR 557.6. If NHTSA decides that the manufacturer has not reasonably met the notification requirements, it shall order the manufacturer to take specified action to meet those requirements and may take any other action authorized by the Safety Act. 49 U.S.C. 30118(e); 49 CFR 557.8. A person that violates the Safety Act, including the notification requirements, or regulations prescribed thereunder, is liable to the United States Government for a civil penalty of not more than $7,000 for each violation. 49 U.S.C. 30165(a)(1); 49 CFR 578.6. A separate violation occurs for each motor vehicle and for each failure to perform a required act. *Id.* The maximum penalty for a related series of violations is $35,000,000. *Id.*

VI. Whether Fiat Chrysler Has Reasonably Met the Notification Requirements

The public hearing will address NHTSA's concerns that Fiat Chrysler is not meeting its recall notification requirements. NHTSA has tentatively concluded that Fiat Chrysler has not notified vehicle owners about recalls in a timely manner and has not submitted information to NHTSA about its recalls that is timely, correct, complete, and in the required form. Compliance with the notification requirements is important to allow owners to make informed decisions about their safety and to enable NHTSA to determine whether Fiat Chrysler's recalls are effective in mitigating the safety risk of defects.

NHTSA will consider information on issues including, but not limited to, those detailed below in deciding whether Fiat Chrysler has reasonably met the notification requirements of the Safety Act.

A. Untimely Recall Notices to Owners

Fiat Chrysler acknowledged, in its response to NHTSA's May 18, 2015 Special Order, that it did not timely notify owners about certain recalls. Fiat Chrysler stated that it first notified owners of defects in their vehicles after the 60-day deadline in Recall Nos. 14V–373, 14V–567, 14V–634, 14V–795, and 15V–115.[1] It appears Fiat Chrysler also did not notify owners that their vehicles were recalled within the required 60-day period in at least two additional recalls, Recall Nos. 13V–527 and 14V–635. In Recall No. 13V–527, Fiat Chrysler reported to NHTSA that it mailed interim owner notices on January 16, 2014, or 11 days late. In Recall No. 14V–635, Fiat Chrysler reported to NHTSA that it mailed interim owner notices on December 8, 2014, or two days late.

Additionally, Fiat Chrysler did not notify vehicle owners for over five months of the risk of potential air bag inflator ruptures in Recall No. 14V–354 (now a part of Recall No. 14V–817). Fiat Chrysler still has not notified vehicle owners of Recall No. 14V–817, nearly six months after filing its Part 573 Report in December 2014. Although Fiat Chrysler submitted draft interim notices to NHTSA for approval in both Recall Nos. 14V–354 and 14V–817, Fiat Chrysler apparently never sent those notices to owners.

Timely notification to vehicle owners about recalls is critical so that they can make informed decisions concerning their safety. Even where a manufacturer does not have parts available to immediately repair the vehicle, an owner is entitled to understand the risk of continuing to drive the vehicle before it is repaired.

B. Untimely Recall Notice to NHTSA

Fiat Chrysler's chronology for Recall No. 15V–090 states that its supplier notified it in October 2014 of a production process issue linked to the transmission shift failures that are the subject of the recall. Fiat Chrysler did not initiate the recall, by submitting a Part 573 Report, until over two months later. Fiat Chrysler's chronology ends on December 7, 2014, when Fiat Chrysler received additional information from its supplier. Fiat Chrysler has not provided a complete chronology explaining this apparent delay in conducting a recall despite NHTSA's request to do so.

The requirement to initiate a recall within five working days of knowing of a safety-related defect helps to mitigate the risk of safety-related defects. That requirement exists so that the public is notified of safety risks and so that vehicle owners can expeditiously have their vehicles remedied. Additionally, the requirement for a complete chronology is important so that NHTSA may ensure that recalls are timely.

C. Failure To Notify NHTSA About Changes to Notification Schedule

It appears that Fiat Chrysler did not keep NHTSA informed about its schedule for notifying vehicle owners about recalls, as required. Fiat Chrysler did not notify NHTSA, by amending its Part 573 Report within five working days, of changes to the estimated dates on which it will begin notifying owners or dealers in several recalls, including Recall Nos. 13V–527, 14V–373, 14V–567, 14V–643, 14V–749, and 14V–795. In some of those recalls, involving a delay of more than two weeks in the notification schedule, Fiat Chrysler did not promptly provide the reasons for the delay and a revised estimate.

Timely and complete information about a manufacturer's notification schedule is important to ensure that vehicle owners are kept informed about safety defects and know when and how they can have those defects fixed. Similarly, dealer notices provide essential information on the defects so that dealers can keep their customers

[1] For Recall No. 14V–373, Fiat Chrysler previously reported to NHTSA that it mailed interim owner notices on September 11, 2014, or 19 days late. Fiat Chrysler now says in its Special Order response that its interim owner notices were mailed 12 days late. For Recall No. 14V–795, Fiat Chrysler previously reported to NHTSA that it mailed interim owner notices on February 10, 2015, or within the required 60-day period. Fiat Chrysler now says in its Special Order response that its interim owner notices were mailed one day late.

informed and repair their vehicles expediously and effectively.

D. Failure To Submit Copies of Recall Communications to NHTSA

NHTSA has tentatively concluded that Fiat Chrysler also has not submitted representative copies of recall communications to NHTSA as required. This includes not submitting a draft owner notification for NHSTA's review and approval, and not timely submitting copies of owner and dealer communications to NHTSA.

1. Failure To Submit a Draft Owner Notification Letter

In at least one recall, Recall No. 14V–749, Fiat Chrysler did not submit a draft owner notification letter to NHTSA prior to mailing it.

NHTSA reviews draft owner notification letters to ensure that they contain accurate and complete information. Failing to submit a draft owner notice to NHTSA as required prevents NHTSA from ensuring that owners receive critical information about their recalled vehicles, including the safety risk associated with the defect and how to have it fixed.

2. Failure To Submit Copies of Recall Communications to Owners and Dealers

Despite a legal requirement that Fiat Chrysler submit copies of recall communications to the agency within five days, NHTSA staff repeatedly has had to request that Fiat Chrysler submit copies of those documents to the agency. Fiat Chrysler did not submit copies of owner letters within five days as required in recalls including Recall Nos. 13V–527, 14V–373, 14V–438, 14V–634, 14V–643, 14V–795, 15V–114, and 15V–115. Fiat Chrysler also did not submit copies of dealer communications within five days as required in Recall Nos. 13V–252, 13V–527, 13V–528, 13V–529, 13V–373, 13V–391, 14V–567, 14V–635, 14V–749, 14V–795, 14V–796, 15V–090, 15V–115, and 15V–178. In twelve of those recalls, Fiat Chrysler did not provide NHTSA with copies of certain recall-related dealer communications until after NHTSA noticed this public hearing. When Fiat Chrysler does submit copies of recall communications, it routinely enters incorrect information into NHTSA's recalls portal, such as providing the date that Fiat Chrysler submitted a document to NHTSA or leaving the date blank, rather than providing the date that Fiat Chrysler mailed its notification to owners.

Compliance with the requirement to submit representative copies of owner notification letters to the agency and to provide correct and complete information about the notifications to NHTSA is important so that NHTSA may ensure vehicle owners are aware of defects in their vehicles and have information on how to have those defects fixed. Likewise, the requirement to submit dealer communications enables the agency to evaluate whether dealers have accurate and complete information necessary to remedy vehicles. Among other things, dealer communications provide the personnel responsible for actually repairing vehicles with the instructions on how to do so. It is essential that NHTSA have access to those communications so that it can fulfill its statutory oversight role to ensure that remedies are effective.

E. Failure To Provide NHTSA With Other Critical Information About Recalls

NHSTA has tentatively concluded that Fiat Chrysler also has not provided NHTSA with other critical information about its recalls by submitting timely, accurate, and complete amendments to its Part 573 Reports, and by properly submitting information through NHTSA's online recalls portal. The requirement to file an amended Part 573 Report is important because the act of amending the Part 573 Report lets NHTSA and the public know that the manufacturer has become aware of significant new or changed information about the recall.

1. Failure To Submit Information on the Vehicles Impacted by a Recall

Across multiple recalls, Fiat Chrysler has not correctly and completely identified the vehicles affected by the recalls. In several recalls, Fiat Chrysler sent letters or other submissions to NHTSA that showed an apparent change to the number of vehicles involved in a recall, rather than filing an amended Part 573 Report as required. On multiple occasions, Fiat Chrysler provided inconsistent information to NHTSA—apparently changing the recall population in a cover letter and then providing contradictory information in a later-filed amendment to its Part 573 Report for the recall. These recalls include Recalls No. 13V–527, 14V–373, 14V–154, 14V–438, 14V–634, 14V–635, 14V–643, 14V–749, 14V–795, 15V–090, and 15V–115. In another recall, Recall No. 15V–041, Fiat Chrysler did not correctly identify the vehicle identification numbers (VINs) associated with the recall. NHTSA oversight caught over 65,000 vehicles impacted by the recall that Fiat Chrysler had not included. Additionally, Fiat Chrysler did not provide NHTSA with information on the vehicles affected by Takata air bag inflator Recall No. 14V–354 (now a part of Recall No. 14V–817) for over seven weeks, lagging far behind other manufacturers recalling vehicles for the same issue.

A failure to follow the requirements for providing information on the vehicles affected by a recall is concerning because, if a manufacturer cannot provide NHTSA with consistent, correct, and timely information on the vehicles included in a recall to the agency, it suggests that the manufacturer may also be failing to provide all vehicle owners with notice of the defect and access to a free remedy as the law requires. Moreover, placing information on changes to the vehicle population affected by a recall in routine correspondence rather than filing an amended Part 573 Report, as required, impedes NHTSA and the public's ability to understand the full universe of vehicles impacted by the defect.

2. Failure To Submit Information on the Recall Remedy

NHTSA has tentatively concluded that Fiat Chrysler also has not submitted amended Part 573 Reports as required when it has confirmed or changed its remedy plan. This has occurred for recalls including Recall Nos. 13V–527 and 14V–634.

Having timely and complete access to information on a manufacturer's remedy plan is essential for the agency to assess the remedy plan and ensure that a manufacturer is meeting its obligation to adequately repair vehicle defects within a reasonable time.

VII. Decision To Conduct a Public Hearing

NHTSA has decided that it is necessary to conduct a public hearing to decide whether Fiat Chrysler has reasonably met the remedy and notification requirements under 49 U.S.C. 30118 and 30120. *See* 49 U.S.C. §§ 30118(e), §§ 30120(e); 49 CFR 557.6(d), 557.7.

Based on information presented at the public hearing and other available information, NHTSA may issue an order that could include a finding that Fiat Chrysler failed to carry out its recall requirements under the Safety Act and requiring Fiat Chrysler to take specific actions to comply with the law.

Any interested person may make written and/or oral presentations of information, views, and arguments on whether Fiat Chrysler has reasonably met the remedy and/or notification requirements. There will be no cross-examination of witnesses. 49 CFR 557.7.

NHTSA will consider the views of participants in deciding whether Fiat

Chrysler has reasonably met the notification and/or remedy requirements under 49 U.S.C. §§ 30118 and 30120, and in developing the terms of an order (if any) requiring Fiat Chrysler to take specified action as the remedy for the recalls and/or take other action. 49 U.S.C. §§ 30118(e), 30120(e); 49 CFR 557.8.

Procedural Matters: Interested persons may participate in these proceedings through written and/or oral presentations. Persons wishing to attend must notify Carla Bridges, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (Telephone: 202–366–2992) (Fax: 202–366–3820), before the close of business on June 30, 2015 (and June 26, 2015, for non-U.S. citizens). Each person wishing to attend must provide his or her name and country of citizenship. Non-U.S. citizens must also provide date of birth, title or position, and passport or diplomatic ID number, along with expiration date. Each person wishing to make an oral presentation must also specify the amount of time that the presentation is expected to last, his or her organizational affiliation, phone number, and email address. NHTSA will prepare a schedule of presentations. Depending upon the number of persons who wish to make oral presentations and the anticipated length of those presentations, NHTSA may limit the length of oral presentations.

For security purposes, photo identification is required to enter the U.S. Department of Transportation building. To allow sufficient time to clear security and enter the building, NHTSA recommends that hearing participants arrive 30 to 60 minutes prior to the start of the public hearing.

The hearing will be held at a site accessible to individuals with disabilities. Individuals who require accommodations, such as sign language interpreters, should contact Ms. Justine Casselle using the contact information in the **FOR FURTHER INFORMATION CONTACT** section above no later than June 24, 2015. A transcript of the proceedings will be placed in the docket for this notice at a later date.

Persons who wish to file written comments should submit them so that they are received by NHTSA no later than June 23, 2015. Instructions on how to submit written comments to the docket is located under the **ADDRESSES** section of this notice.

Authority: 49 U.S.C. §§ 30118(e), 30120(e); 49 CFR 557.6(d), 557.7; delegations of authority at 49 CFR 1.95(a) and 501.2(a)(1).

Issued: June 16, 2015.

Mark R. Rosekind,

Administrator.

[FR Doc. 2015–15246 Filed 6–19–15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT–OST–2015–0126]

Notice of Order Soliciting Community Proposals

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of order soliciting community proposals (Order 2015–6–18).

SUMMARY: The Department of Transportation is soliciting proposals from communities or consortia of communities interested in receiving grants under the Small Community Air Service Development Program. The full text of the Department's order, including Appendices, is included in this Notice. As noted in the order, an application for a grant under this program must include a Grant Proposal of no more than 20 pages (one-sided only), a completed Application for Federal Domestic Assistance (SF424), a Summary Information Schedule, and any letters from the applicant community showing support.

DATES: Applications must be submitted no later than July 22, 2015.

ADDRESSES: Communities must submit applications electronically through *http://www.grants.gov.*

FOR FURTHER INFORMATION CONTACT: Brooke Chapman, Associate Director, Small Community Air Service Development Program, Office of Aviation Analysis, 1200 New Jersey Avenue SE., W86–307, Washington, DC 20590, (202) 366 0577.

SUPPLEMENTARY INFORMATION: By this order, the Department of Transportation (the Department or DOT) invites proposals from communities and/or consortia of communities interested in obtaining a federal grant under the Small Community Air Service Development Program (''Small Community Program'' or ''SCASDP'') to address air service and airfare issues in their communities. *Applications of no more than 20 one-sided pages each (excluding the completed Application for Federal Domestic Assistance (SF424), Summary Information schedule, and any letters from the community or an air carrier showing support for the application),* including all required information, must be submitted to *www.grants.gov* no later than 5:00 p.m. EDT on July 22, 2015. You are strongly encouraged to submit applications in advance of the deadline. Please be aware that you must complete the registration process before submitting an application, and that this process usually takes two to four weeks to complete. If interested parties experience difficulties at any point during the registration or application process, please call the grants.gov Customer Support Hotline at 1–800–518–4726, Monday-Friday, from 7:00 a.m. to 9:00 p.m. EDT. The Department will not accept late-filed applications. Additional information on applying through grants.gov is in Appendix A, including a notice regarding late submissions related to technical difficulties. This order is organized into the following sections:

I. Background
II. Selection Criteria and Guidance on Application of Selection Criteria
III. Evaluation and Selection Process
IV. How to Apply
V. Air Service Development Zone
VI. Grant Administration
VII. Questions and Clarifications
Appendix A—Additional Information on Applying Through *www.grants.gov*
Appendix B—Summary Information
Appendix C—Application Checklist
Appendix D—Confidential Commercial Information

I. Background

The Small Community Program was established by the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Pub. L. 106–181) and reauthorized by the Vision 100-Century of Aviation Reauthorization Act (Pub. L. 108–176) and subsequently the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) (FAA 2012). The program is designed to provide financial assistance to small communities in order to help them enhance their air service. The Department provides this assistance in the form of monetary grants that are disbursed on a reimbursable basis. Authorization for this program is codified at 49 U.S.C. 41743.

The Small Community Program is authorized to receive appropriations under 49 U.S.C. 41743(e)(2), as amended. Appropriations are provided for this program for award selection in FY 2015 pursuant to FAA 2012 and the FY 2015 Appropriations Act (Pub. L. 113–235). The Department has up to $5.5 million available for FY 2015 grant awards to carry out this program. There is no limit on the amount of individual awards, and the amounts awarded will

vary depending upon the features and merits of the selected proposals. In past years, the Department's individual grant sizes have ranged from $20,000 to nearly $1.6 million.

A. Eligible Applicants

Eligible applicants are small communities that meet the following statutory criteria under 49 U.S.C. 41743:

1. As of calendar year 1997, the airport serving the community was not larger than a small hub airport,[1] and it has insufficient air carrier service or unreasonably high air fares; and

2. The airport serving the community presents characteristics, such as geographic diversity or unique circumstances that demonstrate the need for, and feasibility of, grant assistance from the Small Community Program.

No more than four communities or consortia of communities, or a combination thereof, from the same state may be selected to participate in the program in any fiscal year. No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program in each year for which the funds are appropriated.

Consortium applications: Both individual communities and consortia of communities are eligible for SCASDP funds. An application from a consortium of communities must be one that seeks to facilitate the efforts of the communities working together toward one joint grant project, with one joint objective, including the establishment of one entity to ensure that the joint objective is accomplished.

Multiple Applications: A community may file only one application for a grant, either individually or as part of a consortium.

Communities without existing air service: Communities that do not currently have commercial air service are eligible for SCASDP funds.

Essential Air Service communities: Small communities that meet the basic SCASDP criteria and currently receive subsidized air service under the Essential Air Service (''EAS'') program are eligible to apply for SCASDP funds. However, *grant awards to EAS-subsidized communities are limited to marketing or promotion projects that support existing or newly subsidized EAS.* Grant funds will *not* be authorized for EAS-subsidized communities to support any *new* competing air service. Furthermore, no funds will be authorized to support additional flights by EAS carriers or changes to those carriers' existing schedules. These restrictions are necessary to avoid conflicts with the mandate of the EAS program.

B. Eligible Projects

The Department is authorized to award grants under 49 U.S.C. 41743 to communities that seek to provide assistance to:

- A U.S. air carrier [2] to subsidize service to and from an underserved airport for a period not to exceed 3 years;
- an underserved airport to obtain service to and from the underserved airport; and/or
- an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

Applicants should also keep in mind the following statutory restrictions on eligible projects:

- An applicant may not receive an additional grant to support the same project from a previous grant (*see* Same Project Limitation, below); and
- An applicant may not receive an additional grant, prior to the completion of its previous grant (*see* Concurrent Grant Limitation, below).

Same Project Limitation: Under 49 U.S.C. 41743(c), a community may not receive an additional grant to support the same project for which it received a previous grant (Same Project Limitation).[3] In assessing whether a previous grantee's current application represents a new project, the Department will compare the goals and objectives of the previous grant, including the key components of the means by which those goals and objectives were to be achieved, to the current application. For example, if a community received an earlier grant to support a revenue guarantee for service to a particular destination or direction, a new application by that community for another revenue guarantee for service to the same destination or in the same direction is ineligible, even if the revenue guarantee were structured differently or the type of carrier were different. However, a new application by such a previous grantee for service to a new destination or direction using a revenue guarantee, or for general marketing of the airport and the various services it offers, is eligible. The Department recognizes that not all revenue guarantees, marketing agreements, studies, etc. are of the same nature, and that if a subsequent application incorporates different goals or significantly different components, it may be sufficiently different to constitute a new project under 49 U.S.C. 41743(c).

Concurrent Grant Limitation: A community or consortium may have only one SCASDP grant at any time. If a community or consortium applies for a subsequent SCASDP grant when its current grant has not yet expired, that community/consortium must notify the Department of its intent to terminate the current SCASDP grant, and, if the community/consortium is selected for a new grant, such termination must take place prior to entering into the new grant. In addition, for consortium member applicants, permission must be granted from both the grant sponsor and the Department to withdraw from the current SCASDP grant before that consortium member will be deemed eligible to receive a subsequent SCASDP grant.

Airport Capital Improvements Ineligible: Airport capital improvement projects, including, but not limited to, runway expansions and enhancements, the construction of additional aircraft gates, and other airport terminal expansions and reconfigurations are ineligible for funding under the Small Community Program. Airports seeking funding for airport capital improvement projects may want to consult with their local FAA Regional Office to discuss potential eligibility for grants under the Airport Improvement Program.

II. Selection Criteria and Guidance on Application of Selection Criteria

SCASDP grants will be awarded based on the selection criteria as outlined below. There are two categories of selection criteria: Priority Selection Criteria and Secondary Selection Criteria. Applications that meet one or more of the Priority Selection Criteria will be viewed more favorably than those that do not meet any Priority Selection Criteria.

[1] See, *http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/SCASDP,* for the FAA's 1997 list of Primary and Nonprimary Commercial Service Airports.

[2] Only U.S. air carriers are eligible to receive assistance from communities under SCASDP. *See* 49 U.S.C. 41743(d)(1) and 40102(a)(2).

[3] This limitation applies for all projects contained in a previous grant agreement's scope; thus, even if the community did not actively implement a project listed in the scope of an earlier grant agreement, it may not receive funding for that project in a subsequent round of SCASDP funding.

A. Priority Selection Criteria

The statute directs the Department to give priority consideration to those communities or consortia where the following criteria are met:

1. *Air fares are higher than the national average air fares for all communities*—The Department will compare the local community's air fares to the national average air fares for all similar markets. Communities with market air fares significantly higher than the national average air fares in similar markets will receive priority consideration. The Department calculates these fares using data from the Bureau of Transportation Statistics (BTS) Airline Origin and Destination Survey data. The Department evaluates all fares in all relevant markets that serve a SCASDP community and compares the SCASDP community fares to all fares in similar markets across the country. Each SCASDP applicant's air fares are computed as a percentage above or below the national averages. The report compares a community's air fares to the average for all other similar markets in the country that have similar density (passenger volume) and similar distance characteristics (market groupings). All calculations are based on 12-month ended periods to control for seasonal variation of fares.

2. *The community or consortium will provide a portion of the cost of the activity from local sources other than airport revenue sources*—The Department will consider whether a community or consortium proposes local funding for the proposed project. Applications providing proportionately higher levels of cash contributions from sources other than airport revenues will be viewed more favorably. Applications that provide multiple levels of contributions (state, local, airport, cash and in-kind contributions) will also be viewed more favorably. *See* Additional Guidance—Cost Sharing and Local Contributions, in Subsection C below, for more information on the application of this selection criterion.

3. *The community or consortium has established or will establish a public-private partnership to facilitate air carrier service to the public*—The Department will consider a community's or consortium's commitment to facilitate air carrier service in the form of a public-private partnership. Applications that describe in detail how the partnership will *actively* participate in the implementation of the proposed project will be viewed more favorably.

4. *The assistance will provide material benefits to a broad segment of the traveling public, including businesses, educational institutions, and other enterprises, whose access to the national air transportation system is limited*—The Department will consider whether the proposed project would provide, to a broad segment of the community's traveling public, important benefits relevant to the community. Examples include service that would offer new or additional access to a connecting hub airport, service that would provide convenient travel times for both business and leisure travelers that would help obviate the need to drive long distances, and service that would offer lower fares.

5. *The assistance will be used in a timely manner*—The Department will consider whether a proposed project provides a well-defined strategic plan and reasonable timetable for use of the grant funds. In the Department's experience, a reasonable timetable for use of grant funds includes a year to complete studies, two years for marketing and promotion of the airport, community, carrier, or destination, and three years for projects that target a revenue guarantee, subsidy, or other financial incentives. Applicants should describe how their projects can be accomplished within this timetable, including whether the airport and proposed air service provider have the requisite authorities and certifications necessary to carry out the proposed projects. In addition, because of this emphasis placed on timely use of funds, applicants proposing new service should describe the airport and whether it can support the proposed service, including whether the airport holds, or intends to apply for, an airport operating certificate issued under 14 CFR part 139. Air service providers proposed for the new service must have met or be able to meet in a reasonably short period of time, all Department requirements for air service certification, including safety and economic authorities.

6. *Multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport*—The Department will consider whether a proposed project involves a consortium effort to consolidate air service into one regional airport. This statutory priority criterion was added pursuant to Section 429 of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

B. Secondary Selection Criteria

1. *Innovation*—The Department will consider whether an application proposes new and creative solutions to air transportation issues facing the community, including:

- The extent to which the applicant's proposed solution(s) to solving the problem(s) is new or innovative, including whether the proposed project utilizes or encourages intermodal or regional solutions to connect passengers to the community's air service (or, if the community cannot implement or sustain its own air services, to connect to a neighboring community's air service (*e.g.,* cost-effective inter/intra city passenger bus service, or marketing of intermodal surface transportation options also available to air travelers; and
- whether the proposed project, if successfully implemented, could serve as a working model for other communities.

2. *Community Participation*—The Department will consider whether an application has broad community participation, including:

- Whether the proposed project has broad community support; and
- the community's demonstrated commitment to and participation in the proposed project.

3. *Location*—The Department will consider the location and characteristics of a community:

- The geographic location of each applicant, including the community's proximity to larger centers of air service and low-fare service alternatives;
- the population and business activity, as well as the relative size of each community; and
- whether the community's proximity to an existing or prior grant recipient could adversely affect either its proposal or the project undertaken by the other recipient.

4. *Other Factors*—The Department will also consider:

- Whether the proposed project clearly addresses the applicant's stated problems;
- the community's existing level of air service and whether that service has been increasing or decreasing;
- whether the applicant has a plan to provide any necessary continued financial support for the proposed project after the requested grant award expires;
- the grant amount requested compared with total funds available for all communities;
- the proposed federal grant amount requested compared with the local share offered;
- any letters of intent from airline planning departments or intermodal surface transportation providers on behalf of applications that are specifically intended to enlist new or

expanded air service or surface transportation service in support of the air service in the community;

- whether the applicant has plans to continue with the proposed project if it is not self-sustaining after the grant award expires; and
- equitable and geographic distribution of available funds.

C. Additional Guidance

Market Analysis: Applicants requesting funds for a revenue guarantee/subsidy/financial incentive are encouraged to conduct and reference in their applications an in-depth analysis of their target markets. Target markets can be destination specific (*e.g.,* service to LAX), a geographic region (*e.g.,* northwest mountain region) or directional (*e.g.,* hub in the southeastern United States or a point north, south, east, or west of the applicant community).

Complementary Marketing Commitment: Applicants requesting funds for a revenue guarantee/subsidy/financial incentive are encouraged to designate in their applications a portion of the project funds (federal, local or in-kind) for the development and implementation of a marketing plan in support of the service sought.

Subsidies for a carrier to compete against an incumbent: The Department is reluctant to subsidize one carrier but not others in a competitive market. For this reason, a community that proposes to use the grant funds for service in a city-pair market that is already served by another air carrier must explain in detail why the existing service is insufficient or unsatisfactory, or provide other compelling information to support such a proposal.

Cost Sharing and Local Contributions: Applications must clearly identify the level of federal funding sought for the proposed project. Applications must also identify the community's cash contributions to the proposed project, in-kind contributions from the airport, and in-kind contributions from the community. Non-federal funds will be applied proportionately to the entire scope of the project. Communities cannot use non-federal funds selectively to fund certain components of a project (see Section VI—Grant Administration-Payments for more information). Cash contributions from airport revenues must be identified separately from cash contributions from other community sources, and cash contributions from the state and/or local government should be separately identified and described.

Types of contributions. Contributions should represent a *new* financial commitment or *new* financial resources devoted to attracting new or improved service, or addressing specific high-fare or other service issues, such as improving patronage of existing service at the airport. For communities that propose to contribute to the grant project, that contribution can be in the following forms:

Cash from non-airport revenues. A cash contribution can include funds from the state, the county or local government, and/or from local businesses, or other private organizations in the community. Because private cash contributions are to be from local community sources, the Department will not consider as a part of these non-airport revenues any funds that a community might receive from an air carrier interested in providing service under that community's proposal. Moreover, contributions that are comprised of intangible non-cash items, such as the value of donated advertising, are considered in-kind contributions (see further discussion below).

Cash from airport revenues. This includes contributions from funds generated by airport operations. Airport revenues may not be used for revenue guarantees to airlines, per 49 U.S.C. 47107 and 47133. Applications that include local contributions based on airport revenues do not receive priority consideration for selection.

In-kind contributions from the airport. This can include such items as waivers of landing fees, ground handling fees, terminal rents, fuel fees, and/or vehicle parking fees.

In-kind contributions from the community. This can include such items as donated advertising from media outlets, catering services for inaugural events, or in-kind trading, such as advertising in exchange for free air travel. Travel banks and travel commitments/pledges are considered to be in-kind contributions.

Cash vs. in-kind contributions. Communities that include local contributions made in cash will be viewed more favorably.

III. Evaluation and Selection Process

The Department will first review each application to determine whether it has satisfied the following eligibility requirements:

1. The applicant is an eligible applicant;

2. The application is for an eligible project (including compliance with the Same Project Limitation); and

3. The application is complete (including submission of a completed SF424 and all of the information listed in Contents of Application, in Section IV below).

To the extent that the Department determines that an application does not satisfy these eligibility requirements, the Department will deem that application ineligible and not consider it further. The Department will then review all eligible applications based on the selection criteria outlined above in Section II. The Department will not assign specific numerical scores to projects based on the selection criteria. Rather, ratings of ''highly recommended,'' ''recommended,'' ''acceptable,'' or ''not recommended'' will be assigned to applications. Applications that align well with one or more of the Priority Selection Criteria will be viewed more favorably than those that do not align with any Priority Selection Criteria. The Department will consider the Secondary Selection Criteria when comparing and selecting among similarly-rated projects.

The Department reserves the right to award funds for a part of the project included in an application, if a part of the project is eligible and aligns well with the selection criteria specified in this Order. In addition, as part of its review of the Secondary Selection Criterion ''Other Factors,'' the Department will consider the geographical distribution of the applications to ensure consistency with the statutory requirement limiting awards to no more than four communities or consortia of communities, or a combination thereof, from the same state. The final selections will be limited to no more than 40 communities or consortia of communities, or a combination thereof.

Grant awards will be made as promptly as possible so that selected communities can complete the grant agreement process and implement their plans. Given the competitive nature of the grant process, the Department will not meet with applicants regarding their applications. All non-confidential portions of each application, all correspondence and ex-parte communications, and all orders will be posted in the above-captioned docket on *www.regulations.gov.* The Department will announce its grant selections in a Selection Order that will be posted in the above-captioned docket, served on all applicants and all parties served with this Solicitation Order, and posted on the Department's SCASDP Web site at *http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/SCASDP.*

IV. How to Apply

Required Steps:

- Determine eligibility;
- Register with *www.grants.gov* (*see* Registration with *www.grants.gov,* below);
- Submit an Application for Federal Domestic Assistance (SF424);
- Submit a completed ''Summary Information'' schedule. This is your application cover sheet (*see* Appendix B);
- Submit a detailed application of *up to one-sided 20 pages (excluding the completed SF424, Summary Information schedule, and any letters from the community or an air carrier showing support for the application)* that meets all required criteria (*see* Appendix C);
- Attach any letters from the community or an air carrier showing support for the application to the proposal, which should be addressed to Brooke Chapman, Associate Director, Small Community Air Service Development Program; and
- Provide separate submission of confidential material, if requested. (*see* Appendix D) An application will not be complete and will be deemed ineligible for a grant award until and unless all required materials, including SF424, have been submitted through *www.grants.gov* and time-stamped by 5:00 p.m. EDT on July 22, 2015 (the ''Application Deadline''). An application consisting of more than 20 pages will be accepted by the Department, but the content in the additional pages past page 20 will not be evaluated or considered by the Department. The Department would prefer that applicants use one-inch margins and a font size not less than 12 point type.

Late Application Notice: Applicants who are unable to successfully submit their application package through grants.gov prior to the Application Deadline due to technical difficulties outside their control must submit an email to *SCASDPgrants@dot.gov* with the information described in Appendix A.

Registration with *www.grants.gov:* Communities must be registered with *www.grants.gov* in order to submit an application for funds available under this program. For consortium applications, only the Legal Sponsor must be registered with *www.grants.gov* in order to submit its application for funds available under this program. *See* Appendix A for additional information on applying through *www.grants.gov.*

Contents of Application: There is no set format that must be used for applications. Each application should, to the maximum extent possible, address the selection criteria set forth in Section II, above, including a clear description of the air service needs/deficiencies and present plans/strategies that directly address those needs/deficiencies. At a minimum, however, each application must include the following information:

A description of the community's air service needs or deficiencies, including information about: (1) Major origin/destination markets that are not now served or are not served adequately; (2) fare levels that the community deems relevant to consideration of its application, including market analyses or studies demonstrating an understanding of local air service needs; (3) any recent air service developments that have adversely affected the community; [4] and (4) any air service development efforts over the past three years and the results of those efforts (including marketing and promotional efforts).

- *A strategic plan for meeting those needs under the Small Community Program,* including the community's specific project goal(s) and detailed plan for attaining such goal(s). If the application is selected, DOT will work with the grantee to incorporate the relevant elements of the application's strategic plan into the grant agreement's project scope.[5] Applicants should note that, once a grant agreement is signed, the agreement cannot be amended in a way that would alter the project scope. Applicants also are advised to obtain firm assurances from air carriers proposing to offer new air services if a grant is awarded. Strategic plans should:
  - For applications involving new or improved service, explain how the service will become self-sufficient;
  - fully and clearly outline the goals and objectives of the project; and
  - fully and clearly summarize the actual, specific steps (in bullet form, with a proposed timeline) that the community intends to take to bring about these goals and objectives.
- *A detailed description of the funding necessary for implementation of the proposed project* (including federal and non-federal contributions).
- *An explanation of how the proposed project differs from any previous projects for which the community received SCASDP funds* (*see* Same Project Limitation, above).
- *Designation of a legal sponsor responsible for administering the proposed project.* The legal sponsor of the proposed project *must* be a government entity, such as a state, county, or municipality. The legal sponsor must be legally, financially, and otherwise able to execute the grant agreement and administer the grant, including having the authority to sign the grant agreement and to assume and carry out the certifications, representations, warranties, assurances, covenants and other obligations required under the grant agreement with the Department and to ensure compliance by the grant recipient with the grant agreement and grant assurances. If the applicant is a public-private partnership, a public government member of the organization must be identified as the community's sponsor to receive project cost reimbursements. A community may designate only one government entity as the legal sponsor, even if it is applying as a consortium that consists of two or more local government entities. Private organizations may not be designated as the legal sponsor of a grant under the Small Community Program. The community has the responsibility to ensure that the legal sponsor and grant recipient of any funding has the legal authority under state and local laws to carry out all aspects of the grant, and the Department may require an opinion of the legal sponsor's attorney as to its legal authority to act as a sponsor and to carry out its responsibilities under the grant agreement. The applicant should also provide the name of the signatory party for the legal sponsor.

V. Air Service Development Zone Designation

As part of the Small Community Program, the Department may also designate one grant recipient as an ''Air Service Development Zone'' (ASDZ).[6] The purpose of the designation is to provide communities interested in attracting business to the area surrounding the airport and/or developing land-use options for the area to work with the Department on means to achieve those goals. The Department will assist the designated community in establishing contacts with and obtaining advice and assistance from appropriate

[4] For example, if a community has lost service or been otherwise adversely affected as a result of an airline merger, the applicant should describe the situation in detail and quantify, to the extent possible, its effects on the community.

[5] If new service is proposed to or from a specific city or market served by multiple airports (such as New York, Chicago, Los Angeles, or Washington, D.C., for example), the applicant is encouraged to identify the airport(s) in that city or market the community would be targeting under its proposal in order to facilitate the drafting of the grant agreement's project scope. Communities should carefully select, within a specific city or market, those airports for which it proposes service, as proposing multiple airports in a city or market could impact the ability of a community to seek future grants involving those airports (see Same Project Limitation, above).

[6] *See* 49 U.S.C. 41743(h).

government agencies, including the Department of Commerce and other offices within the Department of Transportation, and in identifying other pertinent resources that may aid the community in its efforts to attract businesses and to formulate land-use options. However, the community receiving this designation will be responsible for developing, implementing, and managing activities related to the air service development zone initiative. Only communities that are interested in these objectives and have a plan to accomplish them should apply for this designation. There are no additional funds associated with this designation, and applying for this designation will provide no special benefits or priority to the community applying for a SCASDP grant.

Only one SCASDP grant recipient may hold an ASDZ designation at any one time. At present, an existing SCASDP grant recipient, Casper, WY, is active as ASDZ designee, with a grant award set to expire on September 30, 2015. Upon expiration of this community's grant award, the ASDZ designation will become available for a new grant recipient, and the Department is therefore soliciting a new ASDZ designee in this proceeding.

Grant applicants interested in selection for the Air Service Development Zone designation must include in their applications a separate section, titled, *Support for Air Service Development Zone Designation*. The community should provide as detailed a plan as possible, including what goals it expects to achieve from the air service development zone designation and the types of activities on which it would like to work with the Department in achieving those goals. The community should also indicate whether further local government approvals are required in order to implement the proposed activities.

VI. Grant Administration

Grant Agreements: Communities awarded grants are required to execute a grant agreement with the Department *before* they begin to expend funds under the grant award. Applicants should not assume they have received a grant, nor should they obligate or expend local funds prior to receiving and fully executing a grant agreement with the Department. Expenditures made prior to the execution of a grant agreement, including costs associated with preparation of the grant application, will *not* be reimbursed. Moreover, there are numerous assurances that grant recipients must sign and honor when federal funds are awarded. All communities receiving a grant will be required to accept and meet the obligations created by these assurances when they execute their grant agreements. Copies of assurances are available online at *http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/SCASDP,* (click on ''SCASDP Grant Assurances'').

Payments: The Small Community Program is a reimbursable program; therefore, communities are required to make expenditures for project implementation under the program prior to seeking reimbursement from the Department. Project implementation costs are reimbursable from grant funds only for services or property delivered during the grant term. Reimbursement rates are calculated as a percentage of the total federal funds requested divided by the federal funds plus the local cash contribution (which is not refundable). The percentage is determined by: (SCASDP Grant Amount) ÷ (SCASDP Grant Amount + Local Cash Contribution + State Cash Contribution, if applicable). Payments/expenditures in forms other than cash (*e.g.,* in-kind) are not reimbursable. For example, if a community requests $500,000 in federal funding and provides $100,000 in local contributions, the reimbursement rate would be 83.33 percent: ((500,000)/(500,000 + 100,000)) = 83.33.

Grantee Reports: Each grantee must submit quarterly reports on the progress made during the previous quarter in implementing its grant project. In addition, each community will be required to submit a final report on its project to the Department, and 10 percent of the grant funds will not be reimbursed to the community until such a final report is received. Additional information on award administration for selected communities will be provided in the grant agreement.

VII. Questions and Clarifications

For further information concerning the technical requirements set out in this Order, please contact Brooke Chapman at *Brooke.Chapman@dot.gov* or (202) 366–0577. A TDD is available for individuals who are deaf or hard of hearing at (202) 366–3993. The Department may post answers to questions and other important clarifications in the above-captioned docket on *www.regulations.gov* and on the program Web site at *http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/SCASDP.*

This Order is issued under authority delegated in 49 CFR 1.25a(b).

An electronic version of this document is available online at www.regulations.gov.

APPENDIX A

ADDITIONAL INFORMATION ON APPLYING THROUGH *WWW.GRANTS.GOV*

Applications must be submitted electronically through *http://www.grants.gov/web/grants/applicants/apply-for-grants.html. To apply for funding through www.grants.gov, applicants must be properly registered.* The Grants.gov/Apply feature includes a simple, unified application process that makes it possible for applicants to apply for grants online. There are five ''Get Registered'' steps for an organization to complete at Grants.gov. Complete instructions on how to register and apply can be found at *http://www.grants.gov/web/grants/applicants/organization-registration.html* If applicants experience difficulties at any point during registration or application process, please call the *www.grants.gov* Customer Support Hotline at 1–800–518–4726, Monday–Friday from 7:00 a.m. to 9:00 p.m. EDT.

Registering with *www.grants.gov* is a one-time process; however, processing delays may occur and it can take up to several weeks for first-time registrants to receive confirmation and a user password. It is highly recommended that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application by the deadlines specified. Applications must be submitted and time-stamped not later than 5:00 p.m. EDT on July 22, 2015 (the Application Deadline), and, as set forth below, failure to complete the registration process before the Application Deadline is not a valid reason to permit late submissions.

In order to apply for SCASDP funding through *http://www.grants.gov/web/grants/applicants/apply-for-grants.html,* all applicants are required to complete the following:

1. DUNS Requirement. The Office of Management and Budget requires that all businesses and nonprofit applicants for federal funds include a Dun and Bradstreet Data Universal Numbering System (DUNS) number in their applications for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and sub-recipients. The DUNS number will be used throughout the grant life cycle. The DUNS number must be included in the data entry field labeled ''Organizational DUNS'' on the SF–424 form. Instructions for obtaining DUNS number can be found at the following Web site: *http://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html.*

2. System for Award Management. In addition to having a DUNS number, applicants applying electronically through

Grants.gov must register with the federal System for Award Management (SAM). Step-by-step instructions for registering with SAM can be found here: *http://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html.* All applicants must register with SAM in order to apply online. Failure to register with the SAM will result in your application being rejected by Grants.gov during the submissions process.

3. Username and Password. Acquire an Authorized Organization Representative (AOR) and a *www.grants.gov* username and password. Complete your AOR profile on *www.grants.gov* and create your username and password. You will need to use your organization's DUNS Number to complete this step. For more information about creating a profile on Grants.gov visit: *http://www.grants.gov/web/grants/applicants/organization-registration/step-3-username-password.html.*

4. After creating a profile on Grants.gov, the E-Biz Point of Contact (E-Biz POC)—a representative from your organization who is the contact listed for SAM—will receive an email to grant the AOR permission to submit applications on behalf of their organization. The E-Biz POC will then log in to Grants.gov and approve an applicant as the AOR, thereby giving him or her permission to submit applications. To learn more about AOR Authorization visit: *http://www.grants.gov/web/grants/applicants/organization-registration/step-4-aor-authorization.html.* To track an AOR status visit: *http://www.grants.gov/web/grants/applicants/organization-registration/step-5-track-aor-status.html.*

Applicants are, therefore, encouraged to register early. The registration process can take up to four weeks to be completed. Thus, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines. You will be able to submit your application online any time after you have approved as an AOR.

5. Electronic Signature. Applications submitted through Grants.gov constitute a submission as electronically signed applications. The registration and account creation with Grants.gov with E-Biz POC approval establishes an Authorized Organization Representative (AOR). When you submit the application through Grants.gov, the name of your AOR on file will be inserted into the signature line of the application. Applicants must register the individual who is able to make legally binding commitments for the applicant organization as the Authorized Organization Representative (AOR);

6. Search for the Funding Opportunity on *www.grants.gov.* Please use the following identifying information when searching for the SCASDP funding opportunity on *www.grants.gov.* The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 20.930, titled Payments for Small Community Air Service Development.

