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Contents

Federal Register

Vol. 80, No. 153

Monday, August 10, 2015

Agriculture Department
See Grain Inspection, Packers and Stockyards Administration
NOTICES
Requests for Nominations:
National Genetic Research Advisory Council, 47895

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 47925–47926

Coast Guard
RULES
Drawbridge Operations:
Atlantic Intracoastal Waterway, Atlantic City, NJ, 47851–47852
Atlantic Intracoastal Waterway, Surf City, NC, 47850–47851
Safety Zones:
NOBLE DISCOVERER, Outer Continental Shelf Drillship, Chukchi Sea, AK, 47852–47855
Waddington Homecoming Fireworks, St. Lawrence River, Ogden Island, NY, 47855–47857

Commerce Department
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Market Risk, 47987–47988

Defense Department
RULES
Assistance to Non-Government, Entertainment-Oriented Media Productions, 47834–47850

Energy Department
See Energy Efficiency and Renewable Energy Office
See Federal Energy Regulatory Commission
NOTICES
Applications To Export Electric Energy:
EDF Trading North America, LLC, 47912–47913

Energy Efficiency and Renewable Energy Office
NOTICES
Meetings:
Biomass Research and Development Technical Advisory Committee, 47913

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Arizona; Infrastructure Requirements for the 2008 Lead (Pb) and the 2008 8-Hour Ozone National Ambient Air Quality Standards, 47859–47862
Colorado; Interstate Transport of Pollution for the 2006 24-Hour PM2.5 NAAQS, 47862–47864
Wyoming; Interstate Transport of Pollution for the 2006 24-Hour PM2.5 NAAQS, 47857–47859
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Mississippi; Memphis, TN–MS–AR Emissions Statements for the 2008 8-Hour Ozone Standard, 47883–47886
Approval and Promulgation of Implementation Plans:
Washington; Update to the Spokane Regional Clean Air Agency Solid Fuel Burning Device Standards, 47880–47883
NOTICES
Cross-Media Electronic Reporting:
Authorized Program Revision Approval, State of Washington, 47924–47925
Meetings:
Board of Scientific Counselors Safe and Sustainable Water Resources Subcommittee; Correction, 47922
Proposed Partial Consent Decrees:
Clean Air Act Citizen Suit, 47922–47924
Proposed Settlements Under CERCLA:
Gowanus Canal Superfund Site, Brooklyn, Kings County, NY, 47922
Registration Review Proposed Interim Decisions; Availability, 47919–47922

Federal Aviation Administration
PROPOSED RULES
Airworthiness Directives:
Fiberglas-Technik Rudolf Lindner GmbH and Co. KG Gliders, 47871–47874

Federal Communications Commission
PROPOSED RULES
Emergency Alert System, 47886–47894
NOTICES
Radio Broadcasting Services:
AM or FM Proposals To Change the Community of License, 47925

Federal Emergency Management Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Assistance for Offsite Radiological Emergency Preparedness and Planning, 47943–47945

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 47914–47916
Combined Filings, 47916–47919
Declaratory Orders:
Wolverine Pipe Line Co., 47916

Environmental Assessments; Availability, etc.:
Coleman Hydro, LLC, 47914
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Chevron Power Holdings Inc., 47913–47914
Thunder Spirit Wind, LLC, 47916
Late Interventions:
Murphy Dam, LLC, 47918

Fish and Wildlife Service
NOTICES
Meetings:
Advisory Council on Wildlife Trafficking, 47945–47946
Permits:
Endangered Species, 47947–47948
Requests for Nominations:
Advisory Council on Wildlife Trafficking, 47946

Food and Drug Administration
NOTICES
Meetings:
Anesthetic and Analgesic Drug Products and Drug Safety and Risk Management Advisory Committees, 47926–47928

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 47988–47996

Foreign-Trade Zones Board
NOTICES
Applications for Expansion:
Foreign-Trade Zone 281, Miami, FL; New Magnet Site, 47897–47898
Expanded Production Authority:
ASO, LLC, Subzone 169A, Foreign-Trade Zone 169, Sarasota, FL; Denials, 47895–47896
Proposed Production Activities:
Foreign-Trade Zone 46, Cincinnati, OH; Festo Corp., 47896–47897
Subzone Expansions; Applications:
Subzone 231A, Lathrop, CA; Medline Industries, Inc., 47897

Geological Survey
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Cooperative Geologic Mapping Program (EDMAP and STATEMAP), 47948–47949

Grain Inspection, Packers and Stockyards Administration
PROPOSED RULES
Requests for Information:
Market Agencies Selling on Commission; Purchases From Consignment, 47871

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Health IT Standards Committee:
Schedule for the Assessment of Health IT Policy Committee Recommendations, 47934–47935
Requests for Nominations:
Health IT Policy Committee and Health IT Standards Committee, 47935–47936
Statement of Organization, Functions, and Delegations of Authority:
Office of the Assistant Secretary for Public Affairs, 47931–47934

Health Resources and Services Administration
NOTICES
Health Center Program:
Class Deviation From Competition Requirements, 47928–47931
Meetings:
National Advisory Committee on Rural Health and Human Services, 47931

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Customs and Border Protection

Housing and Urban Development Department
PROPOSED RULES
Retrospective Review:
Improving the Previous Participation Reviews of Prospective Multifamily Housing and Healthcare Programs Participants, 47874–47880

Indian Affairs Bureau
NOTICES
HEARTH Act Approval of Seminole Tribe of Florida Regulations, 47949–47950

Industry and Security Bureau
NOTICES
Orders Denying Export Privileges:
Peter Gromacki, 47898–47899

Interior Department
See Fish and Wildlife Service
See Geological Survey
See Indian Affairs Bureau
See Land Management Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Offshore Voluntary Disclosure Program, 47998–47999
Meetings:
Taxpayer Advocacy Panel Joint Committee, 47999
Taxpayer Advocacy Panel Notices and Correspondence Project Committee, 47999
Taxpayer Advocacy Panel Special Projects Committee, 47998
Taxpayer Advocacy Panel Tax Forms and Publications Project Committee, 47996–47997
Taxpayer Advocacy Panel Taxpayer Communications Project Committee, 47996
Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee, 47997
Requests for Nominations:
Advisory Committee on Tax Exempt and Government Entities, 47997

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China, 47902–47907
Certain Pasta From Italy, 47900–47902
Seamless Refined Copper Pipe and Tube From Mexico, 47908–47909
Applications for Duty-Free Entry of Electron Microscopes:
University of Maryland Baltimore County, et al., 47909–47910
Applications for Duty-Free Entry of Scientific Instruments:
University of Texas Health Science Center, San Antonio, TX; Withdrawal, 47907–47908
W.M. Keck Observatory, et al., 47899–47900

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Alaska Native Claims Selection, 47950–47951, 47953
Meetings:
Utah Resource Advisory Council/Recreation Resource Advisory Council, 47950
Realty Actions:
Pocatello Resource Management Plan, Segregation of Land for Proposed Non-Competitive (Direct) Sale in Caribou County, ID, 47951–47953

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 47956–47957

National Institutes of Health
NOTICES
Meetings:
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 47936–47937
National Institutes of Health Senior Executive Service 2015 Performance Review Board Members, 47936

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Prohibited Species Catch; Emergency Rule, 47864–47870
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Surfclam/Ocean Quahog Individual Transferable Quota Administration, 47910–47911
Meetings:
Hydrographic Services Review Panel, 47910

National Telecommunications and Information Administration

NOTICES
Internet Assigned Numbers Authority Stewardship Transition Consolidated Proposal and Internet Corporation for Assigned Names and Numbers Accountability Enhancements, 47911–47912

Nuclear Regulatory Commission
NOTICES
Environmental Assessments; Availability, etc.:
Entergy Nuclear Operations, Inc.; Vermont Yankee Nuclear Power Station, 47960–47964
Guidance:
Human Factors Engineering, 47958–47959
Use of Accreditation in Lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services, 47957–47958
Meetings; Sunshine Act, 47958

Occupational Safety and Health Administration
NOTICES
Applications for Expansion of Recognition:
TUV Rheinland of North America, Inc., 47953–47955
Expansions of Recognition:
Curtis-Straus, LLC, 47955–47956

Pipeline and Hazardous Materials Safety Administration
NOTICES
Hazardous Materials:
Anticipated Delay in Administrative Appeal Decisions, 47987

Postal Regulatory Commission
NOTICES
New Postal Products, 47964

Securities and Exchange Commission
RULES
Interpretation of the Whistleblower Rules Under the Securities Exchange Act, 47829–47831
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
EDGA Exchange, Inc., 47966–47968
EDGX Exchange, Inc., 47964–47966
Miami International Securities Exchange, LLC, 47980–47982
Municipal Securities Rulemaking Board, 47976–47978
NASDAQ Stock Market, LLC, 47968–47976
New York Stock Exchange, LLC, 47978–47980

Small Business Administration
NOTICES
Privacy Act; Systems of Records, 47982–47984

Social Security Administration
RULES
Social Security Number Card Applications, 47831–47834

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Electronic Choice of Address and Agent, 47984–47985
Culturally Significant Objects Imported for Exhibition:
Design for Eternity—Architectural Models From the Ancient Americas, 47985
Portrait Head of King Shulgi, 47985
Meetings:
International Security Advisory Board, 47984

Trade Representative, Office of United States
NOTICES
Public Hearings:
China's Compliance with WTO Commitments, 47985–47986

Transportation Department
See Federal Aviation Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Comptroller of the Currency
See Foreign Assets Control Office
See Internal Revenue Service

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Canadian Border Boat Landing Permit, 47937–47938
Guam-CNMI Visa Waiver Information, 47942–47943
Charter Renewals:
User Fee Advisory Committee, 47943
National Customs Automation Program:
Automated Commercial Environment Modifications, 47938–47942

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.
To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

9 CFR

Proposed Rules:

201 47871

14 CFR

Proposed Rules:

39 47871

17 CFR

241 47829

20 CFR

422 47831

24 CFR

Proposed Rules:

200 47874

32 CFR

238 47834

33 CFR

117 (3 documents) 47850, 47851, 47852

147 47852

165 47855

40 CFR

52 (3 documents) 47857, 47859, 47862

Proposed Rules:

52 (2 documents) 47880, 47883

47 CFR

Proposed Rules:

11 47886

50 CFR

679 47864

Rules and Regulations

Federal Register
Vol. 80, No. 153
Monday, August 10, 2015

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

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 241

[Release No. 34–75592]

Interpretation of the SEC's Whistleblower Rules Under Section 21F of the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation.

SUMMARY: The Securities and Exchange Commission (Commission or SEC) is issuing this interpretive rule to clarify that, for purposes of the employment retaliation protections provided by Section 21F of the Securities Exchange Act of 1934 (''Exchange Act''), an individual's status as a whistleblower does not depend on adherence to the reporting procedures specified in Exchange Act Rule 21F–9(a), but is determined solely by the terms of Exchange Act Rule 21F–2(b)(1).

DATES: Effective August 10, 2015.

FOR FURTHER INFORMATION CONTACT: Jane Norberg, Deputy Chief of the Office of the Whistleblower, Division of Enforcement, at (202) 551–4790; Brian A. Ochs, Senior Special Counsel, Office of the General Counsel, at (202) 551–5067; Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

In Section 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 12 4 Stat. 1376, 1841–49 (2010), Congress amended the Exchange Act to add Section 21F, 15 U.S.C. 78u-6(h)(1), entitled ''Securities Whistleblower Incentives and Protection.'' Section 21F established a series of new incentives and protections for individuals to report possible violations of the federal securities laws. Generally speaking, these incentives and protections take three forms—monetary awards for providing information, heightened confidentiality assurances, and enhanced employment retaliation protections.

In May 2011, the Commission issued legislative rules (''whistleblower rules'') after notice-and-comment rulemaking to implement the provisions of Section 21F. The Commission is now issuing this interpretive rule to clarify the meaning and application of certain of those rules. As explained below, an individual may qualify as a whistleblower for purposes of Section 21F's employment retaliation protections irrespective of whether he or she has adhered to the reporting procedures specified in Rule 21F–9(a). Rule 21F–2(b)(1) alone governs the procedures that an individual must follow to qualify as a whistleblower eligible for Section 21F's employment retaliation protections.

II. Interpretation

When we promulgated our legislative rules to implement the whistleblower program, we recognized that Section 21F is ambiguous on the issue of the scope of the employment retaliation protections afforded thereunder. On the one hand, Section 21F(h)(1)(A) includes a broad catchall provision that prohibits an employer from, among other things, retaliating against a whistleblower for ''making disclosures that are required or protected under'' the Sarbanes-Oxley Act of 2002, the Exchange Act, 18 U.S.C. 1513(e), ''and any other law, rule, or regulation subject to the jurisdiction of the Commission.'' [1] As the Commission explained in the adopting release that accompanied the whistleblower rules, the reporting covered by this provision includes ''report[s] to persons or governmental authorities *other than the Commission*.'' [2] But on the other hand, the employment retaliation protections afforded to whistleblowers under Section 21F could be read as limited to only those individuals who provide the Commission with information; this is because under Section 21F(a)(6) the ''term 'whistleblower' means any individual who provides . . . information relating to a violation of the securities laws *to the Commission,* in a manner established, by rule or regulation, by the Commission.'' (Emphasis added).

To resolve this ambiguity, the Commission in Rule 21F–2 promulgated two separate definitions of ''whistleblower.'' These two definitions apply in different circumstances and each involves its own specified reporting procedures that must be satisfied in order for an individual to qualify under the particular definition. The first definition, which is set forth in Rule 21F–2(a), mirrors the statutory definition of whistleblower. It provides in pertinent part that an individual is ''a whistleblower if, alone or jointly with others, [the individual] provide[s] the Commission with information pursuant to the procedures set forth in [Rule] 21F–9(a).'' This definition of whistleblower applies *only* to the award and confidentiality provisions of Section 21F.

The second whistleblower definition, which is set forth in Rule 21F–2(b)(1), provides in pertinent part that, ''*[f]or purposes of the anti-retaliation protections* afforded by Section 21F(h)(1) of the Exchange Act . . . , [an

[1] Section 21F(h)(1)(A) provides as follows: ''(A) In General. No employer may discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against, a whistleblower in the terms and conditions of employment because of any lawful act done by the whistleblower—(i) in providing information to the Commission in accordance with this section; (ii) in initiating, testifying in, or assisting in any investigation or judicial or administrative action of the Commission based upon or related to such information; or (iii) in making disclosures that are required or protected under the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 *et seq.*), this chapter [*i.e.,* the Exchange Act], including section 78j–1(m) of this title [*i.e.,* Section 10A(m) of the Exchange Act], section 1513(e) of Title 18, and any other law, rule, or regulation subject to the jurisdiction of the Commission.''

Clause (iii), which is a catchall provision, provides employment retaliation protection for certain internal reporting at public companies and for certain disclosures to the U.S. Department of Justice by expressly incorporating the ''disclosures that are required or protected under the Sarbanes-Oxley Act,'' which includes Sarbanes-Oxley Section 806. Section 806, in turn, prohibits employment retaliation against an employee of a public company (or a subsidiary thereof) based on certain disclosures of securities law violations to ''a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discovery, or terminate misconduct)'' or to a ''Federal regulatory or law enforcement agency.'' 15 U.S.C. 1514A(1).

[2] Securities Whistleblower Incentives and Protections, 76 FR 34300, 34304 (June 13, 2011) (emphasis in original).

individual is] a whistleblower if . . . [the individual] provide[d] that information in a manner described in Section 21F(h)(1)(A) of the Exchange Act[.]'' Rule 21F–2(b)(1)(ii). This definition—unlike the whistleblower definition in Rule 21F–2(a) that applies to the award and confidentiality provisions—does not require reporting in accordance with Rule 21F–9(a)'s procedures.

We also adopted Rule 21F–9(a) to specify the reporting procedures that must be followed by an individual who seeks to qualify as a whistleblower under Rule 21F–2(a) and thus to be eligible for an award and the heightened confidentiality protections. Rule 21F–9(a) provides in pertinent part that, ''[t]o be considered a whistleblower under Section 21F . . . , [an individual] must submit [his or her] information . . . by either of these methods: (1) Online, through the Commission's Web site . . . ; or (2) By mailing or faxing a Form TCR . . . to the SEC Office of the Whistleblower . . . .''

Since our adoption of the whistleblower rules, we have consistently understood Rule 21F–9(a) as a procedural rule that applies *only* to help determine an individual's status as a whistleblower for purposes of Section 21F's award and confidentiality provisions.[3] Similarly, it has been our consistent view that Rule 21F–2(b)(1) alone controls the reporting methods that will qualify an individual as a whistleblower for the retaliation protections.

Notwithstanding our view that Rule 21F–2(b)(1) alone controls in the context of determining the relevant reporting procedures for an individual to qualify as a whistleblower eligible for Section 21F's employment retaliation protections, the Court of Appeals for the Fifth Circuit expressed some uncertainty about this reading in a recent decision.[4] Although we appreciate that if read in isolation Rule 21F–9(a) could be construed to require that an individual must report to the Commission before he or she will qualify as a whistleblower eligible for the employment retaliation protections provided by Section 21F, that construction is not consistent with Rule 21F–2 and would undermine our overall goals in implementing the whistleblower program. We reach this conclusion for several reasons.

First, as the text of Rule 21F–2(b)(1) states, ''for purposes of Section 21F's employment retaliation protections,'' an individual qualifies as a whistleblower entitled to the employment retaliation protection whenever he or she makes any of the broader array of disclosures specified in Section 21F(h)(1)(A).[5] The fact that Rule 21F–2(b)(1) expressly and specifically applies in the employment retaliation context demonstrates that it should control over Rule 21F–9(a).[6]

Second, Rule 21F–2(b)(1)(iii) expressly provides that ''[t]he anti-retaliation protections apply whether or not [an individual] satisf[ies] the requirements, procedures and conditions to qualify for an award.'' As Rule 21F–2(a)(2) makes plain, the reporting procedures specified in Rule 21F–9(a) are among the procedures that an individual must follow to recover an award. The contrast between these provisions further supports our interpretation that the availability of employment retaliation protection is not conditioned on an individual's adherence to the Rule 21F–9(a) procedures.[7]

Finally, our interpretation best comports with our overall goals in implementing the whistleblower program. Specifically, by providing employment retaliation protections for individuals who report internally first to a supervisor, compliance official, or other person working for the company that has authority to investigate, discover, or terminate misconduct, our interpretive rule avoids a two-tiered structure of employment retaliation protection that might discourage some individuals from first reporting internally in appropriate circumstances and, thus, jeopardize the investor-protection and law-enforcement benefits that can result from internal reporting.[8] Under our interpretation, an individual who reports internally and suffers employment retaliation will be no less protected than an individual who comes immediately to the Commission. Providing equivalent employment retaliation protection for both situations removes a potentially serious disincentive to internal reporting by employees in appropriate circumstances. A contrary interpretation would undermine the other incentives that were put in place through the Commission's whistleblower rules in order to encourage internal reporting.[9]

For the foregoing reasons, we are issuing this interpretation to clarify that, for purposes of Section 21F's employment retaliation protections, an individual's status as a whistleblower does not depend on adherence to the reporting procedures specified in Rule 21F–9(a).

