

## V. Small Business Regulatory Enforcement Fairness Act

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996, or “SBREFA,”<sup>37</sup> we solicit data to determine whether the proposal constitutes a “major” rule. Under SBREFA, a rule is considered “major” where, if adopted, it results or is likely to result in:

- An annual effect on the economy of \$100 million or more (either in the form of an increase or a decrease);
- A major increase in costs or prices for consumers or individual industries; or
- Significant adverse effects on competition, investment or innovation.

We request comment on the potential impact of the proposed amendment on the U.S. economy on an annual basis, any potential increase in costs or prices for consumers or individual industries, and any potential effect on competition, investment or innovation.

Commentators are requested to provide empirical data and other factual support for their views if possible.

## VI. Consideration of Impact on the Economy, Burden on Competition and Promotion of Efficiency, Competition and Capital Formation

Section 2(b) of the Securities Act requires us, when engaging in rulemaking where we are required to consider or determine whether an action is necessary or appropriate in the public interest, to also consider whether the action will promote efficiency, competition, and capital formation.

As discussed in greater detail above, Rule 312 of Regulation S–T was adopted as a temporary filing accommodation so that issuers of ABS could present static pool information on an Internet Web site. The proposed amendment to Rule 312 of Regulation S–T further extends its application for eighteen months. We are not proposing changes to the conditions of Rule 312 or to the disclosure obligations to which it applies. We do not believe that an eighteen-month extension would impose a burden on competition. We also believe the extension of the filing accommodation would continue to promote efficiency and capital formation by permitting ABS issuers to disclose static pool information in a format that is more useful to investors and cost-effective and not unduly burdensome for asset-backed issuers.

We request comment on whether the proposed amendment, if adopted, would promote efficiency, competition,

and capital formation. Commentators are requested to provide empirical data and other factual support for their view to the extent possible.

## VII. Regulatory Flexibility Act Certification

The Commission hereby certifies pursuant to 5 U.S.C. 605(b) that the proposed amendment contained in this release, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposal relates to the disclosure requirements for ABS in Securities Act registration statements. Securities Act Rule 157<sup>38</sup> defines an issuer, other than an investment company, to be a “small business” or “small organization” if it had total assets of \$5 million or less on the last day of its most recent fiscal year. As the depositor and issuing entity are most often limited purpose entities in an ABS transaction, we focused on the sponsor in analyzing the potential impact of the proposal under the Regulatory Flexibility Act. Based on our data, we only found one sponsor that could meet the definition of a small broker-dealer for purposes of the Regulatory Flexibility Act.<sup>39</sup> In addition, even if additional sponsors are small entities, the proposed amendment to Rule 312 would not have a significant economic impact on any such entities because it only extends a temporary filing accommodation that is currently in effect. Accordingly, the Commission does not believe that the extension, if adopted, would have a significant economic impact on a substantial number of small entities.

We encourage written comments on the Certification. Commentators are asked to describe the nature of any impact on small entities and provide empirical data to support the extent of the impact.

## VIII. Statutory Authority and Text of the Proposed Amendment

The amendment described is being proposed under the authority set forth in Sections 6, 7, 10, 19 and 28 of the Securities Act of 1933 (15 U.S.C. 77f, 77g, 77j, 77s and 77z–3).

### List of Subjects in 17 CFR Part 232

Reporting and recordkeeping requirements, Securities.

### Text of the Proposed Amendment

For the reasons set out in the preamble, the Commission proposes to amend title 17, chapter II, of the Code of Federal Regulations as follows:

<sup>38</sup> 17 CFR 230.157.

<sup>39</sup> This is based on data from Asset-Backed Alert. See Section IX of the 2010 ABS Proposing Release.

## PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for part 232 continues to read, in part, as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.*; and 18 U.S.C. 1350.

\* \* \* \* \*

2. Amend § 232.312 paragraph (a) introductory text by removing “December 31, 2010” and in its place adding “June 30, 2012” in the first sentence.

By the Commission.

Dated: August 30, 2010.

**Elizabeth M. Murphy,**  
*Secretary.*

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## FEDERAL ENERGY REGULATORY COMMISSION

### 18 CFR Part 35

[Docket No. RM10–17–000]

### Demand Response Compensation in Organized Wholesale Energy Markets; Technical Conference

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Announcement of technical conference.

**SUMMARY:** This provides notice of the date and organization for the technical conference relating to the Supplemental Notice of Proposed Rulemaking (NOPR) and Notice of Technical Conference issued on August 2, 2010, and published in the **Federal Register** August 6, 2010. As described in the Supplemental NOPR, the conference will address the use of a net benefits test for determining when to compensate demand response providers and the allocation of costs associated with demand response.

**DATES:** The technical conference will be held at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, on September 13, 2010, beginning at 9 a.m.