7. Submit an application addressing all of the requirements outlined in this funding availability announcement. Within 24–48 hours after submitting your electronic application, you should receive an email validation message from *www.grants.gov.* The validation message will tell you whether the application has been received and validated or rejected, with an explanation. *You are urged to submit your application at least 72 hours prior to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.*

8. Timely Receipt Requirements and Proof of Timely Submission. Proof of timely submission is automatically recorded by Grants.gov. An electronic timestamp is generated within the system when the application is successfully received by Grants.gov. The applicant will receive an acknowledgement of receipt and a tracking number from Grants.gov with successful transmission of the application. Applicants should print this receipt and save it, as a proof of timely submission.

9. Grants.gov allows applicants to download the application package, instructions and forms that are incorporated in the instructions, and work offline. In addition to forms that are part of the application instructions, there will be a series of electronic forms that are provided utilizing Adobe Reader.

a. Adobe Reader. Adobe Reader is available for free to download from on the Download Software page: *http://www.grants.gov/web/grants/support/technical-support/recommended-software.html.* Adobe Reader allows applicants to read the electronic files in a form format so that they will look like any other Standard form. The Adobe Reader forms have content sensitive help. This engages the content sensitive help for each field you will need to complete on the form. The Adobe Reader forms can be downloaded and saved on your hard drive, network drive(s), or CDs.

b. NOTE: For the Adobe Reader, Grants.gov is compatible with versions 9.0.0 and later versions. Always refer to the Download Software page for compatible versions for the operating system you are using. Please do not use lower versions of the Adobe Reader.[7]

c. Mandatory Fields in Adobe Forms. In the Adobe Reader forms, you will note fields that will appear with a background color on the data fields to be completed. These fields are mandatory fields and they must be completed to successfully submit your application.

[7] Grants.gov recommends using Adobe Reader versions 10.1.4 and 11.0.11 for Mac OS and Windows. See *http://www.grants.gov/web/grants/support/technical-support/recommended-software.html.*

NOTE: When uploading attachments please use generally accepted formats such as .pdf, .doc, and .xls. While you may imbed picture files such as .jpg, .gif, .bmp, in your files, please do not save and submit the attachment in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

Experiencing Unforeseen www.grants.gov Technical Issues

Late Application Notice: Applicants who are unable to successfully submit their application package through grants.gov prior to the Application Deadline due to technical difficulties outside their control must submit an email to *SCASDPgrants@dot.gov* with the following information:

- The nature of the technical difficulties experienced in attempting to submit an application;
- A screenshot of the error;
- The Legal Sponsor's name; and
- The Grants.Gov tracking number (*e.g.* GRANT12345678).

DOT will consider late applications on a case-by-case basis and reserves the right to reject late applications that do not meet the conditions outlined in the Order Soliciting Small Community Grant Proposals. Late applications from applicants that do not provide DOT an email with the items specified above will not be considered.

If you experience unforeseen *www.grants.gov* technical issues beyond your control that prevent you from submitting your application by the Application Deadline, you must contact us at [*SCASDPgrants@dot.gov* or] *Vince.Corsaro@dot.gov* or (202) 366–1842 by 5:00 p.m. EDT the day following the deadline and request approval to submit your application after the deadline has passed. At that time, DOT staff will require you to provide your DUNS number and your *www.grants.gov* Help Desk tracking number(s). After DOT staff review all of the information submitted and contact the *www.grants.gov* Help Desk to validate the technical issues you reported, DOT staff will contact you to either approve or deny your request to submit a late application through *www.grants.gov.* If the technical issues you reported cannot be validated, your application will be rejected as untimely.

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the registration process before the deadline date; (2) failure to follow *www.grants.gov* instructions on how to register and apply as posted on its Web site; (3) failure to follow all of the instructions in the funding availability notice; and (4) technical issues experienced with the applicant's computer or information technology (IT) environment.

Appendix B

APPLICATION UNDER

SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM

DOCKET DOT-OST-2015-0126

SUMMARY INFORMATION[8]

All applicants must submit this Summary Information schedule, as the application coversheet, a completed standard form SF424 and the full application proposal on www.grants.gov.

For your preparation convenience, this Summary Information schedule is located at http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/SCASDP

A. PROVIDE THE LEGAL SPONSOR AND ITS DUN AND BRADSTREET (D&B) DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER, INCLUDING +4, EMPLOYEE IDENTIFICATION NUMBER (EIN) OR TAX ID.

Legal Sponsor Name:

Name of Signatory Party for Legal Sponsor:

DUNS Number:

EIN/Tax ID:

B. LIST THE NAME OF THE COMMUNITY OR CONSORTIUM OF COMMUNITIES APPLYING:

1._____

2._____

3._____

4._____

C. PROVIDE THE FULL AIRPORT NAME AND 3-LETTER IATA AIRPORT CODE FOR THE APPLICANT(S) AIRPORT(S) (ONLY PROVIDE CODES FOR THE AIRPORT(S) THAT ARE ACTUALLY SEEKING SERVICE).

1.	**2.**
3.	**4.**

[8] Note that the Summary Information does not count against the 20-page limit of the SCASDP application.

DOES THE AIRPORT SEEKING SERVICE HOLD AN AIRPORT OPERATING CERTIFICATE ISSUED BY THE FEDERAL AVIATION ADMINISTRATION UNDER 14 CFR PART 139? (IF "NO", PLEASE EXPLAIN WHETHER THE AIRPORT INTENDS TO APPLY FOR A CERTIFICATE OR WHETHER AN APPLICATION UNDER PART 139 IS PENDING.)

☐ **Yes** ☐ **No (explain)**

_____

_____

D. SHOW THE DRIVING DISTANCE FROM THE APPLICANT COMMUNITY TO THE NEAREST:

1. Large hub airport: _____

2. Medium hub airport: _____

3. Small hub airport: _____

4. Airport with jet service: _____

Note: Provide the airport name and distance, in miles, for each category.

E. LIST THE 2-DIGIT CONGRESSIONAL DISTRICT CODE APPLICABLE TO THE SPONSORING ORGANIZATION, AND IF A CONSORTIUM, TO EACH PARTICIPATING COMMUNITY.

1.	**2.**
3.	**4.**

F. APPLICANT INFORMATION: (CHECK ALL THAT APPLY)

☐ **Not a Consortium** ☐ **Interstate Consortium** ☐ **Intrastate Consortium**

☐ **Community currently receives subsidized Essential Air Service**

☐ **Community (or Consortium member) previously received a Small Community Air Service Development Program Grant**

If previous recipient: Provide year of grant(s): _____ **; and, the text of the grant agreement section(s) setting forth the scope of the grant project:**

_____

_____

_____

_____

_____

G. PUBLIC/PRIVATE PARTNERSHIPS: (LIST ORGANIZATION NAMES)

PUBLIC	PRIVATE
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

H. PROJECT PROPOSAL:

1a. **GRANT GOALS: (CHECK ALL THAT APPLY)**

☐ **Launch New Carrier** ☐ **Secure Additional Service** ☐ **Upgrade Aircraft**

☐ **First Service** ☐ **New Route** ☐ **Service Restoration**

☐ **Regional Service** ☐ **Surface Transportation** ☐ **Professional Services**[9]

☐ **Other** (explain below)

_____

_____

1b. **GRANT GOALS: (SYNOPSIS)**

Concisely describe the scope of the proposed grant project. (For example, "Revenue guarantee to recruit, initiate, and support new daily service between _____ and _____;" or "Marketing program to support existing service between _____ and _____ by _____ Airlines.")

_____

_____

_____

2. **FINANCIAL TOOLS TO BE USED: (CHECK ALL THAT APPLY)**

☐ **Marketing (including Advertising):** promotion of the air service to the public

☐ **Start-up Cost Offset:** offsetting expenses to assist an air service provider in setting up a new station and starting new service (for example, ticket counter reconfiguration)

[9] "Professional Services" involve a community contracting with a firm to produce a product such as a marketing plan, study, air carrier proposal, etc.

☐ **Revenue Guarantee:** an agreement with an air service provider setting forth a minimum guaranteed profit margin, a portion of which is eligible for reimbursement by the community

☐ **Recruitment of U.S. Air Carrier:** air service development activities to recruit new air service, including expenses for airport marketers to meet with air service providers to make the case for new air service

☐ **Fee Waivers:** waiver of airport fees, such as landing fees, to encourage new air service; counted as in-kind contributions only

☐ **Ground Handling Fee:** reimbursement of expenses for passenger, cabin, and ramp (below wing) services provided by third party ground handlers

☐ **Travel Bank:** travel pledges, or deposited monetary funds, from participating parties for the purchase of air travel on a U.S. air carrier, with defined procedures for the subsequent use of the pledges or the deposited funds; counted as in-kind contributions only

☐ **Other** (explain below)

_____

_____

I. EXISTING LANDING AIDS AT LOCAL AIRPORT:

☐ Full ILS ☐ Outer/Middle Marker ☐ Published Instrument Approach

☐ Localizer ☐ Other (specify)

J. PROJECT COST: DO NOT ENTER TEXT IN SHADED AREA

REMINDER: LOCAL CASH CONTRIBUTIONS MAY NOT BE PROVIDED BY AN AIR CARRIER (SEE "TYPES OF CONTRIBUTIONS FOR REFERENCE).

LINE	DESCRIPTION		SUB TOTAL	TOTAL AMOUNT
1	Federal amount requested			
2	State cash financial contribution			
	Local cash financial contribution			
	3a	Airport cash funds		
	3b	Non-airport cash funds		
3	Total local cash funds (***3a*** + ***3b***)			

4	TOTAL CASH FUNDING (*1+2+3*)			
	In-Kind contribution			
	5a	Airport In-Kind contribution**		
	5b	Other In-Kind contribution**		
5	TOTAL IN-KIND CONTRIBUTION (*5a* + *5b*)			
6	TOTAL PROJECT COST (*4+5*)			

K. IN-KIND CONTRIBUTIONS**

For funds in lines 5a (Airport In-Kind contribution) and 5b (Other In-Kind contribution), please describe the source(s) of fund(s) and the value ($) of each.

L. IS THIS APPLICATION SUBJECT TO REVIEW BY AN AFFECTED STATE UNDER EXECUTIVE ORDER 12372 PROCESS?

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on (date) _____.

☐ b. Program is subject to E.O. 12372, but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

M. IS THE LEAD APPLICANT OR ANY CO-APPLICANTS DELINQUENT ON ANY FEDERAL DEBT? (IF "YES", PROVIDE EXPLANATION)

☐ No ☐ Yes (explain)

_____

_____

APPENDIX C

APPLICATION CHECKLIST

INCLUDED?	ITEM
	For Immediate Action

	Determine Eligibility
	New Grants.gov users must register with www.grants.gov. Existing Grants.gov users *must verify existing www.grants.gov account has not expired and the Authorized Organization Representative (AOR) is current.*
	For Submission by 5:00 PM EDT on July 22, 2015
	Communities with active SCASDP grants: notify DOT/X50 of intent to terminate existing grant in order to be eligible for selection in FY2015
	Complete Application for Federal Domestic Assistance (SF424) via www.grants.gov
	Summary Information schedule complete and used as cover sheet (see **Appendix B)**
	Application of up to 20 one-sided pages (excluding any letters from the community or an air carrier showing support for the application), to include:
	• A description of the community's air service needs or deficiencies.
	• The driving distance, in miles, to the nearest large, medium, and small hub airports, and airport with jet service.
	• A strategic plan for meeting those needs under the Small Community Program, including a concise synopsis of the scope of the proposed grant project.
	• For service to or from a specific city or market, such as New York, Chicago, Los Angeles, or Washington, D.C., for example), a list of the airports that the applicant considers part of the market.
	• A detailed description of the funding necessary for implementation of the community's project.
	• An explanation of how the proposed project differs from any previous projects for which the community received SCASDP funds (if applicable).
	• Designation of a legal sponsor responsible for administering the program.
	• A motion for confidential treatment (if applicable) – see Appendix D below.

Appendix D

Confidential Commercial Information

Applicants will be able to provide certain confidential business information relevant to their proposals on a confidential basis. Under the Department's Freedom of Information Act regulations (49 CFR 7.17), such information is limited to commercial or financial information that, if disclosed, would either likely cause substantial harm to the competitive position of a business or enterprise or make it more difficult for the Federal Government to obtain similar information in the future.

Applicants seeking confidential treatment of a portion of their applications must segregate the confidential material in a sealed envelope marked ''Confidential Submission of X (the applicant) in Docket DOT–OST–2015–0126'' and include with that material a request in the form of a motion seeking confidential treatment of the material under 14 CFR 302.12 (''Rule 12'') of the Department's regulations. The applicant should submit an original and two copies of its motion and an original and two copies of the confidential material in the sealed envelope.

The confidential material should *not* be included with the original of the applicant's proposal that is submitted via *www.grants.gov*. The applicant's original submission, however, should indicate clearly where the confidential material would have been inserted. If an applicant invokes Rule 12, the confidential portion of its filing will be treated as confidential pending a final determination. All confidential material must be received by 5:00 p.m. EDT, July 22, 2015, and delivered to the U.S. Department of Transportation, Office of Aviation Analysis, 8th Floor, Room W86–307, 1200 New Jersey Ave. SE., Washington, DC 20590.

Accordingly,

1. Applications for funding under the Small Community Air Service Development Program should be submitted via *www.grants.gov* as an attachment to the SF424 by 5:00 p.m. EDT, July 22, 2015; and

2. This Order will be published in the **Federal Register**, posted on *www.grants.gov* and *www.regulations.gov,* and served on the United States Conference of Mayors, the National League of Cities, the National Governors Association, the National Association of State Aviation Officials, County Executives of America, the American Association of Airport Executives, and the Airports Council International—North America.

Issued in Washington, DC, on June 18, 2015.

Brandon Belford,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 2015–15393 Filed 6–19–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Submission for OMB Review; Domestic First Lien Residential Mortgage Data

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its proposed information collection titled, ''Domestic First Lien Residential Mortgage Data.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: You should submit written comments by: July 22, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–NEW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–NEW, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira_submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting OMB approval for the following information collection:

Title: Domestic First Lien Residential Mortgage Data.

OMB Control Number: To be assigned by OMB.

Description: Comprehensive mortgage data is vital to assessing and monitoring credit quality and loss mitigation activities in the residential mortgage market and the federal banking system. This data is important and necessary to support supervisory activities to ensure the safety and soundness of the federal banking system.

This data collection would include monthly first lien real estate mortgage loan-level data and include origination and servicing information. The reported data items would include: Loan number; loan, line and appraisal amounts; loan documentation information; loan-to-value- and debt-to-income ratios; bankruptcy or foreclosure status; and other detailed loan information.

Also, in order to match senior and junior lien residential mortgages on the same collateral, the OCC also would collect additional information on the residential mortgage loans reported in Domestic First Lien Residential Mortgage and the Domestic Residential Home Equity Lending datasets. This data would include: Property and mailing address (not limited to any particular individual), census tract, liquidation status, and original lien position. By matching the senior and junior liens by property ID, the OCC would gain better insight into the level of risk of both credit types. The data is subject to an information sharing program to ensure its confidentiality.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 61.

Estimated Annual Responses per Respondent: 12 per year.

Estimated Burden per Response: 430.

Estimated Total Annual Burden: 314,760 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

The OCC published a notice regarding this collection on September 5, 2014, for 60 days of comment (79 FR 53103). The OCC received two comments regarding the collection, one from an industry trade association and one from an individual.

The industry trade association acknowledged that, while the notice provided a general description of the data requested, it did not include specific data templates. In addition, it was not clear to the commenter which national banks would be subject to the data collection, the timeframe for submission, and the effective date of the collection. The commenter stated that, absent these details, members of the trade group are unable to provide input on the utility and burden of the collection. The commenter also suggested that the data collection might duplicate data that banking organizations already are providing to the Federal Reserve Board (FRB) in connection with the FR Y–14 reporting requirements and pointed out that the potential for duplication is especially relevant to national banks that are the dominant subsidiary in a holding company structure. The commenter recommended coordination of the data collection with the FRB to minimize duplicative or divergent reporting requirements. The commenter suggested that the OCC consider accepting data currently submitted to the FRB in connection with the FR Y–14 in satisfaction of the data collection or work with the FRB to establish a single set of data with identical file layouts and definitions. The commenter suggested, as an alternative, having the FRB add data elements to the FR Y–14 that designate whether a loan is part of the bank or a non-bank affiliate.

The other commenter indicated that, as the vast majority loan-level data will not change month-over-month, the OCC should explain the importance of collecting this information on a monthly, rather than a quarterly basis. The commenter asserted that monthly collection is burdensome and its costs and benefits should be documented and justified. The commenter believed that the OCC should provide support that loan-level data, as opposed to pool-level data, significantly improves the OCC's ability to supervise credit risk. The

commenter stated that the OCC should provide a safety and soundness justification for collecting very granular information, while asserting that loan-level data contains the sensitive personal information of borrowers. The commenter believed that loan-level data is less secure and that the OCC should specify the controls that will ensure that the information is not improperly accessed or abused. In addition, the commenter requested that monthly submissions put national banks and Federal savings associations at a competitive disadvantage with state-chartered institutions, which are not subject to the same requirements. The commenter noted that bank supervisors have historically monitored credit quality via regular onsite examinations and the monitoring of trends in basic metrics such as the level of past due loans, nonaccrual loans, criticized and classified loans, and troubled debt restructurings. The commenter suggested that the OCC provide an explanation as to why these methods are no longer sufficient without the addition of the proposed collection of monthly loan-level data.

The request for copies of the data templates will be met by the Information Collection Request, which will be submitted to the Office of Management and Budget and made publicly available at *www.reginfo.gov*. Banks generally use monthly data for their own risk management and reporting purposes. However, consistent with the commenter's suggestion, the OCC is exploring collecting certain first lien mortgage data on a quarterly, rather than monthly basis. Based upon OCC's supervisory experience and knowledge of banks' reporting capabilities, collection of loan-level data, rather than pool-level data, is generally less burdensome for banks. Additionally, the OCC is required by 12 U.S.C. 1715z–25 to report loan-level mortgage metrics data to Congress. It is not sufficient for the OCC to monitor the credit quality of first lien mortgages solely through on-site examinations, rather than collecting loan-level mortgage data. The loan-level data collected is not linked with any particular individual and is subject to an information security program to ensure its confidentiality. The OCC has worked with banks to develop a uniform set of loan-level mortgage data elements for purposes of monitoring the systemic risk of the first-lien mortgage business to the banking industry. Finally, the OCC understands the commenter's concerns about duplication and is actively exploring using the FRB's FR Y–14 data, where possible, in order to decrease banks' reporting burden.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: June 16, 2015.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2015–15245 Filed 6–19–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; International Regulation

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled ''International Regulation.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by July 22, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0102, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0102, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection without change:

Title: International Regulation—Part 28.

OMB Control No.: 1557–0102.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

12 CFR 28.3 Filing Requirements for Foreign Operations of a National Bank—Notice Requirement. A national bank shall notify the OCC when it files an application, notice, or report with the

Board of Governors of the Federal Reserve System (FRB) to establish or open a foreign branch, or acquire or divest of an interest in, or close, an Edge corporation, Agreement corporation, foreign bank, or other foreign organization; or opens a foreign branch, and no application or notice is required by the FRB for such transaction.

In practice, the OCC also requires an application pursuant to 12 CFR 28.3(c) from a national bank seeking to join a foreign exchange, clearinghouse, or similar type of organization. In lieu of a notice, the OCC may accept a copy of an application, notice, or report submitted to another Federal agency that covers the proposed action and contains substantially the same information required by the OCC. Under 12 CFR 28.3(c), a national bank shall furnish the OCC with any additional information the OCC may require in connection with the national bank's foreign operations.

12 CFR 28.14(c) Limitations Based upon Capital of a Foreign Bank—Aggregation. A foreign bank shall aggregate business transacted by all Federal branches and agencies with the business transacted by all state branches and agencies controlled by the foreign bank in determining its compliance with limitations based upon the capital of the foreign bank. A foreign bank shall designate one Federal branch or agency office in the United States to maintain consolidated information so the OCC can monitor compliance.

12 CFR 28.15(d), (d)(1), (d)(2), and (f) Capital Equivalency Deposits (CED). A foreign bank should require its depository bank to segregate its CED on the depository bank's books and records. The instruments making up the CED that are placed in safekeeping at a depository bank to satisfy a foreign bank's CED requirement must be maintained pursuant to an agreement prescribed by the OCC that shall be a written agreement entered into with the OCC. Each Federal branch or agency shall maintain a capital equivalency account and keep records of the amount of liabilities requiring capital equivalency coverage in a manner and form prescribed by the OCC. A foreign bank's CED may not be reduced in value below the minimum required for that branch or agency without the prior approval of the OCC, but in no event below the statutory minimum.

12 CFR 28.16(c) Deposit-taking by an Uninsured Federal Branch—Application for an Exemption. A foreign bank may apply to the OCC for an exemption to permit an uninsured Federal branch to accept or maintain deposit accounts that are not listed in § 28.16(b). The request should describe the types, sources, and estimated amount of such deposits and explain why the OCC should grant an exemption and how the exemption maintains and furthers the policies described in § 28.16(a).

12 CFR 28.16(d) Deposit-Taking by an Uninsured Federal Branch—Aggregation of Deposits. A foreign bank that has more than one Federal branch in the same state may aggregate deposits in all of its Federal branches in that state, but exclude deposits of other branches, agencies, or wholly owned subsidiaries of the bank. The Federal branch shall compute the average amount by using the sum of deposits as of the close of business of the last 30 calendar days ending with, and including, the last day of the calendar quarter, divided by 30. The Federal branch shall maintain records of the calculation until its next examination by the OCC.

12 CFR 28.18(c)(1) Recordkeeping and Reporting—Maintenance of Accounts, Books, and Records. Each Federal branch or agency shall maintain a set of accounts and records reflecting its transactions that are separate from those of the foreign bank and any other branch or agency. The Federal branch or agency shall keep a set of accounts and records in English sufficient to permit the OCC to examine the condition of the Federal branch or agency and its compliance with applicable laws and regulations.

12 CFR 28.20(a)(1) Maintenance of Assets—General Rule. The OCC may require a foreign bank to hold certain assets in the state in which its Federal branch or agency is located.

12 CFR 28.22(e) Reports of Examination. The Federal branch or agency shall send the OCC certification that all of its Reports of Examination have been destroyed or return its Reports of Examination to the OCC.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 49.

Estimated Total Annual Burden: 2,284.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility; (b) The accuracy of the OCC's estimate of the burden of the collection of information; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; (d) Ways to minimize the burden of the collection 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.

Dated: June 17, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–15292 Filed 6–19–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Submission for OMB Review; Domestic Residential Home Equity Lending Data

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning its proposed information collection titled, ''Domestic Residential Home Equity Lending Data.'' The OCC also is giving notice that the collection has been sent to OMB for review.

DATES: You should submit written comments by: July 22, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–NEW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by

electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–NEW, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting OMB approval for the following information collection:

Title: Domestic Residential Home Equity Lending Data.

OMB Control Number: To be assigned by OMB.

Description: Comprehensive home equity line of credit data is vital to assessing and monitoring credit quality and loss mitigation activities in the residential mortgage market and the federal banking system. This data is important and necessary to support supervisory activities to ensure the safety and soundness of the federal banking system. Where the respondent is both the servicer and originator of a home equity loan or line of credit, the Home Equity Residential Lending Data collection would include origination data and only servicing data where the respondent services for others. Detailed loan-level data would be collected monthly and portfolio-level data collected quarterly. All data collected would be based on standard data and definitions.

The reported loan-level data items would include: Loan number; property information; loan, line, and appraisal amounts; loan documentation information; loan-to-values and debt-to income-ratios; non-personally identifiable borrower information; bankruptcy and foreclosure status; and other loan information. The reported portfolio-level data would include: total managed Home Equity portfolio (lines and loans), total securitized Home Equity portfolio, and other portfolio-level information.

Also, in order to match senior and junior lien residential mortgages on the same collateral, the OCC would collect additional information (add data elements) on the residential mortgage loans reported in Domestic First Lien Residential Mortgage and the Domestic Residential Home Equity Lending datasets. This data would include: Property and mailing address, census tract, liquidation status, and original lien position. By matching the senior and junior liens by property ID, the OCC would gain better insight into the level of risk of both credit types, for example, current loans secured by junior liens behind past due loans secured by first liens. The data is subject to an information security program to ensure its confidentiality.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 64.

Estimated Annual Responses per Respondent: 12.

Estimated Burden per Response: 430.

Estimated Total Annual Burden: 330,240 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

The OCC published a notice regarding this collection on September 5, 2014 for 60 days of comment (79 FR 53102). One comment was received regarding the collection from a trade association.

The trade association acknowledged that, while the notice provided a general description of the data requested, it did not include the specific data templates. In addition, it was not clear to the commenter which national banks would be subject to the data collection, the timeframe for submission, and the effective date of the collection. The commenter also suggested that the data collection might duplicate data that banking organizations already are providing to the Federal Reserve Board (FRB) in connection with the FR Y–14 reporting requirements and pointed out that the potential for duplication is especially relevant to national banks that are the dominant subsidiary in a holding company structure. The commenter recommended coordination of the data collection with the FRB to minimize duplicative or divergent reporting requirements. The commenter suggested that the OCC consider accepting data currently submitted to the FRB in connection with the FR Y–14 in satisfaction of the data collection or work with the FRB to establish a single set of data with identical file layouts and definitions. The commenter suggested, as an alternative, having the FRB add data elements to the FR Y–14 that designate whether a loan is part of the bank or a non-bank affiliate.

The request for copies of the data templates will be met by the Information Collection Request, which will be submitted to the Office of Management and Budget and made publicly available at *www.reginfo.gov.* Furthermore, the OCC understands the commenters concerns and is actively exploring use of the FRB's FR Y–14 data, where possible, in order to decrease banks' reporting burden.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: June 16, 2015.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2015–15248 Filed 6–19–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Subordinated Debt

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Subordinated Debt.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before July 22, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0320, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0320, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: OMB granted the OCC a six-month approval for the information collection requirements contained in the interim final rule entitled ''Subordinated Debt Issued by a National Bank'' (December 2014 Interim Final Rule).[1] The OCC obtained this approval under existing OMB Control No. 1557–0320, which contained the information collection requirements in the interim final rule entitled ''Basel III Conforming Amendments Related to Cross-References, Subordinated Debt and Limits Based on Regulatory Capital'' (February 2014 Interim Final Rule).[2] The OCC proposes to extend OMB approval of the entire information collection for the standard three year period.

Title: Subordinated Debt.

OMB Control No.: 1557–0320.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

Burden Estimates:

Prepayment of Subordinated Debt in Form of Call Option: 184 respondents; 1.30 burden hours per respondent; 239 total burden hours.

Authority to Limit Distributions: 42 respondents; 0.5 hours per respondent; 21 total burden hours.

Total Burden: 260 hours.

Description: The OCC amended its rules governing subordinated debt twice in 2014. The first set of revisions, contained in the February 2014 Interim Final Rule, amended the rules applicable to both national banks and Federal savings associations (12 CFR 5.47 and 163.81, respectively). The second revisions, contained in the December 2014 Interim Final Rule, amended only the rules applicable to national banks.

The February 2014 Interim Final Rule revised the requirements of 12 CFR 5.47 applicable to national banks. Specifically, those revisions require that all national banks must receive prior OCC approval in order to prepay subordinated debt that is included in tier 2 capital and certain national banks must receive prior OCC approval to prepay subordinated debt that is not included in tier 2 capital. If the prepayment is in the form of a call option and the subordinated debt is included in tier 2 capital, a national bank must submit the information required for general prepayment requests under 12 CFR 5.47(g)(1)(ii)(A)[3] and also must comply with 12 CFR 5.47(g)(1)(ii)(B)(2),[4] which requires a national bank to submit either: (1) A statement explaining why the bank believes that following the proposed prepayment the bank would continue to hold an amount of capital commensurate with its risk or (2) a description of the replacement capital instrument that meets the criteria for tier 1 or tier 2 capital under 12 CFR 3.20, including the amount of such instrument and the time frame for issuance.

The February 2014 Interim Final Rule also revised the requirements of 12 CFR 163.81[5] applicable to Federal savings associations. Specifically, those revisions require a Federal savings association to obtain prior OCC approval to prepay subordinated debt securities or mandatorily redeemable preferred stock (covered securities) included in tier 2 capital. In addition, if the prepayment is in the form of a call option, a Federal savings association must submit the information required for general prepayment requests under 12 CFR 163.81(j)(2)(i) and also comply with 12 CFR 163.81(j)(2)(ii)(A), which requires a Federal savings association to submit either: (1) A statement explaining why the Federal savings association believes that following the proposed prepayment the Federal savings association would continue to hold an amount of capital commensurate with its risk or (2) a description of the replacement capital instrument that meets the criteria for tier 1 or tier 2 capital under 12 CFR 3.20, including the amount of such instrument and the time frame for issuance.

The December 2014 Interim Final Rule revised 12 CFR 5.47 to add a disclosure requirement in 12 CFR 5.47(d)(3)(ii)(C). A national bank must describe in the subordinated debt note the OCC's authority under 12 CFR 3.11 to limit distributions, including interest payments on any tier 2 capital instrument, if the national bank has full discretion to permanently or temporarily suspend such payments without triggering an event of default.

The OCC issued a 60-day **Federal Register** notice on April 14, 2015,

[1] 79 FR 75417 (December 18, 2014).

[2] 79 FR 11300 (February 28, 2014).

[3] Appeared as § 5.47(n)(1)(ii)(B) in the February 2014 Interim Final Rule and subsequently redesignated as § 5.47(g)(1)(ii)(B).

[4] Appeared as § 5.47(n)(1)(ii)(A) in the February 2014 Interim Final Rule and subsequently redesignated as § 5.47(g)(1)(ii)(A).

[5] The OCC renumbered this section as new § 5.56 in its final rule entitled ''Integration of National Bank and Federal Savings Association Regulations: Licensing Rules,'' 80 FR 28346 (May 18, 2015).

regarding the collection (80 FR 20074). No comments were received regarding the information collection. One comment was received regarding subordinated debt guidelines and rulemakings issued separately by the OCC. The comment will be considered with regard to those issuances. Comments continue to be invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: June 17, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–15297 Filed 6–19–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Submission for OMB Review; Domestic Credit Card Data

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its proposed information collection titled, ''Domestic Credit Card Data.'' The OCC also is giving notice that the collection has been submitted to OMB for review.

DATES: You should submit written comments by: July 22, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–NEW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–NEW, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting approval on its proposed information collection.

Title: Domestic Credit Card Data.

OMB Control Number: To be assigned by OMB.

Description This collection involves the provision of monthly comprehensive credit card account-level data to the OCC. The OCC requires this comprehensive credit card data to obtain a detailed picture of the activities of national bank credit card issuers. The scope of the credit card data includes domestic general purpose, private label, and business card portfolios (excluding corporate and government). Additionally, it includes credit bureau attributes at the account-level and portfolio-level data. The collection request covers all credit card receivables managed by the largest national banks credit card issuers and their subsidiaries. The credit card account-level data requested uses common definitions and data elements for asset quality metrics (delinquencies, losses, etc.), forbearance activities, and segmentation by credit quality risk indicators (such as credit scores). The credit card portfolio-level data request uses common definitions and data elements for portfolio performance metrics not likely to be captured at the account level. The account-level data collection frequency is monthly with credit attributes collected quarterly; the portfolio-level data collection is quarterly using month-end data for each month in the quarter. The data is subject to an information security program to ensure its confidentiality.

This collection supports OCC's efforts to perform risk-based supervision of large banks by enhancing its benchmarking and analytic capabilities. Comprehensive credit card data allows early warning analysis and benchmarking across the largest federally-regulated credit card issuers. A standard set of data elements and definitions allows sound conclusions to be drawn regarding the credit card industry. The data are important and necessary to support supervisory activities to ensure the safety and soundness of the federal banking system.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 17 (16 institutions; 1 credit bureau).

Estimated Annual Responses per Respondent: 12.

Estimated Burden per Response: 430 hours.

Estimated Total Annual Burden: 87,720 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

The OCC issued a notice regarding this collection for 60 days of comment on September 5, 2014, (79 FR 53101). The OCC received two comments regarding the collection from two trade associations.

One trade association recommended that the OCC: (a) Extend the comment period for the information collection; (b) publish a copy of the proposed

information collection; and (c) provide sufficient additional detail to permit informed comment.

The other trade association acknowledged that, while the notice provided a general description of the data requested, it did not include the specific data templates. In addition, it was not clear to the commenter which national banks would be subject to the data collection, the timeframe for submission, and the effective date of the collection. The commenter also suggested that the data collection might duplicate data that banking organizations already are providing to the Federal Reserve Board (FRB) in connection with the FR Y–14 reporting requirements and pointed out that the potential for duplication is especially relevant to national banks that are the dominant subsidiary in a holding company structure. The commenter recommended coordination of the data collection with the FRB to minimize duplicative or divergent reporting requirements. The commenter suggested that the OCC consider accepting data currently submitted to the FRB in connection with the FR Y–14 in satisfaction of the data collection or work with the FRB to establish a single set of data with identical file layouts and definitions. The commenter also suggested, as an alternative, having the FRB add data elements to the FR Y–14 that designate whether a loan is part of the bank or a non-bank affiliate.

The request to extend the existing comment period, publish a copy of the proposed collection, and provide sufficient additional detail to permit informed comment will be met by issuance of the 30-day notice and the Information Collection Request (ICR) submission to OMB. For example, the ICR will include a Supporting Statement and a copy of the field definitions for account-level data. Additional details requested by the commenters will be included in the Supporting Statement. Furthermore, the OCC is actively exploring use of the FRB's FR Y–14 data, where possible, in order to decrease banks' reporting burden.

One commenter also indicated that the legal authority permitting the OCC to collect this information and the purpose of the collection were not disclosed. Federal law provides the OCC with extensive authority to require records and information from national banks, Federal savings associations, and their subsidiaries.[1] The purpose of the collection is required to be included in the Supporting Statement filed as part of the ICR.

The OCC understands the commenters concerns and will carefully consider all comments submitted in response to the 30-day notice.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: June 16, 2015.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2015–15254 Filed 6–19–15; 8:45 am]

BILLING CODE 4810–33–P

[1] *See, e.g.,*12 U.S.C. 481, 484, 1464(d)(1)(B).

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Investment Securities

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Investment Securities.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: You should submit written comments by July 22, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0205, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0205, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval, without change, of the following information collection:

Title: Investment Securities.

OMB Control No.: 1557–0205.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

The information collection requirements in 12 CFR part 1 are as follows:

Under 12 CFR 1.3(h)(2), a national bank may request an OCC determination that it may invest in an entity that is exempt from registration under section 3(c)(1) of the Investment Company Act of 1940 [1] if the portfolio of the entity consists exclusively of assets that a national bank may purchase and sell for its own account. The OCC uses the information contained in the request as a basis for ensuring that a bank's investment is consistent with its investment authority under applicable law and does not pose unacceptable risk.

Under 12 CFR 1.7(b), a national bank may request OCC approval to extend the five-year holding period for securities held in satisfaction of debts previously contracted (DPC) for up to an additional five years. The bank must provide a clearly convincing demonstration of why any additional holding period is needed. The OCC uses the information in the request to ensure, on a case-by-case basis, that the bank's purpose in retaining the securities is not speculative and that the bank's reasons for requesting the extension are adequate. The OCC also uses the information to evaluate the risks to the bank of extending the holding period, including potential effects on the bank's safety and soundness.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 25.

Estimated Total Annual Burden: 460 hours.

Frequency of Response: On occasion.

The OCC published a 60-day **Federal Register** notice concerning this collection on April 14, 2015, (80 FR 20076). No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: June 17, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–15255 Filed 6–19–15; 8:45 am]

BILLING CODE 4810–33–P

[1] 15 U.S.C. 80a–3(c)(1).

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Genomic Medicine Program Advisory Committee

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Veterans Health Administration (VHA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Genomic Medicine Program Advisory Committee (hereinafter referred to as ''the Committee''). The Committee was established by the Secretary of the VA pursuant to the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. Appendix 2, to advise the Secretary with respect to the development of a world-class genomic medicine program within the Department, including policies to collect and utilize both genetic and other medical information to promote optimal medical care and research that contribute to the knowledge of diseases prevalent in Veterans. The Committee will be guided by the goal of using genetic information to optimize clinical care of Veterans, and enhance the study and development of diagnostic tests and treatments for diseases of particular relevance to Veterans. Nominations of qualified candidates in the area of genomic medicine from healthcare, academia, and/or other government agencies are being sought to fill vacancies on the Committee.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EDT on July 15, 2015.

ADDRESSES: All nominations should be mailed to Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW. (10P9B), Attention: Sumitra Muralidhar; Washington, DC 20420, or emailed to *Sumitra.muralidhar@va.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Sumitra Muralidhar, Designated Federal Officer, Genomic Medicine Program Advisory Committee, or by email at *Sumitra.muralidhar@va.gov.* A copy of the Committee charter and list of the current membership can be obtained by contacting Dr. Muralidhar.

SUPPLEMENTARY INFORMATION: The Genomic Medicine Program Advisory Committee was established by the Secretary of VA.

VHA is requesting nominations for two vacancies on the Committee. The Committee will be composed of approximately 12 members. The members of the Committee are appointed by the Secretary and include, but are not limited to:

- Members of the medical and scientific communities representing disciplines such as, but not limited to, medical genetics, genomic technologies, bioinformatics, computation, statistical genetics, and genomic policy.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications. We ask that nominations include information of this type so that VA can ensure a balanced Committee membership.

Individuals appointed to the Committee by the Secretary shall be invited to serve a two- or three-year term. The Secretary may reappoint a member for an additional term of service. Committee members will receive travel expenses and a per diem allowance for any travel made in connection with duties as members of the Committee and within federal travel guidelines.

Requirements for Nomination Submission: Nominations should be typed (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.,* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating the willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae (if applicable); (4) a summary of the nominee's experience and qualifications relative to the membership considerations described above; and (5) a statement confirming that he/she is not a federally-registered lobbyist.

VA makes every effort to ensure that the membership of VA Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Appointments to this Committee shall be made without discrimination based on a person's race, color, religion, sex, sexual orientation,

gender identity, national origin, age, disability, or genetic information. Nominations must state that the nominee appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: June 17, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–15219 Filed 6–19–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

MyVA Advisory Committee

Amend: Notice of Meeting.

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2., that the MyVA Advisory Committee (MVAC) will meet July 14 and 15, 2015 at the Department of Veterans Affairs, Washington DC VA Medical Center, 50 Irving Street NW., Freedom Auditorium, Washington, DC 20422.

The purpose of the Committee is to advise the Secretary, through the Executive Director, My VA Task Force Office regarding the My VA initiative and VA's ability to rebuild trust with Veterans and other stakeholders, improve service delivery with a focus on Veteran outcomes, and set the course for longer-term excellence and reform of the VA.

On July 14 from 8:00 a.m. to 2:00 p.m., the Committee will convene a closed session in order to protect patient privacy as the Committee tours the Washington DC VA Medical Center. *5 U.S.C. 552b(b)(6).* In the afternoon from 2:00 p.m. to 5:15 p.m., the Committee will reconvene in an open session to discuss the progress on and the integration of the work in the five key MyVA work streams—Veteran Experience (explaining the efforts conducted to improve the Veteran's experience), Employees Experience, Support Services Excellence (such as information technology and human resources), Performance Improvement (projects undertaken to date and those upcoming), and VA Strategic Partnerships.

On July 15, from 8:15 a.m. to 2:00 p.m., the Committee will discuss and recommend areas for improvement on VA's work to date, plans for the future, and integration of the MyVA efforts. This session is open to the public. No time will be allocated at this meeting for receiving oral presentations from the public. However, the public may submit written statements for the Committee's review to Debra Walker, Designated Federal Officer, MyVA Program Management Office, Department of Veterans Affairs, 1800 G Street NW., Room 880–40, Washington, DC 20420, or email at *Debra.Walker3@va.gov.* Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Walker.

Because the meeting will be held in a Government building, anyone attending must be prepared to show a valid government issued photo ID. Please allow 15 minutes before the meeting begins for this process.

Dated: June 17, 2015.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2015–15218 Filed 6–19–15; 8:45 am]

BILLING CODE P



FEDERAL REGISTER

Vol. 80 Monday,
No. 119 June 22, 2015

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to an Exploration Drilling Program in the Chukchi Sea, Alaska; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD655

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to an Exploration Drilling Program in the Chukchi Sea, Alaska

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Shell Gulf of Mexico Inc. (Shell) to take marine mammals, by harassment, incidental to offshore exploration drilling on Outer Continental Shelf (OCS) leases in the Chukchi Sea, Alaska.

DATES: Effective July 1, 2015, through October 31, 2015.

ADDRESSES: A copy of the issued IHA, application with associated materials, and NMFS' Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) may be obtained by writing to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival''.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On September 18, 2014, Shell submitted an application to NMFS for the taking of marine mammals incidental to exploration drilling activities in the Chukchi Sea, Alaska. After receiving comments and questions from NMFS, Shell revised its IHA application and related Marine Mammal Mitigation and Monitoring Plan (4MP) on December 17, 2014. NMFS determined that the application was adequate and complete on January 5, 2015.

NMFS published a Notice of Proposed IHA in the **Federal Register** on March 4, 2015 (80 FR 11726). That notice contained in-depth descriptions and analyses that may be summarized but are generally not repeated in this document. Only in cases where descriptions or analyses changed is that information updated here.

The proposed activity would occur between July and October 2015. The following specific aspects of the proposed activities are likely to result in the take of marine mammals: Exploration drilling, supply and drilling support vessels using dynamic positioning, mudline cellar construction, anchor handling, ice management activities, and zero-offset vertical seismic profiling (ZVSP) activities.

Shell requested an authorization to take 13 marine mammal species by Level B harassment. However, the narwhal (*Monodon monoceros*) is not expected to be found in the activity area. Therefore, NMFS proposed to authorize take of 12 marine mammal species, by Level B harassment, incidental to Shell's offshore exploration drilling in the Chukchi Sea. These species are: Beluga whale (*Delphinapterus leucas*); bowhead whale (*Balaena mysticetus*); gray whale (*Eschrichtius robustus*); killer whale (*Orcinus orca*); minke whale (*Balaenoptera acutorostrata*); fin whale (*Balaenoptera physalus*); humpback whale (*Megaptera novaeangliae*); harbor porpoise (*Phocoena phocoena*); bearded seal (*Erignathus barbatus*); ringed seal (*Phoca hispida*); spotted seal (*P. largha*); and ribbon seal (*Histriophoca fasciata*).

In 2012, NMFS issued two IHAs to Shell to conduct two exploratory drilling activities at exploration wells in the Beaufort (77 FR 27284; May 9, 2012) and Chukchi (77 FR 27322; May 9, 2012) Seas, Alaska, during the 2012 Arctic open-water season (July through October). Shell's proposed 2015 exploration drilling program is similar though not identical to those conducted in 2012. (In December 2012, Shell submitted two additional IHA applications to take marine mammals incidental to its proposed exploratory drilling in Beaufort and Chukchi Seas during the 2013 open-water season. However, Shell withdrew its application in February 2013).