List of Subjects in 17 CFR Part 241

Securities.

Amendments to the Code of Federal Regulations

For the reasons set out above, the Commission is amending title 17, chapter II of the Code of Federal Regulations as set forth below:

[3] *See generally* SEC Staff Report, 2014 Annual Report to Congress on the Dodd-Frank Whistleblower Program, 19 (available at: *http://www.sec.gov/about/offices/owb/annual-report-2014.pdf*) (explaining that from the time it promulgated the whistleblower rules, the Commission has taken the view that the employment retaliation protections ''apply not just to individuals who report to the SEC but also to individuals when they, among other things, report potential securities law violations internally at public companies''; also explaining that the Commission has ''consistently'' opposed the contrary interpretation).

[4] *Asadi* v. *G.E. Energy (U.S.A.), L.L.C.,* 720 F.3d 620, 630 (5th Cir. 2013).

[5] In contrast, Rule 21F–2(a)(2) states that ''[t]o be eligible for an award,'' an individual must submit original information ''to the Commission in accordance with the procedures and conditions described in Rules 21F–4, 21F–8, *and 21F–9.*'' (Emphasis added). In addition, Rule 21F–2(a)(1) specifically cross-references the procedures set forth in Rule 21F–9(a), whereas Rule 21F–2(b)(1) does not contain a similar cross-reference.

[6] *See, e.g., In re Gulevsky,* 362 F.3d 961, 963 (7th Cir. 2004) (''[W]hen both a specific and a general provision govern a situation, the specific one controls.'') (quoting *Morales* v. *Trans World Airlines, Inc.,* 504 U.S. 374, 384–85, 112 S.Ct. 2031, 119 L.Ed.2d 157 (1992)).

[7] We note that, other than Rule 21F–2(b), all of the other rules that the Commission adopted to implement the whistleblower program deal exclusively with the award and confidentiality provisions.

[8] We note that a contrary interpretation would also create a two-tiered scheme of employment retaliation protection even as between individuals who report possible securities fraud violations or violations of SEC rules or regulations to the Commission; specifically, if an individual comes forward to report information to the Commission in a manner *other than those specified in Rule 21F–9(a),* that individual would not qualify for the employment retaliation protections of Section 21F. *See* Section 21F(h)(1)(A)(i) & (ii). But under our reading of Section 21F and the whistleblower rules, such individuals would be afforded employment retaliation protection under the catchall language of Section 21F(h)(1)(A)(iii)—which incorporates the protections of Section 806 of the Sarbanes-Oxley Act—irrespective of the fact that they did not comply with the technical reporting requirements of Rule 21F–9(a).

[9] *See, e.g.,* Exchange Act Rule 21F–4(c)(3) (providing that an individual who reports internally can collect a whistleblower award from the Commission if his internal report to the company or entity results in a successful covered action); Exchange Act Rule 21F–4(b)(7) (providing that an individual who first reports pursuant to an entity's internal whistleblower, legal, or compliance procedures for reporting allegations of possible violations of law and within 120 days reports to the Commission will be treated for purposes of an award as if the submission to the Commission had been made at the earlier internal reporting date); Exchange Act Rule 21F–6(a)(4) (providing that when determining the amount of an award, the Commission will consider as a plus-factor the whistleblower's participation in an entity's internal compliance procedures).

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 1. Part 241 is amended by adding Release No. 34–75592 to the list of interpretive releases to read as follows:

Subject	Release No.	Date	Federal Register Vol. and page
* * *	*	*	* * *
Interpretation of the SEC's Whistleblower Rules under Section 21F of the Securities Exchange Act of 1934.	34–75592	Aug. 4, 2015	[Insert FR Volume Number] FR [Insert FR Page Number].

By the Commission.

Dated: August 4, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–19508 Filed 8–7–15; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 422

[Docket No. SSA–2014–0042]

RIN 0960–AH68

Social Security Number Card Applications

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: This final rule adopts the notice of proposed rulemaking (NPRM) we published in the **Federal Register** on February 26, 2015. This rule revises our regulations to allow applicants for a Social Security number (SSN) card to apply by completing a prescribed application and submitting the required evidence. We are also removing the word ''documentary'' from our description of certain evidence requirements and replacing ''Immigration and Naturalization Service'' with ''Department of Homeland Security'' to reflect that agency's creation. These changes will provide more flexibility in the ways in which the public may request SSN cards and allow us to implement an online SSN replacement card application system.

DATES: This rule is effective September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Arthur LaVeck, Office of Retirement and Disability Policy, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–5665. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: The use of the SSN is widespread in today's society. It is necessary for employment, to record properly a person's wages and the taxes paid on those wages, to collect Social Security benefits, and to receive many other government services. Commercial organizations, such as banks and credit companies, also ask individuals for their SSNs for many business transactions. Because of this widespread use, the issuance of original and replacement SSN cards is one of our most requested services.

Currently, a person can apply for an SSN by completing Form SS–5 and submitting it, in person or via mail, to his or her local field office (FO) or a Social Security Card Center, or by having one of our representatives file an application electronically through the Social Security Number Application Process during an in-office interview. The applicant must also present, or mail in, supporting documentary evidence.

To ensure that our regulations support the development of convenient and efficient electronic service delivery options, we are updating 20 CFR 422.103 and 422.110 to remove the requirement that an individual who seeks a replacement SSN card must file an application at any Social Security office. We are also removing references to Form SS–5 and replacing it with the term ''prescribed application.'' A prescribed application would simply be the application form—whether a paper form, an online application, or some other method—that we determine to be most efficient and user-friendly at any given time. Information about application procedures is easily available to applicants on our Internet site and at our offices nationwide.

We are also revising 20 CFR 422.107 to remove the word ''documentary'' from our description of evidence required to obtain an original or replacement SSN card. In order to obtain a new or replacement card, applicants may provide or we may obtain evidence to establish eligibility and identity through data matches or other agreements with government agencies or other entities that we determine can provide us with appropriate and secure verification of the applicant's true identity and other eligibility factors. These changes will provide us the flexibility to adapt our SSN application process as necessity and technology allow.

We are developing and will release—via a gradual, state-by-state rollout—a new online application that will allow adult U.S. citizens who are not reporting any changes to their record (for example, name or date of birth) to apply for replacement SSN cards electronically online after registering through the *my* Social Security portal. Eligible individuals would also be required to have a U.S. mailing address, (including Air/Army Post Office and Fleet Post Office) and a valid U.S. state-issued driver's license or U.S. state-issued identity card.

Our new electronic SSN replacement card application will expand our service options to meet the varied needs of the public in a cost-efficient and environmentally responsible way, while maintaining the security and integrity of the SSN replacement card issuance process. The application will allow customers to complete a request for a replacement SSN card at any time, without the need to travel, sometimes long distances, to apply in person. We also anticipate that this initiative will

contribute to shorter wait times for individuals who choose to visit an FO for service.

We are also making a technical change to § 422.107(e)(1) to replace references to the ''Immigration and Naturalization Service'' with ''Department of Homeland Security'' to reflect that agency's restructuring in 2003. This is not a substantive change, but merely makes our rules consistent with the current organizational structure of the government.

Public Comments

On February 26, 2015, we published an NPRM in the **Federal Register** at 80 FR 10432 and provided a 60-day comment period. We received 17 comments on the proposed rule.[1] We present all of the views received and address all of the relevant and significant issues raised by the commenters. We carefully considered the concerns expressed in these comments. We have made no changes to the proposed regulatory language based on the comments we received.

Online SSN Replacement Card Applications

Commenters overwhelmingly supported our initiative to allow for electronic applications for replacement SSN cards. Many discussed how the initiative would provide greater access to those who need to travel long distances to reach their local FOs. Most also wrote about how the initiative would simplify and speed up the process of applying for replacement SSN cards and would reduce processing time and repeated trips to FOs due to inadvertent mistakes, such as missing or incorrect identification.

At the same time, most commenters emphasized the need to ensure the security of data during the SSN replacement card online application process. Specifically, commenters expressed concerns regarding hacking, identity theft, and fraud prevention.

Response: We understand the extraordinary breadth and sensitivity of the personally identifiable information we possess in our systems and we have always taken our responsibility for protecting that information very seriously. Over the past several years, we have developed a number of online applications that allow members of the public to apply for benefits or conduct other business with us through Internet-based applications. When we design these Internet-based applications, we take a number of steps to ensure that the data provided to us is secure. Since May 2012, we have allowed the electronic exchange with individuals of their own personal information for their own exclusive use through our *my* Social Security portal without any breach to our data. We use a multi-layered security framework, redundant processes, and specialized technologies to ensure the security of the data we receive. In addition, we constantly monitor all online activity to ensure proper use of agency Web sites, portals, and applications. In the event we identify any suspicious activity, we take prompt and aggressive steps to quarantine the activity and mitigate any risks to our systems or personal records.

We also take our fraud prevention responsibility very seriously. We verify customer identity using information available via a variety of data sources to ensure that all online communication is with the proper individual. We are fully compliant with the Office of Management and Budget's (OMB) e-authentication guidance for Federal agencies and the National Institute of Standards and Technology's (NIST) electronic authentication guidelines.[2] In addition to our adherence to the OMB and NIST controls, we operate under a multi-layered security approach that provides due diligence for the users of *my* Social Security. Included in our approach is an authentication risk assessment process established by OMB's guidance, that determines the appropriate level of assurance for all of our electronic transactions. Once we determine the appropriate level of assurance needed for each transaction, we determine the technology and authentication strategy. This strategy may include sending a written notification to the verified address for everyone who creates a *my* Social Security account.

We employ a dynamic enterprise-wide cyber security program and leverage a defense-in-depth strategy. We work diligently to detect attacks, identify suspicious activities, and systematically respond to software and hardware vulnerabilities as they are identified. We collaborate with White House national security staff, the Federal Chief Information Officer, the Department of Homeland Security's United States Computer Emergency Readiness Team, and various law enforcement agencies to address cyber threats.

In the event that we detect suspicious activity, we will refer the customer to the local Social Security office for in-person assistance.

Evidentiary Requirements and Removal of the Word ''Documentary''

Comment: Four individuals specifically stated their support for the removal of the word ''documentary'' from 20 CFR 422.107 and the flexibility it would provide us for appropriately and securely verifying applicants' true identity and other eligibility factors. Other commenters expressed unease about the possibility of fraud resulting from the removal of the word ''documentary.'' Of those who expressed unease, some of the commenters were concerned about how the public would ''interpret'' removing the word ''documentary'' and what it ''impli[es]'' about the evidence we require in order to obtain an original or replacement card. Other commenters were concerned that illegal immigrants would be able to obtain SSNs by providing false information, were unsatisfied with the evidence of identity required under § 422.107(c), or suggested that no child should get a card without appearing in person.

Response: Our proposed rule did not change the evidentiary requirements needed to obtain an original or replacement SSN card but simply provided us and the public with different options for verifying an applicant's true identity and other eligibility factors, as appropriate. We will continue to require the same evidence to establish citizenship, age, and identity in order to obtain a new or replacement SSN card. Under our new rules, applicants may provide, or we may obtain, this evidence through data matches or other agreements with government agencies or other entities that we determine can provide us with appropriate and secure verification of the applicant's true identity and other eligibility factors. Removal of the word ''documentary'' does not imply any modification to the evidentiary requirements established in § 422.107, nor should it result in any interpretation other than the plain language in that section.

We process the vast majority of original SSN applications for children as part of the official birth registration process described in § 422.103(a)(2) that generally takes place at a U.S. hospital shortly after a child's birth. While we

[1] The electronic rulemaking docket for this rule (available at: *http://www.regulations.gov/#!docketDetail;D=SSA-2014-0042*) indicates that we received 205 comments on the proposed rule. Of those 205 comments, 188 were not relevant to this rulemaking proceeding. These comments came from an individual who submitted personal documents and complained about a non-Social Security-related matter. We have not included these 188 comments in the electronic rulemaking docket and have not responded to them here.

[2] OMB M–04–04, *E-Authentication Guidance for Federal Agencies;* NIST Special Publication 800 63–2, *Electronic Authentication Guideline.*

may not require a child to visit a Social Security office in the few instances when we do not assign an SSN through the birth registration process, we follow robust evidence review and verification policies in our SSN issuance process for children. When we do not assign SSNs for children as part of the official birth registration process, the parent or proper applicant must submit evidence about the child to satisfy the same requirements as adults. In addition, the proper applicant must establish relationship to and custody or responsibility for the child, and must submit evidence of his or her own identity. We visually inspect all evidence for authenticity. In addition, under the Intelligence Reform Terrorism and Prevention Act of 2014 we must verify U.S. birth records with the custodian of the record before we process the SSN application.[3] We verify immigration documents directly with the Department of Homeland Security if the child is a non-citizen.

Replacing Reference to Immigration and Naturalization Service With Department of Homeland Security

Comment: One commenter stated a concern with our updating 20 CFR 422.107(e)(1) to replace references to Immigration and Naturalization Service (INS) with Department of Homeland Security (DHS) and requested a greater explanation as to why there is a need to do so.

Response: We have not made any changes to the proposed rule in response to this comment. Section 422.107(e)(1) of our current regulations discusses what evidence we will accept to verify alien status, specifically evidence issued by the Immigration and Naturalization Service in accordance with that agency's regulations. On March 1, 2003, pursuant to the Homeland Security Act of 2002, the pertinent functions of the former INS were transferred to the newly formed DHS. We are not changing the evidence we require, but are simply updating the name of the agency responsible for issuing the evidence to applicants.

Regulatory Procedures

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule meets the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563, and was reviewed by OMB.

[3] Public Law 108–458, 118 Stat. 3638.

Regulatory Flexibility Act

We certify that this final rule would not have a significant economic impact on a substantial number of small entities because it would affect individuals only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

Although the regulatory changes described below are not subject to OMB clearance under the Paperwork Reduction Act (PRA), the new electronic SSN replacement card application will require OMB PRA approval. We sought public comment in two separate PRA **Federal Register** Notices (FRN) for the new electronic process under OMB No. 0960–0066 (the first Notice published on 04/30/15 at 80 FR 24307, and the second Notice published on 06/29/15 at 80 FR 37033). We completed the PRA OMB clearance process by submitting the documentation to OMB on 06/29/15, and we will wait for OMB's approval before we implement the electronic SSN replacement card application. The public had an opportunity to review and comment on the electronic SSN replacement card application through those FRNs.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security Survivors Insurance; 96.006, Supplemental Security Income; 96.020, Special Benefits for Certain World War II Veterans.)

List of Subjects in 20 CFR Part 422

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Social security.

Dated: August 5, 2015.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we amend 20 CFR chapter III, part 422, subpart B as set forth below:

PART 422—ORGANIZATION AND PROCEDURES

Subpart B—General Procedures

■ 1. The authority citation for subpart B of part 422 continues to read as follows:

Authority: Secs. 205, 232, 702(a)(5), 1131, and 1143 of the Social Security Act (42 U.S.C. 405, 432, 902(a)(5), 1320b–1, and 1320b–13), and sec. 7213(a)(1)(A) of Pub. L. 108–458.

■ 2. Amend § 422.103 by revising paragraphs (b), (c)(1), and (e)(1) to read as follows:

§ 422.103 Social security numbers.

* * * * *

(b) *Applying for a number*—(1) *Application.* An individual needing a Social Security number may apply for one by completing a prescribed application and submitting the required evidence. An individual outside the United States (U.S.) may apply for a Social Security number card at the Department of Veterans Affairs Regional Office, Manila, Philippines, at any U.S. Foreign Service post, or at a U.S. military post outside the United States. (See § 422.106 for special procedures for filing applications with other government agencies.) Additionally, a U.S. resident may apply for a Social Security number for a nonresident dependent when the number is necessary for U.S. tax purposes or some other valid reason, the evidence requirements of § 422.107 are met, and we determine that a personal interview with the dependent is not required.

(2) *Birth registration document.* We may enter into an agreement with officials of a State, including, for this purpose, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and New York City, to establish, as part of the official birth registration process, a procedure to assist us in assigning Social Security numbers to newborn children. Where an agreement is in effect, a parent, as part of the official birth registration process, need not complete a prescribed application and may request that we assign a Social Security number to the newborn child.

(3) *Immigration form.* We may enter into an agreement with the Department of State (DOS) and the Department of Homeland Security (DHS) to assist us by collecting enumeration data as part of the immigration process. Where an agreement is in effect, an alien need not complete a prescribed application and may request, through DOS or DHS, as part of the immigration process, that we assign a Social Security number and issue a Social Security number card to him or her. An alien will request the assignment of a Social Security number through this process in the manner provided by DOS and DHS.

(c) *How numbers are assigned*—(1) *Application.* If you complete a prescribed application, we will require you to furnish evidence, as necessary, to assist us in establishing your age, U.S. citizenship or alien status, true identity, and previously assigned Social Security number(s), if any. (See § 422.107 for evidence requirements.) We may require you to undergo a personal interview before we assign a Social Security number. If you request evidence to show that you have filed a prescribed

application for a Social Security number card, we may furnish you with a receipt or equivalent document. We will electronically screen the data from the prescribed application against our files. If we find that you have not been assigned a Social Security number previously, we will assign one to you and issue a Social Security number card. However, if we find that you have been assigned a Social Security number previously, we will issue a replacement Social Security number card.

* * * * *

(e) *Replacement of Social Security number card*—(1) *When we may issue you a replacement card.* We may issue you a replacement Social Security number card, subject to the limitations in paragraph (e)(2) of this section. You must complete a prescribed application to receive a replacement Social Security number card. We follow the evidence requirements in § 422.107 when we issue you a replacement Social Security number card.

* * * * *

■ 3. Amend § 422.107 by:

■ a. Revising paragraphs (a) and (c);

■ b. In paragraph (e)(1), removing each instance of ''Immigration and Naturalization Service'' and adding in its place, ''Department of Homeland Security''; and

■ c. Revising paragraph (g).

The revisions read as follows:

§ 422.107 Evidence requirements.

(a) *General.* To obtain an original Social Security number card, you must submit convincing evidence of your age, U.S. citizenship or alien status, and true identity, as described in paragraphs (b) through (e) of this section. If you apply for a replacement Social Security number card, you must submit convincing evidence of your true identity, as described in paragraph (c) of this section, and you may also be required to submit convincing evidence of your age and U.S. citizenship or alien status, as described in paragraphs (b), (d), and (e) of this section. If you apply for an original or replacement Social Security number card, you are also required to submit evidence to assist us in determining the existence and identity of any previously assigned Social Security number(s). We will not assign a Social Security number or issue an original or replacement card unless we determine that you meet all of the evidence requirements. We require an in-person interview if you are age 12 or older and are applying for an original Social Security number, unless you are an alien who requests a Social Security number as part of the immigration process described in § 422.103(b)(3). We may require an in-person interview of other applicants. All paper or other tangible documents submitted as evidence must be originals or copies of the original documents certified by the custodians of the original records and are subject to verification. We may also verify your eligibility factors, as described in paragraphs (b) through (e) of this section, through other means, including but not limited to data matches or other agreements with government agencies or other entities that we determine can provide us with appropriate and secure verification of your eligibility factors.

