V. Small Business Regulatory Enforcement Fairness Act

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996, or “SBREFA,” 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 and 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 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. 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:


38 This is based on data from Asset-Backed Alert. See Section IX of the 2010 ABS Proposing Release.
Innovation, Federal Energy Regulatory Commission, 888 First Street, NE.,
Washington, DC 20426, (202) 502–8931, 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.

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.

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
NPR, 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
relevant to this proceeding, discussions
at the public technical conference may
relate to matters pertaining 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
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
or call toll free 1–866–208–3372 (voice)
or 202–208–1695 (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.
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Kimberly D. Rose,
Secretary.

DEPARTMENT OF LABOR

Occupational Safety and Health
Administration

29 CFR Part 1908

[Rocket 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,