Description of the Specified Activity

Overview

Shell proposes to conduct exploration drilling at up to four exploration drill sites at Shell's Burger Prospect on the OCS leases acquired from the U.S. Department of the Interior, Bureau of Ocean Energy Management (BOEM). The exploration drilling planned for the 2015 season is a continuation of the Chukchi Sea exploration drilling program that began in 2012, and resulted in the completion of a partial well at the location known as Burger A.

Shell plans to use two drilling units, the drillship *Noble Discoverer* (*Discoverer*) and semi-submersible *Transocean Polar Pioneer* (*Polar Pioneer*) to drill at up to four locations on the Burger Prospect. Both drilling units will be attended to by support vessels for the purposes of ice management, anchor handling, oil spill response (OSR), refueling, support to drilling units, and resupply. The

drilling units will be accompanied by a greater number of support vessels, aircraft, and oil spill response vessels (OSRV) greater than the number deployed during the 2012 drilling season.

Dates and Duration

Shell anticipates that its exploration drilling program will occur between July 1 and approximately October 31, 2015. The drilling units will move through the Bering Strait and into the Chukchi Sea on or after July 1, 2015, and then onto the Burger Prospect as soon as ice and weather conditions allow. Exploration drilling activities will continue until about October 31, 2015, and the drilling units and support vessels will exit the Chukchi Sea at the conclusion of the exploration drilling season.

Specified Geographic Region

All drill sites at which exploration drilling would occur in 2015 will be at Shell's Burger Prospect (see Figure 1–1 on page 1–2 of Shell's IHA application). Shell has identified a total of six Chukchi Sea lease blocks on the Burger Prospect. All six drill sites are located more than 64 mi (103 km) off the Chukchi Sea coast. During 2015, the *Discoverer* and *Polar Pioneer* will be used to conduct exploration drilling activities at up to four of the six exploration drill sites (up to two at a time). As with any Arctic exploration program, weather and ice conditions will dictate actual operations.

Detailed Description of Activities

The Notice of Proposed IHA (80 FR 11726; March 4, 2015) contained a full description of Shell's planned operations. That notice describes the equipment to be used for the different operational activities, the timeframe of activities, and the sound characteristics of the associated equipment. There is no change to Shell's planned exploration drilling activity, therefore, the information is not repeated here. Please refer to the proposed IHA notice for the full description of the specified activity.

Comments and Responses

A Notice of Proposed IHA published in the **Federal Register** on March 4, 2015 (80 FR 11726) for public comment. During the 30-day public comment period, NMFS received 8 comment letters from the following: The Marine Mammal Commission (Commission); the Alaska Eskimo Whaling Commission (AEWC); the North Slope Borough (NSB); Shell; the Northern Alaska Environment Center (NAEC); the Environmental Investigation Agency (EIA); Oceana, Ocean Conservancy, and Audubon Alaska (collectively Oceana); and Alaska Wilderness League (AWL), Center for Biological Diversity, Earthjustice, EIA, Greenpeace, Natural Resources Defense Council, NAEC, Ocean Conservation Research, and Sierra Club (collectively ''AWL''), along with a form letter signed by 180,036 private citizens (with many duplicate submissions).

All of the public comment letters received on the Notice of Proposed IHA (80 FR 11726; March 4, 2015) are available on the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Following are the public comments and NMFS' responses.

General Comments

Comment 1: The Commission notes that NMFS does not typically authorize the taking of marine mammals incidental to mudline construction and anchor handling. The Commission further recommends that if NMFS intends to authorize the taking of marine mammals incidental to these types of activities, NMFS should provide guidance and follow a consistent approach in assessing the potential for taking by Level B harassment, including whether applicants should include requests for authorizations of such taking in their applications.

Response: NMFS has not authorized marine mammal takes by Level B harassment that result from mudline cellar construction and anchor handling because there had been no documentation that noises generated from such activities were significant enough to cause take. The noise levels of these activities were first measured during the sound source verification tests for Shell's exploration drilling activities in the Beaufort and Chukchi seas in 2012, and were reported in the 90-day reports of these activities. As detailed in the notice for the proposed IHA (80 FR 11726; March 4, 2015), the Level B harassment radii (120-dB isopleths) for mudline cellar construction and anchor handling are 8.2 and 19 km from the sources, respectively.

For determining whether impacts from sound-generating activities rise to Level B harassment of marine mammals, NMFS' current guidance is that if an animal is exposed to received noise levels higher than 160-dB for impulse source or 120-dB for non-impulse source, then it is considered a take. In the case of mudline cellar construction and anchor handling, NMFS required sound source verification (SSV) tests on these sources in the 2012 IHAs issued to Shell for its 2012 open-water exploration drilling activities. The results showed that these activities generate significant underwater noise that could result in take under NMFS' current guidance for marine mammal behavioral harassment, and NMFS considers that takes are likely from these activities for Shell's 2015 exploration drilling activity in the Chukchi Sea. As a result, impacts from these sound sources should be considered in future incidental take applications and analyses.

Comment 2: The NSB requests an extension of the 30-day comment period for the proposed IHA. The NSB states that because Shell's Chukchi Sea Exploration Plan is incredibly detailed, yet has not yet been ''deemed submitted'' by the Bureau of Ocean Energy Management (BOEM), the NSB has not had the opportunity to review all the details. In addition, the NSB states that having two drill rigs operating near one another could cause major impacts, and that without evaluating the entire Exploration Plan, the NSB cannot fully evaluate how all aspects of the operation will move forward, nor can the NSB evaluate the cumulative impacts on marine mammals.

Response: NMFS received the NSB's request on April 3, 2015, the last day of the comment period for the proposed IHA. As a practical matter an extension of the public comment period would not have been possible given the short time period left to consider the request. Section 101(a)(5)(D) of the MMPA was intended to provide a mechanism for more expedited review and issuance of marine mammal incidental take authorizations (than section 101(a)(5)(A)), assuming the required findings can be made. We complied with the 30-day public comment period specified in the statute. In this case, an extension of or an additional comment period could have delayed issuance of the IHA in the timeframe requested by Shell for it to conduct its specified activity.

Although Shell's Exploration Plan was not ''deemed submitted'' by BOEM until after the closing of NMFS' public comment period, we note that a second draft ''Revision 2'' of Shell's Chukchi Sea Exploration Plan was submitted to BOEM and publicly available since August 2014. See *http://www.boem.gov/shell-chukchi/.* Further, the information provided to NMFS in Shell's IHA application and marine mammal mitigation and monitoring plan (4MP) contained substantial information for NMFS to analyze potential impacts to marine mammals from Shell's proposed

exploration drilling. Information provided by Shell to NMFS for impact analysis included a detailed description of the acoustic footprint from two drill rigs operating near one another, and total ensonified area resulting from two different sources. Therefore, adequate information was publicly available to evaluate potential impacts to marine mammals from Shell's proposed exploration drilling activities in the Chukchi during the 2015 Arctic open-water season even before the Exploration Plan was officially deemed submitted.

Comment 3: The NSB noted that NMFS convened an independent peer review panel to review Shell's 4MP for the proposed exploration drilling in the Chukchi Sea, and that after the review process NMFS will consider all recommendations made by the panel and incorporate appropriate changes in the monitoring requirements of the IHA (if issued). The NSB states that it would be useful to the NSB to have the benefit of this feedback and proposed changes when evaluating the IHA.

Response: In evaluating potential marine mammal impacts from Shell's proposed exploration drilling program in the Chukchi Sea, NMFS published a **Federal Register** notice of proposed IHA for public comment. The **Federal Register** notice contains substantial information on Shell's proposed activities, potential impacts to marine mammals and subsistence harvest, and proposed mitigation, monitoring, and reporting measures. In addition, Shell's IHA application and 4MP are posted on NMFS' Web site along with the **Federal Register** for public examination and comments. Furthermore, the peer-review panel report on Shell's 4MP, along with the panel's recommendations, as well as changes made by NMFS to the monitoring and reporting measures, are available to the public in this document and will be posted on NMFS' Web site. However, due to the short duration of the statutory timeframe of the IHA process (120 days), it was not possible to afford additional time for feedback on the peer-review panel reports and proposed changes. Nevertheless, NMFS believes that the IHA process allows NMFS to receive the benefit of important input from the public, subsistence users, and peer review in its decision making.

Impact Analysis

Comment 4: Shell notes that the functional hearing frequency ranges provided in the **Federal Register** notice for the proposed IHA are inconsistent with those presented in Southall *et al.* (2007), specifically, the low frequency and pinniped hearing groups. Shell states that the extension of the hearing range of low-frequency cetaceans is not supported by empirical evidence. Shell argues that there is no evidence indicating that mysticetes hear above 20–22 kHz, and there are no empirical data to support expansion to 30 kHz. Shell also notes that these ranges appear to be drawn from NMFS' draft acoustic criteria, which are still under review and have not been finalized. Shell requests NMFS provide justification for the ranges listed above including associated references.

Response: The hearing frequency ranges of functional hearing groups provided in the **Federal Register** notice is based on current data (via direct measurements [behavioral and electrophysiological]) and predictions (based on inner ear morphology, behavior, vocalizations, or taxonomy), which indicate that not all marine mammal individuals/species have equal hearing capabilities, in terms of absolute hearing sensitivity and the frequency band of hearing (Richardson *et al.* 1995; Wartzok and Ketten 1999; Southall *et al.* 2007; Au and Hastings 2008). Hearing has been directly measured in a multitude of odontocete and pinniped species (see review in Southall *et al.* 2007). Direct measurements of mysticete hearing are lacking (*e.g.,* there was an unsuccessful attempt to directly measure hearing in a stranded gray whale calf by Ridgway and Carder 2001). Thus, scientifically based hearing predictions for mysticetes are based on other scientific methods (*e.g.,* anatomical studies: Houser *et al.* 2001; Parks *et al.* 2007; vocalizations: See reviews in Richardson *et al.* 1995; Wartzok and Ketten 1999; Au and Hastings 2008; taxonomy and behavioral responses to sound: Dahlheim and Ljungblad 1990; see review in Reichmuth 2007).

To more accurately reflect marine mammal hearing capabilities, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on measured or estimated functional hearing ranges. Based on additional data, NOAA modified the functional hearing groups proposed by Southall *et al.* (2007) for species relevant to this action as follows:

• *Extension of upper end of low-frequency cetacean hearing range:* NOAA extended slightly the estimated upper end of the hearing range for low-frequency cetaceans, from 22 to 25 kHz, based on data from Watkins *et al.* (1986) for numerous mysticete species (variety of mysticete species responding to sounds up to 28 kHz), Au *et al.* (2006) for humpback whales (songs having harmonics that extend beyond 24 kHz), Lucifredi and Stein (2007) for gray whales (reported potentially responding to sounds beyond 22 kHz), and an unpublished report (Ketten and Mountain 2009) and data (Tubelli *et al.* 2012) for minke whales (predicted hearing range of up to 30 kHz based on inner ear anatomy). These new data indicate that at least some mysticete species can hear above 22 kHz. Thus our current understanding of low-frequency cetaceans' hearing range is 7 Hz–25 kHz. As more data become available, these estimated hearing ranges may require future modification.

• *Division of pinnipeds into phocids and otariids:* NOAA subdivided pinnipeds into their two families: Phocidae and Otariidae. Based on a review of the literature, phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.* 2006; Kastelein *et al.* 2009; Reichmuth *et al.* 2013). This is believed to be because phocid ears are anatomically distinct from otariid ears in that phocids have larger, more dense middle ear ossicles, inflated auditory bulla, and larger portions of the inner ear (*i.e.,* tympanic membrane, oval window, and round window), which make them more adapted for underwater hearing (Terhune and Ronald 1975; Kastak and Schusterman 1998; Hemilä *et al.* 2006; Mulsow *et al.* 2011; Reichmuth *et al.* 2013).

NMFS considers this classification reflects the incorporation of the best scientific information since Southall *et al.* 2007, and is considered in our effects analyses for marine mammal incidental take authorizations.

Comment 5: The Commission noted that when estimating the number of bowhead takes, Shell assumed that 50 percent of all bowheads would avoid the Level B harassment zone during exploratory drilling and related support activities. The Commission generally does not agree with using assumptions of marine mammal avoidance of certain activities when estimating takes, unless the studies supporting such assumptions were based on the same or very similar circumstances and NMFS has determined that such avoidance would not result in an abandonment or significant alteration of behavioral patterns. The Commission further states that if NMFS intends to adjust take estimates based on assumed levels of avoidance, the Commission recommends that NMFS should provide guidance and follow a consistent approach in the adjustment of those estimates.

Response: NMFS agrees with the Commission that general avoidance by marine mammals of an ensonified area is a form of Level B harassment. Therefore, NMFS worked with Shell and revised the bowhead whale take analysis, which is provided in details below. While we agree that avoidance

occurs, the revised take estimate of bowhead whales assumes that the animals that avoid the area will be taken by Level B harassment. In short, the 50% adjustment to Level B take numbers for avoidance is no longer applied.

Separately, however, NMFS also recognizes that the approach used here, which includes consideration of the number of days, results in an overestimate of takes, because it assumes a 24-hour turnover rate of bowhead whales in the ensonified area. This is not likely due to the large area of the Level B harassment zone (modelled at 22 km radius for anchor handling) and the slow migration speed of bowhead whales (Mate *et al.* 2000) and observed feeding behavior in the area. Tagging studies showed that bowhead whales moved at speeds between 1.1 and 5.8 km/h, with frequent stay at places to feed (Mocklin 2009). Although a precise quantitative assessment of the turnover rate is difficult due to large variation among individual whales, NMFS considers it reasonable yet conservative to assume an averaged 48-hour turnover rate for bowheads in the ensonified area when estimating bowhead whales that could be taken by Level B harassment.

Comment 6: Citing NMFS' impact analysis when issuing an IHA to Shell to take marine mammals incidental to exploratory drilling in the Beaufort Sea (77 FR 27284, 27288 [May 9, 2012]), Shell requests that NMFS continue to recognize the scientific evidence for avoidance of bowhead whales from drilling related activities, and not deviate from its prior position in 2012, which asserted that avoidance does not always rise to a level that constitutes a Level B take.

Response: NMFS recognizes that some marine mammals will avoid drilling related activities to differing degrees. Further, there may be some small degree of avoidance that occurs at lower received levels that would not rise to the level of a take; however, avoidance that is expected, or modeled, within or near the 160-dB isopleth (where there are data illustrating notable avoidance responses (Richardson *et al.,* 1995)) is considered behavioral harassment. Therefore, it is inappropriate to suggest that some portion of animals that would otherwise be expected to be exposed within the 160-dB isopleth be considered *not taken* because they would avoid the area—as the avoidance itself is a form of Level B harassment. Because Shell proposed to quantitatively adjust their estimated level B take numbers in their application, it was necessary for NMFS to further interpret this issue, however, we consider this a clarification rather than a deviation from what was included in the 2012 notice.

Comment 7: NAEC, AWL, and a form letter from private citizens state that Shell's activities would harm more than small numbers of marine mammals or that the impacts will be more than negligible. EIA states that Shell's proposed ice management activities will expose an unacceptable number of belugas to harassing levels of noise.

Response: NMFS is required to authorize the take of ''small numbers'' of a species or stock if the taking by harassment will have a negligible impact on the affected species or stocks and will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence purposes. See 16 U.S.C. 1371(a)(5)(D). In determining whether to authorize ''small numbers'' of a species or stock, NMFS determines that the taking will be small relative to the estimated population size. With the exception of the ringed seal, less than 5.1% of each species stock or population would be taken by Level B harassment incidental to Shell's activities. The modeling results indicate that 8.4% of the ringed seal population would be taken by Level B harassment. For bowhead, gray, and beluga whales, NMFS further consulted with the National Marine Mammal Laboratory and NMFS Alaska Regional Office and revised the estimated takes using a more robust dataset. The results show that except for beluga whale, the estimated takes of bowhead and gray whales are further reduced to 5.5% and 4.4% of their population from the previous estimates of 13.2% and 13.5%, respectively. For beluga whales, the revised take estimate is 1,662 instead of 974 animals. Further breakdown of stock specific takes provide a result of 344 animals (9.3%) of the East Chukchi Sea stock and 1,318 animals (3.4%) of the Beaufort Sea stock. A detailed description of the take calculation on beluga whales is provided in section ''*Estimated Takes''* below. We also note the following important factors:

(1) In all of the modeling submitted by Shell, a 1.3 dB safety factor was added to the source level of each continuous sound source prior to sound propagation modeling of areas exposed to Level B thresholds, which make the effective zones for take calculation larger than they likely will be;

(2) Shell applied binning of similar activity scenarios into a representative scenario, each of which reflected the largest exposed area for a related group of activities;

(3) Except for bowhead whale, the take estimates assume 100% daily turnover of population for all other species, which likely overestimates the number of different individuals that would be exposed, especially during non-migratory periods. Even for the bowhead whale, which is slow moving and often observed stopping to feed during its fall migration, a 50% daily (*i.e.,* 48-hour) turnover of population was included in take calculation; and

(4) Density estimates for some cetaceans include nearshore areas, where more individuals would be expected to occur than in the offshore Burger Prospect area (*e.g.,* gray whales).

Based on this analysis, NMFS concluded that takes resulting from Shell's activities will constitute small numbers of marine mammals of the affected species or stocks.

In making a negligible impact determination, NMFS considers a variety of factors, including: (1) The number of anticipated mortalities; (2) the number and nature of anticipated injuries; (3) the number, nature, intensity, and duration of Level B harassment; and (4) the context in which the takes occur. NMFS has determined that Shell's activities will not result in injury or mortality of marine mammals. The proposed IHA notice analyzed the number, nature, intensity, and duration of the Level B harassment that may occur and the context in which it may occur. That analysis led us to make a negligible impact finding.

Comment 8: NAEC states that the take thresholds NMFS uses are outdated.

Response: NMFS does not agree with NAEC's statement. NMFS uses 160 dB (rms) as the exposure level for estimating Level B harassment takes for impulse noise source and 120 dB (rms) for non-impulse noise source. These thresholds were established based on measured avoidance responses observed in whales in the wild. Specifically, the 160 dB threshold was derived from data for mother-calf pairs of migrating gray whales (Malme *et al.,* 1983, 1984) and bowhead whales (Richardson *et al.,* 1985, 1986) responding to seismic airguns (*e.g.,* impulsive sound source). While the 120 dB threshold is a more conservative threshold for non-impulse sources (*e.g.,* drilling) given that these sources have longer duration than impulsive noises and thus most likely longer than the integration time needed for acoustic detection by an animal.

We acknowledge there is more recent information bearing on behavioral reactions to seismic airguns, but those data only illustrate how complex and context-dependent the relationship is

between the two. See 75 FR 49710, 49716 (August 13, 2010) (IHA for Shell seismic survey in Alaska; response to comment 9). Accordingly, it is not a matter of merely replacing the existing threshold with a new one. NOAA is working to develop relatively more sophisticated draft guidelines for determining acoustic impacts, including information for determining Level B harassment thresholds. Due to the complexity of the task, the draft guidelines will undergo a rigorous review that includes internal agency review, public notice and comment, and external peer review before any final product is published. In the meantime, and taking into consideration the facts and available science, NMFS determined it is reasonable to use the 160 dB and 120 dB thresholds for estimating takes of marine mammals in the Chukchi Sea by Level B harassment. However, we discuss the science on this issue qualitatively in our analysis of potential effects to marine mammals.

Comment 9: EIA states that Shell's application (1) relies on outdated beluga population data, (2) conflates resident and migratory populations, and (3) utilizes faulty beluga survey methods.

Response: NMFS does not agree with EIA's statement. First, the beluga whale densities used to estimate potential exposure were calculated from aerial survey data collected by the National Marine Mammal Laboratory (NMML) from July through October of 2008–2014. These are the best scientific information available for the impact analysis. Second, there is no ''resident'' population of beluga whale in the Chukchi Sea as stated by the EIA's comment. When analyzing potential impacts to beluga whales that could result from Shell's proposed exploration drilling activity, we reviewed the available information on stock structure, migratory behavior, and density of the beluga whale Eastern Chukchi Sea Stock and the Beaufort Sea Stock in the Chukchi Sea and made judgments based on that information.

Comment 10: EIA states that Shell's proposed noise mitigation measures fail to take into account the sensitivity of belugas to noise, particularly airgun-related noise. EIA further points out that in Shell's IHA application, belugas are not afforded the greater levels of mitigation that Shell's proposal gives larger whales. For example, upon sighting a beluga, airgun testing is not allowed to resume for 15 minutes, as opposed to the longer 30-minute pause for larger whales.

Response: The apparent sensitivity of belugas to anthropogenic sounds in certain circumstances/locations means that beluga whales are unlikely to occur within the exclusion zone around an operating airgun. Nevertheless, to be consistent with other Arctic open-water activities for which NMFS issues take authorizations, NMFS changed the IHA to require that should a beluga occur within an exclusion zone during airgun operations, the longer 30-minute pause will be required if the animal is not sighted exiting the exclusion zone.

Comment 11: The AWL states that there are large gaps in basic scientific information about both the Chukchi Sea ecosystem and marine mammal responses to noise, and that these gaps prevent adequate analysis of the potential impacts of Shell's proposed activities on wildlife.

Response: As required by NMFS' MMPA implementing regulations at 50 CFR 216.102(a), NMFS has used the best scientific information available in assessing potential impacts and whether the activity will have a negligible impact on the affected marine mammal species or stock. While NMFS agrees that there may be some gaps in information about the Chukchi Sea ecosystem and in our understanding of how some taxa respond to noise in certain situations, at this point, results from many studies illustrate well the range of likely responses to industrial noise across a wide variety of species (Southall *et al.* 2007; LGL *et al.* 2014). Much of this work on the Arctic species addressed here has been conducted as part of the monitoring requirements of previous MMPA authorizations (*e.g.,* HDR 2013; Beland *et al.* 2013; Reider *et al.* 2013). In order to issue the IHA to Shell, NMFS conducted rigorous analyses using the best available scientific information about both the Chukchi Sea ecosystem and marine mammal responses to noise, and we are confident that the content of this extensive dataset supports our findings. These analyses are provided in the **Federal Register** notice (80 FR 11726; March 4, 2015) for the proposed IHA and EA prepared by NMFS.

Industrial activities have been occurring (at varying levels) in the U.S. Arctic Ocean for decades, and the available measurable indicators do not suggest that these activities are having long-term impacts on marine mammal species/stocks in the area. For example, bowhead whales continued to increase in abundance during periods of intense seismic activity in the Chukchi Sea in the 1980s (Raftery *et al.,* 1995; Angliss and Outlaw, 2007), even without implementation of current mitigation requirements. This increase has been observed to continue to date (Givens *et al.* 2013). Additionally, industry has been collecting data and conducting monitoring in the region for many years and will continue to do so under this IHA. Therefore, NMFS' negligible impact finding is supported by the available facts and science.

Comment 12: The AWL states that NMFS uses outdated thresholds for acoustic impact analysis, and that the new criteria will likely increase the estimated number of bowhead whales, other cetaceans, and ice seals that could be disturbed by exploratory activities, and in some cases the increased level of disturbance could be large.

Response: The AWL did not specify in its comment whether it was referring to Level A or Level B harassment thresholds. Nevertheless, NMFS does not agree with AWL's assessment. First, for Level A takes, NMFS' proposed draft guidance for acoustic injury criteria use a different set of metrics than the current criteria, meaning that one cannot simply compare 180 dB to the numbers proposed in the draft acoustic guidance. The proposed criteria have a duel metric of both peak pressure as sound pressure level (SPL) and sound exposure level (SEL), while the current acoustic criteria use root-mean-squared (RMS) as SPL. Additionally, the draft guidance for injury also include taxa-specific filters that must be applied in order to apply the new thresholds, making it even more difficult to compare directly to the current 180-dB threshold.

Second, Shell's proposed exploration drilling will result in Level B harassment takes only, and Level B behavioral harassment thresholds are not addressed in NMFS' draft acoustic threshold guidance. As indicated elsewhere in this **Federal Register** Notice, NMFS is working to develop guidance on updated behavioral take thresholds but NMFS believes the current thresholds are still appropriate. See response to Comment 8.

Comment 13: AWL states that NMFS' uniform marine mammal harassment thresholds do not consider documented reactions of specific species in the Arctic to much lower received levels. The letter notes reactions of bowhead and gray whales to certain activities emitting impulse sounds below 160 dB and of beluga and bowhead whales and harbor porpoise reacting to other sound sources below 120 dB.

Response: For non-impulse sounds, such as those produced by drilling operations and during icebreaking activities, NMFS uses a received level of 120-dB (rms) to indicate the onset of Level B harassment. For impulsive sounds, such as those produced by the airgun array during the ZVSP surveys,

NMFS uses a received level of 160-dB (rms) to indicate the onset of Level B harassment. Therefore, while a level of 160-dB was used to estimate take for a portion of the operations that will only occur for a total of 10–14 hours for each survey, depending on how many wells are drilled, during the entire 4-month open-water season, a threshold of 120-dB was used to estimate potential takes for all species from the drilling operations and ice management/icebreaking activities.

While some published articles indicate that certain marine mammal species may avoid seismic airguns (an impulsive sound source) at levels below 160 dB, when predicting take estimates for incidental take authorizations NMFS does not consider that these exposures rise to the level of a take. While studies, such as Miller *et al.* (1999), have indicated that some bowhead whales may have started to deflect from their migratory path 21.7 mi (35 km) from the seismic source vessel, it should be pointed out that these minor course changes occurred during migration and have not been seen at other times of the year and during other activities. To show the contextual nature of this minor behavioral modification, recent monitoring studies of Canadian seismic operations indicate that feeding, non-migratory bowhead whales do not move away from a noise source at a sound pressure level (SPL) of 160 dB. For predictive purposes, NMFS therefore continues to estimate takes from impulse noises such as seismic using the 160 dB (re 1 μPa) threshold.

According to experts on marine mammal behavior, whether a particular stressor could potentially disrupt behavioral patterns of migration, breathing, nursing, breeding, feeding, or sheltering, etc., of a marine mammal, *i.e.,* whether it would result in a take is complex and context specific, and it depends on several variables in addition to the received level of the sound by the animals. These additional variables include: Other source characteristics (such as frequency range, duty cycle, continuous vs. impulse vs. intermittent sounds, duration, moving vs. stationary sources, etc.); specific species, populations, and/or stocks; prior experience of the animals (naive vs. previously exposed); habituation or sensitization of the sound by the animals; and behavior context (whether the animal perceives the sound as predatory or simply annoyance), etc. (Southall *et al.* 2007). The 120-dB and 160-dB acoustic criteria are generalized thresholds based on the available data that are intended to assist in a reasonably accurate assessment of take while acknowledging that sometimes animals will respond at received levels below those levels and sometimes they will not respond in a manner considered a take at received levels above them.

Comment 14: The AWL disagree with NMFS assessment that ''few seals are expected to occur in the proposed project area'' and that ''Shell's proposed activities would occur at a time of year when the ice seal species found in the region are not molting, breeding or pupping.'' The AWL states that these statements are not supported. AWL states that Shell's proposed ice management and ice-breaking activities have the potential to disrupt essential ringed seal molting activities in July in a large region surrounding the drilling site, which could have harmful consequences for ringed seal survival.

Response: The breeding and pupping season for Arctic ringed seal populations occurs from late March to mid-May, well before the proposed July 1 start date and after the conclusion of operations at the end of October (Kelly *et al.* 2010). Although molting in some areas of the Arctic can extend into July, the molting period for ringed seals in the Chukchi Sea is primarily in May and June. This is evidenced by when the National Marine Mammal Laboratory conducted aerial surveys for ringed and bearded seals in 1999 and 2000, the surveys occurred in late May and early June at the peak of the molting/basking period (Bengtson *et al.* 2005). Therefore, ice scouting and management activities in July and August, should they be necessary, will not occur during the period when most molting occurs. In addition to the fact that these activities are not expected to overlap with molting times, it is important to note that a large percentage of the anticipated takes will occur as a result of exposures that only just exceed the harassment threshold (*e.g.,* about 67% of the takes would be as a result of exposures between 120 and 126 dB), suggesting relatively minor and shorter term impacts that would have little to no likelihood of affecting an individual's fitness. Additionally, the estimated takes represent instances of take and do not account for the fact that the same individuals may be taken on more than one day, so the numbers of takes are an overestimate of individuals.

Comment 15: The AWL states that ice management and ice-breaking activities, vessel traffic, and noise disturbance in September and October have the potential to displace large numbers of ringed seals and prevent them from occupying wintering areas and breeding areas in the offshore pack ice, with potential harm to survival.

Response: NMFS considered the potential impacts of Shell's ice management efforts to ringed seals resting on pack ice in the Notice of Proposed IHA (80 FR 11726; March 4, 2015) in the section regarding anticipated effects on marine mammal habitat. NMFS noted that use of the icebreakers would occur outside of the ringed seal breeding and pupping seasons in the Chukchi Sea, and those ringed seal activities occur more commonly on landfast ice, which will not be affected by Shell's activity. Limited ice breaking might be needed to assist the fleet in accessing/exiting the project area if large amounts of ice pose a navigational hazard. Ice seals have variable responses to ice management activity. Alliston (1980, 1981) reported icebreaking activities did not adversely affect ringed seal abundance in the Northwest Territories and Labrador. Brueggeman *et al.* (1992) reported ringed seals and bearded seals diving into the water when an icebreaker was 0.58 mi (0.93 km) away. However, Kanik *et al.* (1980) reported that ringed seals remained on sea ice when an icebreaker was 0.62–1.24 mi (1–2 km) away.

The drill site is expected to be mostly ice-free during July, August, and September, and the need for ice management should be infrequent. The presence of an icebreaker is primarily a safety precaution to protect the drill ship from damage. Ice seals could be on isolated floes that may need to be managed for safety. Any ice seals on floes approaching the drill ship may be disturbed by ice management activities. Ringed seals on an ice floe are anticipated to enter the water before the icebreaker contacts the ice, remain in the water as the ice moves past the drill ship, and could reoccupy ice after it has moved safely past the drill ship. As was discussed in the proposed IHA notice, NMFS determined that this activity and these reactions would result in Level B harassment.

In addition, ice formation in October could begin to support haul-out of seals; however, wind and currents continually move and reshape the sea ice throughout the late-fall and early winter period. This movement of the pack ice continually opens new leads and breathing holes while closing old ones. Because the offshore pack ice continues to move and change throughout the winter and spring, breathing holes established in October, as described in shorefast ice locations, are unlikely to persist through the winter. Any disruption of newly forming sea ice in October by project vessels is not likely to cause any greater disturbance to the pack ice environment than will occur

through natural processes during the remainder of the ice-covered period.

Mitigation, Monitoring and Reporting

Comment 16: The Commission notes that Shell would be required to monitor for marine mammals for 30 minutes before and continuously during airgun operations, but no post-activity monitoring. The Commission states that post-activity monitoring is needed to ensure that marine mammals have not been taken in unexpected or unauthorized ways or in unanticipated numbers. The Commission further states that some types of taking (*e.g.,* taking by death or serious injury) may not be observed until after the activity has ceased. Accordingly, the Commission recommends that NMFS require Shell to monitor for marine mammals for 30 minutes before airgun operations begin, while those activities are being conducted, and for 30 minutes after those operations have ceased.

Response: NMFS agrees with the Commission's recommendation and revised the proposed IHA to require post-activity marine mammal monitoring for 30 minutes after Shell ceases activities.

Comment 17: The Commission recommends that NMFS incorporate the peer review panel's recommendations into the IHA if issued.

Response: NMFS conducted a peer review process to evaluate Shell's monitoring plan in early March 2015 in Anchorage, AK. The peer review panel submitted its report to NMFS in early April and provided recommendations to Shell. The panel's major recommendation was for Shell to modify the configuration of it passive acoustic arrays to evaluate the potential for spatial displacement of marine mammals. The panel also requested that the 90-day monitoring report include sightability curves for each species observed in the study area, and report concurrent collection of spatially overlapped visual and acoustic data to allow for a more detailed description of approximate acoustic detection ranges for the different species sighted and acoustically detected.

In addition, though not requested, the peer review panel also provided additional mitigation measures for bowhead whales or other large whale cow/calf pairs and aggregations, and during low visibility conditions; limiting the duration of mitigation gun to 30 minutes during repositioning; and turning off engines when vessels are stationary.

NMFS discussed with Shell the peer review panel report and went through a list of recommendations. As a result, Shell agrees to modify the deployment configuration of its passive acoustic monitoring to allow for evaluation of potential for spatial displacement of marine mammals. Shell also agreed to provide sightability curves and overlaying visual and acoustic detections in its 90-day report.

Regarding the mitigation measures recommended by the panel, Shell advised, and we agree, that the measures would not be practicable. For example, the VSP is planned to be conducted for just 10–14 hours total at different sediment depths at each site; a shutdown for cow/calf pairs and aggregation of bowhead whales and other large whales and during low visibility conditions would require Shell to restart the VSP, thus extending the duration of the VSP. In addition, the panel's recommended mitigation measures for turning off vessel engines while stationary would pose safety concerns. Therefore, these additional measures were not included in the IHA.

A detailed discussion on the peer review process and recommendations is provided in ''*Monitoring Plan Peer Review''* section below.

Comment 18: The NSB requests NMFS ensure that sufficient monitoring and mitigation requirements be implemented, and their effectiveness verified, to protect subsistence species, habitat and subsistence hunters. In addition, the NSB requests NMFS ensure that appropriate acoustic and visual monitoring be required.

Response: Under the MMPA, NMFS must determine the taking from the specified activity will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). In addition, NMFS is required to prescribe the permissible methods of taking and other means of effecting the least practicable impact on the species or stock and their habitat and on the availability of the species or stock for taking for subsistence uses, as well as requirements pertaining to the monitoring and reporting of such takings.

Shell has worked with NMFS, as well as the affected subsistence communities, for multiple years on the continued development of its 4MP. The iterative evolution and review of the 4MP and its results indicates successful implementation by Shell, supports NMFS' impact analyses for this activity (*i.e.,* from the information gathered, impacts are within the scope and extent of those previously estimated) and, further, has added meaningfully to our understanding of the impacts of industrial activities on marine mammals. NMFS has conducted its own rigorous review and analysis of Shell's 4MP, and also had Shell's monitoring plan peer-reviewed by an independent peer-review panel (see below). Furthermore, the effectiveness of these monitoring and mitigation measures were evaluated by NMFS from Shell's 2012 monitoring reports, and deemed to be effective to protect subsistence species, habitat, and subsistence hunters.

These processes led NMFS to conclude that sufficient monitoring and mitigation requirements are prescribed in the IHA issued to Shell to protect subsistence species, habitat, and subsistence hunters. In addition, the IHA contains appropriate acoustic and visual monitoring requirements.

Comment 19: Shell requests clarification on PSO monitoring requirement in the proposed IHA to reflect the 4MP to read:

''Utilize two, NMFS-approved vessel-based Protected Species Observers (PSOs) (except during meal times and restroom breaks, when at least one PSO will be on watch) aboard the drilling units to visually watch for and monitor marine mammals near the drilling units or support vessel during active drilling or airgun operations . . . day or night. At least one PSO will be aboard each support vessel to conduct watch.''

Response: NMFS made the modification to clarify the PSO monitoring requirements and updated the language in the final IHA based on Shell's request.

Comment 20: Regarding the requirement of making ZVSP sound source verification (SSV) measurements available to NMFS in 120 hours, Shell is concerned that this proposed requirement poses considerable safety issues and operations challenges. Shell stated that some of the recorders required to measure sound threshold radii of the ZVSP airgun array must be moored to the seafloor within the anchor pattern of the drilling unit. Recovery of these recorders while the drilling unit remains anchored will be unsafe. Grappling, the most reliable method of recovery, or recovery by acoustic release of the recorders, introduce risks to the crew of the drilling unit and the recovery vessel. These risks include entanglement of grappling lines with anchor lines, and disruption or disablement of critical communications equipment from acoustic interference. In addition, Shell states that it would conduct at most only one more ZVSP survey following measurement of the ZVSP airgun array,

and the ZVSP survey is only 10–14 hours in duration.

Response: After further review of Shell's proposed specific activities and discussion with Shell, NMFS agrees with Shell's concern and removed the condition of requiring ZVSP SSV results 120 hours after the measurement. Instead, NMFS requires that ZVSP SSV results be made available in the 90-day monitoring report. NMFS further recognizes that the ZVSP acoustic footprint proposed by Shell for 2015 was modeled using JASCOs Marine Operations Noise Model, which is a reliable computation model for underwater acoustic propagation assessment. These model results were maximized over all water depths to identify the most protective 95th percentile distances to Level A thresholds, and then multiplied by 1.5 as an additional safeguard to ensure sufficient establishment of ZVSP exclusion zones for monitoring and mitigation. For these reasons, NMFS considers the modeled pre-season Level A exclusion zones adequate to protect marine mammals from injury.

Comment 21: Shell requests NMFS remove the SSV reporting condition in the proposed IHA, which requires that:

''Preliminary vessel characterization measurements will be reported in a field report to be delivered 120 hours after the recorders are retrieved and the data downloaded.''

Shell states that it did not intend to include this requirement in the IHA application. Shell argues that one of its 2015 sound source characterization (SSC) of its exploration drilling program is a comprehensive analysis of underwater sound across the entire operational season, which necessitates that recorders remain deployed as long as is practicable. Further, Shell states that there is no connection between measurements of vessel sounds and mitigation, and Shell does not believe there is anything to be gained by reporting preliminary vessel measurements prior to a more comprehensive analysis of the data. Finally, Shell states that it will present detailed results of drilling and vessel SSCs in the 90-day report, as stated in the proposed IHA.

Response: The proposed SSC reporting measurements was initially proposed by Shell in its 4MP. However, NMFS agrees with Shell's comment that leaving these recorders deployed for the entire project duration will collect valuable acoustic data on underwater noise across the entire operational season. NMFS made revision to the SSC condition in the IHA issued to Shell that requires Shell to present detailed results of drilling and vessel SSCs in its 90-day report.

Comment 22: Shell points out that the following two proposed IHA mitigation measures regarding vessel movement seem to be contradictory:

''Avoid multiple changes in direction and speed when within 900 feet (300 yeards/274 m) of whales.'' (7(b) of the proposed IHA)

''When weather conditions require, such as when visibility drops, support vessels must reduce speed and change direction, as necessary (and as operationally practicable), to avoid the likelihood of injury to whales.'' (7(c) of the proposed IHA)

Shell states that the first proposed requirement is sufficient to meet mitigation objectives and avoid injury to whales, and requests NMFS to remove the second proposed requirement.

Response: NMFS does not agree with Shell's assessment. The first proposed requirement (7(b) of the proposed IHA) would be in effect when a whale is sighted within 900 feet (300 yards/274 m) of a moving vessel and refers to avoiding *multiple* changes in direction in speed. In addition, 7(a) of the proposed IHA further requires all vessels to reduce speed to a maximum of 5 knots when a whale is detected at this distance. Item 7(c) is a general requirement for vessel transiting during poor visibility. Under this condition, vessels are required to travel at a reduced speed even no whale is in sight. NMFS believes that this condition is necessary to compensate for reduced whale detectability during poor visibility, to avoid ship strike. The IHA issued to Shell includes all these requirements.

Comment 23: Shell points out that an important ZVSP mitigation measure was omitted from the proposed IHA that has been included in previous Arctic IHAs for marine seismic surveys. Shell recommends that the following mitigation measure be included in the IHA:

''If, for any reason, electrical power to the airgun array has been discontinued for a period of 10 minutes or more, ramp-up procedures shall be implemented. Only if the PSO watch has been suspended, a 30-minute clearance of the exclusion zone is required prior to commencing ramp-up. Discontinuation of airgun activity for less than 10 minutes does not require a ramp-up.''

Response: NMFS agrees and included this measure in the final IHA issued to Shell.

Comment 24: Shell states that the following language regarding PSOs is confusing:

''The Holder of this Authorization shall designate biologically-trained PSOs to be aboard the drilling units and all transiting support vessels.''

Shell states that the confusion lies between an academically degreed biologist and non-degreed biologist, both of which when properly trained can perform the duties of a PSO. Shell suggests we change the language to:

''The Holder of this Authorization shall designate trained PSOs aboard drilling units, icebreakers, and anchor handlers. All support vessels will be staffed with at least one trained PSO.''

Response: NMFS agrees and revised the PSO language per Shell's recommendation. ''Trained'' requires that PSOs attend the training session described in this **Federal Register** Notice shortly before the start of the 2015 drilling season.

Comment 25: The AWL states that the mitigation measures NMFS has proposed are inadequate for protecting marine mammals from adverse impacts. The AWL further states that NMFS has failed to analyze the full range of available mitigation measures, especially with regard to time/area restriction. The AWL specifically mentioned Hanna Shoal and migration corridors.

Response: In order to issue an incidental take authorization (ITA) under the MMPA, NMFS must, where applicable, set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

Concerning time/area closure, the IHA issued to Shell contains specific spatio-temporal requirements that Shell must follow to minimize or avoid impacts to subsistence harvest. Under the IHA issued to Shell, Shell is not permitted to enter the Chukchi Sea prior to July 1, 2015, which helps minimize impacts to the beluga hunt. In addition, Shell must finish drilling activities by October 31, 2015, which helps ensure that the drill ship and supporting vessels depart past Saint Lawrence Island before the Gambell bowhead whale harvest begins, thus minimizing potential impacts.

Regarding Hanna Shoal, we reviewed the literature and determined that although it has biological significance for walrus, a U.S. Fish and Wildlife species, there are no species under NMFS' jurisdiction for which Hanna Shoal has particular biological

importance. AWL did not mention other specific time/area closures.

One new publication compiles cetacean behavioral and distributional information to identify biologically important areas that are specifically used for feeding, migrating, or reproductive uses, or where small and resident populations are limited. Part of the northeastern Chukchi Sea is recognized as a bowhead whale reproductive biologically important area (BIA) from observation of calves there in October (Clarke *et al.* 2015). Additionally, bowhead whales have also been observed feeding in this area during summer and fall; however, it is not recognized as a feeding BIA due to relatively fewer feeding observations (Clarke *et al.* 2015). Additionally, in the northeastern Chukchi Sea, aerial survey sightings (Clarke & Ferguson, 2010; Clarke *et al.* 2011, 2012, 2013), satellite telemetry (Quakenbush *et al.,* 2010a, 2010b, 2013), and passive acoustic data (Hannay *et al.,* 2013) indicate that the migration route in September and October is geographically broad (from the coast to > 400 km offshore); therefore, the northeastern Chukchi Sea does not meet the criteria for a migratory corridor BIA (Clarke *et al.* 2015).

Portions of these areas utilized by bowhead whales for calving, feeding, and migration would be ensonified by Shell's proposed exploration drilling operation, although the size of the ensonified area will vary depending on the particular activity (*e.g.,* drilling, anchor handling, ZSVP, etc.). NMFS has considered time/area-based mitigation to reduce potential impacts to bowhead whale reproduction, feeding, and migration in regard to its BIAs. The only BIA that overlaps with Shell's exploration drilling is the bowhead reproduction BIA in the northeast Chukchi Sea in October and NMFS has already considered and discussed the potential for some small amount of behavioral harassment of mothers and calves, should they pass nearby the comparatively small area that may be ensonified by Shell's activities. Since Shell would only be conducting exploration drilling during a short four-month period, imposing a time/area limit of one month to avoid this time when calves might pass would mean a 25% reduction of Shell's work window, and would only likely avoid a small amount of harassment of mother/calf pairs. On balance, when the limited benefits of the measure are compared against the negative impacts to Shell's activities (either not completing the needed activities, or needing to extend them into additional seasons), NMFS considers it impracticable for the company to implement.