* * * * *

(c) *Evidence of identity.* (1) If you apply for an original Social Security number or a replacement Social Security number card, you are required to submit convincing evidence of your identity. Evidence of identity may consist of a driver's license, identification card, school record, medical record, marriage record, passport, Department of Homeland Security document, or other similar evidence serving to identify you. The evidence must contain sufficient information to identify you, including your name and:

(i) Your age, date of birth, or parents' names; or

(ii) Your photograph or physical description.

(2) A birth record is not sufficient evidence to establish identity for these purposes.

* * * * *

(g) *Inability to verify eligibility factors.* We will not issue an original or replacement Social Security number card when you present invalid or expired documents or when we are unable to verify the required evidence through other means, as described in paragraph (a) of this section. Invalid documents are either forged documents that supposedly were issued by the custodian of the record, or properly issued documents that were improperly changed after they were issued. An expired document is one that was valid for only a limited time and that time has passed.

■ 4. Amend § 422.110 by revising paragraph (a) to read as follows:

§ 422.110 Individual's request for change in record.

(a) *Application.* If you wish to change the name or other personal identifying information you previously submitted in connection with an application for a Social Security number card, you must complete a prescribed application, except as provided in paragraph (b) of this section. You must prove your identity, and you may be required to provide other evidence. (See § 422.107 for evidence requirements.) You may complete a request for change in records in the manner we designate, including at any Social Security office, or, if you are outside the U.S., to the Department of Veterans Affairs Regional Office, Manila, Philippines, or to any U.S. Foreign Service post or U.S. military post. If your request is for a change of name on the card (that is, verified legal changes to the first name or surname, or both), we may issue you a replacement Social Security number card bearing the same number and the new name. We will grant an exception to the limitations specified in § 422.103(e)(2) for replacement Social Security number cards representing a change in name or, if you are an alien, a change to a restrictive legend shown on the card. (See § 422.103(e)(3) for the definition of a change to a restrictive legend.)

* * * * *

[FR Doc. 2015–19568 Filed 8–7–15; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 238

[Docket ID: DOD–2012–OS–0075]

RIN 0790–AI90

DoD Assistance to Non-Government, Entertainment-Oriented Media Productions

AGENCY: Office of the Assistant to the Secretary of Defense for Public Affairs, DoD.

ACTION: Final rule.

SUMMARY: This rule establishes policy, assigns responsibilities, and prescribes procedures for DoD assistance to non-Government entertainment media productions such as feature motion pictures, episodic television programs, documentaries, and computer-based games. This rule provides for oversight of production assistance decisions at centralized and senior levels of DoD to ensure consistency of approach among DoD and Service components with respect to support for entertainment media productions, including documentaries.

DATES: This rule is effective September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Philip M. Strub, (703) 695–2936.

SUPPLEMENTARY INFORMATION:

Executive Summary

I. Purpose

DoD is updating its policy for support to entertainment-oriented media productions, including documentaries. The increased and higher-level oversight is required to eliminate inconsistencies and ambiguities in guidance for and supervision of DoD activities to ensure common standards are met in providing support, and that production support is appropriate. The rule also includes two DoD Production Assistance Agreements (PAA) as samples. These documents explain the terms under which DoD provides assistance to production companies for projects that have been approved for DoD support.

II. Summary of the Major Provisions of This Regulatory Action

(a) This rule includes documentaries within the category of non-government, entertainment-oriented media productions and requires approval of production assistance for such entertainment-oriented media productions at the DoD level vice the Service level.

(b) This rule includes two sample DoD Production Assistance Agreements (PAAs), one for documentary productions and one for all other entertainment media productions. This rule also assigns the authority for signing both types of agreements to the Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)), or the ATSD(PA)'s designee.

(c) This rule addresses how military personnel may appear in entertainment media. This rule requires the written permission of the Assistant to the Secretary of Defense for Public Affairs (or his/her designee) in order for active duty military personnel to serve as actors in significant roles and in roles beyond the scope of their normal duties.

III. Costs and Benefits of This Regulatory Action

First, the support and assistance to non-government entertainment media productions will be at no additional cost to the government and taxpayers. Once DoD has agreed with a production company to provide production assistance and the parties have signed a Production Assistance Agreement, operations, and maintenance, supply and equipment costs incurred by DoD (collectively) as a direct consequence of providing support will be reimbursed by the non-government entertainment production company. Additionally, the sample production assistance agreements provide for the production company to indemnify and hold harmless the DoD for claims arising from the production company's possession or use of DoD property or other assistance in connection with the production. Support to non-government entertainment media may be provided based on a number of factors: whether the production presents a reasonably realistic depiction of the Military Services and the DoD, whether the production is informational and considered likely to contribute to public understanding of the Military Services and the DoD, or whether the production may benefit Military Service recruiting and retention programs.

Retrospective Review

The revisions to this rule will be reported in future status updates as part of DoD's retrospective plan under Executive Order 13563 completed in August 2011. DoD's full plan can be accessed at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036.*

Public Comments

The Department of Defense published a proposed rule in the **Federal Register** on September 17, 2014 (79 FR 55679–55687) for a 60-day public comment period. One public comment was received.

Comment: The Department of Defense's support for private entertainment productions is a great program that improves citizens' understanding of the military with little expense to the government, and benefits America's entertainment industry. However, for any public-private partnership, it is important that the government's contribution (be it in money, services or assets) benefit the public to the greatest extent possible, and not just the private partner. Accordingly, the Department of Defense should include guidance on the copyright relating to DoD-supported productions in its policy on assistance to non-government, entertainment-oriented media production. In particular, works of the United States government are not subject to copyright (17 U.S. Code 105). This includes stock footage or other creative content made by DoD that might be provided to a production company under this program. Accordingly, DoD should obtain a commitment from companies it assists that the company will not erroneously pursue copyright infringement remedies against citizens who extract and use such footage from copyrighted content. Insofar as a fragment of video or audio is entirely created by the Department of Defense, it is free from copyright, and production companies must respect this principle. This ensures that taxpayers receive the greatest return from DoD's efforts to support non-government productions.

Response: With respect to stock footage created by DoD, any entertainment filmmaker who seeks to use such material—for documentaries or otherwise—can obtain such material directly from DoD. Moreover, the nature of a copyright infringement action itself would require the claimant to demonstrate its ownership of an exclusive right in the copyrighted work that is allegedly infringed, which would not be possible for such stock footage that is a work of the U.S. Government. For these reasons, further revision of this rule in response to this comment is unnecessary.

Regulatory Procedures

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule has been determined to be a significant regulatory action, although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

Sec. 202, Pub. L. 104–4, ''Unfunded Mandates Reform Act''

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2014, that threshold is approximately $141 million. This document will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

We certify this final rule will not have a significant economic impact on a substantial number of small entities because the entities who receive production assistance are those who affirmatively request it, and therefore, interact with DoD solely on a voluntary basis. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

This final rule does not create any new or affect any existing collections, and therefore, does not require OMB approval under the Paperwork Reduction Act.

Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This rule will not have a substantial effect on the States; the relationship between the National Government and the States; or the distribution of power and responsibilities among the various levels of Government.

List of Subjects in 32 CFR Part 238

Entertainment, Media productions, Documentaries.

For the reasons set forth in the preamble, DoD adds 32 CFR part 238 to read as follows:

PART 238—DoD ASSISTANCE TO NON-GOVERNMENT, ENTERTAINMENT-ORIENTED MEDIA PRODUCTIONS

Sec.

238.1 Purpose.
238.2 Applicability.
238.3 Definitions.
238.4 Policy.
238.5 Responsibilities.
238.6 Procedures.
Appendix A to Part 238—Sample Production Assistance Agreement
Appendix B to Part 238—Sample Documentary Production Assistance Agreement

Authority: 10 U.S.C. 2264; 31 U.S.C. 9701.

§ 238.1 Purpose.

This part establishes policy, assigns responsibilities, and prescribes procedures for DoD assistance to non-Government entertainment media productions such as feature motion pictures, episodic television programs, documentaries, and electronic games.

§ 238.2 Applicability.

This part:

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the combatant commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (referred to collectively in this part as the ''DoD Components'').

(b) Does not apply to productions that are intended to inform the public of fast-breaking or developing news stories.

§ 238.3 Definitions.

Unless otherwise noted, this term and its definition are for the purposes of this part.

Assistance (as in ''DoD Assistance to Non-Government, Entertainment-Oriented Media Productions''). The variety of support that the DoD can provide. The assistance ranges from supplying technical advice during script development, to allowing access to military installations for production.

§ 238.4 Policy.

It is DoD policy that:

(a) DoD assistance may be provided to an entertainment media production, to include fictional portrayals, when cooperation of the producers with the Department of Defense benefits the Department of Defense, or when such cooperation would be in the best interest of the Nation based on whether the production:

(1) Presents a reasonably realistic depiction of the Military Services and the Department of Defense, including Service members, civilian personnel, events, missions, assets, and policies;

(2) Is informational and considered likely to contribute to public understanding of the Military Services and the Department of Defense; or

(3) May benefit Military Service recruiting and retention programs.

(b) DoD assistance to an entertainment-oriented media production will not deviate from established DoD safety and environmental standards, nor will it impair the operational readiness of the Military Services. Diversion of equipment, personnel, and material resources will be kept to a minimum.

(c) The production company will reimburse the Government for any expenses incurred as a result of DoD assistance rendered in accordance with the procedures in this part.

(d) Official activities of Service personnel in assisting the production; use of official DoD property, facilities, and material; and employment of Service members in an off-duty, non-official status will be in accordance with the procedures in this part.

(e) Footage shot with DoD assistance and official DoD footage released for a specific production will not be reused for or sold to other productions without Department of Defense approval.

§ 238.5 Responsibilities.

(a) The Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)) will serve as the sole authority for approving DoD assistance, including DoD involvement in marketing and publicity, to non-Government entertainment-oriented media. The ATSD(PA) will make DoD commitments, in consultation with the Heads of the Military Components, only after:

(1) The script, treatment, or narrative description is found to qualify in accordance with the general principles in § 238.4(a).

(2) The support requested is determined to be feasible.

(3) For episodic television, motion pictures, and other nondocumentary entertainment media productions, the producer has an acceptable public exhibition agreement with a recognized exhibition entity (*i.e.,* studio or network), and the capability to complete the production (*i.e.,* completion bond or other industry-recognized guarantor of completion, such as the commitment of a major studio or other source of financial commitment). For documentaries, the producer has indicated a clear capability to complete the production.

(b) The Heads of the Military Components will develop procedures for implementing this part and will ensure that the requirements of this part are met.

§ 238.6 Procedures.

(a) *General.* (1) The producer will be required to sign a written Production Assistance Agreement (see appendices A and B of this part for sample documents), explaining the terms under which DoD's production assistance is provided, with the designee of the Assistant to the Secretary of Defense for Public Affairs, and may be required to post advance payment or a letter of credit issued by a recognized financial institution to cover the estimated costs before receiving DoD assistance.

(2) Official activities of Service members in assisting the production must be within the scope of normal

military activities. On-duty service members and DoD civilians are prohibited from serving as actors, such as by speaking filmmaker-invented, or scripted dialogue, unless approved in writing by the ATSD(PA) or his or her designee. With the exception of assigned project officer(s) and technical advisor(s), Service members and DoD civilians will not be assigned to perform functions outside the scope of their normal duties.

(3) Official personnel services and DoD material will not be employed in such a manner as to compete directly with commercial and private enterprises. DoD assets may be provided when similar civilian assets are not reasonably available.

(4) The production company may hire Service members in an off-duty, non-official status to perform as extras or actors in minor roles, etc., provided there is no conflict with any existing Service regulation. In such cases, contractual arrangements are solely between those individuals and the production company; however, payment should be consistent with current industry standards. The producer is responsible for resolving any disputes with unions governing the hiring of non-union actors and extras. Service members accepting such employment will comply with the standards of conduct in DoD Directive 5500.07, ''Standards of Conduct'' (available at *http://www.dtic.mil/whs/directives/corres/pdf/550007p.pdf*). The Heads of the Components may assist the production company in publicizing the opportunity for employment and in identifying appropriate personnel.

(5) The production company will restore all Government property and facilities used in the production to the same or better condition as when they were made available for the company's use. This includes cleaning the site and removing trash.

(6) The DoD project officer, described in paragraph (b)(3) of this section, may make DoD motion and still media archival materials available when a production qualifies for assistance in accordance with the general principles in § 238.4(a).

(b) *Specific procedures*—(1) *Script development and review.* (i) Before a producer officially submits a project to the Office of the Assistant to the Secretary of Defense for Public Affairs (OATSD(PA)), the Military Components are authorized to assist entertainment-oriented media producers, scriptwriters, etc., in their efforts to develop a script that might ultimately qualify for DoD assistance. Such activities could include guidance, suggestions, answers to research queries for technical research, and interviews with technical experts. However, the Military Departments providing such assistance are required to coordinate with and update OATSD(PA) of the status of such projects. Military Components will refrain from making commitments and rendering official DoD opinions until first coordinating through appropriate channels to obtain OATSD(PA) concurrence in such actions.

(ii) Production company officials requesting DoD assistance will submit a completed script (or a treatment or narrative description for documentaries), along with a list of desired support. If a definitive list is not available when the script is initially submitted, requirements should be stated in general terms at the outset. However, no DoD commitment will be made until the detailed list of support requested has been reviewed and deemed to be feasible.

(iii) OATSD(PA) will coordinate the review of scripts, treatment, or narrative description submitted for production assistance consideration. The coordinated review will include each Military Service depicted in the script. Although no commitment for assisting in the production is implied, OATSD(PA) may provide, or authorize the Military Services to provide, further guidance and suggestions for changes that might resolve problems that would prevent DoD assistance.

(2) *Production assistance notification.* Upon reviewing the recommendations of the Military Components concerned, the ATSD(PA) will determine whether a given production meets the DoD criteria for support and if the support requested is feasible. If both requirements are satisfied, the ATSD(PA) will notify in writing the production company concerned, advising it that the Department of Defense has approved DoD production assistance and identifying the DoD project officer tasked with representing the Department of Defense throughout the production process. On a case-by-case basis, the ATSD(PA) may choose to delegate the responsibility of signing the Production Assistance Agreement on behalf of DoD to the designated DoD project officer or other DoD official responsible for coordinating production assistance. If so, this decision would be included in the notification letter. If production assistance is approved for only a portion of the proposed project, the written notification shall clearly describe the portion(s) approved. If assistance is not approved, ATSD(PA) or the ATSD(PA)'s designee will send a letter to the production company stating reasons for disapproval.

(3) *Role of the DoD project officer.* (i) When production assistance has been approved, the Military Components will assign a project officer (commissioned, non-commissioned, or civilian) who will be designated by OATSD(PA) as the principal DoD liaison to the production company. The DoD project officer will at a minimum:

(A) Act as liaison between the production company and the Secretaries of the Military Departments and maintain contact with OATSD(PA) through appropriate channels. In this regard, the project officer will serve as the central coordinator for billing the producer and monitoring payments to the Government. (See paragraph (d) of this section for billing procedures.)

(B) Advise the production company on technical aspects and arrange for information necessary to ensure reasonably accurate and authentic portrayals of the Department of Defense.

(C) Maintain liaison with units and commands providing assistance to ensure timely arrangements consistent with the approved support.

(D) Coordinate with installations or commands that intend to provide support to the production to ensure that no material assistance is provided before a Production Assistance Agreement is signed by both DoD and the production company.

(E) When DoD assistance to the production requires the production company to reimburse the Government for additional expenses, develop an estimate of expenses based on the assistance requested, and ensure that these are reflected in the Production Assistance Agreement.

(F) Coordinate with each installation or command providing assets to the production to ensure the production company receives accurate and prompt statements of charges assessed by the Government and that the Government receives sufficient payment for any additional expenses incurred to support the production.

(G) For project officers assigned to a documentary or a non-documentary television series, maintain close liaison with the producer(s) and writers in developing story outlines. All story ideas considered for further development by the production company should be submitted to OATSD(PA) to provide the earliest opportunity for appraisal.

(ii) When considered to be in the best interest of the Department of Defense, the assigned project officer may provide ''on-scene'' assistance to the production company. Military or civilian technical

advisor(s) may also be required. In such cases:

(A) Assignment will be at no additional cost to the Government. The production company will assume payment of such items as travel (air, rental car, reimbursement for fuel, etc.) and per diem (lodging, food and incidentals).

(B) Assignment should be for the length of time required to meet preproduction requirements through completion of photography. When feasible, assignment may be extended to cover post-production stages and site clean-up.

(iii) Additional project officer responsibilities, when considered to be in the best interest of the Department of Defense, will include:

(A) Supervising the use of DoD equipment, facilities, and personnel.

(B) Attending pertinent preproduction and production conferences, being available during rehearsals to provide technical advice, and being present during filming of all scenes pertinent to the Department of Defense.

(C) Ensuring proper selection of locations, appropriate uniforms, awards and decorations, height and weight standards, grooming standards, insignia, and set dressing applicable to the military aspects of the production. This applies to active duty members as well as paid civilian actors.

(D) Arranging for appropriate technical advisers to be present when highly specialized military technical expertise is required.

(E) Ensuring that the production adheres to the agreed-upon script and list of support to be provided.

(F) Authorizing minor deviations from the approved script or list of support to be provided, so long as such deviations are feasible, consistent with the safety standards, and in keeping with the approved story line. All other deviations shall be referred for approval to OATSD(PA) through appropriate channels.

(G) In accordance with the Production Assistance Agreement, providing notice of non-compliance, and when necessary, suspending assistance when action by the production company is contrary to stipulations governing the project and suspension is in the best interest of the Department of Defense until the matter is resolved locally or by referral to OATSD(PA).

(H) Attending the approval screening of the production, unless the Military Department concerned, OATSD(PA), and the production company mutually agree otherwise.

(I) Determining whether the production company will need to obtain the written consent of DoD personnel who may be recorded, photographed, or filmed by the production company, including when the production company uses the personally identifying information (PII) of DoD personnel. The likeness of DoD personnel in any imagery is included in the meaning of PII. If the recording or imagery captures medical treatment being performed on DoD personnel, the project officer shall require the production company to gain written consent from such DoD personnel. In the case of DoD personnel who are deceased or incapacitated, the project officer shall require the production company to gain written consent from the next of kin of the deceased or incapacitated DoD personnel.