### FOR FURTHER INFORMATION CONTACT:

David Hunger (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8148, [david.hunger@ferc.gov](mailto:david.hunger@ferc.gov).  
Caroline Daly (Technical Information), Office of Energy Policy and

<sup>37</sup> 5 U.S.C. 603.

Innovation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8931, [Caroline.Daly@ferc.gov](mailto:Caroline.Daly@ferc.gov).  
Helen Dyson (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8856, [helen.dyson@ferc.gov](mailto:helen.dyson@ferc.gov).

#### SUPPLEMENTARY INFORMATION:

#### Supplemental Notice of Technical Conference and Notice of Comment Date

- August 27, 2010

Take notice that on September 13, 2010, the Federal Energy Regulatory Commission will convene a staff-led technical conference regarding two issues pertaining to demand response compensation, as previously announced: (1) If the Commission were to adopt a net benefits test for determining when to compensate demand response providers, what, if any, requirements should apply to the methods for determining net benefits; and (2) what, if any, requirements should apply to how the costs of demand response are allocated.<sup>1</sup> Comments concerning matters addressed at the technical conference and other issues related to this proceeding are due on or before October 13, 2010. Details concerning the technical conference and comment procedures are set forth below.

#### I. Technical Conference

The technical conference will be held on September 13, 2010, starting at 9 a.m. (EST), in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The conference will be open for the public to attend and advance registration is not required. Members of the Commission may attend the conference.

As indicated in the Supplemental NOPR, the panelists are invited to discuss their views on the possible adoption of a net benefits test, including the methodologies for determining net benefits, and a methodology for allocating the costs of demand response.

In addition to the above-referenced issues and other matters directly

<sup>1</sup> Demand Response Compensation in Organized Wholesale Energy Markets, Notice of Proposed Rulemaking, 75 FR 15,362, 130 FERC ¶ 61,213 (issued March 18, 2010), as supplemented by Supplemental Notice of Proposed Rulemaking and Notice of Technical Conference (Supplemental Notice), 75 FR 47,499, 132 FERC ¶ 61,094 (issued August 2, 2010). As stated in the Supplemental Notice, comments are due within 30 days of the date of the technical conference. Supplemental Notice P 19.

relevant to this proceeding, discussions at the public technical conference may relate to matters pending in the following additional proceedings: Docket No. ER10-765-000, California Independent System Operator, Inc. (CAISO); and Docket Nos. ER09-1049-000, ER09-1049-002, and ER09-1049-003, Midwest Independent System Operator, Inc.

The agenda for this conference is attached. If any changes occur, the revised agenda will be posted on the Calendar of Events page on the Commission's Web site, <http://www.ferc.gov>, prior to the event. To ensure that all speakers have an opportunity to address the issues, and to have ample time for discussion, speakers are asked to limit their opening remarks to five minutes. Speakers are requested to file their opening remarks in this docket and to bring 30 copies to the conference.

Transcripts of the conference will be available immediately for a fee from Ace Reporting Company (202-347-3700 or 1-800-336-6646). They will be available for free on the Commission's eLibrary system and on the Calendar of Events approximately one week after the conference.

A free Webcast of the technical conference in this proceeding will be available. Anyone with Internet access interested in viewing this conference can do so by navigating to <http://www.ferc.gov>'s Calendar of Events and locating the appropriate event in the Calendar. The Calendar of Events will contain a link to the applicable Webcast option. The Capitol Connection provides technical support for the Webcasts and offers the option of listening to the conferences via phone-bridge for a fee. If you have any questions, visit <http://www.CapitolConnection.org> or call (703) 993-3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free 1-866-208-3372 (voice) or 202-208-1659 (TTY), or send a FAX to 202-208-2106 with the required accommodations.

For more information about the technical conference or comment procedures, please contact:

David Hunger (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8148, [David.Hunger@ferc.gov](mailto:David.Hunger@ferc.gov).  
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Kimberly D. Bose,  
Secretary.

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#### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

#### 29 CFR Part 1908

[Docket No. OSHA-2010-0010]

RIN 1218-AC32

#### Consultation Agreements: Proposed Changes to Consultation Procedures

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule.

**SUMMARY:** OSHA is proposing to revise its regulations for the federally-funded On-site Consultation Program to: Clarify the ability of the Assistant Secretary to define sites which would receive inspections regardless of Safety and Health Achievement and Recognition Program (SHARP) exemption status; allow Compliance Safety and Health Officers to proceed with enforcement visits resulting from referrals at sites undergoing Consultation visits and at sites that have been awarded SHARP status; and, limit the deletion period from OSHA's programmed inspection schedule for those employers participating in the SHARP program.

**DATES:** Written comments must be submitted on or before November 2, 2010.

**ADDRESSES:** Written comments: You may submit comments, identified by docket number OSHA-2010-0010, or regulatory information number (RIN) 1218-AC32, by any of the following methods:

*Electronically:* You may submit comments, and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions on-line for making electronic submissions;

*Fax:* If your submission, including attachments, does not exceed 10 pages,