NMFS' analysis of the potential impacts of Shell's proposed exploration drilling on marine mammals species/stocks and subsistence activities indicates that Shell's activities would be limited to a small area in the Chukchi Sea during a four-month period in the 2015 open-water season. This is relatively small in both spatial and temporal scales when considering the total area of the Chukchi used by the affected marine mammal species or stocks for various activities, including migration.

NEPA Analysis

Comment 26: The AWL states that NMFS must address cumulative, long-term effects of increased noise and other impacts from oil and gas activity properly before further activity is authorized.

Response: Section 101(a)(5)(D) of the MMPA and its implementing regulations require NMFS to consider a request for the taking of marine mammals incidental to *a specified activity* within a specified geographical region and, assuming certain findings can be made, to authorize the taking of small numbers of marine mammals while engaged in that activity. NMFS has defined ''specified activity'' in 50 CFR 216.103 as ''any activity, other than commercial fishing, that takes place in a specified geographical region and potentially involves the taking of small numbers of marine mammals.''

When making a negligible impact determination for an IHA, NMFS considers the total impact during each 1-year period resulting from the specified activity only and supports its determination by relying on factors such as: (1) The number of anticipated mortalities from the activity; (2) the number and nature of anticipated injuries from the activity; (3) the number, nature, intensity, and duration of Level B harassment resulting from the activity; (4) the context in which the takes occur; (5) the status of the species or stock; (6) environmental features that may significantly increase the potential severity of impacts from the proposed action; (7) effects on habitat that could affect rates of recruitment or survival; and (8) how the mitigation measures are expected to reduce the number or severity of takes or the impacts to habitat. When making its finding that there will be no unmitigable adverse impact on the availability of the affected species or stock for taking for subsistence uses, NMFS analyzes the measures contained in the applicant's Plan of Cooperation (POC). Additionally, Shell signed the 2012 Conflict Avoidance Agreement (CAA) with the AEWC. NMFS included all necessary measures from both documents in the IHA to ensure no unmitigable adverse impacts to subsistence.

Neither the MMPA nor NMFS' implementing regulations specify how to consider other activities and their impacts on the same populations when conducting a negligible impact analysis. However, consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into the negligible impact analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate, and ambient noise). Additionally, NMFS analyzed cumulative effects in NMFS' EA for the ''*Issuance of an Incidental Harassment Authorization for the Take of Marine Mammals by Harassment Incidental to Conducting an Exploration Drilling Program in the U.S. Chukchi Sea''* and other relevant data to inform its MMPA determination here. Pursuant to the National Environmental Policy Act (NEPA), those documents contained a cumulative impacts assessment, as well as an assessment of the impacts of the proposed exploratory drilling program on marine mammals and other protected resources.

NMFS considered the impacts analyses (*i.e.,* direct, indirect, and cumulative) contained in the EA and other relevant NEPA documents cited in our response to comment 27 in reaching its conclusion that any marine mammals exposed to the sounds produced by the drillship, ice management/icebreaking vessels, support vessels and aircraft, and airguns would be disturbed for only a short period of time with no likely consequences for annual rates of recruitment or survival and would not be harmed or killed. Furthermore, the required mitigation and monitoring measures are expected to reduce the likelihood or severity of any impacts to marine mammal species or stocks or their habitats.

Moreover, NMFS gave careful consideration to a number of other issues and sources of information. In particular, NMFS relied upon a number of scientific reports, including the 2014 U.S. Alaska Marine Mammal Stock Assessment Reports (SARs), to support its findings. The SARs contain a description of each marine mammal stock, its geographic range, a minimum population estimate, current population

trends, current and maximum net productivity rates, optimum sustainable population levels and allowable removal levels, and estimates of annual human-caused mortality and serious injury through interactions with commercial fisheries and subsistence harvest data.

After careful consideration of the proposed activities, the context in which Shell's proposed activities would occur, the best available scientific information, and all effects analyses (including cumulative effects), NMFS has determined that the specified activities: (1) Would not result in more than the behavioral harassment (*i.e.,* Level B harassment) of small numbers of marine mammal species or stocks; (2) the taking by harassment would have a negligible impact on affected species or stocks; and (3) the taking by harassment would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses.

Comment 27: NAEC states there is a lack of programmatic analysis of the effects of oil and gas exploration and development in the Arctic. Oceana claims that a programmatic environmental impact statement is needed to evaluate the environmental impacts of proposed and reasonably foreseeable oil and gas exploration in the Beaufort and Chukchi Seas. Both Oceana and AWL state that NMFS should not rely on an EA to evaluate the impacts of the proposed IHA.

Response: NOAA prepared a Supplemental Draft Environmental Impact Statement on the Effects of Oil and Gas Activities in the Arctic Ocean (DEIS). The DEIS includes a broad range of potential offshore oil and gas activities in the Arctic that could affect marine mammals, other resources, and Alaska Native communities. While this EIS has not been finalized, and further considers a program including a more extensive amount of activity than is currently occurring, NMFS considers the analyses contained therein in the cumulative impact assessment of the current EA for the activity assessed here.

NMFS prepared an EA in 2012 to consider the effects of our 2012 IHAs for drilling in the Beaufort and Chukchi Seas, pending finalization of that EIS. For this IHA we prepared an EA, under similar reasoning we used in 2012. While the Final EIS is still under development, NMFS conducted a thorough analysis of the affected environment and the environmental consequences from exploratory drilling in the Chukchi Sea in 2015 and prepared an EA specific to Shell's proposed activity. The analysis in that EA warranted a Finding of No Significant Impact for issuance of an IHA to Shell for the incidental taking of marine mammals in the Chukchi Sea in 2015

In addition, BOEM prepared a Supplemental EIS (SEIS), published in February 2015, to analyze its estimate of the highest amount of production that could reasonably result from its Lease Sale 193. Information provided in our joint DEIS and BOEM's SEIS was considered in evaluating Shell's proposed exploration drilling impacts. In short, NOAA has considered the programmatic impacts and cumulative effects of multiple oil and gas exploration activities through multiple documents and analyses, the substance and conclusions (preliminary or final) of which have been considered in the current NEPA analysis for this action.

Comment 28: While applauding NMFS for treating the no action alternative as a true no action alternative in its draft EA, and that for inclusion of two realistic alternatives that include fewer impacts than the preferred alternative, the AWL states that NMFS could explore a wider range of alternatives, including an alternative that requires the closures of particular areas.

Response: In AWL's comments, it suggested Hanna Shoal could be considered for time/area closure. However, as discussed in Response to Comment 25, Hanna Shoal is not an important habitat for marine mammals under NMFS' jurisdiction, and the IHA contains other spatio-temporal restrictions that bound its effective dates. The alternatives NMFS considered in its draft EA are: (1) Issuance of an authorization with mitigation measures (Preferred Alternative); (2) Issuance of an IHA for a shorter time period with required mitigation, monitoring, and reporting requirements (Alternative 2); (3) Issuance of an IHA to drill one well with required mitigation, monitoring, and reporting requirements (Alternative 3); and (4) No issuance of the request IHA to Shell for its exploration drilling activities (Alternative 4—the No Action Alternative). Other alternatives considered but rejected from further consideration include: (1) Issuance of an IHA with no required mitigation, monitoring, or reporting measures; and (2) Use of alternative technologies. Since Shell's proposed exploration drilling activities in the 2015 Arctic open-water season in Chukchi Sea occupies a small area and will have a limited noise footprint around its drill platforms and ice management and icebreaking vessels and other support vessels around the drilling vicinity, and further that footprint is not within an area of heightened importance for marine mammals (with the exception to bowhead whale reproduction in October, see *Response to Comment 25* above) or subsistence uses, NMFS does not consider the closure of a particular area would be a meaningful alternative. We also note that Alternative 3, issuance of IHA to drill one well with required mitigation, monitoring, and reporting requirements, considers a spatial limitation on the area Shell would affect.

Comment 29: AWL states that NMFS draft EA does not contain original analysis of cumulative impacts of climate change for this IHA, and that the most recent study cited in reference to climate change analysis is from 2011.

Response: As explained by the Council on Environmental Quality, an EA is a concise document and should not contain long descriptions or detailed data which the agency may have gathered. Rather, it should contain a brief discussion of the need for the proposal, alternatives to the proposal, the environmental impacts of the proposed action and alternatives, and a list of agencies and persons consulted. See NEPA's Forty Most Asked Questions, 46 FR 18026 (March 23, 1981); 40 CFR 1508.9(b). The EA prepared for this action contains a cumulative effects analysis that includes consideration of climate change and incorporates by reference several original studies on climate change (ACIA 2004; Raven *et al.* 2005; IPCC 2007; Fabry *et al.* 2009; Mathis 2011). An assessment of the IHA for Shell's drilling activity and its added contribution to cumulative impacts of climate change on the environment was conducted based on these studies. An exhaustive search of the most recent studies did not show that NMFS missed any critical information in conducting the analysis. In its comment, the AWL did not point out any additional new scientific information that NMFS should take into consideration in its climate change analysis. We also note that climate change is considered in BOEM's SEIS for Lease Sale 193 and NMFS' draft EIS for the Arctic.

Impacts on Subsistence

Comment 30: The AEWC states that the analysis in the **Federal Register** of potential impacts to subsistence uses should begin with a discussion of whether the operator has signed the Conflict Avoidance Agreement (CAA) and, if so, what the CAA includes as

mitigation measures for the subsistence activities.

Response: NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: An impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met. The analysis of potential impacts to subsistence uses depends on more information than solely whether the applicant has signed a CAA. Nevertheless, in our analysis, we did consider the CAA negotiation between the Shell and the Native subsistence users. Where measures outlined in the CAA are also necessary to ensure an unmitigable adverse impact to subsistence uses, NMFS includes them as required measures in the IHA. In the **Federal Register** notice for the proposed IHA, NMFS noted that Shell attended the 2012–2014 CAA negotiation meetings in support of exploration drilling, offshore surveys, and future drilling plans. In addition, Shell informed NMFS that it would do the same for the upcoming 2015 exploration drilling program, and Shell has signed the 2015 CAA.

Comment 31: The AEWC notes that the proposed IHA for Shell incorporates mitigation measures from the CAA, including the use of protected species observers (PSOs) and Inupiat Communicators, the Com-Centers and the general communications scheme, sound source verification, monitoring plans, cumulative noise impacts study, and general provisions for avoiding interference with bowhead whales or subsistence whale hunting activities. However, AEWC points out that additional mitigation measures from the CAA should also be included in the IHA, including: Standardized Log Books (CAA Section 204) and Shore-Based Service and Supply Areas (CAA Section 504). The AEWC recommends these measures be included under Section 9 of the IHA.

Response: NMFS considered whether implementing Standardized Log Books and Shore-Based Service and Supply Areas was necessary to reach a finding of no unmitigable adverse impact on availability of marine mammals for taking for subsistence or appropriate for effecting the least practicable impact on the availability of the species or stock for taking for subsistence uses, and in both cases determined they were not. The recommendation of Standardized Log Books requires that industry participants provide the Com-Centers and Marine Mammal Observer/Inupiat Communicators with identical log books to assist in the standardization of record keeping associated with communications procedures. NMFS further clarified with AEWC on this issue and understands that the log books would serve a record-keeping function at times in determining sources of disturbance by the AEWC. The AEWC would like to have a coherent record of activities and communications. The AEWC further states that as non-industry vessel traffic increases (*i.e.,* research, commercial, and marine tourism vessels), the ability to track communications through the Com Centers and along the coast is going to become important.

NMFS has already been requiring Shell and other companies to use standardized format for marine mammal monitoring under the recommendation by peer-review panel. We again require Shell to provide detailed records of all marine mammal sightings and its activities under the IHA. In addition, Shell is required to produce a draft comprehensive report that integrates the studies into a broad based assessment of all industry activities and their impacts, which will be made available to NMFS, AEWC, and NSB for review. Furthermore, Shell is required to communicate with Com Centers for all its activities that could affect subsistence resources. Finally, as Shell already signed a CAA with AEWC, this condition prescribed in the CAA will serve as a form of agreement between AEWC and Shell on these issues.

Regarding the Shore-Based Service and Supply Areas provision, NMFS reached out to the AEWC for clarification of this recommendation. AEWC states that this simply means that the mitigation measures run both prospect-to-shore and shore-to-prospect. Therefore, NMFS does not believe that this requirement would add additional value to NMFS determination of no-unmitigable impact.

Comment 32: The AEWC requests NMFS include a condition requiring Shell to complete exit transit through the Bering Strait to a point south of 59 degrees North latitude no later than November 15, 2015. In addition, the AEWC requests NMFS require that any industry participant vessel that encounters weather or ice that will prevent compliance with the date shall coordinate its transit through the Bering Strait to a point south of 59 degrees North latitude with the appropriate Com-Centers, and that all industry participant vessels shall, weather and ice permitting, transit east of St. Lawrence Island and no closer than 10 miles from the shore of St. Lawrence Island.

Response: Shell signed the 2015 CAA with the AEWC on April 23, 2015. In the signed 2015 CAA, Shell agreed to establish Communication Centers in the Bering Sea communities and will conduct such communications in the manner laid out in the CAA and the IHA. Shell's IHA is valid for drilling operations through October 31. Therefore, demobilization and transit out of the area will begin by that date. Information shared with NMFS from hunters on St. Lawrence Island noted that the fall bowhead whale hunts typically occur the week of Thanksgiving. For example, in 2012, 1 bowhead whale was harvested on November 27 and 1 on November 30 in the community of Savoonga, and 1 bowhead was harvested on November 27 in the community of Gambell. In 2013, 1 bowhead was harvested on December 4 and 1 on December 6 in Savoonga, and no fall whale harvest in Gambell.

In addition, vessel transit route through the Bering Strait will follow a route well east of St. Lawrence Island, placing vessels more than 60 miles and 90 miles east of the communities of Savoonga and Gambell, respectively. Furthermore, Shell will communicate with all communities via its Com Centers as vessels depart the operating area and transit into the Bering Sea to ensure that vessel transit does not interfere with any hunt.

Comment 34: The NSB states that it has repeatedly asked that industry not enter the Chukchi Sea until after July 15th, which will allow for the completion of the beluga whale hunt in Point Lay. The NSB states that this will help mitigate some of the impacts to the subsistence harvests. The NSB states that it has heard from Shell that they do not anticipate arriving until after this date; yet under the proposed IHA Shell would be permitted to move into the Chukchi Sea beginning on July 1.

Response: Shell requested take coverage beginning July 1 (Shell 2015). Upon receiving NSB's comment, NMFS further verified with Shell its intended project dates for the exploration drilling program during the 2015 Arctic open-water season, and again Shell emphasized that it is critical for Shell to enter Chukchi Sea through Bering Strait on or after July 1. This timeframe for entry has been an annual component of

Shell's plans to conduct exploration drilling in the Chukchi Sea since 2009. To address subsistence impact concerns, Shell developed a robust Subsistence Advisor (SA) program within our POC, also adding a Communication Plan for direct communication and real-time avoidance of impacts to subsistence users and marine mammals. This is specifically detailed on page 12–2 of Shell's IHA application. The SA program and Communication Plan within that program have been in place since 2009 and remain due to the proven capability of avoiding impacts to subsistence harvests regardless of the location or timing of those harvests in the Chukchi and Beaufort Seas. Again in 2015, Shell will have SAs and Community Liaisons in place and Communication Centers (Com Centers) active along the coasts of the Bering and Chukchi Seas, to carry out the POC.

Shell's general marine vessel route is approximately 54 nautical miles offshore of Pt. Lay. Vessels transiting offshore of Point Lay will generally be far outside of areas traditionally used by Pt. Lay residents for beluga whale subsistence hunting. Therefore, Shell's vessels will be positioned well offshore and it is highly unlikely that routine vessel transits will impede subsistence users' access to beluga whales or cause them to divert from their normal migratory route.

Finally, Shell is required implement a number of mitigation measures to minimize any potential adverse impacts on subsistence users. These include the use of Subsistence Advisors, Community Liaison Officers, and Com Centers, which will be established and utilized on a daily basis to coordinate and modify vessel traffic based on current or anticipated subsistence activities. Thus, given the distance of vessel traffic in relation to subsistence hunting activities, and with the implementation of appropriate mitigation measures, NMFS does not believe Shell's entering of the Chukchi Sea prior to July 15 will adversely affect beluga whale harvest in Point Lay.

Comment 35: The NSB requests NMFS require Shell to coordinate with the AEWC and other Alaska Native marine mammal user groups as appropriate, and participate in the well-established and effective Conflict Avoidance Agreement (CAA) process.

Response: Throughout the incidental take authorization processing for the 2015 Arctic open-water industry activities, NMFS has been working with stakeholders including the AEWC and other Alaska Native marine mammal user groups as appropriate to conduct its analysis on the potential impacts of the drilling program on subsistence activities. A peer-review meeting on industry's monitoring plans was held in early March 2015 in Anchorage, and NMFS invited a representative from the AEWC to observe the peer-review process.

Shell signed the 2015 CAA with the AEWC on April 23, 2015. The CAA is a document that is negotiated between and signed by the industry participant and subsistence user groups such as AEWC and the Village Whaling Captains' Associations. NMFS has no role in the development or execution of this agreement. Although the contents of a CAA may inform NMFS' no unmitigable adverse impact determination for marine mammal subsistence impacts, the signing of a CAA is not a requirement. NMFS' MMPA implementing regulations require that for an activity that will take place near a traditional Arctic hunting ground, or may affect the availability of marine mammals for subsistence uses, an applicant for MMPA authorization must either submit a Plan of Cooperation (POC) or information that identifies the measures that have been taken to minimize adverse impacts on subsistence uses. Shell submitted a POC with its IHA application, which was available during the public comment period.

NMFS (or other Federal agencies) has no authority to require agreements between third parties, and NMFS would not be able to enforce the provisions of CAAs because the Federal government is not a party to the agreements. Regarding the CAA signed with the AEWC, NMFS has reviewed that document, as well as Shell's POC. The majority of the conditions are identical between the two documents. NMFS' IHA includes measures from the 2015 CAA between Shell and the AEWC that we believe are relevant to ensuring no unmitigable adverse impact on the availability of marine mammals for subsistence uses.

Miscellaneous

Comment 36: Shell points out that the 180 dB re 1 μPa rms radius for zero-offset vertical seismic profile (ZVSP) should be 1.38 km, not 1.28 km as stated on page 11773 of the **Federal Register** notice for the proposed IHA (80 FR 11726; March 4, 2015).

Response: NMFS recognizes that this is a typographic error and made the correction. This error does not affect the results of the analysis since the analysis was conducted on the correct radius of 1.38 km. NMFS has corrected the error in the IHA issued to Shell.

Comment 37: The NSB requests NMFS require Shell to use the best available technologies and best management practices for both seismic and exploratory drilling, including zero discharge.

Response: Shell's collection of drilling mud and cuttings and certain other waste streams is a voluntary decision on the part of the company for its Beaufort Sea exploratory drilling program. Shell will not be conducting such a program in the Chukchi Sea, a practice that is consistent with both the current Arctic Oil and Gas Exploration General Permit and the draft General Permit being considered by the U.S. Environmental Protection Agency. The discharge of drilling related effluents has been extensively studied in both temperate and Arctic regions (Neff, 2010) and, when employing water based muds, is generally considered to be of slight environmental impact. The removal of muds, cuttings, and other effluent streams from exploration drilling requires additional vessels, which results in additional vessel traffic and related noise (which can in turn increase the potential for vessel-marine mammal interactions and vessel-related air emissions). Given the concerns raised with respect to the cumulative impacts of vessel traffic in the Arctic, the speculative benefits of waste stream removal do not warrant imposing such a requirement on Shell in the Chukchi Sea. Shell will, however, collect water and other samples in both seas before, during, and after the drilling programs in order to study sediment and water chemistry, the biotic community, deposition, and bioaccumulation. The collection of these samples will repeat evaluations at the localized drill sites that have been conducted as part of the Joint Industry Monitoring Program for several years. NMFS has determined that even without requiring such a measure, Shell's activities will have a negligible impact on marine mammal species or stocks and will not have an unmitigable adverse impact on the availability of marine mammals for taking for subsistence uses.

Comment 38: Several private citizens are concerned about potential oil spill from Shell's exploration drilling program in the Chukchi Sea.

Response: NMFS' Notice of Proposed IHA contained information regarding measures Shell has instituted to reduce the possibility of a major oil spill during its operations, as well as potential impacts on cetaceans and pinnipeds, their habitats, and subsistence activities (80 FR 11726; March 4, 2015). NMFS' EA also contains an analysis of the potential effects of an oil spill on marine

mammals, their habitats, and subsistence activities. Much of that analysis is incorporated by reference from other NEPA documents prepared for activities in the region. There is no information regarding potential take from a release of oil because an oil spill is not a component of the ''specified activity.''

The Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BESS) under the Department of the Interior (DOI) are the agencies with expertise in assessing risks of an oil spill. In reviewing Shell's Chukchi Sea Exploration Plan and Regional Oil Spill Response Plan (OSRP), BOEM and BSEE determined that the risk was low and that Shell will implement adequate measures to further minimize the risk. Shell's OSRP identifies the company's prevention procedures; estimates the potential discharges and describes the resources and steps that Shell would take to respond in the unlikely event of a spill; and addresses a range of spill volumes, ranging from small operational spills to the worst case discharge calculations required to account for the unlikely event of a blowout. Additionally, in 2012 NOAA's Office of Response and Restoration reviewed Shell's OSRP and provided input to DOI requesting changes to the plan before it should be approved. Shell incorporated NOAA's suggested changes, which included updating the trajectory analysis and the worst case discharge scenario. Based on these revisions, NOAA's Office of Response and Restoration determined that Shell's plans to respond to an offshore oil spill in the U.S. Arctic Ocean are satisfactory, as stated in a 2012 memorandum provided to NMFS by the Office of Response and Restoration. Lastly, in the unlikely event of an oil spill, Shell will conduct response activities in accordance with NOAA's Marine Mammal Oil Spill Response Guidelines.

Description of Marine Mammals in the Area of the Specified Activity

The Chukchi Sea supports a diverse assemblage of marine mammals, including: Bowhead, gray, beluga, killer, minke, humpback, and fin whales; harbor porpoise; ringed, ribbon, spotted, and bearded seals; narwhals; polar bears (*Ursus maritimus*); and walruses (*Odobenus rosmarus divergens;* see Table 4–1 in Shell's application). The bowhead, humpback, and fin whales are listed as ''endangered'' under the Endangered Species Act (ESA) and as depleted under the MMPA. The ringed seal is listed as ''threatened'' under the ESA. Certain stocks or populations of gray, beluga, and killer whales and spotted seals are listed as endangered or are proposed for listing under the ESA; however, none of those stocks or populations occur in the proposed activity area. Both the walrus and the polar bear are managed by the U.S. Fish and Wildlife Service (USFWS) and are not considered further in this IHA notice.

Of these species, 12 are expected to occur in the area of Shell's proposed operations. These species are: The bowhead, gray, humpback, minke, fin, killer, and beluga whales; harbor porpoise; and the ringed, spotted, bearded, and ribbon seals. Beluga, bowhead, and gray whales, harbor porpoise, and ringed, bearded, and spotted seals are anticipated to be encountered more than the other marine mammal species mentioned here. The marine mammal species likely to be encountered most widely (in space and time) throughout the period of the proposed drilling program is the ringed seal. Encounters with bowhead and gray whales are expected to be limited to particular seasons, as discussed later in this document. Where available, Shell used density estimates from peer-reviewed literature in the application. In cases where density estimates were not readily available in the peer-reviewed literature, Shell used other methods to derive the estimates. The explanation for those derivations and the actual density estimates are described later in this document (see the ''Estimated Take by Incidental Harassment'' section).

The narwhal occurs in Canadian waters and occasionally in the Alaskan Beaufort Sea and the Chukchi Sea, but it is considered extralimital in U.S. waters and is not expected to be encountered. There are scattered records of narwhal in Alaskan waters, including reports by subsistence hunters, where the species is considered extralimital (Reeves *et al.,* 2002). Due to the rarity of this species in the proposed project area and the remote chance it would be affected by Shell's proposed Chukchi Sea drilling activities, this species is not discussed further in this IHA notice.

Shell's application contains information on the status, distribution, seasonal distribution, abundance, and life history of each of the species under NMFS jurisdiction mentioned in this document. NMFS consideration of this application later took into account updated information on bowhead and beluga whale densities. See ''Estimated Take by Incidental Harassment'' section later in this notice. Additional information can also be found in the NMFS Stock Assessment Reports (SAR). The Alaska 2013 SAR is available at: *http://www.nmfs.noaa.gov/pr/sars/pdf/ak2013_final.pdf.*

Table 1 lists the 12 marine mammal species or stocks under NMFS jurisdiction with confirmed or possible occurrence in the proposed project area.

TABLE 1—MARINE MAMMAL SPECIES AND STOCKS WITH CONFIRMED OR POSSIBLE OCCURRENCE IN THE PROPOSED EXPLORATION DRILLING AREA

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Odontocetes:						
Beluga whale (Eastern Chukchi Sea stock).	*Dephinapterus leucas.*	.....	Common	Mostly spring and fall with some in summer.	Russia to Canada ..	3,710
Beluga whale (Beaufort Sea stock).	*Delphinapterus leucas.*	.....	Common	Mostly spring and fall with some in summer.	Russia to Canada ..	39,258
Killer whale	*Orcinus orca*	.....	Occasional/ Extralimital.	Mostly summer and early fall.	California to Alaska	2,084
Harbor porpoise	*Phocoena phocoena.*	.....	Occasional/ Extralimital.	Mostly summer and early fall.	California to Alaska	48,215
Mysticetes:						
Bowhead whale	*Balaena mysticetus.*	Endangered; Depleted.	Common	Mostly spring and fall with some in summer.	Russia to Canada ..	19,534

TABLE 1—MARINE MAMMAL SPECIES AND STOCKS WITH CONFIRMED OR POSSIBLE OCCURRENCE IN THE PROPOSED EXPLORATION DRILLING AREA—Continued

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Gray whale	*Eschrichtius robustus*.		Somewhat common.	Mostly summer	Mexico to the U.S. Arctic Ocean.	19,126
Minke whale	*Balaenoptera acutorostrata*.		Rare	Summer	North Pacific	810–1,003
Fin whale (North Pacific stock).	*B. physalus*	Endangered; Depleted.	Rare	Summer	North Pacific	1,652
Humpback whale (Central North Pacific stock).	*Megaptera novaeangliae*.	Endangered; Depleted.	Rare	Summer	Central to North Pacific.	20,800
Pinnipeds:						
Bearded seal (Beringia distinct population segment).	*Erigathus barbatus*.	Candidate	Common	Spring and summer	Bering, Chukchi, and Beaufort Seas.	155,000
Ringed seal (Arctic stock).	*Phoca hispida*	Threatened; Depleted.	Common	Year round	Bering, Chukchi, and Beaufort Seas.	300,000
Spotted seal	*Phoca largha*		Common	Summer	Japan to U.S. Arctic Ocean.	141,479
Ribbon seal	*Histriophoca fasciata*.	Species of concern.	Occasional	Summer	Russia to U.S. Arctic Ocean.	49,000

Potential Effects of the Specified Activity on Marine Mammals

The primary potential impacts to marine mammals and other marine species are associated with elevated sound levels produced by the exploratory drilling program (*i.e.,* the drillship and the airguns). The proposed IHA contains a full discussion of the potential impacts to marine mammal species in the project area. No changes have been made to that discussion, exception a clarification made on marine mammal functional hearing groups, which is discussed in *Response to Comment 4* above. Please refer to the proposed IHA for the full discussion of potential impacts to marine mammal (80 FR 11726, March 4, 2015). NMFS has determined that Shell's exploratory drilling program would only result in Level B behavioral harassment of marine mammals, and will not cause hearing threshold shifts, injury, and/or mortality to marine mammals exposed to noise generated from Shell's activities.

Anticipated Effects on Marine Mammal Habitat

The primary potential impacts to marine mammals and other marine species are associated with elevated sound levels produced by the exploratory drilling program (*i.e.,* the drillship and the airguns). However, other potential impacts are also possible to the surrounding habitat from physical disturbance and an oil spill (should one occur). The proposed IHA contains a full discussion of the potential impacts to marine mammal habitat and prey species in the project area. No changes have been made to that discussion. Please refer to the proposed IHA for the full discussion of potential impacts to marine mammal habitat (80 FR 11726, March 4, 2015). NMFS has determined that Shell's exploratory drilling program is not expected to have any habitat-related effects that could cause significant or long-term consequences for marine mammals or on the food sources that they utilize.

Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(D) of the MMPA, NMFS must, where applicable, set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant). This section summarizes the mitigation measures Shell is required to implement under the IHA. In summary, the following changes have been made to the mitigation since the proposed IHA was published: Requiring ramp-up procedure if ZVSP airgun has been discontinued for a period of 10 minutes or more, and when utilizing the mitigation airgun for position change, use a reduced duty cycle (approximately 1 shot per 5 minutes).

Vessel Based Marine Mammal Monitoring for Mitigation (and Other Purposes)

The objectives of the vessel based marine mammal monitoring are to ensure that disturbance to marine mammals and subsistence hunts is minimized, that effects on marine mammals are documented, and that data is collected on the occurrence and distribution of marine mammals in the project area.

The marine mammal monitoring will be implemented by a team of protected species observers (PSOs). The PSOs will be biologists and Alaska Native personnel trained as field observers. PSOs will be stationed on both drilling units, ice management vessels, anchor handlers and other drilling support vessels engaged in transit to and between drill sites to monitor for marine mammals. The duties of the PSOs will include: Watching for and identifying marine mammals, recording their numbers, recording distances and reactions of marine mammals to exploration drilling activities, initiating mitigation measures when appropriate, and reporting results of the vessel based monitoring program, which will include the estimation of the number of marine mammal ''exposures'' as defined by the NMFS and stipulated in the IHA.

The vessel based work will provide:

- The basis for initiating real-time mitigation, if necessary, as required by the various permits that Shell receives;
- Information needed to estimate the number of ''exposures'' of marine mammals to sound levels that may

result in harassment, which must be reported to NMFS;

- Data on the occurrence, distribution, and activities of marine mammals in the areas where drilling activity is conducted;
- Information to compare the distances, distributions, behavior, and movements of marine mammals relative to the drilling unit during times with and without drilling activity occurring;
- A communication channel to coastal communities including whalers; and
- Employment and capacity building for local residents, with one objective being to develop a larger pool of experienced Alaska Native PSOs.

The vessel based monitoring will be operated and administered consistent with monitoring programs conducted during past exploration drilling activities, seismic and shallow hazards surveys, or alternative requirements stipulated in permits issued to Shell. Agreements between Shell and other agencies will also be fully incorporated. PSOs will be provided training through a program approved by the NMFS.

Mitigation Measures During the Exploration Drilling Program

Shell's planned exploration drilling activities incorporate design features and operational procedures aimed at minimizing potential impacts on marine mammals and subsistence hunts. Some of the mitigation design features include:

- Conducting pre-season acoustic modeling to establish the appropriate exclusion and disturbance zones;
- Vessel based PSO monitoring to implement appropriate mitigation if necessary, and to determine the effects of the drilling program on marine mammals;
- Passive acoustic monitoring of drilling and vessel sounds and marine mammal vocalizations; and
- Aerial surveys with photographic equipment over operations and in coastal and nearshore waters with photographic equipment to help determine the effects of project activities on marine mammals; and seismic activity mitigation measures during acquisition of the ZVSP surveys.

The potential impacts on marine mammals during drilling activities will be mitigated through the implementation of several vessel based mitigation measures as necessary.

(1) Exclusion and Disturbance Zones

Mitigation for NMFS' incidental take authorizations typically includes ''safety radii'' or ''exclusion zones'' for marine mammals around airgun arrays and other impulsive industrial sound sources where received levels are ≥180 dB re 1 μPa (rms) for cetaceans and ≥190 dB re 1 μPa (rms) for pinnipeds. These zones are based on a cautionary assumption that sound energy at lower received levels will not injure these animals or impair their hearing abilities, but that higher received levels might have some such effects. Disturbance or behavioral effects to marine mammals from underwater sound may occur from exposure to sound at distances greater than these zones (Richardson *et al.* 1995). The NMFS assumes that marine mammals exposed to pulsed airgun sounds with received levels ≥160 dB re 1 μPa (rms) or continuous sounds from vessel activities with received levels ≥120 dB re 1 μPa (rms) have the potential to be disturbed. These sound level thresholds are currently used by NMFS to define acoustic disturbance (harassment) criteria.

(A) Exploration Drilling Activities

The areas exposed to sounds produced by the drilling units *Discoverer* and *Polar Pioneer* were determined by measurements from drilling in 2012 or were modeled by JASCO Applied Sciences. The 2012 measurement of the distance to the 120 dB (rms) threshold for normal drilling activity by the *Discoverer* was 0.93 mi (1.5 km) while the distance of the ≥120 dB (rms) radius during MLC construction was 5.1 mi (8.2 km).

Measured sound levels for the *Polar Pioneer* were not available. Its sound footprint was estimated with JASCOs Marine Operations Noise Model (MONM) using an average source level derived from a number of reported acoustic measurements of comparable semi-submersible drill units, including the Ocean Bounty (Gales, 1982), SEDCO 708 (Greene, 1986), and Ocean General (McCauley, 1998). The model yielded a propagation range of 0.22 mi (0.35 km) for rms sound pressure levels of 120 dB for the *Polar Pioneer* while drilling at the Burger Prospect.

In addition to drilling and MLC construction, numerous activities in support of exploration drilling produce continuous sounds above 120 dB (rms). These activities in direct support of the moored drilling units include ice management, anchor handling, and supply/discharge sampling vessels using DP thrusters. Detailed sound characterizations for each of these activities are presented in the 2012 Comprehensive Report for NMFS' 2012 IHA (LGL *et al.* 2013).

The source levels for exploration drilling and related support activities are not high enough to cause temporary reduction in hearing sensitivity or permanent hearing damage to marine mammals. Consequently, mitigation as described for seismic activities. including ramp ups, power downs, and shut downs, are not required for exploration drilling activities. However, Shell will use PSOs onboard the drilling units, ice management, and anchor handling vessels to monitor marine mammals and their responses to industry activities, in addition to initiating mitigation measures should in-field measurements of the activities indicate conditions that may present a risk of unanticipated impacts on marine mammals.

(B) ZVSP Surveys

Two sound sources have been proposed by Shell for the ZVSP surveys. The first is a small airgun array that consists of three 150 in^3 (2,458 cu cm3) airguns for a total volume of 450 in^3 (7,374 cm^3). The second ZVSP sound source consists of two 250 in^3 (4,097 cm^3) airguns with a total volume of 500 in^3 (8,194 cm^3). Sound footprints of the ZVSP airgun array configurations were estimated using JASCO Applied Sciences' Marine Operations Noise Model (MONM). The model results were maximized over all water depths between 9.9 and 23 ft (3 and 7 m) to yield sound level isopleths as a function of range and direction from the source. The 450 in^3 airgun array at a source depth of 23 ft (7 m) yielded the maximum ranges to the ≥190, ≥180, and ≥160 dB (rms) isopleths. The estimated 95th percentile distances to these thresholds were: 190 dB = 558 ft (170 m), 180 dB = 3,018 ft (920 m), and 160 dB = 39,239 ft (11,960 m). These distances were multiplied by 1.5 as a conservative measure, and the resulting radii are shown in Table 2.

PSOs on the drilling units will initially use the radii in Table 2 for monitoring and mitigation purposes during ZVSP surveys. An acoustics contractor will perform direct measurements of the received levels of underwater sound versus distance and direction from the ZVSP array using calibrated hydrophones. The mitigation measures to be implemented will include pre-ramp up watches, ramp ups, power downs and shut downs as described below.

TABLE 2—ESTIMATED DISTANCES OF THE ≥190, 180, AND 160, DB (RMS) ISOPLETHS TO BE USED FOR MITIGATION PURPOSES DURING ZVSP SURVEYS UNTIL SSV RESULTS ARE AVAILABLE

Threshold levels in dB re 1 μPa (rms)	Estimated distance (m)
≥190	255
≥180	1,380
≥160	11,960

(2) Ramp Ups

A ramp up of an airgun array provides a gradual increase in sound levels, and involves a step-wise increase in the number and total volume of airguns firing until the full volume is achieved. The purpose of a ramp up (or ''soft start'') is to ''warn'' cetaceans and pinnipeds in the vicinity of the airguns and to provide time for them to leave the area, thus avoiding any potential injury or impairment of their hearing abilities from higher levels of exposure.

Shell contact NMFS and clarified the operations of ZVSP uses and stated that during the proposed ZVSP surveys, the operator will ramp up the airgun arrays slowly. Full ramp ups (*i.e.,* from a cold start when no airguns have been firing) will begin by firing a single airgun in the array. A full ramp up will not begin until there has been observation of the exclusion zone by PSOs for a minimum of 30 minutes to ensure that no marine mammals are present. The entire exclusion zones must be visible during the 30 minutes leading into to a full ramp up. If the entire exclusion zone is not visible, a ramp up from a cold start cannot begin. If a marine mammal is sighted within the relevant exclusion zone during the 30 minutes prior to ramp up, ramp up will be delayed until the marine mammal is sighted outside of the exclusion zone or is not sighted for at least 15–30 minutes: 15 minutes for small odontocetes and pinnipeds, or 30 minutes for baleen whales and large odontocetes.

In addition, if for any reason, use of the airgun array has been discontinued for a period of 10 minutes or more, ramp-up procedures shall be implemented. Only if the PSO watch has been suspended, a 30-minute clearance of the exclusion zone is required prior to commencing ramp-up. Discontinuation of airgun activity for less than 10 minutes does not require a ramp-up; and

Further, when utilizing the mitigation airgun during position/depth change, use a reduced duty cycle (approximately 1 shot every 5 minutes).

(3) Power Downs and Shut Downs

A power down is the immediate reduction in the number of operating energy sources from all firing to some smaller number. A shut down is the immediate cessation of firing of all energy sources. The arrays will be immediately powered down whenever a marine mammal is sighted approaching close to or within the applicable exclusion zone of the full arrays, but is outside the applicable exclusion zone of the single source. If a marine mammal is sighted within the applicable exclusion zone of the single energy source, the entire array will be shut down (*i.e.,* no sources firing).

After a complete shutdown of the airgun due to detection of a marine mammal in the vicinity, airguns cannot be restarted until the marine mammal is visually sighted leaving the exclusion zone, or is not sighted for at least 15–30 minutes: 15 minutes for small odontocetes and pinnipeds, or 30 minutes for baleen whales and large odontocetes.

(4) Loss of Electrical Power to Airgun Array

If, for any reason, electrical power to the airgun array has been discontinued for a period of 10 minutes or more, ramp-up procedures shall be implemented. If the PSO watch has been suspended, a 30-minute clearance of the exclusion zone is required prior to commencing ramp-up. Discontinuation of airgun activity for less than 10 minutes does not require a ramp-up.

Mitigation Conclusions

NMFS has carefully evaluated the applicant's mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).
2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of noises generated from exploration drilling and associated activities, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of noises generated from exploration drilling and associated activities, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of noises generated from exploration drilling and associated activities, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).
5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.
6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's mitigation measures, as well as other measures considered by NMFS, NMFS has determined that the prescribed mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. Mitigation to effect least practicable impact on the availability of marine mammals for taking for subsistence uses is discussed later in this document (see ''*Impact on Availability of Affected Species or Stock*

for Taking for Subsistence Uses'' section).

Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must, where applicable, set forth ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. The change made from the proposed notice for the IHA is that Shell revised the deployment design of its acoustic arrays for passive acoustic monitoring based on recommendations from the peer-review panel. This is discussed in detail in the ''*Monitoring Plan Peer Review*'' section below.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

2. An increase in our understanding of how many marine mammals are likely to be exposed to levels of noises generated from exploration drilling and associated activities that we associate with specific adverse effects, such as behavioral harassment, TTS, or PTS;

3. An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

▪ Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);

▪ Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);

▪ Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and

5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

NMFS believes that the required measures will contribute towards these goals.

Monitoring Measures

1. Protected Species Observers

Vessel based monitoring for marine mammals will be done by trained PSOs on both drilling units and ice management and anchor handler vessels throughout the exploration drilling activities. The observers will monitor the occurrence and behavior of marine mammals near the drilling units, ice management and anchor handling vessels, during all daylight periods during the exploration drilling operation, and during most periods when exploration drilling is not being conducted. PSO duties will include watching for and identifying marine mammals; recording their numbers, distances, and reactions to the exploration drilling activities; and documenting exposures to sound levels that may constitute harassment. PSOs also will help ensure that the vessel communicates with the Communications and Call Centers (Com Centers) in Native villages along the Chukchi Sea coast.

(A) Number of Observers

A sufficient number of PSOs will be onboard to meet the following criteria:

- 100 percent monitoring coverage during all periods of exploration drilling operations in daylight;
- Maximum of four consecutive hours on watch per PSO; and
- Maximum of approximately 12 hours on watch per day per PSO.

PSO teams will consist of trained Alaska Natives and field biologist observers. An experienced field crew leader will be on every PSO team aboard the drilling units, ice management and anchor handling vessels, and other support vessels during the exploration drilling program. The total number of PSOs aboard may decrease later in the season as the duration of daylight decreases.

(B) Crew Rotation

Shell anticipates that there will be provisions for crew rotation at least every three to six weeks to avoid observer fatigue. During crew rotations detailed notes will be provided to the incoming crew leader. Other communications such as email, fax, and/or phone communication between the current and oncoming crew leaders during each rotation will also occur when necessary. In the event of an unexpected crew change Shell will facilitate such communications to insure monitoring consistency among shifts.

(C) Observer Qualifications and Training

Crew leaders serving as PSOs will have experience from one or more projects with operators in Alaska or the Canadian Beaufort.

Crew leaders will be highly experienced with previous vessel based marine mammal monitoring projects. Resumes for those individuals will be provided to the NMFS for approval. All PSOs will be trained and familiar with the marine mammals of the area. A PSO handbook, adapted for the specifics of the planned Shell drilling program, will be prepared and distributed beforehand to all PSOs.

PSOs will also complete a two-day training and refresher session on marine mammal monitoring, to be conducted shortly before the anticipated start of the drilling season. The training sessions will be conducted by marine mammalogists with extensive crew leader experience from previous vessel based seismic monitoring programs in the Arctic.