(c) *Production company procedures*—(1) *Review of productions.* When DoD assistance has been provided to a non-documentary production, the production company must arrange for an official DoD screening in Washington, DC, or at another location agreeable to OATSD (PA), before the production is publicly exhibited. This review should be early, but at a stage in editing when changes can be accommodated, to allow the Department of Defense to confirm military sequences conform to the agreed upon script. For documentary productions, the production company will provide to the DoD project officer and the DoD designee(s) responsible for coordinating production assistance a digital videodisc (DVD) of military-themed photography and the roughly edited version of the production at a stage in editing when changes can be accommodated. In addition to confirming that the military sequences conform to the agreed upon script, treatment, or narrative, this review will also serve to preclude release or disclosure of sensitive, security-related, or classified information; and to ensure that the privacy of DoD personnel is not violated. Should DoD determine that material in the production compromises any of the preceding concerns, DoD will alert the production company of the material, and the production company will remove the material from the production.

(2) *Credit titles.* The production company will use its best efforts to place a credit in the end titles immediately above the ''Special Thanks'' section (if any) that states ''Special Thanks to the United States Department of Defense,'' with no less than one clear line above and one clear line below such credit acknowledging the DoD assistance provided. Such acknowledgment(s) will be in keeping with industry customs and practices, and will be of the same size and font used for other similar credits in the end titles.

(3) *Requests for promotional assistance.* Pursuant to DoD Directive 5122.05, ''Assistant Secretary of Defense for Public Affairs'' (available at *http://www.dtic.mil/whs/directives/corres/pdf/512205p.pdf*), the ATSD(PA) is the final authority for military participation in public events, including participation in promotional events for entertainment media productions. The production company will forward requests for promotional assistance to OATSD(PA) in sufficient detail to permit a complete evaluation.

(4) *Publicity photos and promotional material.* The production company will provide DoD with copies of all promotional and marketing materials (*e.g.,* electronic press kits, one-sheets, and television advertisements) for internal information and historical purposes in documenting DoD assistance to the production.

(5) *Copies of completed production.* The production company will provide, in a format to be specified in the Production Assistance Agreement, copies of the completed production to DoD for briefings and for historical purposes.

(d) *Billing procedures.* Pursuant to 10 U.S.C. 2264 and 31 U.S.C. 9701, production companies will reimburse the Government for additional expenses incurred as a result of DoD assistance.

(1) Each installation or Military Component will provide the production company with individual statements of charges assessed for providing assets to assist in the production. Unless agreed otherwise, statements should be presented to the production company within 45 days from the last day of the month in which filming and/or photography is completed to ensure prompt and complete accounting of charges for DoD assistance.

(2) The production company will be billed for only those expenses that are considered to be additional expenses to the Government. In accordance with paragraph (b)(3)(i)(A) of this section, the assigned project officer will serve as the central coordinator for submitting statements to the producer and monitoring receipt of payment to the Government. Items for which the costs may be reimbursed to the Government include:

(i) Petroleum, oil, and lubricants for equipment used.

(ii) Depot maintenance for equipment used.

(iii) Cost incurred in diverting or moving equipment.

(iv) Lost or damaged equipment.
(v) Expendable supplies.
(vi) Travel and per diem (unless reimbursed under 31 U.S.C. 1353).
(vii) Civilian overtime.
(viii) Commercial power or other utilities for facilities kept open beyond normal duty hours or when the production company's consumption of utilities is significant, based on average usage rates.
(ix) Should the production company not comply with requested clean-up required by production, project officer will require production company to hire a cleaning company. Should the production company not provide for the necessary clean-up, it shall reimburse the Government for any additional expenses incurred by the Government in performing such clean-up.

(3) The production company will be required to reimburse the Government for all flying hours related to production assistance, including takeoffs, landings, and ferrying aircraft from military locations to filming sites, except when such missions coincide with and can be considered legitimate operational and training missions. The production company will be required to reimburse the Government for all steaming days related to production assistance, including all costs (tugs, harbor pilots and port costs) required to move ships from military locations to filming sites, except when such missions coincide with and can be considered legitimate operational and training missions. These reimbursements will be calculated at the current DoD User Rates.

(4) In cases where provision of support provides a significant benefit to DoD, the production company will not be required to reimburse the Government for military or civilian manpower (except for civilian overtime) when such personnel are officially assigned to assist in the production. However, this limitation does not apply to Reserve Component personnel assigned in an official capacity, because such members are called to active duty at additional cost to the Government to perform the assigned mission. Reimbursement for Reserve Component personnel in an official capacity will be at composite standard pay and reimbursement rates for military personnel published annually by the Under Secretary of Defense (Comptroller)/DoD Chief Financial Officer.

(5) Normal training and operational missions that would occur regardless of DoD assistance to a particular production are not considered to be chargeable to the production company.

(6) Beyond actual operational expenses, imputed rental charges ordinarily will not be levied for use of structures or equipment.

(7) The production company will provide proof of adequate industry standard liability insurance, naming DoD as an additional insured entity prior to the commencement of production involving DoD. The production company will maintain, at its sole expense, insurance in such amounts and under such terms and conditions as may be required by DoD to protect its interests in the property involved.

Appendix A to Part 238—Sample Production Assistance Agreement

U.S. DEPARTMENT OF DEFENSE
PRODUCTION ASSISTANCE AGREEMENT
DoD-[enter number]-[enter year]

The United States Department of Defense (DoD), acting on behalf of the United States of America, hereby expresses its intent, subject to the provisions herein, to provide to [enter name of production entity], hereinafter referred to as the "production company," the assistance itemized in this Production Assistance Agreement (Agreement) in conjunction with the production of a [enter type of production; e.g., feature motion picture, television series] known at this time as [enter title of production or episode]. This Agreement expresses the terms under which DoD intends to provide assistance. This Agreement does not authorize the obligation of any United States funding, nor should it be construed as a contract, grant, cooperative agreement, other transaction, or any other form of procurement agreement.

LIST OF MILITARY RESOURCES REQUESTED TO BE PROVIDED IN SUPPORT OF PRODUCTION [or "see Attachment 1"] The DoD will make reasonable efforts to provide the assistance requested in the request for production assistance, to the extent approved by DoD, and subject to the limitations contained herein.

This Agreement is subject to revocation due to non-compliance with the terms herein, with the possible consequence of a temporary suspension or permanent withdrawal of the use of some or all of the military resources identified to assist this project. In the event of dispute, the production company will be given a written notice of non-compliance by the DoD project officer. The production company will have a 72-hour cure period after receipt of written notice of non-compliance. DoD may temporarily suspend support until the non-compliance has been cured or the 72-hour cure period has expired. After the cure period has expired, DoD may permanently withdraw its support for the production. If such Agreement is either suspended or terminated, the sole right of the Production Company to appeal such decision is to the DoD designee responsible for coordinating production assistance for entertainment media operations ("DoD Director of Entertainment Media"). The requirements in Department of Defense Instruction 5410.16 shall apply to this Agreement.

It is understood between DoD and the production company that:

1. The DoD project officer, [enter name of project officer], is the official DoD representative responsible for ensuring that the terms of this Agreement are met. The DoD project officer or his or her designee will be present each day the U.S. military is being portrayed, photographed, or otherwise involved in any aspect of [enter title of production]. The DoD project officer is the military technical advisor, and all military coordination must go through him or her. The production company will consult with the DoD project officer in all phases of pre-production, production, and post-production that involves or depicts the U.S. military.

2. The production company will cast actors, extras, doubles, and stunt personnel portraying Service members who conform to individual Military Service regulations governing age, height and weight, uniform, grooming, appearance, and conduct standards. DoD reserves the right to suspend support in the event that disagreement regarding the military aspects of these portrayals cannot be resolved in negotiation between the production company and DoD within the 72-hour cure period. The DoD project officer will provide written guidance specific to each Military Service being portrayed.

3. DoD has approved production assistance as in the best interest of DoD, based on the [enter date] version of the script to the extent agreed upon by DoD [, and as further described by _____]. The production company must obtain, in advance, DoD concurrence for any subsequent changes proposed to the military depictions made to either the picture or the sound portions of the production before these changes are undertaken.

4. The operational capability and readiness of the Military Components will not be impaired. Unforeseen contingencies affecting national security or other emergency circumstances such as disaster relief may temporarily or permanently preclude the use of military resources. In these circumstances, DoD will not be liable, financially or otherwise, for any resulting negative impact or prejudice to the production caused by the premature withdrawal or change in support to the production company.

5. There will be no deviation from established DoD safety and conduct standards. The DoD project officer or his or her designee will coordinate such standards and compliance therewith. DoD will provide the production company advance notice of such safety or conduct standards upon request.

6. All DoD property or facilities damaged, used, or altered by the production company in connection with the production will be restored by the production company to the same or better condition, cleaned and free of trash, normal wear and tear excepted, as when they were made available for the production company's use.

7. The production company will reimburse the U.S. Government for any additional expenses incurred as a result of the assistance rendered for the production of [enter title of production]. The estimated amount will be detailed and included (e.g., "see Attachment 2," etc.). Unless otherwise agreed upon, the production company agrees to post advance payment or a letter of credit in the amount estimated to comprise the total additional DoD expenses or deposit such funds that may be reasonably necessary. The payment or letter of credit will be submitted to the military component(s) designated to provide the assistance, or to another DoD agency, as deemed appropriate by DoD.

a. DoD agrees to provide statements of charges assessed by each installation or DoD component providing assets to assist in the production within 45 days from the last day of the month in which filming is completed.

b. The production company will be charged for only those expenses that are considered to be additional costs to DoD in excess of those that would otherwise have been incurred, including, but not limited to fuel, resultant depot maintenance, expendable supplies, travel and per diem, civilian overtime, and lost or damaged equipment.

c. If the final aggregate of such costs and charges is less than previously anticipated, DoD agrees to remit the exact amount of the difference of any funds posted within 45 days from the last day of the month in which filming is completed.

8. The production company will be charged for the travel, lodging, per diem, and incidental expenses for the DoD project officer, the DoD Director of Entertainment Media or his or her designee, and any other assigned military technical and safety advisor(s) whose presence may be required by DoD. For each of these individuals, the production company will provide:

a. Round-trip air transportation and ground transfers to the production location(s) at which there is a military portrayal or involvement, at times deemed appropriate by the DoD project officer and DoD Director of Entertainment Media.

b. A full-size vehicle (with fuel and with loss, damage, and collision automobile insurance paid for by the production company) for his or her personal use during the filming, including for his or her stay at the production location(s). If parking at the location(s) is not available, transportation to and from the lodging location to the production site will be provided.

c. Hotel accommodations equivalent to those provided to the production company's crew.

d. A dedicated, on-location trailer room or other comparable work space with full Internet access, desk, seating, and en-suite toilet.

9. By approving DoD production assistance for [enter title of production], DoD hereby provides a general release to the production company for the use of any and all photography and sound recordings of any and all Service members, equipment, and real estate, subject to the limitations in this Agreement (e.g. Paragraphs 12-13).

10. As a condition of DoD assistance, the production company will:

a. Indemnify and hold harmless DoD, its agencies, officers, and employees against any claims (including claims for personal injury and death, damage to property, and attorneys' fees) arising from the production company's possession or use of DoD property or other assistance in connection with this production of [enter title of production], to include pre-production, post-production, and DoD-provided orientation or training. This provision will not in any event require production company to indemnify or hold harmless DoD, its agencies, officers and or employees from or against any claims arising from defects in DoD property or negligence on the part of DoD, its agencies, officers, or employees.

b. Provide proof of adequate industry standard liability insurance, naming DoD as an additional insured entity prior to the commencement of production involving DoD. The production company will maintain, at its sole expense, insurance in such amounts and under such terms and conditions as may be required by DoD to protect its interests in the property involved.

c. Not carry onto DoD property any non-prescription narcotic, hallucinogenic, or other controlled substance; or alcoholic beverage without prior coordination with the DoD project officer or his or her designee.

d. Not carry onto DoD property any real or prop firearms, weapons, explosives, or any special effects devices or equipment that cause or simulate explosions, flashes, flares, fire, loud noises, etc., without the prior approval of the DoD project officer and the supporting installation.

e. Allow DoD public affairs personnel access to the production site(s) to conduct still and motion photography of DoD personnel and assets that are directly supporting the filming, and to allow DoD the use of production company-generated publicity and marketing materials, such as production stills and electronic press kits. These materials may be used to show DoD viewers how DoD is assisting in the production; such materials may be viewed by the general public if posted on an open DoD web site or released on "The Pentagon Channel" or other publicly-accessible media source. Therefore, no DoD personnel will photograph actual filming, talent, or sets without the prior approval of the production company.

11. The production company will provide the DoD project officer with whatever internal communications equipment it is supplying to production company crew members to communicate on the set during production of military-themed sequences. The production company will also supply the DoD project officer with earphones to monitor military-themed dialogue and other sound recording during these periods.

12. The production company will screen for the DoD project officer and the DoD Director of Entertainment Media, or their designees, the roughly edited version of the production at a stage in editing when changes can be accommodated to allow DoD to confirm the military sequences conforms to the agreed script treatment, or narrative description; to preclude release or disclosure of sensitive, security-related, or classified information; and to ensure that the privacy of DoD personnel is not violated. Should DoD determine that material in the production compromises any of the preceding concerns, DoD will alert the production company of the material, and the production company will remove the material from the production. The production company will bear the travel, lodging, per diem, and incidental expenses incurred in transporting the DoD project officer and the DoD Director of Entertainment Media, or their designees, to the location where the screening is held.

13. No photography or sound recordings made with DoD assistance and no DoD photography and sound recordings released for this production will be reused or sold for use in other productions without DoD approval. The foregoing will not prohibit the production

company from exploiting the production in any and all ancillary markets, now known or hereafter devised (including, without limitation, television, web content, home video and theme parks) or from using clips in promotional material relative thereto.

14. The production company will also provide an official DoD screening of the completed production in Washington, D.C., prior to public exhibition. An alternative screening location may be authorized by DoD, in negotiation with the production company. In this case, the production company will pay the travel and lodging expenses incidental to the attendance at the screening of the DoD project officer and the Director of Entertainment Media or their designees.

15. The production company will use its best efforts to place a credit in the end titles immediately above the "Special Thanks" section (if any), substantially in the form of "Special Thanks to the United States Department of Defense," with no less than one clear line above and one clear line below such credit acknowledging the DoD assistance provided. Such acknowledgment(s) will be in keeping with industry customs and practices, and will be of the same size and font used for other similar credits in the end titles.

16. The production company will provide DoD with five copies of all promotional and marketing materials (e.g., electronic press kits, one-sheets, and television advertisements) for internal information and historical purposes in documenting DoD assistance to the production.

17. The production company will provide a minimum of ten digital videodisc (DVD) copies of the completed production to DoD for internal briefings and for historical purposes, by overnight shipment to arrive the day following the first domestic airing or commercial distribution of the production. DoD will not exhibit these DVDs publicly or copy them; however, DoD is allowed to use short clips from them in official presentations by Service members and DoD civilian personnel who were directly involved in providing DoD assistance, for the sole purpose of illustrating DoD support to the production. However, DoD is prohibited from making these clips available to any other party for any other purpose.

18. Official activities of DoD personnel in assisting the production must be within the scope of normal military activities, with the exception of the DoD project officer and assigned official technical advisor(s), whose activities must be consistent with their authorized additional duties. DoD personnel in an off-duty, non-official status may be hired by the production company to perform as actors, extras, etc., provided there is no conflict with existing Service or Department regulations. In such cases, these conditions apply:

a. Contractual agreements are solely between those individuals and the production company; however, they should be consistent with industry standards.

b. The DoD project officer will ensure that DoD personnel will comply with standards of conduct regulations in accepting employment.

c. The production company is responsible for any disputes with unions governing the hiring of non-union actors or extras.

19. The production company may make donations or gifts in-kind to morale, welfare, and recreation programs of the military unit(s) involved; however, donations of this kind are not at all required, and are not in any manner a consideration in the determination of whether or not a production should receive DoD assistance. These donations must be coordinated through the DoD project officer and must comply with law and DoD policies.

20. The undersigned parties warrant that they have the authority to enter into this Agreement and that the consent of no other party is necessary to effectuate the full and complete satisfaction of the provisions contained herein.

21. This Agreement consists of [enter number] pages including [enter number of attachment(s)]. Each page will be initialed by the undersigned DoD and production company representatives.

FOR THE DEPARTMENT OF DEFENSE	FOR [ENTER PRODUCTION COMPANY]
_____	_____
Signature and Date	Signature and Date
Name of DoD Representative:	Name of Production Company Representative:
_____	_____
Title and Address	Title and Address

Appendix B to Part 238—Sample Production Assistance Agreement

U.S. DEPARTMENT OF DEFENSE
DOCUMENTARY PRODUCTION ASSISTANCE AGREEMENT
DoD-[enter number]-[enter year]

The United States Department of Defense (DoD), acting on behalf of the United States of America, hereby expresses its intent, subject to the provisions herein, to provide to [enter name of production entity], hereinafter referred to as the "production company," the assistance itemized in this Production Assistance Agreement (Agreement) in conjunction with the production of a documentary known at this time as [enter title of the production]. This Agreement expresses the terms under which DoD intends to provide assistance. This Agreement does not authorize the obligation of any United States funding, nor should it be construed as a contract, grant, cooperative agreement, other transaction, or any other form of procurement agreement.

LIST OF MILITARY RESOURCES REQUESTED TO BE PROVIDED IN SUPPORT OF PRODUCTION [or "see Attachment 1"] The DoD will make reasonable efforts to provide the assistance requested in the request for DoD documentary assistance, to the extent approved by DoD, and subject to the limitations contained herein.

This Agreement is subject to revocation due to non-compliance with the terms herein, with the possible consequence of a temporary suspension or permanent withdrawal of the use of some or all of the military resources identified to assist this project. In the event of dispute, the production company will be given a written notice of non-compliance by the DoD project officer. The production company will have a 72-hour cure period after receipt of written notice of non-compliance. DoD may temporarily suspend support until the non-compliance has been cured or the 72-hour cure period has expired. After the cure period has expired, DoD may permanently withdraw its support for the production. If such Agreement is either suspended or terminated, the sole right of the Production Company to appeal such decision is to the DoD designee responsible for coordinating assistance for documentary productions. The requirements in Department of Defense Instruction 5410.16 shall apply to this Agreement.

It is understood between DoD and the production company that:

1. The DoD project officer, [enter name of project officer and contact information], is the official DoD representative responsible for ensuring that the terms of this Agreement are met. The DoD project officer is the military technical advisor, and all military coordination must go through him or her. The production company will consult with the DoD project officer in all phases of pre-production, production, and post-production that involves or depicts the U.S. military. The local unit/installation public affairs officer, or a designated official, may serve as the official onsite DoD representative for this project and will act as the interface between the film crew and military units providing both filming and logistical support.

2. DoD has approved production assistance as in the best interest of DoD, based on the [enter date] version of the script, treatment, or narrative description to the extent agreed upon by DoD [and as further described by _____]. The production company must obtain, in advance, DoD concurrence for any subsequent changes proposed to the military depictions made to either the picture or the sound portions of the production before these changes are undertaken.