Primary objectives of the training include:

- Review of the 4MP for this project, including any amendments adopted or specified by NMFS in the final IHA or other agreements in which Shell may elect to participate;
- Review of marine mammal sighting, identification, (photographs and videos) and distance estimation methods, including any amendments specified by NMFS in the IHA;
- Review operation of specialized equipment (*e.g.,* reticle binoculars, big eye binoculars, night vision devices, GPS system); and
- Review of data recording and data entry systems, including procedures for recording data on mammal sightings, exploration drilling and monitoring activities, environmental conditions, and entry error control. These procedures will be implemented through use of a customized computer databases and laptop computers.

(D) PSO Handbook

A PSO Handbook will be prepared for Shell's monitoring program. The Handbook will contain maps, illustrations, and photographs as well as copies of important documents and

descriptive text and are intended to provide guidance and reference information to trained individuals who will participate as PSOs. The following topics will be covered in the PSO Handbook:

- Summary overview descriptions of the project, marine mammals and underwater sound energy, the 4MP (vessel-based, aerial, acoustic measurements, special studies), the IHA and other regulations/permits/agencies, the Marine Mammal Protection Act;
- Monitoring and mitigation objectives and procedures, including initial exclusion and disturbance zones;
- Responsibilities of staff and crew regarding the 4MP;
- Instructions for staff and crew regarding the 4MP;
- Data recording procedures: Codes and coding instructions, common coding mistakes, electronic database; navigational, marine physical, and drilling data recording, field data sheet;
- Use of specialized field equipment (*e.g.,* reticle binoculars, Big-eye binoculars, NVDs, laser rangefinders);
- Reticle binocular distance scale;
- Table of wind speed, Beaufort wind force, and sea state codes;
- Data storage and backup procedures;
- List of species that might be encountered: Identification, natural history;
- Safety precautions while onboard;
- Crew and/or personnel discord; conflict resolution among PSOs and crew;
- Drug and alcohol policy and testing;
- Scheduling of cruises and watches;
- Communications;
- List of field gear provided;
- Suggested list of personal items to pack;
- Suggested literature, or literature cited;
- Field reporting requirements and procedures;
- Copies of the IHA will be made available; and
- Areas where vessels need permission to operate such as the Ledyard Bay Critical Habitat Unit (LBCHU).

2. Vessel-Based Monitoring Methodology

The observer(s) will watch for marine mammals from the best available vantage point on the drilling units and support vessels 30 minutes before and during Shell's activities, and for 30 minutes after the activities are ceased. Ideally this vantage point is an elevated stable platform from which the PSO has an unobstructed 360° view of the water. The observer(s) will scan systematically with the naked eye and 7 x 50 reticle binoculars, supplemented with Big-eye binoculars and night-vision equipment when needed. Personnel on the bridge will assist the marine mammal observer(s) in watching for pinnipeds and cetaceans. New or inexperienced PSOs will be paired with an experienced PSO or experienced field biologist so that the quality of marine mammal observations and data recording is kept consistent.

Information to be recorded by marine mammal observers will include the same types of information that were recorded during previous monitoring projects (*e.g.,* Moulton and Lawson 2002; Reiser *et al.* 2010, 2011; Bisson *et al.* 2013). When a mammal sighting is made, the following information about the sighting will be carefully and accurately recorded:

- Species, group size, age/size/sex categories (if determinable), physical description of features that were observed or determined not to be present in the case of unknown or unidentified animals;
- Behavior when first sighted and after initial sighting;
- Heading (if consistent), bearing and distance from observer;
- Apparent reaction to activities (*e.g.,* none, avoidance, approach, paralleling, etc.), closest point of approach, and behavioral pace;
- Time, location, speed, and activity of the vessel, sea state, ice cover, visibility, and sun glare, on support vessels the distance and bearing to the drilling unit will also be recorded; and
- Positions of other vessel(s) in the vicinity of the observer location.

The vessel's position, speed, water depth, sea state, ice cover, visibility, and sun glare will also be recorded at the start and end of each observation watch, every 30 minutes during a watch, and whenever there is a change in any of those variables.

Distances to nearby marine mammals will be estimated with binoculars (Fujinon 7 x 50 binoculars) containing a reticle to measure the vertical angle of the line of sight to the animal relative to the horizon.

An electronic database will be used to record and collate data obtained from visual observations during the vessel-based study. The PSOs will enter the data into the custom data entry program installed on field laptops. The data entry program automates the data entry process and reduces data entry errors and maximizes PSO time spent looking at the water. PSOs also have voice recorders available to them. This is another tool that will allow PSOs to maximize time spent focused on the water.

PSOs will be instructed to identify animals as unknown when appropriate rather than strive to identify an animal when there is significant uncertainty. PSOs should also provide any sightings cues they used and any distinguishable features of the animal even if they are not able to identify the animal and record it as unidentified. Emphasis will also be placed on recording what was not seen, such as dorsal features.

(A) Monitoring at Night and in Poor Visibility

Night-vision equipment ''Generation 3'' binocular image intensifiers or equivalent units will be available for use when needed. However, past experience with night-vision devices in the Beaufort Sea and elsewhere indicates they are not nearly as effective as visual observation during daylight hours (*e.g.,* Harris *et al.* 1997, 1998; Moulton and Lawson 2002; Hartin *et al.* 2013).

(B) Specialized Field Equipment

Shell will provide the following specialized field equipment for use by the onboard PSOs: Reticle binoculars, Big-eye binoculars, GPS unit, laptop computers, night vision binoculars, and possibly digital still and digital video cameras. Big eye binoculars will be mounted and used on key monitoring vessels including the drilling units, ice management vessels and the anchor handler.

(C) Field Data-Recording, Verification, Handling, and Security

The observers on the drilling units and support vessels will record their observations directly into computers using a custom software package. The accuracy of the data entry will be verified in the field by computerized validity checks as the data are entered, and by subsequent manual checking. These procedures will allow initial summaries of data to be prepared during and shortly after the field season, and will facilitate transfer of the data to statistical, graphical or other programs for further processing. Quality control of the data will be facilitated by (1) the start-of-season training session, (2) subsequent supervision by the onboard field crew leader, and (3) ongoing data checks during the field season.

The data will be sent off of the vessel to Anchorage on a daily basis and backed up regularly onto storage devices on the vessel, and stored at separate locations on the vessel. If practicable, hand-written data sheets will be photocopied daily during the field

season. Data will be secured further by having data sheets and backup data devices carried back to the Anchorage office during crew rotations.

PSOs will be able to plot sightings in near real-time for their vessel. Significant sightings from key vessels including drilling units, ice management, anchor handlers and aircraft will be relayed between platforms to keep observers aware of animals that may be in or near the area but may not be visible to the observer at any one time. Emphasis will be placed on relaying sightings with the greatest potential to involve mitigation or reconsideration of a vessel's course (*e.g.,* large group of bowheads).

Observer training will emphasize the use of ''comments'' for sightings that may be considered unique or not fully captured by standard data codes. In addition to the standard marine mammal sightings forms, a specialized form was developed for recording traditional knowledge and natural history observations. PSOs will be encouraged to use this form to capture observations related to any aspect of the arctic environment and the marine mammals found within it. Examples might include relationships between ice and marine mammal sightings, marine mammal behaviors, comparisons of observations among different years/seasons, etc. Voice recorders will also be available for observers to use during periods when large numbers of animals may be present and it is difficult to capture all of the sightings on written or digital forms. These recorders can also be used to capture traditional knowledge and natural history observations should individuals feel more comfortable using the recorders rather than writing down their comments. Copies of these records will be available to all observers for reference if they wish to prepare a statement about their observations for reporting purposes. If prepared, this statement would be included in the 90-day and final reports documenting the monitoring work.

3. Acoustic Monitoring Plan

Exploration Drilling, ZVSP, and Vessel Noise Measurements

Exploration drilling sounds are expected to vary significantly with time due to variations in the level of operations and the different types of equipment used at different times onboard the drilling units. The goals of these measurements are:

- To quantify the absolute sound levels produced by exploration drilling and to monitor their variations with time, distance and direction from the drilling unit;
- To measure the sound levels produced by vessels while operating in direct support of exploration drilling operations. These vessels will include crew change vessels, tugs, ice-management vessels, and spill response vessels not measured in 2012; and
- To measure the sound levels produced by an end-of-hole zero-offset vertical seismic profile (ZVSP) survey using a stationary sound source.

Sound characterization and measurements of all exploration drilling activities will be performed using two sets of six parallel Autonomous Multichannel Acoustic Recorders (AMAR) deployed on the seabed along the distances of 0.5, 1, 2, 4, 8 and 16 mi from each drilling unit. All 12 recording stations will sample at least at 32 kHz, providing calibrated acoustic measurements in the 5 Hz to 16 kHz frequency band. The logarithmic spacing of the recorders is designed to sample the attenuation of drilling unit sounds with distance, and also provide information on potential marine mammal displacement. The autonomous recorders will sample through completion of the first well, to provide a detailed record of sounds emitted from all activities. These recorders will be retrieved and their data analyzed and reported in the project's 90-day report.

The deployment of drilling sound monitoring equipment will occur before, or as soon as possible after the *Discoverer* and the *Polar Pioneer* are on site. Activity logs of exploration drilling operations and nearby vessel activities will be maintained to correlate with these acoustic measurements. All results, including back-propagated source levels for each operation, will be reported in the 90-day report.

(A) Vessel Sound Characterization

Vessel sound characterizations will be performed using dedicated recorders deployed at sufficient distances from exploration drilling operations so that sound produced by those activities does not interfere. Three AMAR acoustic recorders will be deployed on and perpendicular to a sail track on which all Shell contracted vessels will transit. This geometry is designed to obtain sound level measurements as a function of distance and direction. The fore and aft directions are sampled continuously over longer distances to 3 and 6 miles (5 and 10 km) respectively, while broadside and other directions are sampled as the vessels pass closer to the recorders.

Vessel sound measurements will be processed and reported in a manner similar to that used by Shell and other operators in the Beaufort and Chukchi Seas during seismic survey operations. The measurements will further be analyzed to calculate source levels. Source directivity effects will be examined and reported. The measurements will include sound level data but not source level calculations. All vessel characterization results, including source levels, will be reported in ⅓-octave bands in the project 90-day report.

(B) Zero-Offset Vertical Seismic Profiling Sound Monitoring

Shell may conduct ZVSP at two drill sites in 2015. See the **Federal Register** Notice of proposed IHA for information on this activity.

ZVSP sound verification measurements will be performed using either the AMARs that are deployed for drilling unit sound characterizations, or by JASCO Ocean Bottom Hydrophone (OBH) recorders. The AMARs will not be retrieved until several days after the ZVSP as they are intended to monitor during retrievals of drilling unit anchors and related support activities.

(C) Acoustic Data Analyses

Exploration drilling sound data will be analyzed to extract a record of the frequency-dependent sound levels as a function of time. These results are useful for correlating measured sound energy events with specific survey operations. The analysis provides absolute sound levels in finite frequency bands that can be tailored to match the highest-sensitivity hearing ranges for species of interest. The analyses will also consider sound level integrated through 1-hour durations (referred to as sound energy equivalent level Leq (1-hour). Similar graphs for long time periods will be generated as part of the data analysis performed for indicating drilling sound variation with time in selected frequency bands.

(D) Reporting of Results

Acoustic sound level results will be reported in the 90-day and comprehensive reports for this program. The results reported will include:

- Sound source levels for the drilling units and all drilling support vessels;
- Spectrogram and band level versus time plots computed from the continuous recordings obtained from the hydrophone systems;
- Hourly Leq levels at the hydrophone locations; and
- Correlation of exploration drilling source levels with the type of

exploration drilling operation being performed. These results will be obtained by observing differences in drilling sound associated with differences in drilling unit activities as indicated in detailed drilling unit logs.

Acoustic ''Net'' Array in Chukchi Sea

This section describes acoustic studies that were undertaken from 2006 through 2013 in the Chukchi Sea as part of the Joint Monitoring Program and that will be continued by Shell during exploration drilling activities. The acoustic ''net'' array used during the 2006–2013 field seasons in the Chukchi Sea was designed to accomplish two main objectives. The first was to collect information on the occurrence and distribution of marine mammals (including beluga whale, bowhead whale, and other species) that may be available to subsistence hunters near villages along the Chukchi Sea coast and to document their relative abundance, habitat use, and migratory patterns. The second objective was to measure the ambient soundscape throughout the eastern Chukchi Sea and to record received levels of sounds from industry and other activities further offshore in the Chukchi Sea.

A net array configuration similar to that deployed in 2007–2013 is again proposed. The basic components of this effort consist of autonomous acoustic recorders deployed widely across the U.S. Chukchi Sea during the open water season and then more limited arrays during the winter season. These calibrated systems sample at 16 kHz with 24-bit resolution, and are capable of recording marine mammal sounds and making anthropogenic noise measurements. The net array configuration will include a regional array of 23 AMAR recorders deployed July–October off the four main transect locations: Cape Lisburne, Point Lay, Wainwright and Barrow. All of these offshore systems will capture sounds associated with exploration drilling, where present, over large distances to help characterize the sound transmission properties in the Chukchi Sea. Six additional summer AMAR recorders will be deployed around the Burger drill sites to monitor directional variations and longer-range propagation of drilling-related sounds. These recorders will also be used to examine marine mammal vocalization patterns in the vicinity of exploration drilling activities. The regional recorders will be retrieved in early October 2015; acoustic monitoring will continue through the winter with 8 AMAR recorders deployed October 2015–August 2016. The winter recorders will sample at 16 kHz on a 17% duty cycle (40 minutes every 4 hours). The winter recorders deployed in previous years have provided important information about fall and spring migrations of bowhead, beluga, walrus and several seal species.

The Chukchi acoustic net array will produce an extremely large dataset comprising several Terabytes of acoustic data. The analyses of these data require identification of marine mammal vocalizations. Because of the very large amount of data to be processed, the analysis methods will incorporate automated vocalization detection algorithms that have been developed over several years. While the hydrophones used in the net array are not directional, and therefore not capable of accurate localization of detections, the number of vocalizations detected on each of the sensors provides a measure of the relative spatial distribution of some marine mammal species, assuming that vocalization patterns are consistent within a species across the spatial and geographic distribution of the hydrophone array. These results therefore provide information such as timing of migrations and routes of migration for belugas and bowheads.

A second purpose of the Chukchi net array is to monitor the amplitude of exploration drilling sound propagation over a very large area. It is expected that sounds from exploratory drilling activities will be detectable on hydrophone systems within approximately 30 km of the drilling units when ambient sound energy conditions are low. The drilling sound levels at recorder locations will be quantified and reported.

Analysis of all acoustic data will be prioritized to address the primary questions. The primary data analysis questions are to (a) determine when, where, and what species of animals are acoustically detected on each recorder (b) analyze data as a whole to determine offshore distributions as a function of time, (c) quantify spatial and temporal variability in the ambient sound energy, and (d) measure received levels of exploration drilling survey events and drilling unit activities. The detection data will be used to develop spatial and temporal animal detection distributions. Statistical analyses will be used to test for changes in animal detections and distributions as a function of different variables (*e.g.,* time of day, season, environmental conditions, ambient sound energy, and drilling or vessel sound levels).

4. Chukchi Offshore Aerial Photographic Monitoring Program

Shell has been reticent to conduct manned aerial surveys in the offshore Chukchi Sea because conducting those surveys puts people at risk. There is a strong desire, however, to obtain data on marine mammal distribution in the offshore Chukchi Sea and Shell will conduct a photographic aerial survey that would put fewer people at risk as an alternative to the fully-manned aerial survey. The photographic survey would reduce the number of people on board the aircraft from six persons to two persons (the pilot and copilot) and would serve as a pilot study for future surveys that would use an Unmanned Aerial System (UAS) to capture the imagery.

Aerial photographic surveys have been used to monitor distribution and estimate densities of marine mammals in offshore areas since the mid-1980s, and before that, were used to estimate numbers of animals in large concentration areas. Digital photographs provide many advantages over observations made by people if the imagery has sufficient resolution (Koski *et al.* 2013). With photographs there is constant detectability across the imagery, whereas observations by people decline with distance from the center line of the survey area. Observations at the outer limits of the transect can decline to 5–10% of the animals present for real-time observations by people during an aerial survey. The distance from the trackline of sightings is more accurately determined from photographs; group size can be more accurately determined; and sizes of animals can be measured, and hence much more accurately determined, in photographs. As a result of the latter capability, the presence or absence of a calf can be more accurately determined from a photograph than by in-the-moment visual observations. Another benefit of photographs over visual observations is that photographs can be reviewed by more than one independent observer allowing quantification of detection, identification and group size biases.

The proposed photographic survey will provide imagery that can be used to evaluate the ability of future studies to use the same image capturing systems in an UAS where people would not be put at risk. Although the two platforms are not the same, the slower airspeed and potentially lower flight altitude of the UAS would mean that the data quality would be better from the UAS. Initial comparisons have been made between data collected by human observers on

board both the Chukchi and Beaufort aerial survey aircraft and the digital imagery collected in 2012. Overall, the imagery provided better estimates of the number of large cetaceans and pinnipeds present but fewer sightings were identified to species in the imagery than by PSOs, because the PSOs had sightings in view for a longer period of time and could use behavior to differentiate species. The comparisons indicated that some cetaceans that were not seen by PSOs were detected in the imagery; errors in identification were made by the PSOs during the survey that could be resolved from examination of the imagery; cetaceans seen by PSOs were visible in the imagery; and during periods with large numbers of sightings, the imagery provided much better estimates of numbers of sightings and group size than the PSO data.

Photographic surveys would start as soon as the ice management, anchor handler and drilling units are at or near the first drill site and would continue throughout the drilling period and until the drilling related vessels have left the exploration drilling area. Since the current plans are for vessels to enter the Chukchi Sea on or about 1 July, surveys would be initiated on or about 3 July. This start date differs from past practices of beginning five days prior to initiation of an activity and continuing until five days after cessation of the activity because the presence of vessels with helidecks in the area where overflights will occur is one of the main mitigations that will allow for safe operation of the overflight program this far offshore. The surveys will be based out of Barrow and the same aircraft will conduct the offshore surveys around the drilling units and the coastal saw-tooth pattern. The surveys of offshore areas around the drilling units will take precedence over the sawtooth survey, but if weather does not permit surveying offshore, the nearshore survey will be conducted if weather permits.

The aerial survey grids are designed to maximize coverage of the sound level fields of the drilling units during the different exploratory drilling activities. The survey grids can be modified as necessary based on weather and whether a noisy activity or quiet activity is taking place. The intensive survey design maximizes the effort over the area where sound levels are highest. The outer survey grid covers an elliptical area with a 45 km radius near the center of the ellipse. The spacing of the outer survey lines is 10 km, and the spacing between the intensive and outer lines is 5 km. The expanded survey grid covers a larger survey area, and the design is based on an elliptical area with a 50 km radius centered on the well sties. For both survey designs the main transects will be spaced 10 km apart which will allow even coverage of the survey area during a single flight if weather conditions permit completion of a survey. A random starting point will be selected for each survey and the evenly spaced lines will be shifted NE. or SW. along the perimeter of the elliptical survey area based on the start point. The total length of survey lines will be about 1,000 km and the exact length will depend on the location of the randomly selected start point.

Following each survey, the imagery will be downloaded from the memory card to a portable hard drive and then backed up on a second hard drive and stored at accommodations in Barrow until the second hard drive can be transferred to Anchorage. In Anchorage, the imagery will be processed through a computer-assisted analysis program to identify where marine mammal sightings might be located among the many images obtained. A team of trained photo analysts will review the photographs identified as having potential sightings and record the appropriate data on each sighting. If time permits, a second review of some of the images will be conducted while in the field, but the sightings recorded during the second pass will be identified in the database as secondary sightings, so that biases associated with the detection in the imagery can be quantified. If time does not permit that review to be conducted while in the field, the review will be conducted by personnel in the office during or after the field season. A sample of images that are not identified by the computer-assisted analysis program will be examined in detail by the image analysts to determine if the program has missed marine mammal sightings. If the analysis program has missed mammal sightings, these data will be to develop correction factors to account for these missed sightings among the images that were not examined.

5. Chukchi Sea Coastal Aerial Survey

Nearshore aerial surveys of marine mammals in the Chukchi Sea were conducted over coastal areas to approximately 23 miles (mi) [37 kilometers (km)] offshore in 2006–2008 and in 2010 in support of Shell's summer seismic exploration activities. In 2012 these surveys were flown when it was not possible to fly the photographic transects out over the Burger well site due to weather or rescue craft availability. These surveys provided data on the distribution and abundance of marine mammals in nearshore waters of the Chukchi Sea. Shell plans to conduct these nearshore aerial surveys in the Chukchi Sea as opportunities unfold and surveys will be similar to those conducted during previous years except that no PSOs will be onboard the aircraft. As noted above, the first priority will be to conduct photographic surveys around the offshore exploration drilling activities, but nearshore surveys will be conducted whenever weather does not permit flying offshore. As in past years, surveys in the southern part of the nearshore survey area will depend on the end of the beluga hunt near Point Lay. In past years, Point Lay has requested that aerial surveys not be conducted until after the beluga hunt has ended and so the start of surveys has been delayed until mid-July.

Alaskan Natives from villages along the east coast of the Chukchi Sea hunt marine mammals during the summer and Native communities are concerned that offshore oil and gas exploration activities may negatively impact their ability to harvest marine mammals. Of particular concern are potential impacts on the beluga harvest at Point Lay and on future bowhead harvests at Point Hope, Point Lay, Wainwright and Barrow. Other species of concern in the Chukchi Sea include the gray whale; bearded, ringed, and spotted seals. Gray whale and harbor porpoise are expected to be the most numerous cetacean species encountered during the proposed aerial survey; although harbor porpoise are abundant they are difficult to detect from aircraft because of their small size and brief surfacing. Beluga whales may occur in high numbers early in the season. The ringed seal is likely to be the most abundant pinniped species. The current aerial survey program will be designed to collect distribution data on cetaceans but will be limited in its ability to collect similar data on pinnipeds and harbor porpoises because they are not reliably detectable during review of the collected images unless a third camera with a 50 mm or similar lens is deployed.

Transects will be flown in a saw-toothed pattern between the shore and 23 mi (37 km) offshore as well as along the coast from Point Barrow to Point Hope. This design will permit completion of the survey in one to two days and will provide representative coverage of the nearshore region. Sawtooth transects were designed by placing transect start/end points every 34 mi (55 km) along the offshore boundary of this 23 mi (37 km) wide nearshore zone, and at midpoints between those points along the coast. The transect line start/end points will

be shifted along both the coast and the offshore boundary for each survey based upon a randomized starting location, but overall survey distance will not vary substantially. The coastline transect will simply follow the coastline or barrier islands. As with past surveys of the Chukchi Sea coast, coordination with coastal villages to avoid disturbance of the beluga whale subsistence hunt will be extremely important. ''No-fly'' zones around coastal villages or other hunting areas established during communications with village representatives will be in place until the end of the hunting season.

Standard aerial survey procedures used in previous marine mammal projects (by Shell as well as by others) will be followed. This will facilitate comparisons and (as appropriate) pooling with other data, and will minimize controversy about the chosen survey procedures. The aircraft will be flown at 110–120 knots ground speed and usually at an altitude of 1,000 ft (305 m). Aerial surveys at an altitude of 1,000 ft (305 m) do not provide much information about seals but are suitable for bowhead, beluga, and gray whales. The need for a 1,000+ ft (305+ m) or 1,500+ ft (454+ m) cloud ceiling will limit the dates and times when surveys can be flown. Selection of a higher altitude for surveys would result in a significant reduction in the number of days during which surveys would be possible, impairing the ability of the aerial program to meet its objectives.

The surveyed area will include waters where belugas are usually available to subsistence hunters. If large concentrations of belugas are encountered during the survey, the aircraft will climb to ~10,000 ft (3,050 m) altitude to avoid disturbing the cetaceans. If cetaceans are in offshore areas, the aircraft will climb high enough to include all cetaceans within a single photograph; typically about 3,000 ft (914 m) altitude. When in shallow water, belugas and other marine mammals are more sensitive to aircraft over flights and other forms of disturbance than when they are offshore (see Richardson *et al.* 1995 for a review). They frequently leave shallow estuaries when over flown at altitudes of 2,000–3,000 ft (610–904 m); whereas they rarely react to aircraft at 1,500 ft (457 m) when offshore in deeper water.

Monitoring Plan Peer Review

The MMPA requires that monitoring plans be independently peer reviewed ''where the proposed activity may affect the availability of a species or stock for taking for subsistence uses'' (16 U.S.C. 1371(a)(5)(D)(ii)(III)). NMFS' implementing regulations state, ''Upon receipt of a complete monitoring plan, and at its discretion, [NMFS] will either submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan'' (50 CFR 216.108(d)).

NMFS established an independent peer review panel to review Shell's 4MP for the proposed exploration drilling in the Chukchi Sea. The panel met in early March 2015, and provided comments and recommendations to NMFS in April 2015. The full panel report can be viewed on the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*.

NMFS provided the panel with Shell's IHA application and monitoring plan and asked the panel to answer the following questions:

1. Will the applicant's stated objectives effectively further the understanding of the impacts of their activities on marine mammals and otherwise accomplish the goals stated above? If not, how should the objectives be modified to better accomplish the goals above?

2. Can the applicant achieve the stated objectives based on the methods described in the plan?

3. Are there technical modifications to the proposed monitoring techniques and methodologies proposed by the applicant that should be considered to better accomplish their stated objectives?

4. Are there techniques not proposed by the applicant (*i.e.,* additional monitoring techniques or methodologies) that should be considered for inclusion in the applicant's monitoring program to better accomplish their stated objectives?

5. What is the best way for an applicant to present their data and results (formatting, metrics, graphics, etc.) in the required reports that are to be submitted to NMFS (*i.e.,* 90-day report and comprehensive report)?

The peer-review panel report contains recommendations that the panel members felt were applicable to the Shell' monitoring plans. The panel concluded that the proposed exclusion zones, PSO vessel-based and aerial effort described in the 4MP will further the understanding of the impacts of the activities on marine mammals. However, the panel also pointed out that Shell's passive acoustics monitoring objectives did not include monitoring for negative effects of drilling activities such as spatial displacement. In addition, the panel concluded that the methodology described in the 4MP would only cover the stated objectives during good visibility day-light operations, where visual effort is most efficient. To compensate for these issues, the panel recommended Shell modify the deployment configuration of passive acoustic sensors to allow proper evaluation of evaluating the potential for spatial displacement of marine mammals. The panel provided two options:

Option A: Involves 4 axial deployment lines to independently evaluate effects of each drilling site; and

Option B: Involves 3 axial deployment lines but reduces the capacity to tease effects from each drilling site.

In addition, the panel recommended that the aerial survey transect lines be oriented parallel to the acoustic arrays and/or the axis between the two drill sites for compatibility with acoustic data.

Furthermore, the panel also provided comments on reporting measures and requests that the 90-day monitoring report include sightability curves for each species observed in the study area, and to report concurrent collection of spatially overlapped visual and acoustic data to allow for a more detailed description of approximate acoustic detection ranges for the different species sighted and acoustically detected.

NMFS discussed these recommendations with Shell to improve its monitoring and reporting measures. As a result, Shell considered localizing arrays of the types proposed by the peer review panel when designing its original passive acoustic monitoring plan. That analysis generated predicted detection ranges for marine mammal calls in the presence of support vessel and drilling activity sounds. It was found that detection ranges would be small (often less than 2 km) in the presence of the expected sound levels within a few kilometers of the drill sites. The panel's suggested recorder spacing is 5 km, so the effectiveness of the array would be limited. The layout of recorders close to the drilling sites as originally proposed was designed to focus on quantifying drilling source levels and ZVSP sound levels as a function of distance away from the drill sites.

Even though its localizing abilities might be limited, especially with respect to being able to examine deflections, the approximate geometry of part of the Panel's Option A can be achieved by simply reorienting Shell's drill rig sound characterization arrays. Shell therefore modified the initial layout to approximate the panel's Option A array layout.

For recommendations concerning reporting measures, Shell agrees to provide:

(1) Sightability curves by species or species group in the 90-day report, as appropriate given the data collected, and

(2) Visual and acoustic detection results overlaid in the 90-day report to the extent allowed by data collected in 2015.

Concerning the comment on orienting aerial transect lines parallel to the acoustic arrays and/or the axis between the two drill sites for compatibility with acoustic data, Shell determined that a north-south orientation that would be perpendicular to the generally east-west migration of bowheads may be advantageous to generating statistically robust density estimates. The original northwest-southeast orientation was designed to be consistent with the ASAMM survey lines that cover the greater region.

Since the Burger aerial survey does not tie-back to the coastline, maintaining consistency with the ASAMM survey lines is less useful than orienting the lines to be perpendicular with the migration of bowheads. Therefore, Shell is considering shifting the orientation of the survey lines to be north-south. However, for safety reasons, further analysis of the overall flight time and duration of time spent on the western edge of the survey area using the north-south survey lines must be completed before the orientation and location of the lines can be finalized. Shell states that it must assess the specifics of flight times, aviation fuel requirements, and distances for which search and rescue (SAR) coverage exists, among other factors before committing to a change in the flight pattern and flight duration. If flight pattern changes as described above meet the Shell safety standards, Shell may be able to alter the flight patterns in time for the 2015 season. Shell will not alter the map of the proposed route map in the 4MP, but would reflect the change in the resulting 90-day report following the season should changes be made to the flight patterns flown. NMFS is satisfied with this explanation and approach to making the recommended change, and did not incorporate the recommendation from the panel regarding flight pattern changes.

Additionally, though not requested, the peer review panel also recommended a number of mitigation measures listed below:

(1) If a bowhead whale or other large whale has been sighted within 2,000 m of the drilling site during the 5 days prior to the onset of ZVSP operations, airgun activity should be avoided outside good visibility day-light periods.

(2) Implement power-down or shutdown procedures if a bowhead whale mother/calf pair or an aggregation of 3 or more bowhead or gray whales is sighted within 2,000 m of the airgun array.

(3) Mitigation gun cannot be used for more than 30 min during repositioning, and then Shell should initiate standard ramp-up procedures prior to the use of the full airgun array.

(4) Vessels maintain quiet when stationary, *i.e,* vessels be anchored with engines and depth sounder off (as appropriate from a safety point of view), preferably near an acoustic mooring to allow PSOs to scan for marine mammals.

NMFS analyzed these recommendations and worked with Shell to understand the practicability of these mitigation recommendations and concluded that these measures either do not provide added value to the existing mitigation measures already prescribed and/or are impracticable due to costs for the company for the following reasons:

(1) *2,000 meter exclusion zone*—Shell has already incorporated a 50% safety margin into the proposed 1,380 m exclusion zone for ZVSP. Thus, the established safety zone is already conservative. Moreover, PSO monitoring will be more effective over this radius than an unnecessarily larger 2,000 meter radius. The ability to monitor the near-field zone more effectively is an important consideration as the potential for more significant injurious effects has a higher likelihood of occurring close to the source, where sound pressures are highest.

(2) *Power-down or shutdown*—It is impracticable for Shell (or other seismic operators) to shutdown airgun activities during low visibility or night-time conditions. ZSP is a relatively short activity that takes about 10–14 hours to complete; however, once it is started, any interruption would require the ZSP to be restarted, which would be impracticable and take more time for the company to complete the work. Furthermore, this would extend the survey duration longer than needed. In standard practice, NMFS typically requires that no startup of airguns will be allowed if the exclusion zone cannot be visually cleared prior to full array ramp up. Large seismic arrays are allowed to operate at night and during inclement weather when appropriate mitigation measures are in use, *e.g.,* operating after a ramp-up in full visibility, or operating following mitigation gun operation for limited amounts of time following power downs or brief shutdowns.

(3) *Mitigation gun*—NMFS recognizes that mitigation guns create noise underwater which, although lower than full-power seismic airguns, can adversely affect marine mammals in the nearby vicinity, and in the past several years has conditioned that mitigation guns only be used during turns for a maximum of 3 hours. While Shell's ZVSP array is stationary, the re-positioning from one session to the next will take more than 30 minutes. Therefore, limiting the mitigation gun to be used for a maximum of 30 minutes will require Shell to ramp-up after a session, which would extend the duration of the entire ZVSP program. Furthermore, the total ZVSP operations would only last for 20–28 hours. Therefore, working through the details of an operational adjustment to address this issue, NMFS determined there would be less environmental impact to allow the mitigation gun to operate longer than 30 minutes than require ramping up after a re-positioning and operating at a rate of 5 minutes per shoot.

(4) *Vessel anchoring with engines and depth sounders off*—Although it is desirable to have less noise output from the proposed operations, NMFS also considers the safety issue as a critical factor to determine whether such proposed mitigation measures should be included. The following reasoning led NMFS to conclude, after consulting with Shell, that requiring vessels to have engines and depth sounders off while anchoring is not practicable for the industry operations.

- Anchoring:—Vessel Masters are responsible for crew safety and operation of their vessels in the open water Chukchi Sea. Vessel masters decide, based on numerous factors, safety being paramount, how the vessel maintains its position during stand-by periods. Vessels use slow transits to be able to continuously orient themselves relative to weather and swell directions to minimize vessel motion in the open ocean. Anchoring also restricts vessel flexibility to react quickly to sea state, weather, and work requirements. With regard to how vessels will be operated in the presence of marine mammals, each vessel will be staffed with PSOs when underway or in stand-by mode. PSOs will scan the area for marine mammals and advise the Vessel Master when marine mammals are in the vicinity of the vessel.
- Positioning vessels near acoustic stations:—Vessels would need to keep their generators and other auxiliary machinery operating when anchored.

Even though vessel propulsion noise would be eliminated, the auxiliary systems would continue to generate underwater noise that would significantly mask marine mammal calls on nearby recorders.

• Depth sounders:—These devices are highly directional in the downward direction. Little sound energy propagates horizontally away from the vessels to expose marine mammals to additional sounds. Turning off depth sounders is a safety concern that is not outweighed by the small potential benefit.

Reporting Measures

Two modifications were made from the proposed IHA: (1) In the final IHA issued to Shell, NMFS requires Shell to submit daily PSO logs to NMFS as reasonably practicable, and (2) we removed proposed conditions of providing ZSVP and vessel SSV reports within 120 hour after the measurements. The reason for removing 120-hour ZSVP SSV reporting is due to safety concerns of recovering acoustic recorders during drilling operations. The rationale for removing vessel SSV reporting within 120 hours is because vessel noises are not used to established exclusion zones and zones of influence, therefore, the is no need for a 120 hour quick turnaround for these reports. Both ZSVP and vessel SSVs will be reported in Shell's 90-day report.

(1) Submit daily PSO logs to NMFS as reasonably practicable.

(2) Field Reports

Throughout the exploration drilling program, the PSOs will prepare a report each day or at such other interval as required summarizing the recent results of the monitoring program. The reports will summarize the species and numbers of marine mammals sighted. These reports will be provided to NMFS as required.

(3) Technical Reports

The results of Shell's 2015 Chukchi Sea exploratory drilling monitoring program (*i.e.,* vessel-based, aerial, and acoustic) will be presented in the ''90-day'' and Final Technical reports under the proposed IHA. Shell proposes that the Technical Reports will include: (1) Summaries of monitoring effort (*e.g.,* total hours, total distances, and marine mammal distribution through study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals); (2) analyses of the effects of various factors influencing detectability of marine mammals (*e.g.,* sea state, number of observers, and fog/glare); (3) species composition, occurrence, and distribution of marine mammal sightings, including date, water depth, numbers, age/size/gender categories (if determinable), group sizes, and ice cover; (4) sighting rates of marine mammals during periods with and without drilling activities (and other variables that could affect detectability); (5) initial sighting distances versus drilling state; (6) closest point of approach versus drilling state; (7) observed behaviors and types of movements versus drilling state; (8) numbers of sightings/individuals seen versus drilling state; (9) distribution around the drilling units and support vessels versus drilling state; and (10) estimates of take by harassment. This information will be reported for both the vessel-based and aerial monitoring.

Analysis of all acoustic data will be prioritized to address the primary questions, which are to: (a) Determine when, where, and what species of animals are acoustically detected on each AMAR ; (b) analyze data as a whole to determine offshore bowhead distributions as a function of time; (c) quantify spatial and temporal variability in the ambient noise; and (d) measure received levels of drilling unit activities. The detection data will be used to develop spatial and temporal animal distributions. Statistical analyses will be used to test for changes in animal detections and distributions as a function of different variables (*e.g.,* time of day, time of season, environmental conditions, ambient noise, vessel type, operation conditions).

Finally, the 90-day report should also include sightability curves and analysis overlaying visual and acoustic detections.

The initial technical report is due to NMFS within 90 days of the completion of Shell's Chukchi Sea exploration drilling program. The ''90-day'' report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS.

(4) Notification of Injured or Dead Marine Mammals

Shell will be required to notify NMFS' Office of Protected Resources and NMFS' Stranding Network of any sighting of an injured or dead marine mammal. Based on different circumstances, Shell may or may not be required to stop operations upon such a sighting. Shell will provide NMFS with the species or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available). The specific language describing what Shell must do upon sighting a dead or injured marine mammal appears in the IHA.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]. Only take by Level B behavioral harassment is anticipated as a result of the proposed drilling program. Noise propagation from the drilling units, associated support vessels (including during icebreaking if needed), and the airgun array are expected to harass, through behavioral disturbance, affected marine mammal species or stocks. Additional disturbance to marine mammals may result from aircraft overflights and visual disturbance of the drilling units or support vessels. However, based on the flight paths and altitude, impacts from aircraft operations are anticipated to be localized and minimal in nature. Based on new information and through section 7 consultation under the Endangered Species Act (ESA), a few changes have been made to the underlying data and the methods used to calculate take, including: Updated density estimates for bowhead, gray, and beluga whales based on new survey data, the use of anticipated turnover rates of bowhead and ringed seals within the area, removal of level B harassment reduction factor for bowhead whales based on avoidance, and calculating the stock specific takes for the East Chukchi Sea and Beaufort Sea beluga whales separately. These changes are described in greater detail below.

The full suite of potential impacts to marine mammals from various industrial activities was described in detail in the ''Potential Effects of the Specified Activity on Marine Mammals'' section in the **Federal Register** notice (80 FR 11726; March 4, 2015) for the proposed IHA. The potential effects of sound from the proposed exploratory drilling program without regard to any mitigation might include one or more of the following: Tolerance; masking of natural sounds; behavioral disturbance; non-auditory physical effects; and, at

least in theory, temporary or permanent hearing impairment (Richardson *et al.* 1995a). As discussed in the **Federal Register** notice (80 FR 11726; March 4, 2015) for the proposed IHA, NMFS estimates that Shell's activities will most likely result in behavioral disturbance, including avoidance of the ensonified area or changes in speed, direction, and/or diving profile of one or more marine mammals. For reasons discussed in the **Federal Register** notice (80 FR 11726; March 4, 2015) for the proposed IHA, hearing impairment (TTS and PTS) is highly unlikely to occur based on the fact that most of the equipment to be used during Shell's proposed drilling program does not have source levels high enough to elicit even mild TTS and/or the fact that certain species are expected to avoid the ensonified areas close to the operations. The required monitoring and mitigation measures further reduce any potential for hearing impairment. Additionally, non-auditory physiological effects are anticipated to be minor, if any would occur at all.

For continuous sounds, such as those produced by drilling operations and during icebreaking activities, NMFS uses a received level of 120-dB (rms) to indicate the onset of Level B harassment. For impulsive sounds, such as those produced by the airgun array during the ZVSP surveys, NMFS uses a received level of 160-dB (rms) to indicate the onset of Level B harassment. Shell provided calculations for the 120-dB isopleths produced by aggregate sources and then used those isopleths to estimate takes by harassment. Additionally, Shell provided calculations for the 160-dB isopleth produced by the airgun array and then used that isopleth to estimate takes by harassment. Shell provides a full description of the methodology used to estimate takes by harassment in its IHA application (see **ADDRESSES**), which is also provided, and revised as mentioned above, in the following sections.

Shell has requested authorization to take bowhead, gray, fin, humpback, minke, killer, and beluga whales, harbor porpoise, and ringed, spotted, bearded, and ribbon seals incidental to exploration drilling, ice management/icebreaking, and ZVSP activities. Additionally, Shell provided exposure estimates and requested takes of narwhal. However, as stated previously in this document, sightings of this species are rare, and the likelihood of occurrence of narwhals in the proposed drilling area is minimal. Therefore, NMFS is not authorizing take of this species.

Basis for Estimating ''Take by Harassment''

''Take by Harassment'' is described in this section and was calculated in Shell's application by multiplying the three factors below, which provides the number of instances of take. In a couple of cases, other-species specific information is taken into consideration to help better understand the number of individuals taken. Following are the three factors:

- The expected densities of marine mammals that may occur near the exploratory drilling operations,
- The area of water likely to be exposed to continuous, non-pulse sounds ≥120 dB re 1 μPa (rms) during drilling unit operations or icebreaking activities and impulse sounds ≥160 dB re 1 μPa (rms) created by seismic airguns during ZVSP activities, and
- The number of days of the applicable activity.

Through the IHA process we determined that certain modifications to the take estimates were appropriate. Those are described in subsequent sections of this Notice (see *Marine Mammal Density Estimates* and *Estimated Takes*). The next subsection describes the estimated densities of marine mammals that may occur in the project area. The area of water that may be ensonified to the above sound levels is described further in the ''*Individual Sound Sources and Level B Harassment Radii*'' subsection.

Marine Mammal Density Estimates

In the **Federal Register** notice (80 FR 11726; March 4, 2015) for the proposed IHA, a detailed description was provided on the marine mammal densities in the Chukchi Sea. However, NMFS later learned that data only included sighting data from 2012 and 2013 for bowhead, gray, and beluga whales. Upon consulting with NMFS Alaska Regional Office (AKRO) under section 7 of the Endangered Species Act and the National Marine Mammal Laboratory (NMML), we determined that using sighting data covering 2008–2014 will yield more accurate density estimates of these three species. In addition, NMFS also revised the detectability bias f(0) in density calculation for the bowhead whale based on Ferguson and Clarke (2013). Therefore, NMFS is revising the take estimates of bowhead, gray, and beluga whales in this section based on these updates to the density estimates.

Marine mammal density estimates in the Chukchi Sea have been derived for two time periods, the summer period covering July and August, and the fall period including September and October. Animal densities encountered in the Chukchi Sea during both of these time periods will further depend on the habitat zone within which the activities are occurring: Open water or ice margin. More ice is likely to be present in the area of activities during the July–August period, so summer ice-margin densities have been applied to 50% of the area that may be ensonified from drilling and ZVSP activities in those months. Open water densities in the summer were applied to the remaining 50 percent of the area. Less ice is likely to be present during the September–October period, so fall ice-margin densities have been applied to only 20% of the area that may be ensonified from drilling and ZVSP activities in those months. Fall open-water densities were applied to the remaining 80 percent of the area. Since ice management activities would only occur within ice-margin habitat, the entire area potentially ensonified by ice management activities has been multiplied by the ice-margin densities in both seasons.

There is some uncertainty about the representativeness of the data and assumptions used in the calculations. To provide some allowance for the uncertainties, ''maximum estimates'' as well as ''average estimates'' of the numbers of marine mammals potentially affected have been derived. For a few marine mammal species, several density estimates were available. In those cases, the mean and maximum estimates were determined from the reported densities or survey data. In other cases only one or no applicable estimate was available, so correction factors were used to arrive at ''average'' and ''maximum'' estimates. These are described in detail in the following subsections.