3. The operational capability and readiness of the Military Components will not be impaired. Unforeseen contingencies affecting national security or other emergency circumstances such as disaster relief may temporarily or permanently preclude the use of military resources. In these circumstances, DoD will not be liable, financially or otherwise, for any resulting negative impact or prejudice to the production caused by the premature withdrawal or change in support to the production company.

4. There will be no deviation from established DoD safety and conduct standards. The DoD project officer, or his or her designee, will coordinate such standards and compliance therewith. DoD will provide the production company advance notice of such safety or conduct standards upon request.

5. All DoD property or facilities damaged, used or altered by the production company in connection with the production will be restored by the production company to the same or better condition, cleaned and free of trash, normal wear and tear excepted, as when they were made available for the production company's use.

6. The production company will reimburse the U.S. Government for any additional expenses incurred as a result of the assistance rendered for the production of [enter title of production]. The estimated amount will be detailed and included in this Agreement or as an attachment to it.

7. The production company will be charged for only those expenses that are considered to be additional costs to DoD in excess of those that would otherwise have been incurred, including, but not limited to fuel, resultant depot maintenance, expendable supplies, travel and per diem, civilian overtime, and lost or damaged equipment.

8. The production company will be charged for the travel, lodging, per diem, and incidental expenses for the DoD project officer, the DoD documentary officer, or his or her designee, and any other assigned military technical and safety advisor(s) whose presence may be required by DoD. For each of these individuals, the production company will provide:

a. Round-trip air transportation and ground transfers to the production location(s) at which there is a military portrayal or involvement, at times deemed appropriate by the DoD project officer and the DoD documentary officer.

b. Hotel accommodations equivalent to those provided to the production company's crew.

9. By approving DoD production assistance for [enter title of production], DoD hereby provides a general release to the production company for the use of any and all photography and sound recordings of any and all Service members, equipment, and real estate, subject to the limitations in this Agreement (e.g., including, but not limited to, Paragraphs 11-14).

10. As a condition of DoD assistance, the production company will:

a. Indemnify and hold harmless the DoD, its agencies, officers, and employees against any claims (including claims for personal injury and death, damage to property, and attorneys' fees) arising from the production company's possession or use of DoD property or other assistance in connection with this production of [enter title of production]. This provision will not in any event require production company to indemnify or hold harmless the DoD, its agencies, officers, or employees from or against any claims arising from defects in DoD property or negligence on the part of DoD, its agencies, officers, or employees.

b. Provide proof of adequate industry standard liability insurance, naming DoD as an additional insured entity prior to the commencement of production involving DoD. The production company will maintain, at its sole expense, insurance in such amounts and under such terms and conditions as may be required by DoD to protect its interests in the property involved.

c. Not carry onto DoD property any non-prescription narcotic, hallucinogenic, or other controlled substance or alcoholic beverage without prior coordination with the DoD project officer or his or her designee.

d. Not carry onto DoD property any real or prop firearms, weapons, explosives, or any special effects devices or equipment that cause or simulate explosions, flashes, flares, fire, loud noises, etc., without the prior approval of the DoD project officer and the supporting installation.

e. Allow DoD public affairs personnel access to the production site(s) to conduct still and motion photography of DoD personnel and assets that are directly supporting the filming, and to allow DoD the use of production company-generated publicity and marketing materials. These materials may be used to show DoD viewers how DoD is assisting in the production; such materials may be viewed by the general public if posted on an open DoD web site or on "The Pentagon Channel" or other publicly-accessible media source. Therefore, no DoD personnel will photograph actual filming without the prior approval of the production company.

11. The production company will screen for the DoD project officer, and the DoD documentary officer, or their designees, the roughly edited version of the production at a stage in editing when changes can be accommodated to allow DoD to confirm the military sequences conforms to the agreed-upon script, treatment, or narrative description; to preclude release or disclosure of sensitive, security-related, or classified information; and to ensure that the privacy of DoD personnel is not violated. Should DoD determine that material in the production compromises any of the preceding concerns, DoD will alert the production company of the material, and the production company will remove the material from the production.

12. If the recording or imagery to be used in the production captures medical treatment being performed on DoD personnel, the project officer shall require the production company to gain written consent from such DoD personnel. In the case of DoD personnel who are deceased or incapacitated, the project officer shall require the production company to gain written consent from the next of kin of the deceased or incapacitated DoD personnel.

13. All Department of Defense uniformed and civilian personnel who are photographed or sound recorded by the documentary production company are considered to be on duty and are precluded from receiving any compensation from the production company or any other party as a result of their appearance in the production or subsequent authorized productions, or as a result of the use of their name, likeness, life story or other rights for any purpose. Military personnel in an off-duty, non-official status may be hired by the production company to perform as actors, extras, etc., provided there is no conflict with existing Service regulations. In such cases, these conditions apply:

a. Contractual agreements are solely between those individuals and the production company; however, they should be consistent with industry standards.

b. The DoD project officer will ensure that DoD personnel will comply with standards of conduct regulations in accepting employment.

c. The production company is responsible for any disputes with unions governing the hiring of non-union actors or extras.

14. No photography or sound recordings made with DoD assistance and no DoD photography and sound recordings released for this production will be reused or sold for use in other productions without DoD approval. The foregoing will not prohibit the production company from exploiting the production in any and all ancillary markets, now known or hereafter devised (including, without limitation, television, web content, home video and theme parks) or from using clips in promotional material relative thereto.

15. The production company will identify any and all re-enactments in the production by placing the word “RE-ENACTMENT “on the screen, in a legible format and of a legible size, for either the duration of the re-enactment or at the beginning of the re-enactment for a period of not less than 3 seconds and reappearing every subsequent 10 seconds for a period of 3 seconds until complete. This activity will occur for every instance of a re-enactment in the production.

16. The production company will use its best efforts to place a credit in the end titles immediately above the “Special Thanks” section (if any) substantially in the form of “Special Thanks to the United States Department of Defense,” with no less than one clear line above and one clear line below such credit acknowledging the DoD assistance provided. Such acknowledgment(s) will be in keeping with industry customs and practices, and will be of the same size and font used for other similar credits in the end titles.

17. The production company will provide a minimum of five digital videodisc (DVD) copies of the completed production within seven working days of initial broadcast to DoD, for internal briefings and for historical purposes. DoD will not exhibit these DVDs publicly or copy them; however, DoD is allowed to use short clips from them in official presentations by Service members and DoD civilian personnel who were directly involved in providing DoD assistance, for the sole purpose of illustrating DoD support to the production. However, DoD is prohibited from making these clips available to any other party for any other purpose.

18. The undersigned parties warrant that they have the authority to agree to the terms of this Agreement and that the consent of no other party is necessary to effectuate the full and complete satisfaction of the provisions contained herein.

19. This Agreement consists of [enter number] pages including [enter number of attachment(s)]. Each page will be initialed by the undersigned DoD and production company representatives.

FOR THE DEPARTMENT OF DEFENSE	FOR [ENTER PRODUCTION COMPANY]
_____	_____
Signature and Date	Signature and Date
Name of DoD Representative:	Name of Production Company Representative:
_____	_____
Title and Address	Title and Address

Dated: July 31, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–19279 Filed 8–7–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0746]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Surf City, NC

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 S.R. 50 Bridge across the Atlantic Intracoastal Waterway, mile 260.7, at Surf City, NC. This deviation is necessary to facilitate reconstruction of the bridge fender system. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 4 a.m. on August 17, 2015 to 2 p.m. October 23, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0746], 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. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The North Carolina Department of Transportation, who owns and operates the S.R. 50 Bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.821(a)(2) to facilitate reconstruction of the bridge fender system.

Under the normal operating schedule for the S.R. 50 Bridge across the Atlantic Intracoastal Waterway, mile 260.7, at Surf City, NC in 33 CFR 117.821(a)(2); the draw shall open on signal for commercial vessels; open on signal for recreational vessels, except between 7 a.m. and 7 p.m., the draw need only open on the hour. The bridge has a vertical clearance in the closed-to-navigation position of 13 feet above mean high water.

Under this temporary deviation, the bridge will be closed to navigation from 4 a.m. to 2 p.m., Monday through Friday; except for scheduled openings at 8:30 a.m. and 12 noon, and openings for commercial tug and barge traffic unable to transit through the bridge during a scheduled opening, if at least 3 hours notice is given. At all other times the bridge will operate under its normal operating schedule in 33 CFR 117.821(a)(2). The Atlantic Intracoastal Waterway is used by a variety of vessels including small commercial fishing vessels, recreational vessels and tug and barge traffic. The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users.

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

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

Dated: August 5, 2015.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–19562 Filed 8–7–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0735]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedules that govern the Route 30 (Absecon Boulevard) Bridge across the Beach Thorofare, Atlantic Intracoastal Waterway, mile 67.2, at Atlantic City, NJ and US40–322 (North Albany Avenue) Bridge across the Inside Thorofare, Atlantic Intracoastal Waterway, mile 70.0, at Atlantic City, NJ. This deviation is necessary to facilitate the 2015 Atlantic City Beach Concerts. This deviation allows the bridges to remain in the closed-to-navigation position.

DATES: This deviation is effective from 8:45 p.m. to 10:45 p.m. on August 16 and August 20, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0735], 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. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The New Jersey Department of Transportation, who owns and operates the Route 30 (Absecon Boulevard) Bridge and US40–322 (North Albany Avenue) Bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.733(e) and (f), respectively, to facilitate the 2015 Atlantic City Beach Concerts.

Under the normal operating schedule for the Route 30 (Absecon Boulevard) Bridge across the Beach Thorofare, Atlantic Intracoastal Waterway, mile 67.2, at Atlantic City, NJ in 33 CFR 117.733(e); the bridge need only open on the hour from 7 a.m. to 11 p.m., from April 1 through October 31. Under the normal operating schedule for the US40–322 (North Albany Avenue) Bridge across the Inside Thorofare, Atlantic Intracoastal Waterway, mile 70.0, at Atlantic City, NJ in 33 CFR 117.733(f); the draw shall open on signal; except that, from June 1 through September 30 from 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m., the draw need only open on the hour and half hour, and from 4 p.m. to 6 p.m., the draw need not open. The vertical clearances in the closed-to-navigation position of the Route 30 (Absecon Boulevard) Bridge and US40–322 (North Albany Avenue) Bridge are 20 feet and 10 feet, respectively, above mean high water.

Under this temporary deviation, the bridges will be closed to navigation from 8:45 p.m. to 10:45 p.m. on August 16 and August 20, 2015. The Atlantic Intracoastal Waterway is used by a variety of vessels including small commercial fishing vessels, recreational vessels and tug and barge traffic. The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users.

Vessels able to pass through the bridges in the closed position may do so at anytime. The bridges will be able to open for emergencies and there is no alternate route for vessels unable to pass through the bridges in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedules for these bridges so that vessels can arrange their transits to minimize any impacts caused by this temporary deviation.

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

Dated: August 5, 2015.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–19560 Filed 8–7–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0736]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedules that govern the Route 30 (Absecon Boulevard) Bridge across the Beach Thorofare, Atlantic Intracoastal Waterway, mile 67.2, at Atlantic City, NJ and US40–322 (North Albany Avenue) Bridge across the Inside Thorofare, Atlantic Intracoastal Waterway, mile 70.0, at Atlantic City, NJ. This deviation is necessary to facilitate the 2015 Atlantic City Air Show. This deviation allows the bridges to remain in the closed-to-navigation position.

DATES: This deviation is effective from 7:30 a.m. to 10:30 a.m. and 4 p.m. to 8 p.m. on September 2, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0736], 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. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The New Jersey Department of Transportation, who owns and operates the Route 30 (Absecon Boulevard) Bridge and US40–322 (North Albany Avenue) Bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.733(e) and (f), respectively, to facilitate the 2015 Atlantic City Air Show.

Under the normal operating schedule for the Route 30 (Absecon Boulevard) Bridge across the Beach Thorofare, Atlantic Intracoastal Waterway, mile 67.2, at Atlantic City, NJ in 33 CFR 117.733(e); the bridge need only open on the hour from 7 a.m. to 11 p.m., from April 1 through October 31. Under the normal operating schedule for the US40–322 (North Albany Avenue) Bridge across the Inside Thorofare, Atlantic Intracoastal Waterway, mile 70.0, at Atlantic City, NJ in 33 CFR 117.733(f); the draw shall open on signal; except that, from June 1 through September 30 from 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m., the draw need only open on the hour and half hour, and from 4 p.m. to 6 p.m., the draw need not open. The vertical clearances in the closed-to-navigation position of the Route 30 (Absecon Boulevard) Bridge and US40–322 (North Albany Avenue) Bridge are 20 feet and 10 feet, respectively, above mean high water.

Under this temporary deviation, the bridges will be closed to navigation from 7:30 a.m. to 10:30 a.m. and 4 p.m. to 8 p.m. on September 2, 2015. The Atlantic Intracoastal Waterway is used by a variety of vessels including small commercial fishing vessels, recreational vessels and tug and barge traffic. The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users.

Vessels able to pass through the bridges in the closed position may do so at anytime. The bridges will be able to open for emergencies and there is no alternate route for vessels unable to pass through the bridges in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedules for these bridges so that vessels can arrange their transits to minimize any impacts caused by this temporary deviation.

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

Dated: August 5, 2015.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–19561 Filed 8–7–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

United States Coast Guard

33 CFR Part 147

[Docket No. USCG–2015–0248]

RIN 1625–AA00

Safety Zone; NOBLE DISCOVERER, Outer Continental Shelf Drillship, Chukchi Sea, AK

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone that extends 500 meters from the outer edge of the DRILLSHIP NOBLE DISCOVERER. This safety zone will be in effect both when the DRILLSHIP NOBLE DISCOVERER is anchored and when deploying and recovering moorings. This safety zone will be in effect when the DRILLSHIP NOBLE DISCOVERER is on location in order to drill exploratory wells at various prospects located in the Chukchi Sea Outer Continental Shelf, Alaska, from 12:01 a.m. on July 1, 2015 through 11:59 p.m. on October 31, 2015. The purpose of the temporary safety zone is to protect the drillship from vessels operating outside the normal shipping channels and fairways.

DATES: This rule is effective without actual notice from August 10, 2015 until October 31, 2015. For the purposes of enforcement, actual notice will be used from July 1, 2015 to August 10, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket number USCG–2015–0248. 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 proposed rule, call or email LCDR Jason Boyle, Seventeenth Coast Guard District (dpi); telephone 907–463–2821, *Jason.t.boyle@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard published an NPRM for this safety zone on May 4, 2015 (80 FR 25256). Two comments from the public were received during the 30 day comment period. No public meeting was requested, and none was held.

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 ongoing drilling operations, delaying the implementation of this safety zone is impracticable and would increase the possibility of an allision in the Chukchi Sea.

B. Basis and Purpose

The Coast Guard is establishing a temporary safety zone around the DRILLSHIP NOBLE DISCOVERER while anchored or deploying and recovering moorings on location in order to drill exploratory wells in several prospects located in the Chukchi Sea during the 2015 drilling season.

The request for the temporary safety zone was made by Shell Exploration & Production Company due to safety concerns for both the personnel aboard the DRILLSHIP NOBLE DISCOVERER and the environment. Shell Exploration & Production Company indicated that it is highly likely that any allision or inability to identify, monitor or mitigate any risks or threats, including ice-related hazards that might be encountered, may result in a catastrophic event. Incursions into the safety zone by unapproved vessels could degrade the ability to monitor and mitigate such risks. In evaluating this request, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to: (1) The level of shipping activity around the operation; (2) safety concerns for personnel aboard the vessel; (3) concerns for the environment given the sensitivity of the environmental and the importance of fishing and hunting to the indigenous population; (4) the lack of any established shipping fairways, and fueling and supply storage/operations which increase the likelihood that an allision would result in a catastrophic event; (5) the recent and potential future maritime traffic in the vicinity of the proposed areas; (6) the types of vessels navigating in the vicinity of the proposed area; (7) the structural configuration of the vessel, and (8) the need to allow for lawful demonstrations without endangering the safe operation of the vessel. For any group intending to conduct lawful demonstrations in the vicinity of the rig, these demonstrations must be conducted outside the safety zone.

Results from a thorough and comprehensive examination of the criteria, IMO guidelines, and existing regulations warrant the establishment of the temporary safety zone. The regulation significantly reduces the threat of allisions that could result in oil spills, and other releases. Furthermore, the regulation increases the safety of life, property, and the environment in the Chukchi Sea by prohibiting entry into the zone unless specifically authorized by the Commander, Seventeenth Coast Guard District, or a designated representative. Due to the remote location and the need to protect the environment, the Coast Guard may use criminal sanctions to enforce the safety zone as appropriate.

The temporary safety zone will be around the DRILLSHIP NOBLE DISCOVERER while anchored or deploying and recovering moorings on location in order to drill exploratory wells in various locations in the Chukchi Sea Outer Continental Shelf, Alaska during the 2015 timeframe.

Shell Exploration & Production Company has proposed and received permits for drill sites within the Burger prospects, Chukchi Sea, Alaska.

During the 2015 timeframe, Shell Exploration & Production Company has proposed drilling exploration wells at various Chukchi Sea prospects depending on favorable ice conditions, weather, sea state, and any other pertinent factors. Each of these drill sites will be permitted for drilling in 2015 to allow for operational flexibility in the event sea ice conditions prevent access to one of the locations. The number of actual wells that will be drilled will depend on ice conditions and the length of time available for the 2015 drilling season. The predicted ''average'' drilling season, constrained by prevailing ice conditions and regulatory restrictions, is long enough for two to three typical exploration wells to be drilled.

The actual order of drilling activities will be controlled by an interplay between actual ice conditions immediately prior to a rig move, ice forecasts, any regulatory restrictions with respect to the dates of allowed operating windows, whether the planned drilling activity involves only drilling the shallow non-objective section or penetrating potential hydrocarbon zones, the availability of permitted sites having approved shallow hazards clearance, the anticipated duration of each contemplated drilling activity, the results of preceding wells and Marine Mammal Monitoring and Mitigation plan requirements.

All planned exploration drilling in the identified lease will be conducted with the DRILLSHIP NOBLE DISCOVERER.

The DRILLSHIP NOBLE DISCOVERER has a ''persons on board'' capacity of 124, and it is expected to be at capacity for most of its operating period. The DRILLSHIP NOBLE DISCOVERER's personnel will include its crew, as well as Shell employees, third party contractors, Alaska Native Marine Mammal Observers and possibly Bureau of Safety and Environmental Enforcement (BSEE) personnel.

While conducting exploration drilling operations, the DRILLSHIP NOBLE DISCOVERER will be anchored using an anchoring system consisting of an 8-point anchored mooring spread attached to the onboard turret and could have a maximum anchor radius of 3,600 ft (1,100 m). The center point of the DRILLSHIP NOBLE DISCOVERER will be positioned within the prospect location in the Chukchi Sea.

The DRILLSHIP NOBLE DISCOVERER will move into the Chukchi Sea on or about July 1, 2015 and onto a prospect location when ice allows. Drilling will conclude on or before October 31, 2015. The drillship and support vessels will depart the Chukchi Sea at the conclusion of the 2015 drilling season.

C. Discussion of Comments, Changes, and the Final Rule

One comment from the public was received during the 30 day comment period expressing concern that the safety zone was larger than necessary and that it could unnecessary impede vessel movement. The comment proposed a smaller safety zone of 50 meters with a ''no wake'' restriction extending 250 meters. The Coast Guard considered this comment, but has decided not to adopt the commenter's suggestion. Considering the size of the ocean, we do not believe a 500-meter safety zone presents an unreasonable restriction of movement. Furthermore, considering the size and speed of the drillship and associated drilling operations, we believe that a 50-meter zone would not ensure the safety of boaters in the area. Finally, we note that a ''no-wake zone'' would not have any effect in protecting boaters from the

dangerous conditions caused by drilling operations.

Additionally, one commenter questioned whether the safety zone applied when the vessel is moving. It would apply during that time, for the safety of other vessels. The commenter also suggested that the safety zone should not extend 500 meters past the mooring. For reasons described below, we agree with the commenter's suggestion in this regard.

The Coast Guard made one change to the proposed rule. The original proposed rule had called for safety zones at every point where the vessel's mooring spread intersected with the ocean's surface. After consideration of the comments and additional clarification from Shell Exploration & Production Company, the Coast Guard determined that the mooring system utilized on this vessel is configured such that its lines will not break the ocean's surface beyond the vessel's outer edge. Therefore, the Coast Guard deleted reference to such additional safety zones and corresponding marking buoys from the final rule.

The temporary safety zone will encompass the area that extends 500 meters from the outer edge of the DRILLSHIP NOBLE DISCOVERER. This safety zone will be in effect both when the DRILLSHIP NOBLE DISCOVERER is anchored and when deploying and recovering moorings. No vessel would be allowed to enter or remain in this proposed safety zone except the following: An attending vessel or a vessel authorized by the Commander, Seventeenth Coast Guard District or a designated representative. They may be contacted on VHF–FM Channel 13 or 16 or by telephone at 907–463–2000.

D. Regulatory Analyses

The Coast Guard developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 14 of these statutes or executive orders.

1. Regulatory Planning and Review

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

This rule is not a significant regulatory action due to the location of the DRILLSHIP NOBLE DISCOVERER on the Outer Continental Shelf and its distance from both land and safety fairways. Vessels traversing waters near the proposed safety zone will be able to safely travel around the zone without incurring additional costs.

2. Small Entities

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612), the Coast Guard has considered whether this rule would have a significant economic impact on a substantial number of small entities. 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 would not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the Burger Prospects of the Chukchi Sea.

This safety zone will not have a significant economic impact or a substantial number of small entities for the following reasons: This rule will enforce a safety zone around a drilling unit facility that is in areas of the Chukchi Sea not frequented by vessel traffic and is not in close proximity to a safety fairway. Further, vessel traffic can pass safely around the safety zone without incurring additional costs.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LCDR Jason Boyle, Coast Guard Seventeenth District, Office of Prevention; telephone 907–463–2821, *Jason.t.boyle@uscg.mil.* The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000.00 (adjusted for inflation) or more in any one year. Though this rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This 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

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an

environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

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

12. Energy Effects

The Coast Guard analyzed this rule 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant's Instruction.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.T17–0248 to read as follows:

§ 147.T17–0248 Safety Zone; DRILLSHIP NOBLE DISCOVERER, Outer Continental Shelf Drillship, Chukchi Sea, Alaska.

(a) Description. The DRILLSHIP NOBLE DISCOVERER will be engaged in exploratory drilling operations at various locations in the Chukchi Sea from July 1, 2015 through October 31, 2015. The area that extends 500 meters from the outer edge of the DRILLSHIP NOBLE DISCOVERER is a safety zone. Lawful demonstrations may be conducted outside of the safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel; or

(2) A vessel authorized by the Commander, Seventeenth Coast Guard District, or a designated representative.

Dated: June 17, 2015.

Daniel B. Abel,

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

[FR Doc. 2015–19367 Filed 8–7–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0715]

RIN 1625–AA00

Safety Zone; Waddington Homecoming Fireworks, St. Lawrence River, Ogden Island, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the St. Lawrence River, Ogden Island, NY. This safety zone is intended to restrict vessels from a portion of the St. Lawrence River during the Waddington Homecoming fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule will be effective and enforced from 8:45 p.m. until 10:15 p.m. on August 8, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0715]. 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 LTJG Amanda Garcia, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email *SectorBuffaloMarineSafety@uscg.mil*. If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

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(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display. Therefore, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable.

B. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

Between 8:45 p.m. and 10:15 p.m. on August 8, 2015, a fireworks display will be held on the shoreline of the St. Lawrence River on Ogden Island, NY. It is anticipated that numerous vessels will be in the immediate vicinity of the launch point. The Captain of the Port Buffalo has determined that such a launch proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the Waddington Homecoming fireworks display. This zone will be enforced from 8:45 p.m. until 10:15 p.m. on August 8, 2015. This zone will encompass all waters of the St. Lawrence River; Ogden Island, NY within a 700-foot radius of position 44°52′8.44″ N and 075°12′35.84″ W (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

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.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. 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. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the St. Lawrence River on the evening of August 8, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be effective, and thus subject to enforcement, for only 90 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the enforcement of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and

Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and, therefore it 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 amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 195; 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.T09–0715 to read as follows:

§ 165.T09–0715 Safety Zone; Waddington Homecoming Fireworks Display; St. Lawrence River, Ogden Island, NY.

(a) *Location.* This zone will encompass all waters of the St. Lawrence River; Ogden Island, NY within a 700-footradius of position 44°52′8.44″ N and 075°12′35.84″ W (NAD 83).

(b) *Enforcement Period.* This regulation will be enforced on August 8, 2015 from 8:45 p.m. until 10:15 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: July 28, 2015.

B.W. Roche,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2015–19506 Filed 8–7–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2012–0351; FRL–9932–05–Region 8]

Approval and Promulgation of State Implementation Plans; State of Wyoming; Interstate Transport of Pollution for the 2006 24-Hour $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving portions of an August 19, 2011 State Implementation Plan (SIP) submission from the State of Wyoming that are intended to demonstrate that its SIP meets certain interstate transport requirements of the Clean Air Act (Act or CAA) for the 2006 24-hour fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). This submission addresses the requirement that Wyoming's SIP contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. Specifically, EPA is approving the portion of the Wyoming SIP submission that addresses the significant contribution to nonattainment and interference with maintenance transport requirements for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also approving the interference with prevention of significant deterioration (PSD) of air quality transport requirement for this NAAQS. EPA is not acting on the interference with visibility transport requirement at this time and will address the visibility requirement for this NAAQS in a separate future action.

DATES: This final rule is effective on September 9, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2012–0351. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose

disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

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

SUPPLEMENTARY INFORMATION:

I. Background

A. 2006 $PM_{2.5}$ NAAQS and Interstate Transport

On September 21, 2006, EPA promulgated a final rule revising the 1997 24-hour primary and secondary NAAQS for $PM_{2.5}$ from 65 micrograms per cubic meter ($\mu g/m^3$) to 35 $\mu g/m^3$ (October 17, 2006, 71 FR 61144).

Section 110(a)(1) of the CAA requires each state to submit to EPA, within three years (or such shorter period as the Administrator may prescribe) after the promulgation of a primary or secondary NAAQS or any revision thereof, a SIP that provides for the ''implementation, maintenance, and enforcement'' of such NAAQS. EPA refers to these specific submittals as ''infrastructure'' SIPs because they are intended to address basic structural SIP requirements for new or revised NAAQS. For the 2006 24-hour $PM_{2.5}$ NAAQS, these infrastructure SIPs were due on September 21, 2009. CAA section 110(a)(2) includes a list of specific elements that ''[e]ach such plan submission'' must meet.

The interstate transport provisions in CAA section 110(a)(2)(D)(i) (also called ''good neighbor'' provisions) require each state to submit a SIP that prohibits emissions that will have certain adverse air quality effects in other states. CAA section 110(a)(2)(D)(i) identifies four distinct elements related to the impacts of air pollutants transported across state lines. The two elements under 110(a)(2)(D)(i)(I) require SIPs to contain adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will (element 1) contribute significantly to nonattainment in any other state with respect to any such national primary or secondary NAAQS, and (element 2) interfere with maintenance by any other state with respect to the same NAAQS. The two elements under 110(a)(2)(D)(i)(II) require SIPs to contain adequate provisions to prohibit emissions that will interfere with measures required to be included in the applicable implementation plan for any other state under part C (element 3) to prevent significant deterioration of air quality or (element 4) to protect visibility.

On August 19, 2011, the Wyoming Department of Environmental Quality (WDEQ) made a submission certifying that Wyoming's SIP is adequate to implement the 2006 24-hour $PM_{2.5}$ NAAQS for all the ''infrastructure'' requirements of CAA section 110(a)(2).[1] On April 23, 2015, WDEQ sent EPA a letter clarifying its August 19, 2011 submission with regard to elements 1–3 of CAA section 110(a)(2)(D)(i).[2] EPA proposed approval of 110(a)(2)(D)(i) elements 1–3 of Wyoming's August 19, 2011 submission on May 18, 2015 (80 FR 28209).

II. Response to Comments

EPA did not receive any comments on the May 18, 2015 proposal.

III. Final Rule

EPA is approving the 110(a)(2)(D)(i)(I) portion of Wyoming's August 19, 2011 submission. We are approving elements 1 and 2 of this portion of the submission based on EPA's supplemental evaluation of relevant technical information, which supports a finding that emissions from Wyoming do not significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS in any other state and that the existing Wyoming SIP is, therefore, adequate to meet the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2006 24-hour $PM_{2.5}$ NAAQS.

EPA is also approving element 3 of 110(a)(2)(D)(i) from Wyoming's August 19, 2011 submission, based on a finding that the Wyoming SIP is adequate to meet the PSD requirement of CAA section 110(a)(2)(D)(i)(II).

[1] WDEQ's certification letter, dated August 19, 2011 is included in the docket for this action.

[2] Wyoming's clarification letter is available in the docket for this action. Wyoming's May 3, 2007 Interstate Transport SIP can be found in the docket for that action (EPA–R08–OAR–2007–0648).

IV. Statutory and Executive Orders Review

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as

specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 9, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: July 23, 2015.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart ZZ—Wyoming

■ 2. Section 52.2620 is amended in paragraph (e) by:

■ a. Adding entry XXIV at the end of the table; and

■ b. Removing the first instance of footnote 3.

The addition reads as follows:

§ 52.2620 Identification of plan.

* * * * *

(e) * * *

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/ adopted date	EPA approval date and citation [3]	Explanations
*	* *	*	* *	*
XXIV. Interstate Transport. Wyoming Interstate Transport SIP satisfying the requirement of Section 110(a)(2)(D)(i) of the CAA for the 2006 $PM_{2.5}$ standards.	Statewide	Submitted: 8/19/2011	8/10/2015 ..... [insert **Federal Register** page number where document begins].	No action on section 110(a)(2)(D)(i) prong 4, visibility.

[3] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the **Federal Register** cited in this column for that particular provision.

[FR Doc. 2015–19501 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0258; FRL–9926–72–Region 9]

Approval and Promulgation of State Implementation Plans; Arizona; Infrastructure Requirements for the 2008 Lead (Pb) and the 2008 8-Hour Ozone National Ambient Air Quality Standards (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Arizona to address the requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA) for the 2008 Lead (Pb) and 2008 ozone national ambient air quality standards (NAAQS). Section 110(a) of the CAA requires that each State adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA. We refer to such SIP revisions as ''infrastructure'' SIPs because they are intended to address basic structural SIP requirements for new or revised NAAQS including, but not limited to, legal authority, regulatory structure, resources, permit programs, monitoring, and modeling necessary to assure attainment and maintenance of the standards. In addition, we are approving several state provisions addressing CAA conflict of interest and monitoring requirements into the Arizona SIP.

DATES: This final rule is effective on September 9, 2015.

ADDRESSES: EPA has established a docket for this action, identified by Docket ID Number EPA–R09–OAR–2014–0258. The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne, San Francisco, California. While all documents in the docket are listed in the index, some information may be publically available only at the hard copy location (*e.g.,* copyrighted material) and some may not be publically available in either location (*e.g.,* confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed directly below.

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, Office of Air Planning, U.S. Environmental Protection Agency, Region 9, (415) 947–4152, email: *buss.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' and ''our'' refer to EPA.

Table of Contents

I. Background
II. EPA's Response to Comments
III. Final Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

CAA section 110(a)(1) requires each state to submit to EPA, within three years after the promulgation of a primary or secondary NAAQS or any revision thereof, an infrastructure SIP revision that provides for the implementation, maintenance, and enforcement of such NAAQS. Section 110(a)(2) sets the content requirements of such a plan, which generally relate to the information and authorities, compliance assurances, procedural requirements, and control measures that constitute the ''infrastructure'' of a state's air quality management program. These infrastructure SIP elements required by section 110(a)(2) are as follows:

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B): Ambient air quality monitoring/data system.
- Section 110(a)(2)(C): Program for enforcement of control measures and regulation of new and modified stationary sources.
- Section 110(a)(2)(D)(i): Interstate pollution transport.
- Section 110(a)(2)(D)(ii): Interstate and international pollution abatement.
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local and regional government agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J): Consultation with government officials, public notification, PSD, and visibility protection.
- Section 110(a)(2)(K): Air quality modeling and submittal of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

Two elements identified in section 110(a)(2) are not governed by the three-year submittal deadline of section 110(a)(1) and are therefore not addressed in this action. These two elements are: (i) Section 110(a)(2)(C) to the extent it refers to permit programs required under part D (nonattainment NSR), and (ii) section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address infrastructure for the nonattainment NSR portion of section 110(a)(2)(C) or the whole of section 110(a)(2)(I).

On November 12, 2008, the U.S. Environmental Protection Agency (EPA) issued a revised NAAQS for Pb.[1] That action triggered a requirement for states to submit an infrastructure SIP to address the applicable requirements of section 110(a)(2) within three years of issuance of the revised NAAQS. On October 14, 2011, EPA issued ''Guidance on Section 110 Infrastructure SIPs for the 2008 Pb NAAQS'', referred to herein as EPA's 2011 Pb Guidance.[2] Depending on the timing of a given submittal, some states relied on the earlier draft version of this guidance, referred to herein as EPA's 2011 Draft Pb Guidance.[3] EPA issued additional guidance on infrastructure SIPs on September 13, 2013.[4]

On March 27, 2008, EPA issued a revised NAAQS for 8-hour Ozone.[5] That action triggered a requirement for states to submit an infrastructure SIP to address the applicable requirements of section 110(a)(2) within three years of issuance of the revised NAAQS. EPA did not, however, prepare guidance at that time for states in submitting I–SIP revisions for the 2008 Ozone NAAQS.[6] On September 13, 2013, EPA issued ''Guidance of Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' which provides advice on the development of infrastructure SIPs for the 2008 ozone NAAQS (among other pollutants) as well as infrastructure SIPs for new or revised NAAQS promulgated in the future.[7]

The Arizona Department of Environmental Quality (ADEQ) has submitted several infrastructure SIP revisions pursuant to EPA's promulgation of the NAAQS addressed by this rule, including the following:

- October 14, 2011—''Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); 2008 Lead NAAQS,'' to address all of the CAA section 110(a)(2) requirements, except for section 110(a)(2)(G),[8] for the 2008 Pb NAAQS (2011 Pb I–SIP Submittal).
- December 27, 2012—''Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); 2008 8-hour Ozone NAAQS,'' to address all of the CAA section 110(a)(2) requirements for the 2008 8-hour Ozone NAAQS (2012 Ozone I–SIP Submittal).
- December 6, 2013—''Submittal of Maricopa County Rule 100 revising the Maricopa County Portion of the Arizona State Implementation Plan for Section 110(a)(2) Infrastructure'' from Eric Massey, Director of ADEQ (2013 Maricopa County Submittal). Maricopa County Rule 100 was submitted to address a deficiency in section 110(a)(2)(E)(ii) of the SIP for Maricopa County concerning conflict of interest requirements for hearing boards.
- December 19, 2013—''Submittal of Pima County Rules revising the Pima County Portion of the Arizona State Implementation Plan for Section 110(a)(2) Infrastructure'' from Eric Massey, Director of ADEQ (2013 Pima County Submittal). This submittal included Pima County Rule 17.04.190 ''Composition,'' adopted September 28, 1993; Pima County Rule 17.12.040 ''Reporting for Compliance Evaluations,'' adopted September 28, 1993; and Pima County Rule 17.24.040 ''Reporting Requirements,'' adopted April 19, 2005 for inclusion into the Arizona SIP. These rules were submitted to address deficiencies in section 110(a)(2)(E)(ii) of the SIP concerning conflict of interest requirements for hearing boards and section 110(a)(2)(F) of the SIP concerning stationary source monitoring and reporting.

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[1] 73 FR 66964 (November 12, 2008). The 1978 Pb standard (1.5 μg/m^3 as a quarterly average) was modified to a rolling 3 month average not to be exceeded of 0.15 μg/m^3. EPA also revised the secondary NAAQS to 0.15 μg/m^{3}and made it identical to the revised primary standard. Id.

[2] See Memorandum from Stephen D. Page, Director, Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions 1–10 (October 14, 2011).

[3] ''DRAFT Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS),'' June 17, 2011 version.

[4] *See* Memorandum dated September 13, 2013 from Stephen D. Page, Director, EPA Office of Air Quality Planning and Standards, to Regional Air Directors, EPA Regions 1–10, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)'' (referred to herein as ''2013 Infrastructure SIP Guidance'').

[5] 73 FR 16436 (March 27, 2008).

[6] Preparation of guidance for the 2008 Ozone NAAQS was postponed given EPA's reconsideration of the standard. See 78 FR 34183 (June 6, 2013).

[7] See Memorandum dated September 13, 2013 from Stephen D. Page, Director, EPA Office of Air Quality Planning and Standards, to Regional Air Directors, EPA Regions 1–10, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)'' (referred to herein as ''2013 Infrastructure SIP Guidance'').

[8] In a separate rulemaking, EPA fully approved Arizona's SIP to address the requirements regarding air pollution emergency episodes in CAA section 110(a)(2)(G) for the 1997 8-hour ozone NAAQS. 77 FR 62452 (October 15, 2012). Although ADEQ did not submit an analysis of Section 110(a)(2)(G) requirements, we discuss them in our TSD, which is in the docket for this rulemaking.