Detectability bias, quantified in part by f(0), is associated with diminishing sightability with increasing lateral distance from the survey trackline. Availability bias, g(0), refers to the fact that there is <100% probability of sighting an animal that is present along the survey trackline. Some sources below included these correction factors in the reported densities (*e.g.,* ringed seals in Bengtson *et al.* 2005) and the best available correction factors were applied to reported results when they had not already been included (*e.g.,* Moore *et al.* 2000).

(1) Cetaceans

Eight species of cetaceans are known to occur in the activity area. Three of the nine species, bowhead, fin, and humpback whales, are listed as ''endangered'' under the ESA.

(a) Beluga Whales

Summer densities of beluga whales in offshore waters are expected to be low, with somewhat higher densities in ice-margin and nearshore areas. Past aerial surveys have recorded few belugas in the offshore Chukchi Sea during the summer months (Moore *et al.* 2000). More recent aerial surveys of the Chukchi Sea from 2008–2014 flown by the NMML as part of the COMIDA project, now part of the Aerial Surveys of Arctic Marine Mammals (ASAMM) project, reported 10 beluga sightings (22 individuals) in offshore waters during 22,154 km of on-transect effort. Larger groups of beluga whales were recorded in nearshore areas, especially in June and July during the spring migration (Clarke *et al.* 2012, 2013). Additionally, only one beluga sighting was recorded during >80,000 km of visual effort during good visibility conditions from industry vessels operating in the Chukchi Sea in September–October of 2006–2010 (Hartin *et al.* 2013). If belugas are present during the summer, they are more likely to occur in or near the ice edge or close to shore during their northward migration. Effort and sightings reported by Clarke *et al.* (2012, 2013) were used to calculate the average open-water density estimate. The mean group size of the sightings was 2.2. A f(0) value of 2.841 and g(0) value of 0.58 from Harwood *et al.* (1996) were also used in the density calculation resulting in an average open-water density of 0.0010 belugas/km^2. The highest density from the reported survey periods (0.0030 belugas/km^2) has been used as the maximum density that may occur in open-water habitat. Specific data on the relative abundance of beluga in open-water versus ice-margin habitat during the summer in the Chukchi Sea is not available. However, belugas are commonly associated with ice, so an inflation factor of four was used to estimate the ice-margin densities from the open-water densities. Very low densities observed from vessels operating in the Chukchi Sea during non-seismic periods and locations in July–August of 2006–2010 (0.0–0.0003/mi^2, 0.0–0.0001/km^2; Hartin *et al.* 2013), also suggest the number of beluga whales likely to be present near the planned activities will not be large.

In the fall, beluga whale densities offshore in the Chukchi Sea are expected to be somewhat higher than in the summer because individuals of the eastern Chukchi Sea stock and the Beaufort Sea stock will be migrating south to their wintering grounds in the Bering Sea (Allen and Angliss 2012). Densities derived from survey results in the northern Chukchi Sea in Clarke and Ferguson and Clarke *et al.* (2012, 2013) were used as the average density for open-water season estimates. Clarke and Ferguson (in prep, cited in Shell 2014) and Clarke *et al.* (2012, 2013) reported 17 beluga sightings (28 individuals) during 22,255 km of on-transect effort in water depths 36–50 m during the months of July through September. The mean group size of those three sightings was 1.6. A f(0) value of 2.841 and a g(0) value of 0.58 from Harwood *et al.* (1996) were used to calculate the average open-water density of 0.0100 belugas/km^2. The highest density from the reported periods (0.0420 belugas/km^2) was again used as the maximum density that may occur in open-water habitat. Moore *et al.* (2000) reported lower than expected beluga sighting rates in open-water during fall surveys in the Beaufort and Chukchi seas, so an inflation value of four was used to estimate the ice-margin densities from the open-water densities. Based on the few beluga sightings from vessels operating in the Chukchi Sea during non-seismic periods and locations in September–November of 2006–2010 (Hartin *et al.* 2013), the relatively low densities shown in Table 6–2 in Shell's IHA application are consistent with what is likely to be observed form vessels during the planned exploration drilling activities.

(b) Bowhead Whales

By July, most bowhead whales are northeast of the Chukchi Sea, within or migrating toward their summer feeding grounds in the eastern Beaufort Sea. No bowheads were reported during 10,686 km of on-transect effort in the Chukchi Sea by Moore *et al.* (2000). Bowhead whales were also rarely sighted in July–August of 2006–2010 during aerial surveys of the Chukchi Sea coast (Thomas *et al.* 2011). This is consistent with movements of tagged whales (ADFG 2010), all of which moved through the Chukchi Sea by early May 2009, and tended to travel relatively close to shore, especially in the northern Chukchi Sea.

The estimate of the July–August open-water bowhead whale density in the Chukchi Sea was calculated from the three bowhead sightings (3 individuals) and 22,154 km of survey effort in waters 36–50 m deep in the Chukchi Sea during July–August reported in Clarke and Ferguson (in prep, cited in Shell 2014) and Clarke *et al.* (2012, 2013). The mean group size from those sightings was 1. The group size value, along with a f(0) value of 1.15 and a g(0) value of 0.07, both from Thomas *et al.* (2002) were used to estimate a summer density of 0.0010 bowheads/km^2. The two sightings recorded during 4,209 km of survey effort in 2011 (Clarke *et al.* 2012) produced the highest annual bowhead density during July–August (0.0050 bowheads/km^2) which was used as the maximum open-water density. Bowheads are not expected to be encountered in higher densities near ice in the summer (Moore *et al.* 2000), so the same density estimates have been used for open-water and ice-margin habitats. Densities from vessel based surveys in the Chukchi Sea during non-seismic periods and locations in July–August of 2006–2010 (Hartin *et al.* 2013) ranged from 0.0002–0.0008/km^2 with a maximum 95% CI of 0.0085/km^2.

During the fall, bowhead whales that summered in the Beaufort Sea and Amundsen Gulf migrate west and south to their wintering grounds in the Bering Sea, making it more likely those bowheads will be encountered in the Chukchi Sea at this time of year. Moore *et al.* (2000) reported 34 bowhead sightings during 44,354 km of on-transect survey effort in the Chukchi Sea during September–October. Thomas *et al.* (2011) also reported increased sightings on coastal surveys of the Chukchi Sea during October and November of 2006–2010. GPS tagging of bowheads appear to show that migration routes through the Chukchi Sea are more variable than through the Beaufort Sea (Quakenbush *et al.* 2010). Some of the routes taken by bowheads remain well north of the planned drilling activities while others have passed near to or through the area. Kernel densities estimated from GPS locations of whales suggest that bowheads do not spend much time (*e.g.,* feeding or resting) in the north-central Chukchi Sea near the area of planned activities (Quakenbush *et al.* 2010). However, tagged whales did spend a considerable amount of time in the north-central Chukchi Sea in 2012, despite ongoing industrial activities in the region (ADFG 2012). Clarke *et al.* (2012, 2013) reported 72 sightings (86 individuals) during 22,255 km of on-transect aerial survey effort in waters 36–50 m deep in 2008–2012, the majority of which (53 sightings) were recorded in 2012. The mean group size of the 72 sightings was 1.2. The same f(0) and g(0) values that were used for the summer estimates above were used for the fall estimates resulting in an average September–October estimate of 0.0230 bowheads/km^2. The highest density form the survey periods (0.0780 bowheads/km^2) was used as the maximum open-water density during the fall period. Moore *et al.* (2000) found that bowheads were detected more often than expected in association with ice in

the Chukchi Sea in September–October, so the ice-margin densities that are used are twice the open-water densities. Densities from vessel based surveys in the Chukchi Sea during non-seismic periods and locations in September–November of 2006–2010 (Hartin *et al.* 2013) ranged from 0.0003 to 0.0052/km² with a maximum 95 percent CI of 0.051/km².

(c) Gray Whales

Gray whale densities are expected to be much higher in the summer months than during the fall. Moore *et al.* (2000) found the distribution of gray whales in the planned operational area was scattered and limited to nearshore areas where most whales were observed in water less than 35 m deep. Thomas *et al.* (2011) also reported substantial declines in the sighting rates of gray whales in the fall. The average open-water summer density was calculated from 2008–2014 aerial survey effort and sightings in Clarke *et al.* (2012, 2013) for water depths 36–50 m including 98 sightings (137 individuals) during 22,154 km of on-transect effort. The average group size of those sightings was 1.4. Correction factors f(0) = 2.49 (Forney and Barlow 1998) and g(0) = 0.30 (Forney and Barlow 1998, Mallonee 1991) were used to calculate and average open-water density of 0.0080 gray whales/km². The highest density from the survey periods reported in Clarke *et al.* (2012, 2013) was 0.0300 gray whales/km² and this was used as the maximum open-water density. Gray whales are not commonly associated with sea ice, but may be present near it, so the same densities were used for ice-margin habitat as were derived for open-water habitat during both seasons. Densities from vessel based surveys in the Chukchi Sea during non-seismic periods and locations in July–August of 2006–2010 (Hartin *et al.* 2013) ranged from 0.0008/km² to 0.0085/km² with a maximum 95 percent CI of 0.0353 km².

In the fall, gray whales may be dispersed more widely through the northern Chukchi Sea (Moore *et al.* 2000), but overall densities are likely to be decreasing as the whales begin migrating south. A density calculated from effort and sightings (46 sightings [64 individuals] during 22,255 km of on-transect effort) in water 36–50 m deep during September–October reported by Clarke and Ferguson (in prep, cited in Shell 2014) and Clarke *et al.* (2012, 2013) was used as the average estimate for the Chukchi Sea during the fall period (0.0040 gray whales/km²). The corresponding group size value of 1.39, along with the same f(0) and g(0) values described above were used in the calculation. The maximum density from the survey periods (0.0080 gray whales/km²) was reported in 2013 (Clarke *et al.* 2013) and used as the maximum fall open-water density. Densities from vessel based surveys in the Chukchi Sea during non-seismic periods and locations in September–November of 2006–2010 (Hartin *et al.* 2013) ranged from 0.0/km² to 0.0044/km² with a maximum 95% CI of 0.0335 km².

(d) Harbor Porpoises

Harbor Porpoise densities were estimated from industry data collected during 2006–2010 activities in the Chukchi Sea. Prior to 2006, no reliable estimates were available for the Chukchi Sea and harbor porpoise presence was expected to be very low and limited to nearshore regions. Observers on industry vessels in 2006–2010, however, recorded sightings throughout the Chukchi Sea during the summer and early fall months. Density estimates from 2006–2010 observations during non-seismic periods and locations in July–August ranged from 0.0013/km² to 0.0029/km² with a maximum 95% CI of 0.0137/km² (Hartin *et al.* 2013). The average density from the summer season of those three years (0.0022/km²) was used as the average open-water density estimate while the high value (0.0029/km²) was used as the maximum estimate (Table 6–1 in Shell's IHA application). Harbor porpoise are not expected to be present in higher numbers near ice, so the open-water densities were used for ice-margin habitat in both seasons. Harbor porpoise densities recorded during industry operations in the fall months of 2006–2010 were slightly lower and ranged from 0.0/km² to 0.0044/km² with a maximum 95% CI of 0.0275/km². The average of those years (0.0021/km²) was again used as the average density estimate and the high value (0.0044/km²) was used as the maximum estimate (Table 6–2 in Shell's IHA application).

(e) Other Whales

The remaining five cetacean species that could be encountered in the Chukchi Sea during Shell's planned exploration drilling program include the humpback whale, killer whale, minke whale, and fin whale. Although there is evidence of the occasional occurrence of these five cetacean species in the Chukchi Sea, it is unlikely that more than a few individuals will be encountered during the planned exploration drilling program and therefore minimum densities have been assigned to these species (Tables 6–1 and 6–2 in Shell's IHA application). Clarke *et al.* (2011, 2013) and Hartin *et al.* (2013) reported humpback whale sightings; George and Suydam (1998) reported killer whales; Brueggeman *et al.* (1990), Hartin *et al.* (2013), Clarke *et al.* (2012, 2013), and Reider *et al.* (2013) reported minke whales; and Clarke *et al.* (2011, 2013) and Hartin *et al.* (2013) reported fin whales. With regard to humpback and fin whales, NMFS (2013) recently concluded these whales occur in very low numbers in the project area, but may be regular visitors.

Of these uncommon cetacean species, minke whale has the potential to be the most common based on recent industry surveys. Reider *et al.* (2013) reported 13 minke whale sightings in the Chukchi Sea in 2013 during Shell's marine survey program. All but one minke whale sighting in 2013, however, were observed in nearshore areas despite only minimal monitoring effort in nearshore areas compared to more offshore locations near the Burger prospect (Reider *et al.* 2013).

(2) Pinnipeds

Three species of pinnipeds under NMFS jurisdiction are likely to be encountered in the Chukchi Sea during Shell's planned exploration drilling program: Ringed seal, bearded seal, and spotted seal. Ringed and bearded seals are associated with both the ice margin and the nearshore area. The ice margin is considered preferred habitat (as compared to the nearshore areas) for ringed and bearded seals during most seasons. Spotted seals are often considered to be predominantly a coastal species except in the spring when they may be found in the southern margin of the retreating sea ice. However, satellite tagging has shown that they sometimes undertake long excursions into offshore waters during summer (Lowry *et al.* 1994, 1998). Ribbon seals have been reported in very small numbers within the Chukchi Sea by observers on industry vessels (Patterson *et al.* 2007, Hartin *et al.* 2013).

(a) Ringed and Bearded Seals

Ringed seal and bearded seals ''average'' and ''maximum'' summer ice-margin densities were available in Bengtson *et al.* (2005) from spring surveys in the offshore pack ice zone (zone 12P) of the northern Chukchi Sea. However, corrections for bearded seal availability, g(0), based on haulout and diving patterns were not available. Densities of ringed and bearded seals in open water are expected to be somewhat lower in the summer when preferred pack ice habitat may still be present in the Chukchi Sea. Average and

maximum open-water densities have been estimated as ¾ of the ice margin densities during both seasons for both species. The fall density of ringed seals in the offshore Chukchi Sea has been estimated as ⅔ the summer densities because ringed seals begin to reoccupy nearshore fast ice areas as it forms in the fall. Bearded seals may also begin to leave the Chukchi Sea in the fall, but less is known about their movement patterns so fall densities were left unchanged from summer densities. For comparison, the ringed seal density estimates calculated from data collected during summer 2006–2010 industry operations ranged from 0.0138/km^2 to 0.0464/km^2 with a maximum 95 percent CI of 0.1581/km^2 (Hartin *et al.* 2013).

(b) Spotted Seals

Little information on spotted seal densities in offshore areas of the Chukchi Sea is available. Spotted seal densities in the summer were estimated by multiplying the ringed seal densities by 0.02. This was based on the ratio of the estimated Chukchi populations of the two species. Chukchi Sea spotted seal abundance was estimated by assuming that 8% of the Alaskan population of spotted seals is present in the Chukchi Sea during the summer and fall (Rugh *et al.* 1997), the Alaskan population of spotted seals is 59,214 (Allen and Angliss 2012), and that the population of ringed seals in the Alaskan Chukchi Sea is ~208,000 animals (Bengtson *et al.* 2005). In the fall, spotted seals show increased use of coastal haulouts so densities were estimated to be ⅔ of the summer densities.

(c) Ribbon Seals

Four ribbon seal sightings were reported during industry vessel operations in the Chukchi Sea in 2006–2010 (Hartin *et al.* 2013). The resulting density estimate of 0.0007/km^2 was used as the average density and 4 times that was used as the maximum for both seasons and habitat zones.

Individual Sound Sources and Level B Harassment Radii

The assumed start date of Shell's exploration drilling program in the Chukchi Sea using the drilling units *Discoverer* and *Polar Pioneer* with associated support vessels is 4 July. Shell may conduct exploration drilling activities at up to four drill sites at the prospect known as Burger. Drilling activities are expected to be conducted through approximately 31 October 2015.

Previous IHA applications for offshore Arctic exploration programs estimated areas potentially ensonified to ≥120 or ≥160 dB re 1μPa rms independently for each continuous or pulsed sound source, respectively (*e.g.,* drilling, ZVSP, etc.). The primary method used in this IHA application for estimating areas ensonified to continuous sound levels ≥120 dB re 1μPa rms by drilling-related activities involved sound propagation modeling of a variety of scenarios consisting of multiple, concurrently-operating sound sources. These ''activity scenarios'' consider additive acoustic effects from multiple sound sources at nearby locations, and more closely capture the nature of a dynamic acoustic environment where numerous activities are taking place simultaneously. The area ensonified to ≥160 dB re 1μPa rms from ZVSP, a pulsed sound source, was treated independently from the activity scenarios for continuous sound sources.

The continuous sound sources used for sound propagation modeling of activity scenarios included (1) drilling unit and drilling sounds, (2) supply and drilling support vessels using DP when tending to a drilling unit, (3) MLC construction, (4) anchor handling in support of mooring a drilling unit, and (5) ice management activities. The information used to generate sound level characteristics for each continuous sound source is summarized below to provide background on the model inputs. A ''safety factor'' of 1.3 dB re 1μPa rms was added to the source level for each sound source prior to modeling activity scenarios to account for variability across the project area associated with received levels at different depths, geoacoustical properties, and sound-speed profiles. The addition of the 1.3 dB re 1 μPa rms safety factor to source levels resulted in an approximate 20 percent increase in the distance to the 120 dB re 1μPa rms threshold for each continuous source.

Table 3 summarizes the 120 dB re 1 μPa rms radii for individual sound sources, both the ''original'' radii as measured in the field, and the ''adjusted'' values that were calculated by adding the ''safety factor'' of 1.3 dB re 1 μPa rms to each source. The adjusted source levels were then used in sound propagation modeling of activity scenarios to estimate ensonified areas and associated marine mammal exposure estimates. Additional details for each of the continuous sound sources presented in Table 3 are discussed below.

The pulsed sound sources used for sound propagation modeling of activity scenarios consisted of two small airgun arrays proposed for ZVSP activities. All possible array configurations and operating depths were modeled to identify the arrangement with the greatest sound propagation characteristics. The resulting ≥160 dB re 1μPa rms radius was multiplied by 1.5 as a conservative measure prior to estimating exposed areas, which is discussed in greater detail below.

TABLE 3—MEASURED AND ADJUSTED 120 DB RE 1 μPA RADII FOR INDIVIDUAL, CONTINUOUS SOUND SOURCES

Activity/Continuous sound source	Radii of 120 dB re 1 μPa (rms) isopleth (meters)	
	Original measurement	With 1.3 dB correction factor
Drilling at 1 site	1,500	1,800
Vessel in DP	4,500	5,500
Mudline cellar construction at 1 site	8,200	9,300
Anchor handling at 1 site (assumed to be 2 vessels)	19,000	22,000
Single vessel ice management	9,600	11,000

Two sound sources have been proposed by Shell for the ZVSP surveys in 2015. The first is a small airgun array that consists of three 150 in^3 (2,458 cm^3) airguns for a total volume of 450 in^3 (7,374 cm^3). The second ZVSP sound source consists of two 250 in^3 (4,097 cm^3) airguns with a total volume of 500 in^3 (8,194 cm^3). Sound footprints for each of the two proposed ZVSP airgun array configurations were estimated using JASCO Applied Sciences' MONM.

The model results were maximized over all water depths from 9.8 to 23 ft (3 to 7 m) to yield precautionary sound level isopleths as a function of range and direction from the source. The 450 in^3 airgun array at a source depth of 7 m yielded the maximum ranges to the ≥190, ≥180, and ≥160 dB re 1 μPa rms isopleths.

There are two reasons that the radii for the 450 in^3 airgun array are larger than those for the 500 in^3 array. First, the sound energy does not scale linearly with the airgun volume, rather it is proportional to the cube root of the volume. Thus, the total sound energy from three airguns is larger than the total energy from two airguns, even though the total volume is smaller. Second, larger volume airguns emit more low-frequency sound energy than smaller volume airguns, and low-frequency airgun sound energy is strongly attenuated by interaction with the surface reflection. Thus, the sound energy for the larger-volume array experiences more reduction and results in shorter sound threshold radii.

The estimated 95th percentile distances to the following thresholds for the 450 in^3 airgun array were: ≥190 dB re 1 μPa rms = 170 m, ≥180 dB re 1 μPa rms = 920 m, and ≥160 dB re 1 μPa rms = 7,970 m. The ≥160 dB re 1 μPa rms distance was multiplied by 1.5 for a distance of 11,960 m. This radius was used for estimating areas ensonified by pulsed sounds to ≥160 dB re 1 μPa rms during a single ZVSP survey. ZVSP surveys may occur at up to two different drill sites during Shell's planned 2015 exploration drilling program in the Chukchi Sea.

As noted above, previous IHA applications for Arctic offshore exploration programs estimated areas potentially ensonified to continuous sound levels ≥120 dB re 1μPa rms independently for each sound source. This method was appropriate for assessing a small number of continuous sound sources that did not consistently overlap in time and space. However, many of the continuous sound sources described above will operate concurrently at one or more nearby locations in 2015 during Shell's planned exploration drilling program in the Chukchi Sea. It is therefore appropriate to consider the concurrent operation of numerous sound sources and the additive acoustic effects from combined sound fields when estimating areas potentially exposed to levels ≥120 dB re 1 μPa rms.

A range of potential ''activity scenarios'' was derived from a realistic operational timeline by considering the various combinations of different continuous sound sources that may operate at the same time at one or more locations. The total number of possible activity combinations from all sources at up to four different drill sites would not be practical to assess or present in a meaningful way. Additionally, combinations such as concurrent drilling and anchor handling in close proximity do not add meaning to the analysis given the negligible contribution of drilling sounds to the total area ensonified by such a scenario. For these reasons, various combinations of similar activities were grouped into representative activity scenarios shown in Table 4. Ensonified areas for these representative activity scenarios were estimated through sound propagation modeling. Activity scenarios were modeled for different drill site combinations and, as a conservative measure, the locations corresponding to the largest ensonified area were chosen to represent the given activity scenario. In other words, by binning all potential scenarios into the most conservative representative scenario, the largest possible ensonified areas for all activities were identified for analysis. A total of nine representative activity scenarios were modeled to estimate areas exposed to continuous sounds ≥120 dB re 1 μPa rms for Shell's planned 2015 exploration drilling program in the Chukchi Sea (Table 4). A tenth scenario was included for the ZVSP activities.

TABLE 4—SOUND PROPAGATION MODELING RESULTS OF REPRESENTATIVE DRILLING RELATED ACTIVITY SCENARIOS AND ESTIMATES OF THE TOTAL AREA POTENTIALLY ENSONIFIED ABOVE THRESHOLD LEVELS AT THE BURGER PROSPECT IN THE CHUKCHI SEA, ALASKA, DURING SHELL'S PROPOSED 2015 EXPLORATION DRILLING PROGRAM

Activity scenario description	Threshold level (dB re 1 μPa rms)	Area potentially ensonified (km^2)	
		Summer	Fall
Drilling at 1 site	120	10.2	10.2
Drilling and DP vessel at 1 site	120	111.8	111.8
Drilling and DP vessel (1 site) + drilling and DP vessel (2nd site)	120	295.5	295.5
Mudline cellar construction at 2 different sites	120	575.5	575.5
Anchor handling at 1 site	120	1,534.9	1,534.9
Drilling and DP vessel at 1 site + anchor handling at 2nd site	120	1,759.2	1,759.2
Mudline cellar construction at 2 different sites + anchor handling at 3rd site	120	2,046.3	2,046.3
Two-vessel ice management	120	937.4	937.4
Four-vessel ice management	120	1,926.0	1,926.0
ZVSP at 2 different sites	160	0.0	898.0

Estimated Takes

This section provides estimates of the number of individuals potentially exposed to continuous sound levels ≥120 dB re 1 μPa rms from exploration drilling related activities and pulsed sound levels ≥160 dB re 1 μPa rms by ZVSP activities. The estimates are based on a consideration of the number of exposures of marine mammals to Shell's drilling operations in the Chukchi Sea during 2015 in the anticipated area ensonified to those sound levels, as well as the duration of the activities.

To account for different densities in different habitats, Shell has assumed that more ice is likely to be present in the area of operations during the July–August period than in the September–October period, so summer ice-margin densities have been applied to 50% of the area that may be exposed to sounds from exploration drilling activities in those months. Open water densities in the summer were applied to the remaining 50% of the area.

Less ice is likely to be present during the September–October period than in the July–August period, so fall ice-margin densities have been applied to only 20% of the area that may be exposed to sounds from exploration drilling activities in those months. Fall open-water densities were applied to the remaining 80% of the area. Since

icebreaking activities would only occur within ice-margin habitat, the entire area potentially ensonified by icebreaking activities has been multiplied by the ice-margin densities in both seasons.

Estimates of the numbers of marine mammals potentially exposed to continuous sounds ≥120 dB re 1 μPa rms or pulsed sounds ≥160 dB re 1 μPa rms are based on assumptions that include upward scaling of source levels for all sound sources, 100% ''turnover'' of individuals in ensonified areas every 24 hours (except for bowhead whales and ringed seals, as discussed below), and no decrease in the number of takes resulting from anticipated avoidance behaviors. These estimates are likely conservative given some of the buffers Shell included in their ensonified area estimates and the fact that the estimates indicate the likely instances of take, but are expected to overestimate the numbers of individuals, since we expect that the instances include repeated exposures of some individuals (meaning the number of individuals is lower), which is not quantitatively accounted for in any species except bowheads and ringed seals.

The following sections present exposure estimates for bowhead whales and ringed seals. Estimates were generated based on an evaluation of the best available science and a consideration of the assumptions above.

It is difficult to determine an average turnover time for individual bowhead whales in a particular area of the Chukchi Sea. Reasons for this include differences in residency time between migratory and non-migratory periods, changes in distribution of food and other factors such as behavior that influence animal movement, variation among individuals, etc.

Complete turnover of individual bowhead whales in the project area each 24-hour period is possible during distinct periods within the fall migration when bowheads are traveling through the area, however, bowheads often move in pulses with one to several days between major pulses of whales (Miller *et al.* 2002). Gaps between groups of traveling whales during fall migration result in days when no bowhead whales would be expected to be present in the activity area. The absence of bowhead whales during periods of the fall migration can likely be attributed to individuals stopping to feed opportunistically when food is encountered, which is known to occur annually in an area north of Barrow (Citta *et al.* 2014). The extent of feeding by bowhead whales during fall migration across other areas of the Chukchi Sea varies greatly from year to year based on the location and abundance of prey (Shelden and Mocklin 2013). For these reasons, NMFS believes a 24-hour turnover period for bowhead whales is unnecessarily conservative and has selected a turnover rate of 48 hours to estimate exposures. Using the projected 2015 bowhead whale population of 19,534, which is based on the Givens *et al.* (2013) bowhead whale abundance estimate of 16,892 individuals in 2011 with an annual growth rate of 3.7%, a reasonable estimate of individual exposures, as discussed above, to be associated with the assumptions of no avoidance and a 48-hour turnover period, is 2,582 individuals, or 5.5% of the projected 2015 bowhead whale population.

For ringed seals, satellite tagging data from tagging studies from a joint research by the State of Alaska Department of Fish and Game's Marine Mammals Program, the Ice Seal Committee, and interested seal hunters from villages along the west and north coasts of Alaska were used to derive a turnover rate for this species. Data from these tagged animals showed that in addition to a long distance seasonal migration, there are many instances from July through September when individual ringed seals stayed in a relatively small area (compared to their migration route) up to multiple weeks, including on and around the offshore continental shelf leased blocks. In addition, Patterson *et al.* 2014 indicate a turnover period of a week or more for individual seals near a drilling operation in the Alaskan Arctic may be more appropriate, based on the 6–24 day area occupancy described above. These results suggest that assuming 100% turnover of all individual seals around an offshore drilling operation on a daily basis is unreasonable, and a period closer to a week may be more appropriate and yet still conservative for other individuals that remained in the area for longer periods.

Thus, NMFS considers the estimate associated with 24-hour turnover and zero avoidance to be an overestimate of the numbers of individual ringed seals. We have determined a 48-hour turnover rate to be more realistic, and still very conservative.

For beluga whales, challenges arise when one attempts to derive density and exposure estimates separately for the two stocks as they overlap in time and space in the Chukchi Sea, particularly within the specified geographic region (*i.e.,* the lease area), and the physical characteristics of individuals from the two stocks do not allow differentiation during visual surveys.

Beluga whale densities used to estimate potential exposures were calculated from aerial survey data collected by the NMML from July through October of 2008–2014. To reflect differences in abundance between seasons, data from July and August were pooled to produce a ''Summer'' density and data from September and October were pooled to produce a ''Fall'' density. Since individuals of the two stocks cannot be distinguished visually, these data represent individuals from both stocks to the extent that both stocks are present in the Chukchi Sea during the two seasons.

Few individuals from either stock are likely to be present near the planned activities in July and August because the spring migrations of both stocks beyond the lease sale area are largely complete by early July. The spring migration of the Beaufort Sea Stock occurs much earlier in the season compared to the Chukchi Sea stock, thus, beluga whales present in the Chukchi Sea in July and August are most likely from the Eastern Chukchi Sea Stock. It is therefore assumed that the average observed Summer (July–August) density of 0.0010 individuals/km^2 is entirely composed of individuals from the Eastern Chukchi Sea Stock.

Since the two stocks migrate at similar times through the Chukchi Sea in the fall and one cannot distinguish them visually, the pooled September–October beluga density received from NMML (0.0100 individuals/km^2) represents the presence of both stocks. The current abundance estimate for the Eastern Chukchi Sea Stock is 3,710 individuals and the abundance estimate for the Beaufort Sea Stock is 39,258 individuals (Allen and Angliss 2014), resulting in a combined total estimate of 42,968 individuals. The Eastern Chukchi Sea Stock is, therefore, considered to represent 8.6% of the combined population and the Beaufort Sea Stock is considered to represent 91.4% of the same. Multiplying the observed density of 0.0100 individuals/km^2 by these percentages results in a density estimate of 0.0009 individuals/km^2 for the Eastern Chukchi Sea Stock and 0.0091 individuals/km^2 for the Beaufort Sea Stock. The Eastern Chukchi Sea Stock density estimate for the Fall period is therefore slightly lower than the density estimate for the Summer.

Based on the information above, a method was derived to calculate the takes of beluga whales by assuming that (1) all beluga whales encountered in the

summer at the proposed project area are from the East Chukchi Sea population; and (2) composition of beluga whales encountered in the fall at the proposed project area reflects the relative proportion of the sizes of both stocks. Based on this method, the total number of individuals potentially exposed from the Eastern Chukchi Sea Stock would be approximately 344 (9.3% of estimated population of 3,710) while the number of individuals from the Beaufort Sea Stock would be approximately 1,318 (3.4% of the estimated population of 39,258). Table 5 presents the exposure estimates for Shell's proposed 2015 exploration drilling program in the Chukchi Sea. The table also summarizes abundance estimates for each species and the corresponding percent of each population that may be exposed to continuous sounds ≥120 dB re 1 μPa rms or pulsed sounds ≥160 dB re 1 μPa rms taking into account assigned turnover rates. With the exception of the exposure estimate for bowhead whales and ringed seals described above, where we had additional information to inform a turnover estimate, estimates for all other species assume 100% daily turnover and no avoidance of activities or ensonified areas.

TABLE 5—THE TOTAL NUMBER OF POTENTIAL EXPOSURES OF MARINE MAMMALS TO SOUND LEVELS ≥120 DB RE 1 μPA RMS OR ≥160 DB RE 1 μPA RMS DURING THE SHELL'S PROPOSED DRILLING ACTIVITIES IN THE CHUKCHI SEA, ALASKA, 2015

[Estimates are also shown as a percent of each population]

Species	Abundance	Number potential exposure	Estimated population (percent)
Beluga (Beaufort Sea)	42,968	1,318	3.4
Beluga (E. Chukchi Sea)	3,710	344	9.3
Killer whale	2,084	14	0.8
Harbor porpoise	48,215	294	0.6
Bowhead whale	19,534	1,083	5.5
Fin whale	1,652	14	0.8
Gray whale	19,126	834	4.4
Humpback whale	20,800	14	0.1
Minke whale	810	41	5.1
Bearded seal	155,000	1,722	1.1
Ribbon seal	49,000	96	0.2
Ringed seal	300,000	25,217	8.4
Spotted seal	141,479	1,007	0.7

In summary, several precautionary methods were applied when calculating exposure estimates. These conservative methods and related considerations include:

- Application of a 1.3 dB re 1 μPa rms safety factor to the source level of each continuous sound source prior to sound propagation modeling of areas exposed to Level B harassment thresholds;
- Binning of similar activity scenarios into a representative scenario, each of which reflected the largest exposed area for a related group of activities;
- Modeling numerous iterations of each activity scenario at different drill site locations to identify the spatial arrangement with the largest exposed area for each;
- Assuming 100 percent daily (or 24-hour) turnover of populations (except for bowhead whales and ringed seals), which likely overestimates the number of different individuals that would be exposed, especially during non-migratory periods; and
- Density estimates for some cetaceans include nearshore areas where more individuals would be expected to occur than in the offshore Burger Prospect area (*e.g.,* gray whales).

Additionally, post-season estimates of the numbers of marine mammals exposed to Level B harassment thresholds per Shell's 90-day report from the 2012 IHA consistently support the methods used in Shell's IHA applications as precautionary. Most recently, exposure estimates reported by Reider *et al.* (2013) from Shell's 2012 exploration activities in the Chukchi Sea were considerably lower than those requested in Shell's 2012 IHA application. The above summary of the numbers of cetaceans and pinnipeds that may be exposed to sounds above Level B harassment thresholds is best interpreted as conservatively high, especially for species for which a correction factor has not been included to account for animals staying in an area for more than 24 hours at a time (*e.g,* other than ringed seals, bowheads), particularly the larger number for each species that assumes a new group of individuals each day.

Analysis and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species. To avoid repetition, we provide some general analysis immediately below that applies to all the species listed in Table 5, given that some of the anticipated effects (or lack thereof) of this project on marine mammals are expected to be relatively similar in nature. However, below that, we break our analysis into species, or groups of species where relevant similarities exist, to provide more specific information related to the anticipated effects on individuals or where there is information about the size, status, or structure of any species or stock that would lead to a differing

assessment of the effects on the population.

Taking into account the required mitigation and related monitoring, no injuries or mortalities to any species are anticipated to occur as a result of Shell's proposed Chukchi Sea exploratory drilling program, and none are authorized. Animals in the area are not expected to incur hearing impairment (*i.e.,* TTS or PTS) or non-auditory physiological effects. Instead, any impact that could result from Shell's activities is most likely to be behavioral harassment and is expected to be of limited duration. Although it is possible that some individuals may be exposed to sounds from drilling operations more than once, during the migratory periods it is less likely that this will occur since animals will continue to move across the Chukchi Sea towards their wintering grounds. Injury, serious injury, or mortality could occur if there were a large or very large oil spill. However, as discussed previously in this document, the likelihood of a spill is extremely remote. Shell has implemented many design and operational standards to mitigate the potential for an oil spill of any size. NMFS does not authorize take from an oil spill, as it is not part of the specified activity.

Bowhead Whales

Bowhead whales are less likely to occur in the proposed project area in July and August, as they are found mostly in the Canadian Beaufort Sea at this time. The animals are more likely to occur later in the season (mid-September through October), as they head west towards Russia or south towards the Bering Sea. Additionally, while bowhead whale tagging studies revealed that animals occurred in the LS 193 area, a higher percentage of animals were found outside of the LS 193 area in the fall (Quakenbush *et al.* 2010).

It is estimated that a maximum of 1,083 bowhead whales (5.5%) could be taken by Level B harassment. Potential impacts to bowhead whales from Shell's exploration drilling activity would be limited to brief behavioral disturbances and temporary avoidance of the ensonified areas.

In their westward migration route, bowhead whales have been observed to feed in the vicinity of Shell's leases in the Chukchi Sea. However, the closest primary feeding ground is near Point Barrow, which is more than 150 mi (241 km) east of Shell's Burger prospect (Clarke *et al.* 2015). Therefore, if bowhead whales stop to feed near Point Barrow during Shell's proposed operations, the animals would not be exposed to continuous sounds from the drilling units or icebreaker above 120 dB or to impulsive sounds from the airguns above 160 dB, as those sound levels only propagate 1.8 km, 11 km, and 11.9 km, respectively, which includes the inflation factor.

As stated earlier, the proposed activity is located in an area where bowhead whale mother/calf pairs are sighted in the month of October (Clarke *et al.* 2015). However, as discussed previously, noise exposure to bowhead whales is expected to be low and would in the worst case cause Level B harassment in the form of mild and temporary behavioral modification and/or avoidance. Moreover, the majority of the ensonified areas (67%) would fall between 120 and 126 dB re 1 μPa for non-impulse noise and 160 and 166 dB re 1 μPa for impulse noise, which at the low-end of the range for Level B behavioral harassment by noise exposure. Also, as noted above, the ensonified areas themselves from Shell's exploration drilling operation are small in comparison to the much larger bowhead whale reproduction BIA in October (Clarke *et al.* 2015). The size of the ensonified area depends on the type of activities (drilling, anchor handling, ice management, ZVSP, etc.), with the worst case scenario being mudline cellar construction at 2 different sites and anchor handling at a third site (Table 4), which is expected to occur only 6 days each in summer and fall (Shell 2014). Therefore, NMFS believes that the potential adverse effects on bowhead whales cow/calf pairs while in their reproduction BIA in the northeast Chukchi Sea in October from Shell's exploration drilling activities will be limited in both number and severity, and that the potential worst case impacts would be mild and temporary behavioral reactions and/or avoidance of the affected area.

Beluga Whale

Beluga whales are less likely to occur in the proposed project area in July and August, as they are found mostly in the Canadian Beaufort Sea at this time. The animals are more likely to occur later in the season (mid-September through October), as they head west towards Russia or south towards the Bering Sea. There is limited data to differentiate beluga whales from different stock in regards to the potential takes. Regardless of these limitations, there is a substantial body of data to support the conclusion that individuals from both stocks will react to continuous and impulse sounds in a similar way (*i.e.,* short-term behavioral disturbance) and that any ensuing effects will be negligible despite the fact that the two stocks differ in estimated abundance

It is estimated that a maximum of 1,318 whales from the Beaufort Sea stock (3.4%) and 344 whales from the East Chukchi Sea stock (9.3%) of beluga whales could be taken by Level B harassment. Potential impacts to beluga whales from Shell's exploration drilling activity include brief behavioral disturbances and temporary avoidance of the ensonified areas.

No biologically important area exists for beluga whales in the vicinity of Shell's exploration drilling activities (Clarke *et al.* 2015).

Gray Whales

Gray whales occur in the northeastern Chukchi Sea during the summer and early fall to feed. Gray whales were often seen feeding in September and October near Hanna Shoal in the late 1980s and early 1990s (Clarke and Moore, 2002), but they have been seen there rarely during aerial surveys since 2008. Therefore, Hanna Shoal is not considered as a biologically important area for gray whale feeding (Clarke *et al.* 2013; 2015).

It is estimated that a maximum of 834 gray whales ([4.4%) could be taken by Level B harassment. Potential impacts to gray whales from Shell's exploration drilling activity will be limited to brief behavioral disturbances and temporary avoidance of the ensonified areas.

No biologically important area exists for gray whales overlaps with Shell's exploration drilling area (the gray whale reproduction and feeding BIAs during the summer and fall are approximately 75–100 km from Shell's study area (Clarke *et al.* 2015)).

Other Cetaceans (Less Frequently Encountered Species)

Other cetacean species are much rarer in the proposed project area. Killer whales, harbor porpoises, fin whales, humpback whales, and minke whales are species less frequently encountered in the vicinity of Shell's exploration drilling area. The exposure of these cetaceans to sounds produced by exploratory drilling operations (*i.e.,* drilling units, ice management/icebreaking, and airgun operations) is not expected to result in more than Level B harassment. No biologically important areas exist for these less frequently encountered species in the vicinity of Shell's exploration drilling activities.

Ringed Seals

Ringed seals are the most abundant pinniped species to be encountered in the proposed Shell exploration drilling

area. However, as stated in the **Federal Register** notice (80 FR 11726; March 4, 2015) for the proposed IHA, they appear to be more tolerant of anthropogenic sound, especially at lower received levels, than other marine mammals, such as mysticetes. Shell's proposed activities would occur at a time of year when ringed seals found in the region are not molting, breeding, or pupping. Therefore, these important life functions would not be impacted by Shell's proposed activities. The exposure of pinnipeds to sounds produced by Shell's proposed exploratory drilling operations in the Chukchi Sea is not expected to result in more than Level B harassment of individuals from ringed seals.

It is estimated that maxima of 25,217 ringed seals (8.4%) could be taken by Level B harassment. After taking into account our revised turnover rate, this is a reduction from the 16.8% estimate presented in our **Federal Register** Notice of Proposed IHA. Potential impacts to these species from Shell's exploration drilling activity include brief behavioral disturbances and temporary avoidance of the ensonified areas.

No biologically important area exists for seals in the vicinity of Shell's exploration drilling activities.

Other Pinnipeds (Less Frequently Encountered Species)

Few other seals are expected to occur in the proposed project area, as several of the species prefer more nearshore waters. Additionally, as stated in the **Federal Register** notice (80 FR 11725; March 4, 2015) for the proposed IHA, pinnipeds appear to be more tolerant of anthropogenic sound, especially at lower received levels, than other marine mammals, such as mysticetes. Shell's proposed activities would occur at a time of year when the ice seal species found in the region are not molting, breeding, or pupping. Therefore, these important life functions would not be impacted by Shell's proposed activities. The exposure of pinnipeds to sounds produced by Shell's proposed exploratory drilling operations in the Chukchi Sea is not expected to result in more than Level B harassment of individuals from the affected species or stocks.

It is estimated that maxima of 1,722 bearded seal, 96 ribbon seals, and 1,007 spotted seals could be taken by Level B harassment. Potential impacts to these species from Shell's exploration drilling activity include brief behavioral disturbances and temporary avoidance of the ensonified areas.

No biologically important area exists for seals in the vicinity of Shell's exploration drilling activities.

Of the 12 marine mammal species or stocks likely to occur in the proposed drilling area, four are listed as endangered or threatened under the ESA: The bowhead, humpback, fin whales, and ringed seal. All four species are also designated as ''depleted'' under the MMPA. Nevertheless, the Bering-Chukchi-Beaufort stock of bowheads has been increasing at a rate of 3.4% annually for nearly a decade (Allen and Angliss, 2011), even in the face of ongoing industrial activity. Additionally, during the 2001 census, 121 calves were counted, which was the highest yet recorded. The calf count provides corroborating evidence for a healthy and increasing population (Allen and Angliss, 2011). An annual increase of 4.8% was estimated for the period 1987–2003 for North Pacific fin whales. While this estimate is consistent with growth estimates for other large whale populations, it should be used with caution due to uncertainties in the initial population estimate and about population stock structure in the area (Allen and Angliss, 2011).

Zeribini *et al.* (2006, cited in Allen and Angliss, 2011) noted an increase of 6.6% for the Central North Pacific stock of humpback whales in Alaska waters. Certain stocks or populations of gray and beluga whales and spotted seals are listed as endangered or are proposed for listing under the ESA; however, none of those stocks or populations occur in the proposed activity area.

Arctic ringed seals are listed as a threatened species under the ESA and are depleted under the MMPA. NMFS also listed the Beringia bearded seal DPS as threatened, but in July 2014 the U.S. District Court for the District of Alaska vacated the listing rule and remanded the rule to NMFS to correct the deficiencies identified in the opinion. An appeal is pending; in the interim the species is not listed under the ESA. None of the other species that may occur in the project area is listed as threatened or endangered under the ESA or designated as depleted under the MMPA. There is currently no established critical habitat in the proposed project area for any ESA-listed species. NMFS proposed critical habitat for Arctic ringed seals in December 2014, with a 90-day public comment period that was extended through March 31, 2015. No final rule has been issued.

Potential impacts to marine mammal habitat were discussed previously in this document (see the ''Anticipated Effects on Habitat'' section). Although some disturbance is possible to food sources of marine mammals, the impacts are anticipated to be minor. Based on the vast size of the Arctic Ocean where feeding by marine mammals occurs versus the localized area of the drilling program, and the absence of any known areas of particular importance in the area of Shell's drilling activities, any missed feeding opportunities in the direct project area would be of little consequence, as marine mammals would have access to other feeding grounds.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the taking of marine mammals from Shell's proposed 2015 open-water exploration drilling program in the Chukchi Sea is not reasonably likely to adversely affect the species or stocks through effects on annual rates of recruitment or survival and therefore will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

The estimated takes proposed to be authorized represent less than 1% of the affected population or stock for six of the species and less than 5.5% for five additional species. The estimated take for ringed seals is 8.4%, and the estimated take for East Chukchi Sea beluga whales is 9.3%. These estimates represent the percentage of each species or stock that could be taken by Level B behavioral harassment if each animal is taken only once.

The estimated take numbers are likely an overestimate for several reasons. First, a 1.3 dB safety factor was applied to the source level of each continuous sound source prior to sound propagation modeling of areas exposed to Level B thresholds, which make the effective zones for take calculation larger than they likely would be. In addition, Shell applied binning of similar activity scenarios into a representative scenario, each of which reflected the largest exposed area for a related group of activities. Further, the take estimates assume 100% daily turnover of animals (with the exception of bowhead whales and ringed seals, for which a still conservative 48-hour turnover rate is assumed), which likely overestimates the number of different individuals that would be exposed, especially during non-migratory periods. Finally, density estimates for some cetaceans include nearshore areas

where more individuals would be expected to occur than in the offshore Burger Prospect area (*e.g.,* gray whales).

Based on the analysis contained herein of the estimated takes of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population sizes of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Relevant Subsistence Uses

The disturbance and potential displacement of marine mammals by sounds from drilling activities are the principal concerns related to subsistence use of the area. Subsistence remains the basis for Alaska Native culture and community. Marine mammals are legally hunted in Alaskan waters by coastal Alaska Natives. In rural Alaska, subsistence activities are often central to many aspects of human existence, including patterns of family life, artistic expression, and community religious and celebratory activities. Additionally, the animals taken for subsistence provide a significant portion of the food that will last the community throughout the year. The main species that are hunted include bowhead and beluga whales, ringed, spotted, and bearded seals. The importance of each of these species varies among the communities and is largely based on availability.

The subsistence communities in the Chukchi Sea that have the potential to be impacted by Shell's offshore drilling program include Point Hope, Point Lay, Wainwright, Barrow, and possibly Kotzebue and Kivalina (however, these two communities are much farther to the south of the proposed project area).

(1) Bowhead Whales

Sound energy and general activity associated with drilling and operation of vessels and aircraft have the potential to temporarily affect the behavior of bowhead whales. Monitoring studies (Davis 1987, Brewer *et al.* 1993, Hall *et al.* 1994) have documented temporary diversions in the swim path of migrating bowheads near drill sites; however, the whales have generally been observed to resume their initial migratory route within a distance of 6–20 mi (10–32 km). Drilling noise has not been shown to block or impede migration even in narrow ice leads (Davis 1987, Richardson *et al.* 1991).

Behavioral effects on bowhead whales from sound energy produced by drilling, such as avoidance, deflection, and changes in surface/dive ratios, have generally been found to be limited to areas around the drill site that are ensonified to >160 dB re 1 μPa rms, although effects have infrequently been observed out as far as areas ensonified to 120 dB re 1 μPa rms. Ensonification by drilling to levels >120 dB re 1 μPa rms will be limited to areas within about 0.93 mi (1.5 km) of either drilling units during Shell's exploration drilling program. Shell's proposed drill sites are located more than 64 mi (103 km) from the Chukchi Sea coastline, whereas mapping of subsistence use areas indicates bowhead hunts are conducted within about 30 mi (48 km) of shore; there is therefore little or no opportunity for the proposed exploration drilling activities to affect bowhead hunts.

Vessel traffic along planned travel corridors between the drill sites and marine support facilities in Barrow and Wainwright would traverse some areas used during bowhead harvests by Chukchi villages. Bowhead hunts by residents of Wainwright, Point Hope and Point Lay take place almost exclusively in the spring prior to the date on which Shell would commence the proposed exploration drilling program. From 1984 through 2009, all bowhead harvests by these Chukchi Sea villages occurred only between April 14 and June 24 (George and Tarpley 1986; George *et al.* 1987, 1988, 1990, 1992, 1995, 1998, 1999, 2000; Philo *et al.* 1994; Suydam *et al.* 1995, 1996, 1997, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010), and Shell will not enter the Chukchi Sea prior to July 1. However, fall whaling by some of these Chukchi Sea villages has occurred since 2010 and is likely to occur in the future, particularly if bowhead quotas are not completely filled during the spring hunt, and fall weather is accommodating. A Wainwright whaling crew harvested the first fall bowhead for these villages in 90 years or more on October 7, 2010, and another in October of 2011 (Suydam *et al.* 2011, 2012, 2013). No bowhead whales were harvested during fall in 2012, but 3 were harvested by Wainwright in fall 2013.

Barrow crews have traditionally hunted bowheads during both spring and fall; however spring whaling by Barrow crews is normally finished before the date on which Shell operations would commence. From 1984 through 2011 whales were harvested in the spring by Barrow crews only between April 23 and June 15 (George and Tarpley 1986; George *et al.* 1987, 1988, 1990, 1992, 1995, 1998, 1999, 2000; Philo *et al.* 1994; Suydam *et al.* 1995, 1996, 1997, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2103). Fall whaling by Barrow crews does take place during the time period when vessels associated with Shell's exploration drilling program would be in the Chukchi Sea. From 1984 through 2011, whales were harvested in the fall by Barrow crews between August 31 and October 30, indicating that there is potential for vessel traffic to affect these hunts. Most fall whaling by Barrow crews, however, takes place east of Barrow along the Beaufort Sea coast, therefore providing little opportunity for vessel traffic associated with Shell's exploration drilling program to affect them. For example, Suydam *et al.* (2008) reported that in the previous 35 years, Barrow whaling crews harvested almost all their whales in the Beaufort Sea to the east of Point Barrow. Shell's mitigation measures, which include a system of Subsistence Advisors (SAs), Community Liaisons, and Com Centers, will be implemented to avoid any effects from vessel traffic on fall whaling in the Chukchi Sea by Barrow and Wainwright.

Aircraft traffic (helicopters and small fixed wing airplanes) between the drill sites and facilities in Wainwright and Barrow would also traverse these subsistence areas. Flights between the drill sites and Wainwright or other shoreline locations would take place after the date on which spring bowhead whaling out of Point Hope, Point Lay, and Wainwright is typically finished for the year; however, Wainwright has harvested bowheads in the fall since 2010 and aircraft may traverse areas sometimes utilized for these fall hunts. Aircraft overflights between the drill sites and Barrow or other shoreline locations could also occur over areas used by Barrow crews during fall whaling, but again, most fall whaling by Barrow crews takes place to the east of Barrow in the Beaufort Sea. The most commonly observed reactions of bowheads to aircraft traffic are hasty dives, but changes in orientation, dispersal, and changes in activity are sometimes noted. Such reactions could potentially affect subsistence hunts if the flights occurred near and at the same time as the hunt, but Shell has developed and proposes to implement a number of mitigation measures to avoid such impacts. These mitigation measures include minimum flight altitudes, employment of SAs, and Com Centers. Twice-daily calls are held during the exploration drilling program and are attended by operations staff, logistics staff, and SAs. Vessel movements and aircraft flights are adjusted as needed and planned in a manner that avoids potential impacts to

bowhead whale hunts and other subsistence activities.

(2) Beluga Whale

Beluga whales typically do not represent a large proportion of the subsistence harvests by weight in the communities of Wainwright and Barrow, the nearest communities to Shell's planned exploration drilling program. Barrow residents hunt beluga in the spring (normally after the bowhead hunt) in leads between Point Barrow and Skull Cliffs in the Chukchi Sea, primarily in April–June and later in the summer (July–August) on both sides of the barrier island in Elson Lagoon/Beaufort Sea (Minerals Management Service [MMS] 2008), but harvest rates indicate the hunts are not frequent. Wainwright residents hunt beluga in April–June in the spring lead system, but this hunt typically occurs only if there are no bowheads in the area. Communal hunts for beluga are conducted along the coastal lagoon system later in July–August.

Belugas typically represent a much greater proportion of the subsistence harvest in Point Lay and Point Hope. Point Lay's primary beluga hunt occurs from mid-June through mid-July, but can sometimes continue into August if early success is not sufficient. Point Hope residents hunt beluga primarily in the lead system during the spring (late March to early June) bowhead hunt, but also in open water along the coastline in July and August. Belugas are harvested in coastal waters near these villages, generally within a few miles from shore. Shell's proposed drill sites are located more than 60 mi (97 km) offshore, therefore proposed exploration drilling in the Burger Prospect would have no or minimal impacts on beluga hunts. Aircraft and vessel traffic between the drill sites and support facilities in Wainwright, and aircraft traffic between the drill sites and air support facilities in Barrow, would traverse areas that are sometimes used for subsistence hunting of belugas.

Disturbance associated with vessel and aircraft traffic could therefore potentially affect beluga hunts. However, all of the beluga hunt by Barrow residents in the Chukchi Sea, and much of the hunt by Wainwright residents, would likely be completed before Shell activities commence. Additionally, vessel and aircraft traffic associated with Shell's planned exploration drilling program will be restricted under normal conditions to designated corridors that remain onshore or proceed directly offshore thereby minimizing the amount of traffic in coastal waters where beluga hunts take place. The designated vessel and aircraft traffic corridors do not traverse areas indicated in recent mapping as utilized by Point Lay or Point Hope for beluga hunts, and avoids important beluga hunting areas in Kasegaluk Lagoon that are used by Wainwright. Shell has developed a number of mitigation measures, *e.g.,* PSOs on board vessels, minimum flight altitudes, and the SA and Com Center programs, to ensure that there is no impact on the availability of the beluga whale as a subsistence resource.

(3) Pinnipeds

Seals are an important subsistence resource and ringed seals make up the bulk of the seal harvest. Most ringed and bearded seals are harvested in the winter or in the spring before Shell's exploration drilling program would commence, but some harvest continues during open water and could possibly be affected by Shell's planned activities. Spotted seals are also harvested during the summer. Most seals are harvested in coastal waters, with available maps of recent and past subsistence use areas indicating seal harvests have occurred only within 30–40 mi (48–64 km) of the coastline. Shell's planned drill sites are located more than 64 statute mi (103 km) offshore, so activities within the Burger Prospect, such as drilling, would have no impact on subsistence hunting for seals. Helicopter traffic between land and the offshore exploration drilling operations could potentially disturb seals and, therefore, subsistence hunts for seals, but any such effects would be minor and temporary lasting only minutes after the flight has passed due to the small number of flights and the altitude at which they typically fly, and the fact that most seal hunting is done during the winter and spring when the exploration drilling program is not operational. Mitigation measures to be implemented by Shell include minimum flight altitudes, employment of subsistence advisors in the villages, and operation of Com Centers.

Potential Impacts to Subsistence Uses

NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: An impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Noise and general activity during Shell's proposed drilling program have the potential to impact marine mammals hunted by Native Alaskans. In the case of cetaceans, the most common reaction to anthropogenic sounds (as noted previously in this document) is avoidance of the ensonified area. In the case of bowhead whales, this often means that the animals divert from their normal migratory path by several kilometers. Helicopter activity also has the potential to disturb cetaceans and pinnipeds by causing them to vacate the area. Additionally, general vessel presence in the vicinity of traditional hunting areas could negatively impact a hunt. Native knowledge indicates that bowhead whales become increasingly ''skittish'' in the presence of seismic noise. Whales are more wary around the hunters and tend to expose a much smaller portion of their back when surfacing (which makes harvesting more difficult). Additionally, Native Alaskans report that bowheads exhibit angry behaviors in the presence of seismic activity, such as tail-slapping, which translates to danger for nearby subsistence harvesters. However, only limited seismic activity is planned in the vicinity of the drill units in 2015.

Plan of Cooperation or Measures To Minimize Impacts to Subsistence Hunts

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a Plan of Cooperation (POC) or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes.

Shell prepared and will implement a POC under the MMPA, which requires that all exploration operations be conducted in a manner that prevents unreasonable conflicts between oil and gas activities and the subsistence activities and resources of residents of the North Slope. This stipulation also requires adherence to USFWS and NMFS regulations, which require an operator to implement a POC to mitigate the potential for conflicts between the proposed activity and traditional subsistence activities (50 CFR 18.124(c)(4) and 50 CFR 216.104(a)(12)). A POC was prepared and submitted with the initial Chukchi Sea EP that was submitted to BOEM in May 2009, and approved on 7 December 2009. Subsequent POC Addendums were submitted in May 2011 with a revised Chukchi Sea EP and the IHA application for the 2012 exploration drilling

program. For this IHA application, Shell again updated the POC Addendum. The POC Addendum was updated to include documentation of meetings undertaken to specifically gather feedback from stakeholder communities on Shell's implementation of the Chukchi Sea exploration drilling program during 2012, plus inform and obtain their input regarding the continuation of the program with the addition of a second drilling unit, additional vessels and aircraft.

The POC Addendum identifies the measures that Shell has developed in consultation with North Slope subsistence communities to minimize any adverse effects on the availability of marine mammals for subsistence uses and will implement during its planned Chukchi Sea exploration drilling program for the summer of 2015. In addition, the POC Addendum details Shell's communications and consultations with local subsistence communities concerning its planned exploration drilling program, potential conflicts with subsistence activities, and means of resolving any such conflicts (50 CFR 18.128(d) and 50 CFR 216.104(a)(12)(i), (ii), (iv)). Shell has documented its contacts with the North Slope subsistence communities, as well as the substance of its communications with subsistence stakeholder groups.

The POC Addendum report (Attachment C of the IHA application) provides a list of public meetings attended by Shell since 2012 to develop the POC and the POC Addendum. The POC Addendum will be updated through July 2015, and includes sign-in sheets and presentation materials used at the POC meetings held in 2014 to present the 2015 Chukchi Sea exploration drilling information. Comment analysis tables for numerous meetings held during 2014 summarize feedback from the communities on Shell's 2015 exploration drilling and planned activities beginning in the summer of 2015. All comments from the communities were addressed in Shell's final POC.

The following mitigation measures, plans and programs, are integral to this POC and were developed during Shell's consultation with potentially affected subsistence groups and communities. These measures, plans, and programs to monitor and mitigate potential impacts to subsistence users and resources will be implemented by Shell during its exploration drilling operations in the Chukchi Sea. The mitigation measures Shell has adopted and will implement during its Chukchi Sea exploration drilling operations are listed and discussed below. These mitigation measures reflect Shell's experience conducting exploration activities in the Alaska Arctic OCS since the 1980s and its ongoing efforts to engage with local subsistence communities to better understand their concerns and develop appropriate and effective mitigation measures to address those concerns. This most recent version of Shell's planned mitigation measures was presented to community leaders and subsistence user groups starting in January 2009 and has evolved since in response to information learned during the consultation process.

To minimize any cultural or resource impacts from its exploration operations, Shell will continue to implement the following additional measures to ensure coordination of its activities with local subsistence users to minimize further the risk of impacting marine mammals and interfering with the subsistence hunt:

(1) Communications

- Shell has developed a Communication Plan and will implement this plan before initiating exploration drilling operations to coordinate activities with local subsistence users, as well as Village Whaling Captains' Associations, to minimize the risk of interfering with subsistence hunting activities, and keep current as to the timing and status of the bowhead whale hunt and other subsistence hunts. The Communication Plan includes procedures for coordination with Com Centers to be located in coastal villages along the Chukchi Sea during Shell's proposed exploration drilling activities.
- Shell will employ local SAs from the Chukchi Sea villages that are potentially impacted by Shell's exploration drilling activities. The SAs will provide consultation and guidance regarding the whale migration and subsistence activities. There will be one per village, working approximately 8-hr per day and 40-hr per week during each drilling season. The subsistence advisor will use local knowledge (Traditional Knowledge) to gather data on subsistence lifestyle within the community and provide advice on ways to minimize and mitigate potential negative impacts to subsistence resources during each drilling season. Responsibilities include reporting any subsistence concerns or conflicts; coordinating with subsistence users; reporting subsistence-related comments, concerns, and information; coordinating with the Com and Call Center personnel; and advising how to avoid subsistence conflicts.

(2) Aircraft Travel

- Aircraft over land or sea shall not operate below 1,500 ft (457 m) altitude unless engaged in marine mammal monitoring, approaching, landing or taking off, in poor weather (fog or low ceilings), or in an emergency situation.
- Aircraft engaged in marine mammal monitoring shall not operate below 1,500 ft (457 m) in areas of active whaling; such areas to be identified through communications with the Com Centers.

(3) Vessel Travel

- The drilling unit(s) and support vessels will enter the Chukchi Sea through the Bering Strait on or after 1 July, minimizing effects on marine mammals and birds that frequent open leads and minimizing effects on spring and early summer bowhead whale hunting.
- The transit route for the drilling unit(s) and drilling support fleets will avoid known fragile ecosystems and the Ledyard Bay Critical Habitat Unit (LBCHU) (for spectacled eiders), and will include coordination through Com Centers.
- PSOs will be aboard the drilling unit(s) and transiting support vessels.
- When within 900 ft (274 m) of whales, vessels will reduce speed, avoid separating members from a group and avoid multiple changes of direction.
- Vessel speed will be reduced during inclement weather conditions in order to avoid collisions with marine mammals.
- Shell will communicate and coordinate with the Com Centers regarding all vessel transit.

(4) ZVSP

- Airgun arrays will be ramped up slowly during ZVSPs to warn cetaceans and pinnipeds in the vicinity of the airguns and provide time for them to leave the area and avoid potential injury or impairment of their hearing abilities. Ramp ups from a cold start when no airguns have been firing will begin by firing a single airgun in the array. A ramp up to the required airgun array volume will not begin until there has been a minimum of 30 min of observation of the safety zone by PSOs to assure that no marine mammals are present. The safety zone is the extent of the 180 dB radius for cetaceans and 190 dB re 1 μPa rms for pinnipeds. The entire safety zone must be visible during the 30-min lead-into an array ramp up. If a marine mammal(s) is sighted within the safety zone during the 30-min watch prior to ramp up, ramp up will be delayed until the marine mammal(s) is

sighted outside of the safety zone or the animal(s) is not sighted for at least 15–30 min: 15 min for small odontocetes and pinnipeds, or 30 min for baleen whales and large odontocetes.

(5) Ice Management

- Real time ice and weather forecasting will be from SIWAC.

(6) Oil Spill Response

- Pre-booming is required for all fuel transfers between vessels.

The potentially affected subsistence communities, identified in BOEM Lease Sale, that were consulted regarding Shell's exploration drilling activities include: Barrow, Wainwright, Point Lay Point Hope, Kotzebue, and Deering. Additionally, Shell has met with subsistence groups including the Alaska Eskimo Whaling Commission (AEWC), Inupiat Community of the Arctic Slope (ICAS), and the Native Village of Barrow, and presented information regarding the proposed activities to the North Slope Borough (NSB) and Northwest Arctic Borough (NWAB) Assemblies, and NSB and NWAB Planning Commissions during 2014. In July 2014, Shell conducted POC meetings in Chukchi villages to present information on the proposed 2015 drilling season. Shell supplemented the IHA application with a POC addendum to incorporate these POC visits. Throughout 2014 and 2015 Shell anticipates continued engagement with the marine mammal commissions and committees active in the subsistence harvests and marine mammal research.

Shell continues to meet each year with the commissioners and committee heads of AEWC, Alaska Beluga Whale Committee, the Nanuuq Commission, Eskimo Walrus Commission, and Ice Seal Committee jointly in co-management meetings. Shell held individual consultation meetings with representatives from the various marine mammal commissions to discuss the planned Chukchi exploration drilling program. Following the drilling season, Shell will have a post-season co-management meeting with the commissioners and committee heads to discuss results of mitigation measures and outcomes of the preceding season. The goal of the post-season meeting is to build upon the knowledge base, discuss successful or unsuccessful outcomes of mitigation measures, and possibly refine plans or mitigation measures if necessary.

Shell attended the 2012–2014 Conflict Avoidance Agreement (CAA) negotiation meetings in support of exploration drilling, offshore surveys, and future drilling plans. Shell will do the same for the upcoming 2015 exploration drilling program. Finally, Shell signed the CAA in April 2015.

Unmitigable Adverse Impact Analysis and Determination

NMFS considers that these mitigation measures including measures to reduce overall impacts to marine mammals in the vicinity of the proposed exploration drilling area and measures to mitigate any potential adverse effects on subsistence use of marine mammals are adequate to ensure subsistence use of marine mammals in the vicinity of Shell's proposed exploration drilling program in the Chukchi Sea.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on the availability of marine mammals for taking for subsistence uses from Shell's proposed activities.

Endangered Species Act (ESA)

There are four marine mammal species listed under the ESA with confirmed or possible occurrence in the proposed project area: the bowhead, humpback, and fin whales, and ringed seals. NMFS' Permits and Conservation Division initiated consultation with NMFS Alaska Regional Office (AKRO) under section 7 of the ESA on the issuance of an IHA to Shell under section 101(a)(5)(D) of the MMPA for this activity. In June 2015, NMFS finished conducting its section 7 consultation and issued a Biological Opinion, and concluded that the issuance of the IHA associated with Shell's 2015 Chukchi Sea drilling program is not likely to jeopardize the continued existence of the endangered bowhead, humpback, and fin whale, and the threatened Arctic sub-species of ringed seal. No critical habitat has been designated for these species, therefore none will be affected.

National Environmental Policy Act (NEPA)

NMFS prepared an EA that includes an analysis of potential environmental effects associated with NMFS' issuance of an IHA to Shell to take marine mammals incidental to conducting an exploration drilling program in the Chukchi Sea, Alaska. NMFS has finalized the EA and prepared a Finding of No Significant Impact for this action. Therefore, preparation of an Environmental Impact Statement is not necessary. NMFS' draft EA was available to the public for a 30-day comment period before it was finalized.

Authorization

As a result of these determinations, NMFS has issued an IHA to Shell for the take of marine mammals, by Level B harassment, incidental to conducting an offshore exploration drilling program in the Chukchi Sea during the 2015 open-water season, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: June 15, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

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Part III

The President

Executive Order 13696—2015 Amendments to the Manual for Courts-Martial, United States

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Presidential Documents

Title 3—

The President

Executive Order 13696 of June 17, 2015

2015 Amendments to the Manual for Courts-Martial, United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including chapter 47 of title 10, United States Code (Uniform Code of Military Justice, 10 U.S.C. 801–946), and in order to prescribe amendments to the Manual for Courts-Martial, United States, prescribed by Executive Order 12473 of April 13, 1984, as amended, it is hereby ordered as follows:

Section 1. Part II, Part III, and Part IV of the Manual for Courts-Martial, United States, are amended as described in the Annex attached and made a part of this order.

Sec. 2. These amendments shall take effect as of the date of this order, subject to the following:

(a) Nothing in these amendments shall be construed to make punishable any act done or omitted prior to the effective date of this order that was not punishable when done or omitted.

(b) Nothing in these amendments shall be construed to invalidate any nonjudicial punishment proceedings, restraint, investigation, referral of charges, trial in which arraignment occurred, or other action begun prior to the effective date of this order, and any such nonjudicial punishment, restraint, investigation, referral of charges, trial, or other action may proceed in the same manner and with the same effect as if these amendments had not been prescribed.



THE WHITE HOUSE,
June 17, 2015.

Billing code 3295–F5

ANNEX

Section 1. Part II of the Manual for Courts-Martial, United States, is amended as follows:

(a) R.C.M. 201(f)(1) is amended to insert the following after "Types of courts-martial" and before "(1) General courts-martial":

"[Note: R.C.M. 201(f)(1)(D) and (f)(2)(D) apply to offenses committed on or after 24 June 2014.]"

(b) R.C.M. 201(f)(1)(D) is inserted immediately after R.C.M. 201(f)(1)(C) and reads as follows:

"(D) *Jurisdiction for Certain Sexual Offenses*. Only a general court-martial has jurisdiction to try offenses under Article 120(a), 120(b), 120b(a), and 120b(b), forcible sodomy under Article 125, and attempts thereof under Article 80."

(c) R.C.M. 201(f)(2)(D) is inserted immediately after R.C.M. 201(f)(2)(C)(iii) and reads as follows:

"(D) *Certain Offenses under Articles 120, 120b, and 125*. Notwithstanding subsection (f)(2)(A), special courts-martial do not have jurisdiction over offenses under Articles 120(a), 120(b), 120b(a), and 120b(b), forcible sodomy under Article 125, and attempts thereof under Article 80. Such offenses shall not be referred to a special court-martial."

(d) R.C.M. 305(i)(2)(A)(i) is amended to read as follows:

"(i) *Matters considered.* The review under this subsection shall include a review of the memorandum submitted by the prisoner's commander under subsection (h)(2)(C) of this rule. Additional written matters may be considered, including any submitted by the prisoner. The prisoner and the prisoner's counsel, if any, shall be allowed to appear before the 7-day reviewing officer and make a statement, if practicable. A representative of the command may also appear before the reviewing officer to make a statement."

(e) R.C.M. 305(i)(2)(A)(iv) is inserted immediately after R.C.M. 305(i)(2)(A)(iii) and reads as follows:

"(iv) *Victim's right to be reasonably heard.* A victim of an alleged offense committed by the prisoner has the right to reasonable, accurate, and timely notice of the 7-day review; the right to confer with the representative of the command and counsel for the government, if any, and the right to be reasonably heard during the review. However, the hearing may not be unduly delayed for this purpose. The right to be heard under this rule includes the right to be heard through counsel. The victim of an alleged offense shall be notified of these rights in accordance with regulations of the Secretary concerned."

(f) R.C.M. 305(i)(2)(C) is amended to read as follows:

"(C) *Action by 7-day reviewing officer.* Upon completion of review, the reviewing officer shall approve continued confinement or order immediate release. If the reviewing officer orders immediate release, a victim of an alleged offense committed by the prisoner has the right to reasonable, accurate, and timely notice of the release, unless such notice may endanger the safety of any person."

(g) R.C.M. 305(i)(2)(D) is amended to read as follows:

"(D) *Memorandum.* The 7-day reviewing officer's conclusions, including the factual findings on which they are based, shall be set forth in a written memorandum. The memorandum shall also state whether the victim was notified of the review, was given the opportunity to confer with the representative of the command or counsel for the government, and was given a reasonable opportunity to be heard. A copy of the memorandum and all documents considered by the 7-day reviewing officer shall be maintained in accordance with regulations prescribed by the Secretary concerned and provided to the accused or the Government on request."

(h) R.C.M. 305(n) is inserted immediately after R.C.M. 305(m)(2) and reads as follows:

"(n) *Notice to victim of escaped prisoner.* A victim of an alleged offense committed by the prisoner for which the prisoner has been placed in pretrial confinement has the right to reasonable, accurate, and timely notice of the escape of the prisoner, unless such notice may endanger the safety of any person."

(i) R.C.M. 404(e) is amended to read as follows:

"(e) Unless otherwise prescribed by the Secretary concerned, direct a preliminary hearing under R.C.M. 405, and, if appropriate, forward the report of preliminary hearing with the charges to a superior commander for disposition."

(j) A new rule, R.C.M. 404A, is inserted immediately after R.C.M. 404(e) and reads as follows:

"Rule 404A. Disclosure of matters following direction of preliminary hearing

(a) When a convening authority directs a preliminary hearing under R.C.M. 405, counsel for the government shall, subject to subsections (b) through (d) of this rule, within 5 days of issuance of the Article 32 appointing order, provide to the defense the following information or matters:

(1) Charge sheet;

(2) Article 32 appointing order;

(3) Documents accompanying the charge sheet on which the preferral decision was based;

(4) Documents provided to the convening authority when deciding to direct the preliminary hearing;

(5) Documents the counsel for the government intends to present at the preliminary hearing; and

(6) Access to tangible objects counsel for the government intends to present at the preliminary hearing.

(b) *Contraband.* If items covered by subsection (a) of this rule are contraband, the disclosure required under this rule is a reasonable opportunity to inspect said contraband prior to the hearing.

(c) *Privilege.* If items covered by subsection (a) of this rule are privileged, classified or otherwise protected under Section V of Part III, no disclosure of those items is required under this rule. However, counsel for the government may disclose privileged, classified, or otherwise protected information covered by subsection (a) of this rule if authorized by the holder of the privilege, or in the case of Mil. R. Evid. 505 or 506, if authorized by a competent authority.

(d) *Protective order if privileged information is disclosed.* If the government agrees to disclose to the accused information to which the protections afforded by Section V of Part III may apply, the convening authority, or other person designated by regulation of the Secretary concerned, may enter an appropriate protective order, in writing, to guard against the compromise of information disclosed to the accused. The terms of any such protective order may include prohibiting the disclosure of the information except as authorized by the authority issuing the protective order, as well as those terms specified by Mil. R. Evid. 505(g)(2)-(6) or 506(g)(2)-(5)."

(k) R.C.M. 405 is amended to read as follows:

"Rule 405. Preliminary hearing

(a) *In general.* Except as provided in subsection (k) of this rule, no charge or specification may be referred to a general court-martial for trial until completion of a preliminary hearing in substantial compliance with this rule. A preliminary hearing conducted under this rule is not intended to serve as a means of discovery and will be limited to an examination of those issues necessary to determine whether there is probable cause to conclude that an offense or offenses have been committed and whether the accused committed it; to determine whether a court-

martial would have jurisdiction over the offense(s) and the accused; to consider the form of the charge(s); and to recommend the disposition that should be made of the charge(s). Failure to comply with this rule shall have no effect on the disposition of the charge(s) if the charge(s) is not referred to a general court-martial.

(b) *Earlier preliminary hearing.* If a preliminary hearing of the subject matter of an offense has been conducted before the accused is charged with an offense, and the accused was present at the preliminary hearing and afforded the rights to counsel, cross-examination, and presentation of evidence required by this rule, no further preliminary hearing is required.

(c) *Who may direct a preliminary hearing.* Unless prohibited by regulations of the Secretary concerned, a preliminary hearing may be directed under this rule by any court-martial convening authority. That authority may also give procedural instructions not inconsistent with these rules.

(d) *Personnel.*

(1) *Preliminary hearing officer.* Whenever practicable, the convening authority directing a preliminary hearing under this rule shall detail an impartial judge advocate certified under Article 27(b), not the accuser, as a preliminary hearing officer, who shall conduct the preliminary hearing and make a report that addresses whether there is probable cause to believe that an offense or offenses have been committed and that the accused committed the offense(s); whether a court-martial would have jurisdiction over the offense(s) and the accused; the form of the charges(s); and a recommendation as to the disposition of the charge(s).

When the appointment of a judge advocate as the preliminary hearing officer is not practicable, or in exceptional circumstances in which the interest of justice warrants, the convening authority directing the preliminary hearing may detail an impartial commissioned officer, who is not the accuser, as the preliminary hearing officer. If the preliminary hearing

officer is not a judge advocate, an impartial judge advocate certified under Article 27(b) shall be available to provide legal advice to the preliminary hearing officer.

When practicable, the preliminary hearing officer shall be equal or senior in grade to the military counsel detailed to represent the accused and the government at the preliminary hearing. The Secretary concerned may prescribe additional limitations on the appointment of preliminary hearing officers.

The preliminary hearing officer shall not depart from an impartial role and become an advocate for either side. The preliminary hearing officer is disqualified to act later in the same case in any other capacity.

(2) *Counsel to represent the United States.* A judge advocate, not the accuser, shall serve as counsel to represent the United States, and shall present evidence on behalf of the government relevant to the limited scope and purpose of the preliminary hearing as set forth in subsection (a) of this rule.

(3) *Defense counsel.*

(A) *Detailed counsel.* Except as provided in subsection (d)(3)(B) of this rule, military counsel certified in accordance with Article 27(b) shall be detailed to represent the accused.

(B) *Individual military counsel.* The accused may request to be represented by individual military counsel. Such requests shall be acted on in accordance with R.C.M. 506(b).

(C) *Civilian counsel.* The accused may be represented by civilian counsel at no expense to the United States. Upon request, the accused is entitled to a reasonable time to obtain civilian counsel and to have such counsel present for the preliminary hearing. However, the preliminary hearing shall not be unduly delayed for this purpose. Representation by civilian counsel shall not limit the rights to military counsel under subsections (d)(3)(A) and (B) of this rule.

(4) *Others*. The convening authority who directed the preliminary hearing may also, as a matter of discretion, detail or request an appropriate authority to detail:

(A) A reporter; and

(B) An interpreter.

(e) *Scope of preliminary hearing.*

(1) The preliminary hearing officer shall limit the inquiry to the examination of evidence, including witnesses, necessary to:

(A) Determine whether there is probable cause to believe an offense or offenses have been committed and whether the accused committed it;

(B) Determine whether a court-martial would have jurisdiction over the offense(s) and the accused;

(C) Consider whether the form of the charge(s) is proper; and

(D) Make a recommendation as to the disposition of the charge(s).

(2) If evidence adduced during the preliminary hearing indicates that the accused committed any uncharged offense(s), the preliminary hearing officer may examine evidence and hear witnesses relating to the subject matter of such offense(s) and make the findings and recommendations enumerated in subsection (e)(1) of this rule regarding such offense(s) without the accused first having been charged with the offense. The accused's rights under subsection (f)(2) of this rule, and, where it would not cause undue delay to the proceedings, subsection (g) of this rule, are the same with regard to both charged and uncharged offenses. When considering uncharged offenses identified during the preliminary hearing, the preliminary hearing officer shall inform the accused of the general nature of each uncharged offense considered, and

otherwise afford the accused the same opportunity for representation, cross examination, and presentation afforded during the preliminary hearing of any charged offense.

(f) *Rights of the accused.*

(1) Prior to any preliminary hearing under this rule the accused shall have the right to:

(A) Notice of any witnesses that the government intends to call at the preliminary hearing and copies of or access to any written or recorded statements made by those witnesses that relate to the subject matter of any charged offense;

(i) For purposes of this rule, a "written statement" is one that is signed or otherwise adopted or approved by the witness that is within the possession or control of counsel for the government; and

(ii) For purposes of this rule, a "recorded statement" is an oral statement made by the witness that is recorded contemporaneously with the making of the oral statement and contained in a digital or other recording or a transcription thereof that is within the possession or control of counsel for the government.

(B) Notice of, and reasonable access to, any other evidence that the government intends to offer at the preliminary hearing; and

(C) Notice of, and reasonable access to, evidence that is within the possession or control of counsel for the government that negates or reduces the degree of guilt of the accused for an offense charged.

(2) At any preliminary hearing under this rule the accused shall have the right to:

(A) Be advised of the charges under consideration;

(B) Be represented by counsel;

(C) Be informed of the purpose of the preliminary hearing;

(D) Be informed of the right against self-incrimination under Article 31;

(E) Except in the circumstances described in R.C.M. 804(c)(2), be present throughout the taking of evidence;

(F) Cross-examine witnesses on matters relevant to the limited scope and purpose of the preliminary hearing;

(G) Present matters in defense and mitigation relevant to the limited scope and purpose of the preliminary hearing; and

(H) Make a statement relevant to the limited scope and purpose of the preliminary hearing.

(g) *Production of Witnesses and Other Evidence.*

(1) *Military Witnesses.*

(A) Prior to the preliminary hearing, defense counsel shall provide to counsel for the government the names of proposed military witnesses whom the accused requests that the government produce to testify at the preliminary hearing, and the requested form of the testimony, in accordance with the timeline established by the preliminary hearing officer. Counsel for the government shall respond that either: (1) the government agrees that the witness's testimony is relevant, not cumulative, and necessary for the limited scope and purpose of the preliminary hearing and will seek to secure the witness's testimony for the hearing; or (2) the government objects to the proposed defense witness on the grounds that the testimony would be irrelevant, cumulative, or unnecessary based on the limited scope and purpose of the preliminary hearing.

(B) If the government objects to the proposed defense witness, defense counsel may request that the preliminary hearing officer determine whether the witness is relevant, not cumulative, and necessary based on the limited scope and purpose of the preliminary hearing.

(C) If the government does not object to the proposed defense military witness or the preliminary hearing officer determines that the military witness is relevant, not cumulative, and necessary, counsel for the government shall request that the commanding officer of the proposed military witness make that person available to provide testimony. The commanding officer shall determine whether the individual is available based on operational necessity or mission requirements, except that a victim, as defined in this rule, who declines to testify shall be deemed to be not available. If the commanding officer determines that the military witness is available, counsel for the government shall make arrangements for that individual's testimony. The commanding officer's determination of unavailability due to operational necessity or mission requirements is final. If there is a dispute among the parties, the military witness's commanding officer shall determine whether the witness testifies in person, by video teleconference, by telephone, or by similar means of remote testimony.

(2) *Civilian Witnesses.*

(A) Defense counsel shall provide to counsel for the government the names of proposed civilian witnesses whom the accused requests that the government produce to testify at the preliminary hearing, and the requested form of the testimony, in accordance with the timeline established by the preliminary hearing officer. Counsel for the government shall respond that either: (1) the government agrees that the witness's testimony is relevant, not cumulative, and necessary for the limited scope and purpose of the preliminary hearing and will seek to secure the witness's testimony for the hearing; or (2) the government objects to the proposed defense witness on the grounds that the testimony would be irrelevant, cumulative, or unnecessary based on the limited scope and purpose of the preliminary hearing.

(B) If the government objects to the proposed defense witness, defense counsel may request that the preliminary hearing officer determine whether the witness is relevant, not cumulative, and necessary based on the limited scope and purpose of the preliminary hearing.

(C) If the government does not object to the proposed civilian witness or the preliminary hearing officer determines that the civilian witness's testimony is relevant, not cumulative, and necessary, counsel for the government shall invite the civilian witness to provide testimony and, if the individual agrees, shall make arrangements for that witness's testimony. If expense to the government is to be incurred, the convening authority who directed the preliminary hearing, or the convening authority's delegate, shall determine whether the witness testifies in person, by video teleconference, by telephone, or by similar means of remote testimony.

(3) *Other evidence.*

(A) *Evidence under the control of the government.*

(i) Prior to the preliminary hearing, defense counsel shall provide to counsel for the government a list of evidence under the control of the government the accused requests the government produce to the defense for introduction at the preliminary hearing. The preliminary hearing officer may set a deadline by which defense requests must be received. Counsel for the government shall respond that either: (1) the government agrees that the evidence is relevant, not cumulative, and necessary for the limited scope and purpose of the preliminary hearing and shall make reasonable efforts to obtain the evidence; or (2) the government objects to production of the evidence on the grounds that the evidence would be irrelevant, cumulative, or unnecessary based on the limited scope and purpose of the preliminary hearing.

(ii) If the government objects to production of the evidence, defense counsel may request that the preliminary hearing officer determine whether the evidence should be produced.

The preliminary hearing officer shall determine whether the evidence is relevant, not cumulative, and necessary based on the limited scope and purpose of the hearing. If the preliminary hearing officer determines that the evidence shall be produced, counsel for the government shall make reasonable efforts to obtain the evidence.

(B) *Evidence not under the control of the government.*

(i) Evidence not under the control of the government may be obtained through noncompulsory means or by *subpoenas duces tecum* issued by counsel for the government in accordance with the process established by R.C.M. 703.

(ii) Prior to the preliminary hearing, defense counsel shall provide to counsel for the government a list of evidence not under the control of the government that the accused requests the government obtain. The preliminary hearing officer may set a deadline by which defense requests must be received. Counsel for the government shall respond that either: (1) the government agrees that the evidence is relevant, not cumulative, and necessary for the limited scope and purpose of the preliminary hearing and shall issue *subpoenas duces tecum* for the evidence; or (2) the government objects to production of the evidence on the grounds that the evidence would be irrelevant, cumulative, or unnecessary based on the limited scope and purpose of the preliminary hearing.

(iii) If the government objects to production of the evidence, defense counsel may request that the preliminary hearing officer determine whether the evidence should be produced. If the preliminary hearing officer determines that the evidence is relevant, not cumulative, and necessary based on the limited scope and purpose of the preliminary hearing and that the issuance of *subpoenas duces tecum* would not cause undue delay to the preliminary hearing, the preliminary hearing officer shall direct counsel for the government to issue *subpoenas duces*

tecum for the defense-requested evidence. The preliminary hearing officer shall note in the report of preliminary hearing any failure on the part of counsel for the government to issue *subpoenas duces tecum* directed by the preliminary hearing officer.

(h) *Military Rules of Evidence.* The Military Rules of Evidence do not apply in preliminary hearings under this rule except as follows:

(1) Mil. R. Evid. 301-303 and 305 shall apply in their entirety.

(2) Mil. R. Evid. 412 shall apply in any case that includes a charge defined as a sexual offense in Mil. R. Evid. 412(d), except that Mil. R. Evid. 412(b)(1)(C) shall not apply.

(3) Mil. R. Evid., Section V, Privileges, shall apply, except that Mil. R. Evid. 505(f)-(h) and (j); 506(f)-(h), (j), (k), and (m); and 514(d)(6) shall not apply.

(4) In applying these rules to a preliminary hearing, the term "military judge," as used in these rules, shall mean the preliminary hearing officer, who shall assume the military judge's authority to exclude evidence from the preliminary hearing, and who shall, in discharging this duty, follow the procedures set forth in the rules cited in subsections (h)(1)-(3) of this rule. However, the preliminary hearing officer is not authorized to order production of communications covered by Mil. R. Evid. 513 and 514.

(5) Failure to meet the procedural requirements of the applicable rules of evidence shall result in exclusion of that evidence from the preliminary hearing, unless good cause is shown.