• September 4, 2014—''Submittal of Pinal County Rule 1–3–140 Revising the Pinal County Portion of the Arizona State Implementation Plan for Section 110(a)(2) Infrastructure'' from Eric Massey, Director of ADEQ (2014 Pinal County Submittal). This submittal included Pinal County Rule 1–3–140 ''Definitions,'' adopted July 23, 2014 for inclusion into the Arizona SIP. Pinal County Rule 1–3–140 was submitted to address a deficiency in section 110(a)(2)(E)(ii) of the SIP for Pinal County concerning conflict of interest requirements for hearing boards.

II. EPA's Response to Comments

The public comment period on EPA's proposed rule opened on November 24, 2014, the date of its publication in the **Federal Register** at 79 FR 69796, and closed on December 24, 2014. During that period, EPA did not receive any comments.

III. Final Action

Under CAA section 110(k)(3) and based on the evaluation and rationale presented in the proposed rule, the technical support document and this final rule, EPA is approving the 2011 Pb I–SIP Submittal, the 2012 Ozone I–SIP Submittal, the 2013 Maricopa County Submittal, the 2013 Pima County Submittal and the 2014 Pinal County Submittal with respect to the following infrastructure SIP requirements:

• Section 110(a)(2)(A): Emission limits and other control measures.
• Section 110(a)(2)(B): Ambient air quality monitoring/data system.
• Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local and regional government agencies.
• Section 110(a)(2)(F): Stationary source monitoring and reporting.
• Section 110(a)(2)(G): Emergency episodes.
• Section 110(a)(2)(H): SIP revisions.
• Section 110(a)(2)(L): Permitting fees.
• Section 110(a)(2)(M): Consultation/participation by affected local entities.

In addition, we are approving into the SIP certain regulatory provisions included in the 2013 Pima County and Maricopa County Submittals, and in the 2014 Pinal County Submittal, as discussed in the TSD.[9]

We are not acting today on those elements of the infrastructure SIP that address the requirements of sections 110(a)(2)(C), (D), (J) and (K) of the Act. On October 29, 2012, ADEQ submitted ''New Source Review State Implementation Plan Submission'' and on July 2, 2014 submitted ''Supplemental Information to 2012 New Source Review State Implementation Plan Submission''. These submissions address the permitting portions of I–SIP elements in sections 110(a)(2)(C), (D), (J) and (K) of the Act and will be addressed in a subsequent rulemaking.

Section 110(l) of the Act prohibits EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the Act. All of the elements of the infrastructure SIP that we are approving, as explained in the TSD, improve the SIP by replacing obsolete statutes or regulations and by updating the state and local agencies' SIP implementation and enforcement authorities. We have determined that our approval of the elements discussed above complies with CAA section 110(l) because the SIP revision would not interfere with the on-going process for ensuring that requirements for RFP and attainment of the NAAQS are met, and the SIP revision clarifies and updates the SIP. Our TSD contains a more detailed discussion of our evaluation.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Arizona Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

• Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

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

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

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

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

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

[9] Copies of these Arizona county regulations are included in the 2013 Pima County and Maricopa County Submittals, and 2014 Pinal County Submittal, which are available in the docket for this action and online at *http://regulations.gov,* docket number EPA–R09–OAR–2014–0258.

Dated: February 19, 2015.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Editorial Note: This document was received for publication by the Office of the Federal Register on August 4, 2015.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart D—Arizona

■ 2. Section 52.120 is amended by adding paragraphs (c)(166), (167), (168), (169), and (170) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(166) The following plan was submitted on October 14, 2011, by the Governor's designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(*1*) Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); Implementation of the 2008 Lead National Ambient Air Quality Standards, excluding the appendices.

(167) The following plan was submitted on December 27, 2012 by the Governor's designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(*1*) Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); 2008 8-hour Ozone NAAQS, excluding the appendices.

(168) The following plan was submitted on December 6, 2013 by the Governor's designee.

(i) *Incorporation by reference.*

(A) Maricopa County Air Quality Department.

(*1*) Maricopa County Air Pollution Control Regulations, Rule 100 (''General Provisions and Definitions''), section 100 (''General''), subsection 108 (''Hearing Board''), revised September 25, 2013.

(169) The following plan was submitted on December 19, 2013 by the Governor's designee.

(i) [Reserved]

(ii) Additional materials.

(A) Pima County Department of Environmental Quality.

(*1*) Board of Supervisors of Pima County, Arizona, Ordinance No. 1993–128, Section 1, 17.040.190 ''Composition'' Section 6, 17.24.040 ''Reporting for compliance evaluations'' adopted September 28, 1993.

(*2*) Board of Supervisors of Pima County, Arizona, Ordinance 2005–43, Chapter 17.12, Permits and Permit Revisions, section 2,17.12.040 ''Reporting Requirements'' adopted April 19, 2005.

(170) The following plan was submitted on September 4, 2014 by the Governor's designee.

(i) *Incorporation by reference.*

(A) Pinal County Air Quality Control District.

(*1*) Pinal County Board of Supervisors, Resolution No. 072314–AQ1, 1–3–140, Definitions, 74, Hearing Board, including new text that is underlined and excluding removed text which was struck by the board, effective July 23, 2014.

■ 3. Section 52.123 is amended by revising paragraphs (l), (m), and (n) to read as follows:

§ 52.123 Approval status.

* * * * *

(l) *1997 8-hour ozone NAAQS:* The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

(m) *1997 $PM_{2.5}$ NAAQS:* The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

(n) *2006 $PM_{2.5}$ NAAQS:* The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

[FR Doc. 2015–19499 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2012–0346; FRL–9932–04–Region 8]

Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution for the 2006 24-Hour $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a May 11, 2012 State Implementation Plan (SIP) submission from the State of Colorado that is intended to demonstrate that its SIP meets certain interstate transport requirements of the Clean Air Act (Act or CAA) for the 2006 fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). This submission addresses the requirement that Colorado's SIP contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. EPA is determining that Colorado's existing SIP contains adequate provisions to ensure that air emissions in Colorado do not significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS in any other state, or interfere with another state's measures to prevent significant deterioration of air quality or to protect visibility. EPA is also approving the portion of Colorado's submission that addresses the CAA requirement that SIPs contain adequate provisions related to interstate and international pollution abatement.

DATES: This final rule is effective on September 9, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2012–0346. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado

80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

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

I. Background

On September 21, 2006, EPA promulgated a final rule revising the 1997 24-hour primary and secondary NAAQS for $PM_{2.5}$ from 65 micrograms per cubic meter ($\mu g/m^3$) to 35 $\mu g/m^3$ (October 17, 2006, 71 FR 61144).

Section 110(a)(1) of the CAA requires each state to submit to EPA, within three years (or such shorter period as the Administrator may prescribe) after the promulgation of a primary or secondary NAAQS or any revision thereof, a SIP that provides for the ''implementation, maintenance, and enforcement'' of such NAAQS. EPA refers to these specific submittals as ''infrastructure'' SIPs because they are intended to address basic structural SIP requirements for new or revised NAAQS. For the 2006 24-hour $PM_{2.5}$ NAAQS, these infrastructure SIPs were due on September 21, 2009. CAA section 110(a)(2) includes a list of specific elements that ''[e]ach such plan submission'' must meet.

The interstate transport provisions in CAA section 110(a)(2)(D)(i) (also called ''good neighbor'' provisions) require each state to submit a SIP that prohibits emissions that will have certain adverse air quality effects in other states. CAA section 110(a)(2)(D)(i) identifies four distinct elements related to the impacts of air pollutants transported across state lines. The two elements under 110(a)(2)(D)(i)(I) require SIPs to contain adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will (element 1) contribute significantly to nonattainment in any other state with respect to any such national primary or secondary NAAQS, and (element 2) interfere with maintenance by any other state with respect to the same NAAQS. The two elements under 110(a)(2)(D)(i)(II) require SIPs to contain adequate provisions to prohibit emissions that will interfere with measures required to be included in the applicable implementation plan for any other state under part C (element 3) to prevent significant deterioration of air quality or (element 4) to protect visibility. CAA section 110(a)(2)(D)(ii) requires that each SIP shall contain adequate provisions insuring compliance with applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement).

On May 11, 2012, the Colorado Department of Public Health and Environment (CDPHE) submitted an interstate transport SIP which concluded that Colorado meets all of the requirements of CAA section 110(a)(2)(D)(i) for the 2006 24-hour $PM_{2.5}$ NAAQS.[1] The State's May 11, 2012 interstate transport submission and June 4, 2010 infrastructure SIP certification for the 2006 24-hour $PM_{2.5}$ NAAQS both overlooked the requirements of CAA section 110(a)(2)(D)(ii), which requires that each SIP shall contain adequate provisions insuring compliance with applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement). The State submitted a clarification letter on March 12, 2015, which explained that the State had inadvertently left discussion of 110(a)(2)(D)(ii) out of the 2006 24-hour $PM_{2.5}$ infrastructure certification.[2] EPA proposed approval of all 110(a)(2)(D)(i) and 110(a)(2)(D)(ii) elements of Colorado's May 11, 2012 submission on May 12, 2015 (80 FR 27121).

II. Response to Comments

EPA did not receive any comments on the May 12, 2015 proposal.

III. Final Rule

EPA is approving all four interstate transport elements of CAA Section 110(a)(2)(D)(i) from Colorado's May 11, 2012 submission. This approval is based on EPA's finding that emissions from Colorado do not significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS in any other state and that the existing Colorado SIP is, therefore, adequate to meet the requirements of CAA section 110(a)(2)(D)(i) for the 2006 24-hour $PM_{2.5}$ NAAQS.

EPA is also approving the 110(a)(2)(D)(ii) portion of Colorado's submission, based on our finding that the State's existing SIP is adequate to meet the requirements of this element for the 2006 24-hour $PM_{2.5}$ NAAQS.

[1] Colorado's SIP, dated May 11, 2012, is included in the docket for this action.

[2] Colorado's certification letter is available in the docket for this action.

IV. Statutory and Executive Orders Review

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as

specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 9, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: July 23, 2015.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart G—Colorado

■ 2. Section 52.352 is amended by adding paragraph (c) to read as follows:

§ 52.352 Interstate transport.

* * * * *

(c) Addition to the Colorado State Implementation Plan of the Colorado Interstate Transport SIP regarding 2006 $PM_{2.5}$ Standards for all four of the CAA section 110(a)(2)(D)(i) requirements submitted by the Governor's designee on May 11, 2012.

[FR Doc. 2015–19500 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150629564–5564–01]

RIN 0648–BF24

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Catch; Emergency Rule

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

ACTION: Emergency rule; request for comments.

SUMMARY: This emergency rule establishes a 1,600 Chinook salmon prohibited species catch (PSC) limit for the Western and Central Gulf of Alaska (GOA) Non-Rockfish Program trawl catcher vessel sector (Non-Rockfish Program CV Sector) that is immediately available for use by the sector until the limit is reached or December 31, 2015. On January 1, 2015, an annual Chinook salmon PSC limit of 2,700 Chinook salmon became available for use by the Non-Rockfish Program CV Sector implementing Amendment 97 to the Fishery Management Plan for Groundfish of the GOA (FMP). On May 3, 2015, and considerably earlier than had been expected, NMFS prohibited directed fishing for groundfish by the Non-Rockfish Program CV Sector after determining that the sector had exceeded its annual PSC limit of 2,700 Chinook salmon. The North Pacific Fishery Management Council and NMFS recently discovered that the use of Chinook salmon PSC by the Non-Rockfish Program CV Sector in the first few months of 2015 was exorbitantly greater than the historical use, which was relied on in developing the Chinook salmon PSC limit for this sector, and that this discrepancy in use was not foreseen when the PSC limit of 2,700 Chinook salmon for the Non-Rockfish Program CV Sector was implemented under Amendment 97. Due to the directed fishing closure, significant amounts of non-pollock groundfish remain unharvested by the Non-Rockfish Program CV Sector, and fishermen, shoreside processors, and communities that participate in the Non-Rockfish Program CV Sector have limited alternatives to mitigate the resulting significant, negative economic effects. This emergency rule is necessary to relieve a restriction that is preventing non-pollock groundfish harvest by the Non-Rockfish Program CV Sector while continuing to limit the amount of Chinook salmon PSC used by this sector. This rule is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law.

DATES: The amendments to § 679.21(i)(2)(iii) and (i)(7)(i) are effective August 10, 2015. The amendment to § 679.21(i)(8) is effective August 10, 2015, through December 31, 2015. Comments must be received by September 9, 2015.

ADDRESSES: You may submit comments, identified by NOAA-NMFS-2015-0082, by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0082*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the Regulatory Impact Review (RIR), and the Categorical Exclusion prepared for this emergency rule may be obtained from *http://www.regulations.gov* or from the Alaska Region Web site at *http://*

alaskafisheries.noaa.gov. The Environmental Assessment, RIR, and Initial Regulatory Flexibility Analysis for Amendment 93 to the FMP (Amendment 93 Analysis) and the Environmental Assessment, RIR, and Final Regulatory Flexibility Analysis for Amendment 97 to the FMP (Amendment 97 Analysis) are available from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Jeff Hartman, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the U.S. exclusive economic zone of the Gulf of Alaska (GOA) under the Fishery Management Plan for Groundfish of the GOA (FMP). The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600 and 679.

This emergency rule establishes a 1,600 Chinook salmon prohibited species catch (PSC) limit for the Non-Rockfish Program CV Sector that is immediately available for use by the sector in Western and Central GOA non-pollock trawl fisheries until the limit is reached or December 31, 2015, whichever occurs first. The following sections describe: (1) The non-pollock trawl fisheries and Amendment 97 to the FMP; (2) the estimation of Chinook salmon PSC in the Non-Rockfish Program CV Sector; (3) the implementation of Amendment 97 in 2015; and (4) the emergency rule and justification for emergency action.

Non-Pollock Trawl Fisheries and Amendment 97 to the FMP

Trawl groundfish fisheries that do not target pollock (*i.e.,* non-pollock trawl fisheries) in the Western and Central GOA include fisheries for sablefish, several rockfish species, arrowtooth flounder, Pacific cod, shallow water flatfish, rex sole, flathead sole, deep-water flatfish, and other non-pollock groundfish. Many of the non-pollock trawl fisheries are multi-species fisheries, in that vessels catch and retain multiple groundfish species in a single fishing trip. Additional detail on the primary target groundfish species and catch amounts in the non-pollock trawl fisheries in the Western and Central GOA are provided in Section 1.5.1 of the RIR (see **ADDRESSES**), the Amendment 97 Analysis, and in the final 2015 and 2016 harvest specifications for the GOA groundfish fisheries (80 FR 10250, February 25, 2015).

The Council and NMFS have adopted various measures intended to control the catch of species taken incidentally in groundfish fisheries. Certain species are designated as ''prohibited species'' in the FMP because they are the target of other, fully utilized domestic fisheries. The prohibited species in the FMP are Pacific halibut, Pacific herring, Pacific salmon, steelhead trout, king crab, and Tanner crab. One of the prohibited species of greatest concern to the Council and NMFS is Chinook salmon. Chinook salmon is a prohibited species in the groundfish fisheries because it is a culturally and economically valuable species that is fully allocated and for which State of Alaska and Federal managers seek to conservatively manage harvests. The Council and NMFS have established a range of management measures to constrain the impact of GOA groundfish fisheries on Chinook salmon. A summary of these measures is provided in Section 1.5.2 of the RIR.

NMFS has implemented two specific programs to limit Chinook salmon bycatch in the GOA trawl fisheries. In 2012, NMFS implemented Amendment 93 to the FMP to establish separate Chinook salmon PSC limits for the directed pollock trawl fisheries in the Western and Central GOA (77 FR 42629, July 20, 2012). These limits require NMFS to close the directed pollock fishery in the Western or Central GOA if the applicable PSC limit is reached (see regulations at § 679.21(h)(6)). The annual Chinook salmon PSC limit for the directed pollock fishery in the Western GOA is 6,684 Chinook salmon, and the annual Chinook salmon PSC limit for the directed pollock fishery in the Central GOA is 18,316 Chinook salmon (see regulations at § 679.21(h)(2)(i) and (h)(2)(ii)). Collectively, the Chinook salmon PSC limit established for the pollock trawl fisheries in the Western and Central GOA is 25,000 Chinook salmon. Amendment 93 is described in more detail in the Amendment 93 Analysis, the final rule implementing Amendment 93 (77 FR 42629, July 20, 2012), and Section 1.5.3 of the RIR.

In 2013, the Council voted to adopt Amendment 97 to the FMP to establish separate Chinook salmon PSC limits for the directed non-pollock trawl fishery in the Western and Central GOA. NMFS approved Amendment 97 in 2014 (79 FR 71350, December 2, 2014), and it became effective on January 1, 2015. Amendment 97 is designed to meet three management goals. The first goal is to avoid exceeding the annual catch threshold of 40,000 Chinook salmon identified in the incidental take statement accompanying the November 30, 2000, biological opinion on the effects of the Alaska groundfish fisheries on salmon of the Pacific Northwest that are listed as threatened or endangered under the Endangered Species Act. The second goal is to minimize Chinook salmon bycatch to the extent practicable, consistent with the Magnuson-Stevens Act and National Standard 9. The third goal is to increase the amount of Chinook salmon stock of origin information available to NMFS and the Council. This third goal is not modified or otherwise affected by this emergency rule and is not addressed further. Amendment 97 is described in more detail in the Amendment 97 Analysis, the final rule implementing Amendment 97 (79 FR 71350, December 2, 2014), and Section 1.5.4 of the RIR.

For purposes of managing Chinook salmon bycatch in the Western and Central GOA non-pollock trawl fishery, Amendment 97 includes a long-term average annual Chinook salmon PSC limit of 7,500 Chinook salmon and implements this by establishing separate Chinook salmon PSC limits for three fishery sectors: (1) the Trawl Catcher/Processor (C/P) Sector; (2) the Rockfish Program Catcher Vessel (CV) Sector; and (3) the Non-Rockfish Program CV Sector. Each of these sectors is described in Section 1.5.1 of the RIR.

Amendment 97 establishes annual base Chinook salmon PSC limits of 3,600 Chinook salmon for the Trawl C/P Sector, 1,200 Chinook salmon for the Rockfish Program CV Sector, and 2,700 Chinook salmon for the Non-Rockfish Program CV Sector. Additionally, Amendment 97 includes authority for NMFS to reallocate Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector (see regulations at § 679.21(i)(4)). NMFS is authorized to reallocate all of the Rockfish Program CV Sector's unused Chinook salmon PSC limit in excess of 150 salmon to the Non-Rockfish Program CV Sector on October 1 of each year, and all remaining unused Chinook salmon PSC to the Non-Rockfish Program CV Sector on November 15 of each year. If a sector reaches or is projected to reach its Chinook salmon PSC limit, NMFS will close directed fishing for all non-pollock groundfish species by vessels in that sector for the remainder of the calendar year (see regulations at § 679.21(i)(7)). Each sector is subject to its own annual Chinook salmon PSC limit, and NMFS manages each sector separately. The rationale for the Chinook salmon PSC

limits selected for each of the three sectors is described in detail in the proposed and final rules implementing Amendment 97 (respectively, 79 FR 35971, June 25, 2014; 79 FR 71350, December 2, 2014). Because the subject of this emergency rule is the Non-Rockfish Program CV Sector, the following paragraphs provide additional detail on the Non-Rockfish Program CV Sector and the Chinook salmon PSC limit selected for that sector.