(i) *Procedure.*

(1) *Generally.* The preliminary hearing shall begin with the preliminary hearing officer informing the accused of the accused's rights under subsection (f) of this rule. Counsel for the government will then present evidence. Upon the conclusion of counsel for the government's presentation of evidence, defense counsel may present matters in defense and mitigation

consistent with subsection (f) of this rule. For the purposes of this rule, "matters in mitigation" are defined as matters that may serve to explain the circumstances surrounding a charged offense. Both counsel for the government and defense shall be afforded an opportunity to cross-examine adverse witnesses. The preliminary hearing officer may also question witnesses called by the parties. If the preliminary hearing officer determines that additional evidence is necessary to satisfy the requirements of subsection (e) of this rule, the preliminary hearing officer may provide the parties an opportunity to present additional testimony or evidence relevant to the limited scope and purpose of the preliminary hearing. The preliminary hearing officer shall not consider evidence not presented at the preliminary hearing. The preliminary hearing officer shall not call witnesses *sua sponte*.

(2) *Notice to and presence of the victim(s).*

(A) The victim(s) of an offense under the UCMJ has the right to reasonable, accurate, and timely notice of a preliminary hearing relating to the alleged offense and the reasonable right to confer with counsel for the government. For the purposes of this rule, a "victim" is a person who is alleged to have suffered a direct physical, emotional, or pecuniary harm as a result of the matters set forth in a charge or specification under consideration and is named in one of the specifications under consideration.

(B) A victim of an offense under consideration at the preliminary hearing is not required to testify at the preliminary hearing.

(C) A victim has the right not to be excluded from any portion of a preliminary hearing related to the alleged offense, unless the preliminary hearing officer, after receiving clear and convincing evidence, determines the testimony by the victim would be materially altered if the victim heard other testimony at the proceeding.

(D) A victim shall be excluded if a privilege set forth in Mil. R. Evid. 505 or 506 is invoked or if evidence is offered under Mil. R. Evid. 412, 513, or 514, for charges other than those in which the victim is named.

(3) *Presentation of evidence.*

(A) *Testimony.* Witness testimony may be provided in person, by video teleconference, by telephone, or by similar means of remote testimony. All testimony shall be taken under oath, except that the accused may make an unsworn statement. The preliminary hearing officer shall only consider testimony that is relevant to the limited scope and purpose of the preliminary hearing.

(B) *Other evidence.* If relevant to the limited scope and purpose of the preliminary hearing, and not cumulative, a preliminary hearing officer may consider other evidence, in addition to or in lieu of witness testimony, including statements, tangible evidence, or reproductions thereof, offered by either side, that the preliminary hearing officer determines is reliable. This other evidence need not be sworn.

(4) *Access by spectators.* Preliminary hearings are public proceedings and should remain open to the public whenever possible. The convening authority who directed the preliminary hearing or the preliminary hearing officer may restrict or foreclose access by spectators to all or part of the proceedings if an overriding interest exists that outweighs the value of an open preliminary hearing. Examples of overriding interests may include: preventing psychological harm or trauma to a child witness or an alleged victim of a sexual crime, protecting the safety or privacy of a witness or alleged victim, protecting classified material, and receiving evidence where a witness is incapable of testifying in an open setting. Any closure must be narrowly tailored to achieve the overriding interest that justified the closure. Convening authorities or preliminary hearing

officers must conclude that no lesser methods short of closing the preliminary hearing can be used to protect the overriding interest in the case. Convening authorities or preliminary hearing officers must conduct a case-by-case, witness-by-witness, circumstance-by-circumstance analysis of whether closure is necessary. If a convening authority or preliminary hearing officer believes closing the preliminary hearing is necessary, the convening authority or preliminary hearing officer must make specific findings of fact in writing that support the closure. The written findings of fact must be included in the report of preliminary hearing.

(5) *Presence of accused.* The further progress of the taking of evidence shall not be prevented and the accused shall be considered to have waived the right to be present whenever the accused:

(A) After being notified of the time and place of the proceeding is voluntarily absent; or

(B) After being warned by the preliminary hearing officer that disruptive conduct will cause removal from the proceeding, persists in conduct that is such as to justify exclusion from the proceeding.

(6) *Recording of the preliminary hearing.* Counsel for the government shall ensure that the preliminary hearing is recorded by a suitable recording device. A victim, as defined by subsection (i)(2)(A) of this rule, may request access to, or a copy of, the recording of the proceedings. Upon request, counsel for the government shall provide the requested access to, or a copy of, the recording to the victim not later than a reasonable time following dismissal of the charges, unless charges are dismissed for the purpose of re-referral, or court-martial adjournment. A victim is not entitled to classified information or access to or a copy of a recording of closed sessions that the victim did not have the right to attend under subsections (i)(2)(C) or (i)(2)(D) of this rule.

(7) *Objections.* Any objection alleging a failure to comply with this rule shall be made to the convening authority via the preliminary hearing officer.

(8) *Sealed exhibits and proceedings.* The preliminary hearing officer has the authority to order exhibits, proceedings, or other matters sealed as described in R.C.M. 1103A.

(j) *Report of preliminary hearing.*

(1) *In general.* The preliminary hearing officer shall make a timely written report of the preliminary hearing to the convening authority who directed the preliminary hearing.

(2) *Contents.* The report of preliminary hearing shall include:

(A) A statement of names and organizations or addresses of defense counsel and whether defense counsel was present throughout the taking of evidence, or, if not present, the reason why;

(B) The substance of the testimony taken on both sides;

(C) Any other statements, documents, or matters considered by the preliminary hearing officer, or recitals of the substance or nature of such evidence;

(D) A statement that an essential witness may not be available for trial;

(E) An explanation of any delays in the preliminary hearing;

(F) A notation if counsel for the government failed to issue a *subpoena duces tecum* that was directed by the preliminary hearing officer;

(G) The preliminary hearing officer's determination as to whether there is probable cause to believe the offense(s) listed on the charge sheet or otherwise considered at the preliminary hearing occurred;

(H) The preliminary hearing officer's determination as to whether there is probable cause to believe the accused committed the offense(s) listed on the charge sheet or otherwise considered at the preliminary hearing;

(I) The preliminary hearing officer's determination as to whether a court-martial has jurisdiction over the offense(s) and the accused;

(J) The preliminary hearing officer's determination as to whether the charge(s) and specification(s) are in proper form; and

(K) The preliminary hearing officer's recommendations regarding disposition of the charge(s).

(3) *Sealed exhibits and proceedings.* If the report of preliminary hearing contains exhibits, proceedings, or other matters ordered sealed by the preliminary hearing officer in accordance with R.C.M. 1103A, counsel for the government shall cause such materials to be sealed so as to prevent unauthorized viewing or disclosure.

(4) *Distribution of the report.* The preliminary hearing officer shall cause the report to be delivered to the convening authority who directed the preliminary hearing. That convening authority shall promptly cause a copy of the report to be delivered to each accused.

(5) *Objections.* Any objection to the report shall be made to the convening authority who directed the preliminary hearing, via the preliminary hearing officer. Upon receipt of the report, the accused has 5 days to submit objections to the preliminary hearing officer. The preliminary hearing officer will forward the objections to the convening authority as soon as practicable. This subsection does not prohibit a convening authority from referring the charge(s) or taking other action within the 5-day period.

(k) *Waiver.* The accused may waive a preliminary hearing under this rule. However, the convening authority authorized to direct the preliminary hearing may direct that it be conducted notwithstanding the waiver. Failure to make a timely objection under this rule, including an objection to the report, shall constitute waiver of the objection. Relief from the waiver may be granted by the convening authority who directed the preliminary hearing, a superior convening authority, or the military judge, as appropriate, for good cause shown."

(l) R.C.M. 601(g) is inserted immediately after R.C.M. 601(f) and reads as follows:

"(g) *Parallel convening authorities.* If it is impracticable for the original convening authority to continue exercising authority over the charges, the convening authority may cause the charges, even if referred, to be transmitted to a parallel convening authority. This transmittal must be in writing and in accordance with such regulations as the Secretary concerned may prescribe. Subsequent actions taken by the parallel convening authority are within the sole discretion of that convening authority."

(m) R.C.M. 702(a) is amended to read as follows:

"(a) *In general.* A deposition may be ordered whenever, after preferral of charges, due to exceptional circumstances of the case it is in the interest of justice that the testimony of a prospective witness be taken and preserved for use at a preliminary hearing under Article 32 or a court-martial. A victim's declination to testify at a preliminary hearing or a victim's declination to submit to pretrial interviews shall not, by themselves, be considered exceptional circumstances. In accordance with subsection (b) of this rule, the convening authority or military judge may order a deposition of a victim only if it is determined, by a preponderance of the evidence, that the victim will not be available to testify at court-martial."

(n) R.C.M. 702(c)(2) is amended to read as follows:

"(2) *Contents of request.* A request for a deposition shall include:

(A) The name and address of the person whose deposition is requested, or, if the name of the person is unknown, a description of the office or position of the person;

(B) A statement of the matters on which the person is to be examined; and

(C) Whether an oral or written deposition is requested."

(o) R.C.M. 702(c)(3)(A) is amended to read as follows:

"(A) Upon receipt of a request for a deposition, the convening authority or military judge shall determine whether the requesting party has shown, by a preponderance of the evidence, that due to exceptional circumstances and in the interest of justice, the testimony of the prospective witness must be taken and preserved for use at a preliminary hearing under Article 32 or court-martial."

(p) R.C.M. 702(d)(1) is amended to read as follows:

"(1) *Detail of deposition officer.* When a request for a deposition is approved, the convening authority shall detail a judge advocate certified under Article 27(b) to serve as deposition officer. When the appointment of a judge advocate as deposition officer is not practicable, the convening authority may detail an impartial commissioned officer or appropriate civil officer authorized to administer oaths, not the accuser, to serve as deposition officer. If the deposition officer is not a judge advocate, an impartial judge advocate certified under Article 27(b) shall be made available to provide legal advice to the deposition officer."

(q) R.C.M. 703(e)(2)(B) is amended to read as follows:

"(B) *Contents.* A subpoena shall state the command by which the proceeding is directed, and the title, if any, of the proceeding. A subpoena shall command each person to whom it is directed to attend and give testimony at the time and place specified therein. A subpoena may also command the person to whom it is directed to produce books, papers, documents, data, or other objects or electronically stored information designated therein at the proceeding or at an earlier time for inspection by the parties. A subpoena issued for a preliminary hearing pursuant to Article 32 shall not command any person to attend or give testimony at an Article 32 preliminary hearing."

(r) R.C.M. 703(e)(2)(C) is amended to read as follows:

"(C) *Who may issue.*

(1) A subpoena to secure evidence may be issued by:

(a) The summary court-martial;

(b) At an Article 32 preliminary hearing, detailed counsel for the government;

(c) After referral to a court-martial, detailed trial counsel;

(d) The president of a court of inquiry; or

(e) An officer detailed to take a deposition."

(s) R.C.M. 703(f)(4)(B) is amended to read as follows:

"(B) *Evidence not under the control of the government.* Evidence not under the control of the government may be obtained by a subpoena issued in accordance with subsection (e)(2) of this rule. A *subpoena duces tecum* to produce books, papers, documents, data, or other objects or electronically stored information for a preliminary hearing pursuant to Article 32 may be issued, following the convening authority's order directing such preliminary hearing, by counsel for the government. A person in receipt of a *subpoena duces tecum* for an Article 32 hearing need not personally appear in order to comply with the subpoena."

(t) R.C.M. 801(a)(6) is inserted after R.C.M. 801(a)(5) and reads as follows:

"(6) In the case of a victim of an offense under the UCMJ who is under 18 years of age and not a member of the armed forces, or who is incompetent, incapacitated, or deceased, designate in writing a family member, a representative of the estate of the victim, or another suitable individual to assume the victim's rights under the UCMJ.

(A) For the purposes of this rule, the individual is designated for the sole purpose of assuming the legal rights of the victim as they pertain to the victim's status as a victim of any offense(s) properly before the court.

(B) *Procedure to determine appointment of designee.*

(i) As soon as practicable, trial counsel shall notify the military judge, counsel for the accused, and the victim(s) of any offense(s) properly before the court when there is an apparent requirement to appoint a designee under this rule.

(ii) The military judge will determine if the appointment of a designee is required under this rule.

(iii) At the discretion of the military judge, victim(s), trial counsel, and the accused may be given the opportunity to recommend to the military judge individual(s) for appointment.

(iv) The military judge is not required to hold a hearing before determining whether a designation is required or making such an appointment under this rule.

(v) If the military judge determines a hearing pursuant to Article 39(a), UCMJ, is necessary, the following shall be notified of the hearing and afforded the right to be present at the hearing: trial counsel, accused, and the victim(s).

(vi) The individual designated shall not be the accused.

(C) At any time after appointment, a designee shall be excused upon request by the designee or a finding of good cause by the military judge.

(D) If the individual appointed to assume the victim's rights is excused, the military judge shall appoint a successor consistent with this rule."

(u) A new R.C.M. 806(b)(2) is inserted immediately after R.C.M. 806(b)(1) and reads as follows:

"(2) *Right of victim to attend.* A victim of an alleged offense committed by the accused may not be excluded from a court-martial relating to the offense unless the military judge, after receiving clear and convincing evidence, determines that testimony by the victim would be

materially altered if the victim heard other testimony at that hearing or proceeding. The right to attend requires reasonable, accurate, and timely notice of a court-martial relating to the offense."

(v) A new R.C.M. 806(b)(3) is inserted immediately after the new R.C.M. 806(b)(2) and reads as follows:

"(3) *Right of victim to confer.* A victim of an alleged offense committed by the accused has the reasonable right to confer with the trial counsel."

(w) R.C.M. 806(b)(2) is renumbered as R.C.M. 806(b)(4).

(x) R.C.M. 906(b)(8) is amended to read as follows:

"(8) *Relief from pretrial confinement.* Upon a motion for release from pretrial confinement, a victim of an alleged offense committed by the accused has the right to reasonable, accurate, and timely notice of the motion and any hearing, the right to confer with trial counsel, and the right to be reasonably heard. Inability to reasonably afford a victim these rights shall not delay the proceedings. The right to be heard under this rule includes the right to be heard through counsel."

(y) R.C.M. 912(i)(3) is amended to read as follows:

"(3) *Preliminary hearing officer.* For purposes of this rule, "preliminary hearing officer" includes any person who has examined charges under R.C.M. 405 and any person who was counsel for a member of a court of inquiry, or otherwise personally has conducted an investigation of the general matter involving the offenses charged."

(z) R.C.M. 1001(a)(1)(B) is amended to read as follows:

"(B) Victim's right to be reasonably heard. *See* R.C.M. 1001A."

(aa) R.C.M. 1001(a)(1)(C)–(G) are amended to read as follows:

"(C) Presentation by the defense of evidence in extenuation or mitigation or both.

(D) Rebuttal.

(E) Argument by trial counsel on sentence.

(F) Argument by defense counsel on sentence.

(G) Rebuttal arguments in the discretion of the military judge."

(bb) A new rule, R.C.M. 1001A, is inserted immediately after R.C.M. 1001(g) and reads as follows:

"Rule 1001A. Crime victims and presentencing

(a) *In general.* A crime victim of an offense of which the accused has been found guilty has the right to be reasonably heard at a sentencing hearing relating to that offense. A victim under this rule is not considered a witness for purposes of Article 42(b). Trial counsel shall ensure the victim is aware of the opportunity to exercise that right. If the victim exercises the right to be reasonably heard, the victim shall be called by the court-martial. This right is independent of whether the victim testified during findings or is called to testify under R.C.M. 1001.

(b) *Definitions.*

(1) *Crime victim.* For purposes of this rule, a "crime victim" is an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense of which the accused was found guilty.

(2) *Victim Impact.* For the purposes of this rule, "victim impact" includes any financial, social, psychological, or medical impact on the victim directly relating to or arising from the offense of which the accused has been found guilty.

(3) *Mitigation.* For the purposes of this rule, "mitigation" includes a matter to lessen the punishment to be adjudged by the court-martial or to furnish grounds for a recommendation of clemency.

(4) *Right to be reasonably heard.*

(A) *Capital cases.* In capital cases, for purposes of this rule, the "right to be reasonably heard" means the right to make a sworn statement.

(B) *Non-capital cases.* In non-capital cases, for purposes of this rule, the "right to be reasonably heard" means the right to make a sworn or unsworn statement.

(c) *Content of statement.* The content of statements made under subsections (d) and (e) of this rule may include victim impact or matters in mitigation.

(d) *Sworn statement.* The victim may give a sworn statement under this rule and shall be subject to cross-examination concerning the statement by the trial counsel or defense counsel or examination on the statement by the court-martial, or all or any of the three. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the sworn statement may be made by the victim's designee appointed under R.C.M. 801(a)(6). Additionally, a victim under 18 years of age may elect to make a sworn statement.

(e) *Unsworn statement.* The victim may make an unsworn statement and may not be cross-examined by the trial counsel or defense counsel upon it or examined upon it by the court-martial. The prosecution or defense may, however, rebut any statements of facts therein. The unsworn statement may be oral, written, or both. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the unsworn statement may be made by the victim's designee appointed under R.C.M. 801(a)(6). Additionally, a victim under 18 years of age may elect to make an unsworn statement.

(1) *Procedure for presenting unsworn statement.* After the announcement of findings, a victim who would like to present an unsworn statement shall provide a copy to the trial counsel, defense counsel, and military judge. The military judge may waive this requirement for good cause shown.

(2) Upon good cause shown, the military judge may permit the victim's counsel to deliver all or part of the victim's unsworn statement.

(cc) R.C.M. 1103A(a) is amended to read as follows:

"(a) *In general.* If the report of preliminary hearing or record of trial contains exhibits, proceedings, or other matter ordered sealed by the preliminary hearing officer or military judge, counsel for the government or trial counsel shall cause such materials to be sealed so as to prevent unauthorized viewing or disclosure. Counsel for the government or trial counsel shall ensure that such materials are properly marked, including an annotation that the material was sealed by order of the preliminary hearing officer or military judge, and inserted at the appropriate place in the original record of trial. Copies of the report of preliminary hearing or record of trial shall contain appropriate annotations that matters were sealed by order of the preliminary hearing officer or military judge and have been inserted in the report of preliminary hearing or original record of trial. This Rule shall be implemented in a manner consistent with Executive Order 13526, concerning classified national security information."

(dd) R.C.M. 1103A(b)(1) is amended to read as follows:

"(1) *Prior to referral.* The following individuals may examine sealed materials only if necessary for proper fulfillment of their responsibilities under the UCMJ, the MCM, governing directives, instructions, regulations, applicable rules for practice and procedure, or rules of professional responsibility: the judge advocate advising the convening authority who directed the Article 32 preliminary hearing; the convening authority who directed the Article 32 preliminary hearing; the staff judge advocate to the general court-martial convening authority; and the general court-martial convening authority."

(ee) R.C.M. 1103A(b)(5) is inserted immediately after R.C.M. 1103A(b)(4)(E)(viii) and reads as follows:

"(5) *Examination of sealed matters.* For the purpose of this rule, "examination" includes reading, viewing, photocopying, photographing, disclosing, or manipulating the sealed matters in any way."

(ff) R.C.M. 1105 is amended by inserting the following Note before the rule's heading:

"[Note: R.C.M. 1105(b)(1) and (b)(2)(C) apply to offenses committed on or after 24 June 2014.]"

(gg) R.C.M. 1105(b)(1) is amended to read as follows:

"(1) The accused may submit to the convening authority any matters that may reasonably tend to affect the convening authority's decision whether to disapprove any findings of guilty or to approve the sentence, except as may be limited by R.C.M. 1107(b)(3)(C). The convening authority is only required to consider written submissions."

(hh) R.C.M. 1105(b)(2)(C) is amended to read as follows:

"(C) Matters in mitigation that were not available for consideration at the court-martial, except as may be limited by R.C.M. 1107(b)(3)(B); and"

(ii) R.C.M. 1107 is amended by inserting the following Note before the rule's heading:

"[Note: Subsections (b)-(f) of R.C.M. 1107 apply to offenses committed on or after 24 June 2014; however, if at least one offense in a case occurred prior to 24 June 2014, then the prior version of RCM 1107 applies to all offenses in the case, except that mandatory minimum sentences under Article 56(b) and applicable rules under RCM 1107(d)(1)(D)-(E) still apply.]"

(jj) R.C.M. 1107(b)(1) is amended to read as follows:

"(1) *Discretion of convening authority.* Any action to be taken on the findings and sentence is within the sole discretion of the convening authority. The convening authority is not required to review the case for legal errors or factual sufficiency."

(kk) R.C.M. 1107(b)(3)(A)(iii) is amended to read as follows:

"(iii) Any matters submitted by the accused under R.C.M. 1105 or, if applicable, R.C.M. 1106(f);"

(ll) R.C.M. 1107(b)(3)(A)(iv) is amended to read as follows:

"(iv) Any statement submitted by a crime victim pursuant to R.C.M. 1105A and subsection (C) of this rule."

(mm) R.C.M. 1107(b)(3)(B)(i) is amended to read as follows:

"(i) The record of trial, subject to the provisions of R.C.M. 1103A and subsection (C) of this rule;"

(nn) R.C.M. 1107(c) is amended to read as follows:

"(c) *Action on findings.* Action on the findings is not required. However, the convening authority may take action subject to the following limitations:

(1) For offenses charged under subsection (a) or (b) of Article 120, offenses charged under Article 120b, and offenses charged under Article 125:

(A) The convening authority is prohibited from:

(i) Setting aside any finding of guilt or dismissing a specification; or

(ii) Changing a finding of guilty to a charge or specification to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge or specification.

(B) The convening authority may direct a rehearing in accordance with subsection (e) of this rule.

(2) For offenses other than those listed in subsection (c)(1) of this rule for which the maximum sentence of confinement that may be adjudged does not exceed two years without regard to the jurisdictional limits of the court, and the sentence adjudged does not include dismissal, a dishonorable discharge, bad-conduct discharge, or confinement for more than six months:

(A) The convening authority may change a finding of guilty to a charge or specification to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge or specification; or

(B) Set aside any finding of guilty and:

(i) Dismiss the specification and, if appropriate, the charge; or

(ii) Direct a rehearing in accordance with subsection (e) of this rule.

(3) If the convening authority acts to dismiss or change any charge or specification for an offense, the convening authority shall provide, at the same time, a written explanation of the reasons for such action. The written explanation shall be made a part of the record of trial and action thereon."

(oo) R.C.M. 1107(d)(1) is amended to read as follows:

"(1) *In general.*

(A) The convening authority may not disapprove, commute, or suspend, in whole or in part, any portion of an adjudged sentence of confinement for more than six months.

(B) The convening authority may not disapprove, commute, or suspend that portion of an adjudged sentence that includes a dismissal, dishonorable discharge, or bad-conduct discharge.

(C) The convening authority may disapprove, commute, or suspend, in whole or in part, any portion of an adjudged sentence when doing so is not explicitly prohibited by this Rule.

Actions affecting reduction in pay grade, forfeitures of pay and allowances, fines, reprimands, restrictions, and hard labor without confinement are not explicitly prohibited by this Rule.

(D) The convening authority shall not disapprove, commute, or suspend any mandatory minimum sentence of dismissal or dishonorable discharge except in accordance with subsection (E) of this Rule.

(E) *Exceptions.*

(i) *Trial counsel recommendation.* Upon the recommendation of the trial counsel, in recognition of the substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the convening authority or another person authorized to act under this section shall have the authority to disapprove, commute, or suspend the adjudged sentence, in whole or in part, even with respect to an offense for which a mandatory minimum sentence exists.

(ii) *Pretrial agreement.* If a pretrial agreement has been entered into by the convening authority and the accused as authorized by R.C.M. 705, the convening authority shall have the authority to approve, disapprove, commute, or suspend a sentence, in whole or in part, pursuant to the terms of the pretrial agreement. The convening authority may commute a mandatory sentence of a dishonorable discharge to a bad-conduct discharge pursuant to the terms of the pretrial agreement.

(F) If the convening authority acts to disapprove, commute, or suspend, in whole or in part, the sentence of the court-martial for an offense, the convening authority shall provide, at the same time, a written explanation of the reasons for such action. The written explanation shall be made a part of the record of trial and action thereon."

(pp) R.C.M. 1107(d)(2) is amended to read as follows:

"(2) *Determining what sentence should be approved.* The convening authority shall, subject to the limitations in subsection (d)(1) above, approve that sentence that is warranted by the circumstances of the offense and appropriate for the accused."

(qq) R.C.M. 1107(e)(1)(B)(ii) is amended to read as follows:

"(ii) In cases subject to review by the Court of Criminal Appeals, before the case is forwarded under R.C.M. 1111(a)(1) or (b)(1), but only as to any sentence that was approved or findings of guilty as were not disapproved in any earlier action. In cases of rehearing under subparagraph (c)(2) of this Rule, a supplemental action disapproving the sentence and some or all of the findings , as appropriate, shall be taken; or"

(rr) R.C.M. 1107(e)(1)(C)(ii) is deleted.

(ss) R.C.M. 1107(e)(1)(C)(iii) is renumbered as R.C.M. 1107(e)(1)(C)(ii).

(tt) R.C.M. 1107(f)(2) is amended to read as follows:

"(2) *Modification of initial action.* Subject to the limitations in subsections (c) and (d) of this Rule, the convening authority may recall and modify any action taken by that convening authority at any time before it has been published or before the accused has been officially notified. The convening authority may also recall and modify any action at any time prior to forwarding the record for review, as long as the modification does not result in action less favorable to the accused than the earlier action. In addition, in any special court-martial, the convening authority may recall and correct an illegal, erroneous, incomplete, or ambiguous action at any time before completion of review under R.C.M. 1112, as long as the correction does not result in action less favorable to the accused than the earlier action. When so directed by a higher reviewing authority or the Judge Advocate General, the convening authority shall modify any incomplete, ambiguous, void, or inaccurate action noted in review of the record of

trial under Articles 64, 66, 67, or examination of the record of trial under Article 69. The convening authority shall personally sign any supplementary or corrective action. A written explanation is required for any modification of initial action that: 1) sets aside any finding of guilt or dismisses or changes any charge or specification for an offense; or 2) disapproves, commutes, or suspends, in whole or in part, the sentence. The written explanation shall be made a part of the record of trial and action thereon."

(uu) R.C.M. 1107(g) is amended to read as follows:

"(g) *Incomplete, ambiguous, or erroneous action.* When the action of the convening authority or of a higher authority is incomplete or ambiguous or contains error, the authority who took the incomplete, ambiguous, or erroneous action may be instructed by an authority acting under Articles 64, 66, 67, 67a, or 69 to withdraw the original action and substitute a corrected action."

(vv) R.C.M. 1108(b) is amended to insert the following before the rule's text:

"[Note: R.C.M. 1108(b) applies to offenses committed on or after 24 June 2014.]"

(ww) R.C.M. 1108(b) is amended to read as follows:

"(b) *Who may suspend and remit.* The convening authority may, after approving the sentence, suspend the execution of all or any part of the sentence of a court-martial, except for a sentence of death or as prohibited under R.C.M. 1107(d). The general court-martial convening authority over the accused at the time of the court-martial may, when taking action under R.C.M. 1112(f), suspend or remit any part of the sentence. The Secretary concerned and, when designated by the Secretary concerned, any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may suspend or remit any part or amount of the unexecuted part of any sentence other than a sentence approved by the President or a

sentence of confinement for life without eligibility for parole that has been ordered executed. The Secretary concerned may, however, suspend or remit the unexecuted part of a sentence of confinement for life without eligibility for parole after the service of a period of confinement of not less than 20 years. The commander of the accused who has the authority to convene a court-martial of the kind that adjudged the sentence may suspend or remit any part of the unexecuted part of any sentence by summary court-martial or of any sentence by special court-martial that does not include a bad-conduct discharge regardless of whether the person acting has previously approved the sentence. The "unexecuted part of any sentence" is that part that has been approved and ordered executed but that has not actually been carried out."

(xx) R.C.M. 1301(c) is amended to insert the following before the rule's text:

"[Note: R.C.M. 1301(c) applies to offenses committed on or after 24 June 2014.]"

(yy) R.C.M. 1301(c) is amended to number the current paragraph as (1), and a new R.C.M. 1301(c)(2) is inserted after the new R.C.M. 1301(c)(1) and reads as follows:

"(2) Notwithstanding subsection (c)(1) of this Rule, summary courts-martial do not have jurisdiction over offenses under Articles 120(a), 120(b), 120b(a), 120b(b), forcible sodomy under Article 125, and attempts thereof under Article 80. Such offenses shall not be referred to a summary court-martial."

(zz) R.C.M. 406(b)(2) and R.C.M. 1103 are amended by changing "report of investigation" to "report of preliminary hearing".

(aaa) R.C.M. 603(b) and R.C.M. 912(f)(1)(F) are amended by changing "an investigating officer" to "a preliminary hearing officer".

(bbb) R.C.M. 705(c)(2)(E), R.C.M. 905(b)(1), and R.C.M. 906(b)(3) are amended by changing "Article 32 investigation" to "Article 32 preliminary hearing".

(ccc) R.C.M. 706(a), R.C.M. 706(c)(3)(A), R.C.M. 902(b)(2), R.C.M. 912(a)(1)(K), R.C.M. 1106(b), and R.C.M. 1112(c) are amended by changing "investigating officer" to "preliminary hearing officer".

Sec. 2. Part III of the Manual for Courts-Martial, United States, is amended as follows:

(a) Mil. R. Evid. 404(a)(2)(A) is amended to read as follows:

"(A) The accused may offer evidence of the accused's pertinent trait and, if the evidence is admitted, the prosecution may offer evidence to rebut it. General military character is not a pertinent trait for the purposes of showing the probability of innocence of the accused for the following offenses under the UCMJ:

(i) Articles 120–123a;

(ii) Articles 125–127;

(iii) Articles 129–132;

(iv) Any other offense in which evidence of general military character of the accused is not relevant to any element of an offense for which the accused has been charged; or

(v) An attempt or conspiracy to commit one of the above offenses."

(b) Mil. R. Evid. 412(c)(2) is amended to read as follows:

"(2) Before admitting evidence under this rule, the military judge must conduct a hearing, which shall be closed. At this hearing, the parties may call witnesses, including the alleged victim, and offer relevant evidence. The alleged victim must be afforded a reasonable opportunity to attend and be heard. However, the hearing may not be unduly delayed for this purpose. The right to be heard under this rule includes the right to be heard through counsel, including Special Victims' Counsel under section 1044e of title 10, United States Code. In a case before a court-martial composed of a military judge and members, the military judge shall conduct the hearing outside the presence of the members pursuant to Article 39(a). The motion, related papers, and the record of the hearing must be sealed in accordance with R.C.M. 1103A and remain under seal unless the military judge or an appellate court orders otherwise."

(c) Mil. R. Evid. 513(b)(2) is amended to read as follows:

"(2) "Psychotherapist" means a psychiatrist, clinical psychologist, clinical social worker, or other mental health professional who is licensed in any State, territory, possession, the District of Columbia, or Puerto Rico to perform professional services as such, or who holds credentials to provide such services as such, or who holds credentials to provide such services from any military health care facility, or is a person reasonably believed by the patient to have such license or credentials."

(d) Mil. R. Evid. 513(d)(8) is deleted.

(e) Mil. R. Evid. 513(e)(2) is amended to read as follows:

"(2) Before ordering the production or admission of evidence of a patient's records or communication, the military judge must conduct a hearing, which shall be closed. At the hearing, the parties may call witnesses, including the patient, and offer other relevant evidence. The patient must be afforded a reasonable opportunity to attend the hearing and be heard. However, the hearing may not be unduly delayed for this purpose. The right to be heard under this rule includes the right to be heard through counsel, including Special Victims' Counsel under section 1044e of title 10, United States Code. In a case before a court-martial composed of a military judge and members, the military judge must conduct the hearing outside the presence of the members."

(f) Mil. R. Evid. 513(e)(3) is amended to read as follows:

"(3) The military judge may examine the evidence or a proffer thereof in camera, if such examination is necessary to rule on the production or admissibility of protected records or communications. Prior to conducting an in camera review, the military judge must find by a preponderance of the evidence that the moving party showed:

(A) a specific factual basis demonstrating a reasonable likelihood that the records or communications would yield evidence admissible under an exception to the privilege;

(B) that the requested information meets one of the enumerated exceptions under subsection (d) of this rule;

(C) that the information sought is not merely cumulative of other information available; and

(D) that the party made reasonable efforts to obtain the same or substantially similar information through non-privileged sources."

(g) A new Mil. R. Evid. 513(e)(4) is inserted immediately after Mil. R. Evid. 513(e)(3) and reads as follows:

"(4) Any production or disclosure permitted by the military judge under this rule must be narrowly tailored to only the specific records or communications, or portions of such records or communications, that meet the requirements for one of the enumerated exceptions to the privilege under subsection (d) of this Rule and are included in the stated purpose for which the records or communications are sought under subsection (e)(1)(A) of this Rule."

(h) Mil. R. Evid. 513(e)(4) is renumbered as Mil. R. Evid. 513(e)(5).

(i) Mil. R. Evid. 513(e)(5) is renumbered as Mil. R. Evid. 513(e)(6).

(j) The title of Mil. R. Evid. 514 is amended to read as follows:

"Victim advocate-victim and Department of Defense Safe Helpline staff-victim privilege"

(k) Mil. R. Evid. 514(a) is amended to read as follows:

"(a) *General Rule.* A victim has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the alleged victim and a victim advocate or between the alleged victim and Department of Defense Safe Helpline staff, in a case

arising under the UCMJ, if such communication was made for the purpose of facilitating advice or assistance to the alleged victim."

(l) Mil. R. Evid. 514(b)(3)-(5) is amended to read as follows

"(3) "Department of Defense Safe Helpline staff" are persons who are designated by competent authority in writing as Department of Defense Safe Helpline staff.

(4) A communication is "confidential" if made in the course of the victim advocate-victim relationship or Department of Defense Safe Helpline staff-victim relationship and not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of advice or assistance to the alleged victim or those reasonably necessary for such transmission of the communication.

(5) "Evidence of a victim's records or communications" means testimony of a victim advocate or Department of Defense Safe Helpline staff, or records that pertain to communications by a victim to a victim advocate or Department of Defense Safe Helpline staff, for the purposes of advising or providing assistance to the victim."

(m) Mil. R. Evid. 514(c) is amended to read as follows:

"(c) *Who May Claim the Privilege.* The privilege may be claimed by the victim or the guardian or conservator of the victim. A person who may claim the privilege may authorize trial counsel or a counsel representing the victim to claim the privilege on his or her behalf. The victim advocate or Department of Defense Safe Helpline staff who received the communication may claim the privilege on behalf of the victim. The authority of such a victim advocate, Department of Defense Safe Helpline staff, guardian, conservator, or a counsel representing the victim to so assert the privilege is presumed in the absence of evidence to the contrary."

(n) Mil. R. Evid. 514(d)(2)-(4) is amended to read as follows:

"(2) When federal law, state law, Department of Defense regulation, or service regulation imposes a duty to report information contained in a communication;

(3) When a victim advocate or Department of Defense Safe Helpline staff believes that a victim's mental or emotional condition makes the victim a danger to any person, including the victim;

(4) If the communication clearly contemplated the future commission of a fraud or crime, or if the services of the victim advocate or Department of Defense Safe Helpline staff are sought or obtained to enable or aid anyone to commit or plan to commit what the victim knew or reasonably should have known to be a crime or fraud;"

(o) Mil. R. Evid. 514(e)(2) is amended to read as follows:

"(2) Before ordering the production or admission of evidence of a victim's records or communication, the military judge must conduct a hearing, which shall be closed. At the hearing, the parties may call witnesses, including the victim, and offer other relevant evidence. The victim must be afforded a reasonable opportunity to attend the hearing and be heard. However, the hearing may not be unduly delayed for this purpose. The right to be heard under this rule includes the right to be heard through counsel, including Special Victims' Counsel under section 1044e of title 10, United States Code. In a case before a court-martial composed of a military judge and members, the military judge must conduct the hearing outside the presence of the members."

(p) Mil. R. Evid. 514(e)(3) is amended to read as follows:

"(3) The military judge may examine the evidence, or a proffer thereof, in camera if such examination is necessary to rule on the production or admissibility of protected records or

communications. Prior to conducting an in camera review, the military judge must find by a preponderance of the evidence that the moving party showed:

(A) a specific factual basis demonstrating a reasonable likelihood that the records or communications would yield evidence admissible under an exception to the privilege;

(B) that the requested information meets one of the enumerated exceptions under subsection (d) of this rule;

(C) that the information sought is not merely cumulative of other information available; and

(D) that the party made reasonable efforts to obtain the same or substantially similar information through non-privileged sources."

(q) A new Mil. R. Evid. 514(e)(4) is inserted immediately after Mil. R. Evid. 514(e)(3) and reads as follows:

"(4) Any production or disclosure permitted by the military judge under this rule must be narrowly tailored to only the specific records or communications, or portions of such records or communications, that meet the requirements for one of the enumerated exceptions to the privilege under subsection (d) above and are included in the stated purpose for which the records or communications are sought under subsection (e)(1)(A) above."

(r) Mil. R. Evid. 514(e)(4) is renumbered as Mil. R. Evid. 514(e)(5).

(s) Mil. R. Evid. 514(e)(5) is renumbered as Mil. R. Evid. 514(e)(6).

(t) Mil. R. Evid. 615(e) is amended to read as follows:

"(e) A victim of an offense from the trial of an accused for that offense, unless the military judge, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that hearing or proceeding."

Sec. 3. Part IV of the Manual for Courts-Martial, United States, is amended as follows:

(a) Paragraph 5, Article 81 – Conspiracy, subparagraph a is amended to read as follows:

"a. Text of statute.

(a) Any person subject to this chapter who conspires with any other person to commit an offense under this chapter shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

(b) Any person subject to this chapter who conspires with any other person to commit an offense under the law of war, and who knowingly performs an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct."

(b) Paragraph 5, Article 81 – Conspiracy, subparagraph b is amended to read as follows:

"b. *Elements.*

(1) *Conspiracy.*

(a) That the accused entered into an agreement with one or more persons to commit an offense under the UCMJ; and

(b) That, while the agreement continued to exist, and while the accused remained a party to the agreement, the accused or at least one of the co-conspirators performed an overt act for the purpose of bringing about the object of the conspiracy.

(2) *Conspiracy when offense is an offense under the law of war resulting in the death of one or more victims.*

(a) That the accused entered into an agreement with one or more persons to commit an offense under the law of war;

(b) That, while the agreement continued to exist, and while the accused remained a party to the agreement, the accused knowingly performed an overt act for the purpose of bringing about the object of the conspiracy; and

(c) That death resulted to one or more victims."

(c) Paragraph 5, Article 81 – Conspiracy, subparagraph e is amended to read as follows:

"e. *Maximum punishment.* Any person subject to the code who is found guilty of conspiracy shall be subject to the maximum punishment authorized for the offense that is the object of the conspiracy. However, with the exception noted below, if death is an authorized punishment for the offense that is the object of the conspiracy, the maximum punishment shall be dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole. If the offense that is the object of the conspiracy is an offense under the law of war, the person knowingly performed an overt act for the purpose of bringing about the object of the conspiracy, and death results to one or more victims, the death penalty shall be an available punishment."

(d) Paragraph 5, Article 81 – Conspiracy, subparagraph f is amended to read as follows:

"f. *Sample specifications.*

(1) *Conspiracy.*

In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20 _____, conspire with _____ (and _____) to commit an offense under the Uniform Code of Military Justice, to wit: (larceny of _____ , of a value of (about) $ _____ , the property of _____), and in order to effect the object of the conspiracy the said _____ (and _____) did _____.

(2) *Conspiracy when offense is an offense under the law of war resulting in the death of one*

or more victims.

In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20 _____, conspire with _____ (and _____) to commit an offense under the law of war, to wit: (murder of _____), and in order to effect the object of the conspiracy the said _____ knowingly did _____ resulting in the death of _____."

(e) Paragraph 16, Article 92 – Failure to obey order or regulation, is amended by inserting after subparagraph b.(3)(c) a new Note and a new subparagraph b.(3)(d) as follows:

"[Note: In cases where the dereliction of duty resulted in death or grievous bodily harm, add the following as applicable]

(d) That such dereliction of duty resulted in death or grievous bodily harm to a person other than the accused."

(f) Paragraph 16, Article 92 – Failure to obey order or regulation, is amended by inserting new subparagraphs c.(3)(e) and (f) immediately after Paragraph 16c.(3)(d) and read as follows:

"(e) Grievous bodily harm. "Grievous bodily harm" means serious bodily injury. It does not include minor injuries, such as a black eye or a bloody nose, but does include fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other serious bodily injuries.

(f) Where the dereliction of duty resulted in death or grievous bodily harm, an intent to cause death or grievous bodily harm is not required."

(g) Paragraph 16, Article 92 – Failure to obey order or regulation, is amended by renumbering the existing subparagraph e.(3)(B) as subparagraph e.(3)(C), inserting new subparagraph e.(3)(B), inserting a new subparagraph e.(3)(D), and inserting a new note following subparagraph

e.(3)(D) as follows:

"(B) *Through neglect or culpable inefficiency resulting in death or grievous bodily harm.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 18 months.

(C) *Willful.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

(D) *Willful dereliction of duty resulting in death or grievous bodily harm.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years."

[Note: For (1) and (2) above, the punishment set forth does not apply in the following cases: if, in the absence of the order or regulation that was violated or not obeyed, the accused would on the same facts be subject to conviction for another specific offense for which a lesser punishment is prescribed; or if the violation or failure to obey is a breach of restraint imposed as a result of an order. In these instances, the maximum punishment is that specifically prescribed elsewhere for that particular offense.]

(h) Paragraph 16, Article 92 – Failure to obey order or regulation, subparagraph f.(4) is amended to read as follows:

"(4) *Dereliction in the performance of duties.*

In that, _____ (personal jurisdiction data), who (knew) (should have known) of his/her duties (at/on board—location) (subject-matter jurisdiction data, if required), (on or about ____ 20__) (from about ____ 20__ to about _____ 20__), was derelict in the performance of those duties in that he/she (negligently) (willfully) (by culpable inefficiency) failed _____, as it was his/her duty to do (, and that such dereliction of duty resulted in (grievous bodily harm, to wit: (broken leg) (deep cut) (fractured skull) to) (the death of) _____)."

(i) Paragraph 17, Article 93 – Cruelty and maltreatment, subparagraph e is amended to read as

follows:

" e. *Maximum punishment.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years."

(j) Paragraph 57, Article 131 – Perjury, subparagraph c is amended by changing "an investigation conducted under Article 32" to "a preliminary hearing conducted under Article 32" and by changing "an Article 32 investigation" to "an Article 32 preliminary hearing".

(k) Paragraph 96, Article 134 – Obstructing justice, subparagraph f is amended by changing "an investigating officer" to "a preliminary hearing officer" and by changing "before such investigating officer" to "before such preliminary hearing officer."

(l) Paragraph 96a, Article 134 – Wrongful interference with an adverse administrative proceeding, paragraph f is amended by changing "an investigating officer" to "a preliminary hearing officer" and by changing "before such investigating officer" to "before such preliminary hearing officer."

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