The Non-Rockfish Program CV Sector is composed of non-pollock trawl CVs authorized to fish for groundfish in the GOA that are not fishing under the authority of a Rockfish Program Cooperative Quota Permit. This sector fishes primarily for Pacific cod in the Central and Western GOA, and arrowtooth flounder, flathead sole, rex sole, deepwater flatfish, and shallow-water flatfish in the Central GOA. For a more detailed description of the Non-Rockfish Program CV Sector, see Section 1.5.1 of the RIR.

In recommending and approving the 2,700 Chinook salmon PSC limit for the Non-Rockfish Program CV Sector, both the Council and NMFS determined that the limit would accommodate groundfish harvests in most years in this sector. The Council and NMFS selected the Chinook salmon PSC limit of 2,700 after considering the historic amount of Chinook salmon PSC used by the Non-Rockfish Program CV Sector based on available fishery observer data during the time period analyzed and the management of the fishery at that time. These factors are briefly described and summarized in the following paragraphs. Additional detail is available in the Amendment 97 Analysis (see **ADDRESSES**) and the proposed rule for Amendment 97 (79 FR 35971, June 25, 2014) and the final rule implementing Amendment 97 (79 FR 71350, December 2, 2014).

According to the Amendment 97 Analysis, the Chinook salmon PSC limit of 2,700 salmon is approximately 8 percent greater than the estimated average annual amount of Chinook salmon PSC used in the Non-Rockfish Program CV Sector (2,489 salmon) during a representative 5-year period (2007 through 2011) analyzed by the Council and NMFS. The Amendment 97 Analysis shows that the 2,700 Chinook salmon PSC limit for the Non-Rockfish Program CV Sector would have closed the directed groundfish fisheries for this sector in two out of five years during 2007 through 2011 if that PSC limit had been in effect.

Data from 2007 through 2011 in the Amendment 97 Analysis indicate that almost all of the Chinook salmon PSC by the Non-Rockfish Program CV Sector occurred in the Central GOA. Average annual Chinook salmon PSC for the Non-Rockfish Program CV Sector from 2007 through 2011 in the Western GOA was 44 Chinook salmon, ranging from a high of 107 Chinook salmon in 2008 to a low of zero Chinook salmon in 2011. Therefore, Chinook salmon PSC in the Central GOA represented nearly 98 percent of the average annual Chinook salmon PSC, and the Western GOA represented only 2 percent of the Chinook salmon PSC in the Non-Rockfish Program CV Sector from 2007 through 2011. Additionally, the data in the Amendment 97 Analysis show that Chinook salmon PSC in the Western GOA occurs during the first few months of the year when Non-Rockfish Program CV Sector vessels are participating in a Pacific cod fishery in the Western GOA. When that fishery closes, Non-Rockfish Program CV Sector vessels fish in the Central GOA for the remainder of the year. See Section 1.5.7 of the RIR for additional detail.

Estimation of Chinook Salmon PSC in the Non-Rockfish Program CV Sector

NMFS uses observer data to account for Chinook salmon PSC by participants in the GOA groundfish fisheries, including the Non-Rockfish Program CV Sector.

Prior to 2013, NMFS did not deploy observers on vessels that were less than 60 feet in length overall. Because a number of vessels within the Non-Rockfish Program CV Sector vessels that participate in non-pollock groundfish fisheries in the Western GOA are less than 60 feet in length, NMFS estimated Chinook salmon PSC in the Western GOA for this sector by using observer information from a different group of vessels that are equal to or greater than 60 feet in length and that typically participate in Central GOA non-pollock groundfish fisheries. The Council relied on these estimates of Chinook salmon PSC in developing its Chinook salmon PSC limit for the Non-RF Program CV Sector. Those estimates were the best available data for Chinook salmon PSC use in the Non-Rockfish Program CV Sector during the years examined by the Council in the Amendment 97 Analysis.

NMFS implemented the restructured observer program in 2013 (77 FR 70062, November 21, 2012). An important change in sampling methodology under the new observer program is to deploy observers on trawl vessels under 60 feet and greater than 40 feet. NMFS had not deployed observers on vessels of this length prior to the restructured program. In 2013 and 2014, NMFS included these vessels in the partial coverage category as part of the ''vessel selection'' pool.

In order to address issues that had developed with observer coverage rates on vessels under 60 feet in the ''vessel selection'' pool, as documented in the 2013 and 2014 Annual Report for the North Pacific Groundfish and Halibut Observer Program, NMFS moved vessels less than 60 feet from the ''vessel selection'' pool to the ''trip selection'' pool for 2015. Issues with the vessel selection pool include an incomplete sampling frame and difficulty achieving a target number of vessels to be observed. The move of vessels to the trip selection pool increased observer deployment on vessels under 60 feet in length overall, including vessels under 60 feet that participate in Western GOA non-pollock groundfish fisheries within the Non-Rockfish Program CV Sector. NMFS believes the change has improved observer data by better representing fishing events.

Implementation of Amendment 97 in 2015

Amendment 97, and the Chinook salmon PSC limit of 2,700 Chinook salmon for the Non-Rockfish Program CV Sector, became effective on January 1, 2015. Based on observer data from January through April 2015, NMFS estimated Chinook salmon PSC use in the Non-Rockfish Program CV Sector at 1,056 Chinook salmon in the Western GOA and 1,568 Chinook salmon in the Central GOA. Therefore, on April 30, 2015, NMFS determined that the Non-Rockfish Program CV Sector would reach its Chinook salmon PSC limit of 2,700 Chinook salmon and published an information bulletin notifying the public that NMFS was prohibiting directed fishing by the Non-Rockfish Program CV Sector as soon as possible to prevent the sector from exceeding its Chinook salmon PSC limit. On May 3, 2015, NMFS published a rule prohibiting directed fishing for non-pollock groundfish species by the Non-Rockfish Program CV Sector for the remainder of 2015 (May 6, 2015, 80 FR 25967).

At its June 2015 meeting, the Council received information from NMFS and the public concerning the data leading to the directed fishing closure of the Non-Rockfish Program CV Sector and the effects of the closure on participants in the GOA (See section 1.5.7. and 1.6 of the RIR). After considering this information, the Council recommended, by a 10 to 1 vote, that NMFS implement an emergency rule that would allocate an additional 1,600 Chinook salmon to the Non-Rockfish Program CV Sector that is immediately available for use by

the sector until the limit is reached or December 31, 2015, whichever occurs first.

The Emergency Rule and Justification for Emergency Action

This emergency rule implements a 1,600 Chinook salmon PSC limit for the Non-Rockfish Program CV Sector through a new regulatory paragraph at § 679.21(i)(8). The Council recommended an additional PSC limit of 1,600 Chinook salmon based on the average amount of Chinook salmon PSC used by the Non-Rockfish Program CV Sector to harvest its average amount of groundfish after May 1 (effectively the date of the closure in 2015) until the end of the year. Based on data in Section 1.6.1 of the RIR, NMFS agrees with the Council that an average of 1,600 Chinook salmon PSC are used by the Non-Rockfish Program CV Sector after May 1, based on Chinook salmon PSC use from 2010 through 2014. NMFS agrees that an additional 1,600 Chinook salmon will likely support prosecution of the groundfish fisheries in the Non-Rockfish Program CV Sector for the remainder of 2015.

The Chinook salmon PSC limit implemented by this emergency rule is separate and distinct from the sector's annual Chinook salmon PSC limit established by regulations at § 679.21(i)(3)(i)(C). Any amount of Chinook salmon PSC that were used in excess of the sector's annual limit will not be deducted from the PSC limit established by this emergency rule. The 1,600 Chinook salmon PSC limit established by this emergency rule is available for use by the Non-Rockfish Program CV Sector starting on August 10, 2015 until it is reached or December 31, 2015, whichever occurs first. Any amount of the 1,600 Chinook salmon PSC limit that remains unused on December 31, 2015, will not be available to the sector for the 2016 fishing year.

The Chinook salmon PSC reallocation provisions at § 679.21(i)(4) will continue to apply under this emergency rule, in the event that Rockfish Program CV Sector Chinook salmon PSC is available to reallocate to the Non-Rockfish Program CV Sector beginning on October 1, 2015. At this time, NMFS anticipates a small reallocation of PSC, or none at all, to the Non-Rockfish Program CV Sector beginning on October 1, 2015, based on current and anticipated use of Chinook salmon PSC in the Rockfish Program CV Sector through the remainder of 2015 (see Section 1.4 of the RIR for additional detail). If there is Chinook salmon PSC available for reallocation on October 1, 2015, or November 15, 2015, the total Chinook salmon PSC available for use by the Non-Rockfish Program CV Sector in 2015 will be slightly increased.

Regulations at § 679.21(i)(2)(i) are amended to include reference to the new Chinook salmon PSC limit of 1,600 Chinook salmon for the Non-Rockfish Program CV Sector. Regulations at § 679.21(i)(7)(i), which describe the procedure NMFS follows for closing a non-pollock trawl sector if a Chinook salmon PSC limit is eached, are amended to include reference to the new Chinook salmon PSC limit for the Non-Rockfish Program CV Sector.

Section 305(c) of the Magnuson-Stevens Act provides authority for rulemaking to address an emergency. Under that section, a Council may recommend emergency rulemaking if it finds an emergency exists. NMFS's Policy Guidelines for the Use of Emergency Rules provide that the only legal prerequisite for such rulemaking is that an emergency must exist, and that NMFS must have an administrative record justifying emergency regulatory action and demonstrating compliance with the Magnuson-Stevens Act and the National Standards (see NMFS Instruction 01–101–07 (March 31, 2008) and 62 FR 44421, August 21, 1997). Emergency rulemaking is intended for circumstances that are ''extremely urgent,'' where ''substantial harm to or disruption of the . . . fishery . . . would be caused in the time it would take to follow standard rulemaking procedures.''

Under NMFS' Policy Guidelines for the Use of Emergency Rules, the phrase ''an emergency exists involving any fishery'' is defined as a situation that meets the following three criteria:

(1) Results from recent, unforeseen events or recently discovered circumstances;

(2) Presents serious conservation or management problems in the fishery; and

(3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rule making process.

The following sections review each of these criteria and describe why the Council and NMFS determined that the May 3, 2015, closure of the Non-Rockfish Program CV Sector groundfish fisheries and the establishment of a 1,600 Chinook salmon PSC limit for the remainder of 2015 meets these criteria.

Criterion 1—Recent, Unforeseen Events or Recently Discovered Circumstances

The Council and NMFS recently discovered that the use of Chinook salmon PSC in the Non-Rockfish Program CV Sector in early 2015 was exorbitantly greater than historical use, and that this significant discrepancy was unforeseen and unexpected. The use of Chinook salmon PSC by the Non-Rockfish Program CV Sector in the Western GOA resulted in the sector's reaching its Chinook salmon PSC limit much earlier than anticipated—the amount of Chinook salmon PSC taken in the Non-Rockfish Program CV Sector closed all of this sector's non-pollock groundfish fisheries approximately seven months before these fisheries would typically close. From January 1, 2015, through April 30, 2015 (the date the fleet was notified of the impending closure of the Non-Rockfish Program CV Sector), Chinook salmon PSC use in the Non-Rockfish Program CV Sector in the Western GOA was estimated at 1,056 Chinook salmon. This amount is nearly 10 times greater than the maximum amount of Chinook salmon PSC used by the Non-Rockfish Program CV Sector during any complete calendar year from 2007 through 2011 (in 2008, 107 Chinook salmon were used in the Western GOA during the entire year). Chinook salmon PSC use by the Non-Rockfish Program CV Sector from January 1, 2015, through April 30, 2015, was nearly 24 times the average annual Chinook salmon PSC use in the Western GOA from 2007 through 2011 (44 Chinook salmon). See Section 1.5.7 in the RIR for additional detail.

The unexpectedly high use of Chinook salmon PSC in the Western GOA resulted in the Non-Rockfish Program CV Sector reaching its PSC limit even though Chinook salmon use in the Central GOA from January 1, 2015, through April 30, 2015, was not unexpectedly high (1,568 Chinook salmon). Chinook salmon PSC use in the Central GOA in 2015 prior to May 1, 2015, was less than the maximum amount of Chinook salmon PSC used from January 1 through April 30 during any of the years the Council and NMFS considered when recommending Amendment 97 (2,424 Chinook salmon PSC were used prior to May 1 in 2010), and only slightly greater than the average Chinook salmon PSC use during the January 1 through April 30 time period from 2007 through 2011 (1,011 Chinook salmon PSC were used on average during these years). Section 1.5.7 in the RIR provides additional detail. The magnitude of Chinook salmon use by the sector in the Western

GOA when compared with the average use of Chinook salmon by the sector in the Central GOA seems to indicate that 2015 is not simply a high encounter year for Chinook salmon.

This unforeseen and unexpected increase in the amount of Chinook salmon PSC use occurred after the implementation of improved Chinook salmon PSC data collection on vessels in the Western GOA. As described earlier, NMFS implemented a restructured North Pacific Groundfish and Halibut Observer Program (Observer Program) in 2013 (77 FR 70062, November 21, 2012). Prior to 2013, no observer data were collected on vessels less than 60 feet in length overall, and observer data collected on vessels 60 feet in length overall and greater were used to generate Chinook salmon PSC estimates for these smaller vessels. Participation in a particular fishery may be dominated by vessels larger or shorter than 60 feet in length overall and Chinook salmon PSC use is likely to vary among fisheries depending on the location and timing of a fishery. Because the majority of vessels that participate in the Western GOA groundfish fisheries are less than 60 feet in length overall and were unobserved before 2013, the data used to estimate Chinook salmon PSC use in the Amendment 97 Analysis were derived from vessels greater than 60 feet in length overall.

The use of data available under the restructured Observer Program, including data from vessels not previously observed in the Western GOA, has resulted in estimates of a substantial and unexpected amount of Chinook salmon PSC. This unforeseen and recently discovered increase in the use of Chinook salmon PSC in the Western GOA contributed significantly to the total amount of Chinook salmon PSC used by the Non-Rockfish Program CV Sector and led to the closure of the Non-Rockfish Program CV Sector fisheries.

Criterion 2—Presents Serious Conservation or Management Problems in the Fishery

The Council and NMFS determined that this emergency rule criterion is met because the early closure prevents the Non-Rockfish Program CV Sector from harvesting thousands of metric tons of groundfish and results in foregone revenue to harvesters, processors and communities that participate in the Non-Rockfish Program CV Sector. The closure is estimated to prevent harvest of 13,000 to 15,000 metric tons of groundfish that would otherwise be available for harvest to this sector through the remainder of 2015 based on an analysis of average groundfish catch by this sector for the years 2012 through 2014 and 2010 through 2014 (see Section 1.5 of the RIR for additional detail). The lost revenue from this forgone harvest is estimated to be approximately $4.6 million in ex-vessel value and $11.3 million in first wholesale value (see Section 1.6.1 of the RIR).

Shoreside processors and the community of Kodiak, Alaska, are disproportionately affected by this closure because after May, groundfish harvested by the Non-Rockfish CV Sector is almost exclusively delivered to shoreside processors operating in Kodiak (see Section 1.6.1 of the RIR). Sections 1.5.7 and 1.6.1 of the RIR provide additional information on the expected effects of the directed fishing closure of the Non-Rockfish Program CV Sector on harvesters, processors, and the community of Kodiak. This emergency rule is the only mechanism to restore the foregone harvest and lost revenue because other groundfish fisheries that could substitute for these losses are fully allocated and are not available to the Non-Rockfish Program CV Sector.

The Council and NMFS have determined that a 1,600 Chinook limit will likely allow the Non-Rockfish Program CV Sector to harvest remaining amounts of groundfish. If 1,600 Chinook salmon PSC are made available to the Non-Rockfish Program CV Sector by mid-August, NMFS anticipates that most, if not all, the fall Pacific cod fishery will be harvested by the sector, and a substantial portion of the forgone flatfish for the latter half of 2015 will be harvested. The Council's objective for this Emergency Rule was to restore the lost harvesting opportunities to the Non-Rockfish Program CV Sector to the maximum extent possible while continuing to impose a limit on the use of Chinook salmon PSC in the GOA trawl fisheries that likely will not exceed the combined Chinook salmon PSC limits established under Amendments 93 and 97.

The Council and NMFS also determined that implementation of this emergency rule will not create conservation issues with regard to Chinook salmon. The Council and NMFS considered the original and continuing goals for Amendment 97 to the FMP: to avoid exceeding Chinook salmon PSC use of 40,000 Chinook salmon in the GOA trawl groundfish fisheries, and to minimize bycatch of Chinook salmon to the extent practicable. The Council made its emergency rule recommendation after considering the average annual use of Chinook salmon PSC by all GOA trawl sectors for the most recent five years (2010 through 2014), total use of Chinook salmon PSC by all GOA trawl sectors from January 1, 2015, through April 30, 2015, and anticipated use of Chinook salmon PSC by all GOA trawl sectors for the remainder of 2015 (from May 1 through December 31). Based on this review of historic, current, and anticipated Chinook salmon PSC use from all trawl sectors in the Western and Central GOA, the Council and NMFS concluded that the combined GOA trawl Chinook salmon PSC in 2015 will not exceed 40,000 even with implementation of the emergency rule.

The Council and NMFS also concluded that although the GOA trawl groundfish fisheries will be authorized to take a maximum of 34,100 Chinook salmon in 2015 under current regulations and this emergency rule, it is highly unlikely that the additional allocation of 1,600 Chinook salmon for the Non-Rockfish Program CV Sector will result in total Chinook salmon PSC in the GOA trawl groundfish fisheries for 2015 exceeding 32,500 Chinook salmon, the total combined pollock and non-pollock Chinook salmon PSC limits. Sections 1.5.7 and 1.6.1 of the RIR describe the historic, current, and anticipated Chinook salmon PSC use in each of the GOA pollock and non-pollock trawl sectors, including the Non-Rockfish Program CV Sector. The data from Table 2 in the RIR at Section 1.4.3 show that an average of over 13,000 Chinook salmon were left unused by the GOA pollock sector in 2013 and 2014. Including 2012, 2013, and 2014, the average Chinook salmon PSC limit remaining from the pollock PSC limit of 25,000 was over 11,000 Chinook salmon. Of the 11,000 Chinook salmon remaining in the GOA pollock fishery, over 8,000 Chinook salmon were left unused from the Central GOA, and over 3,000 were left unused in the Western GOA. Finally, the Council considered the demonstrated ability of the voluntary catch share agreements in the GOA pollock fishery and controls implemented by this sector to control Chinook PSC use (see Section 1.2.1.2 in this RIR). Based on these data, the Council determined and NMFS agrees that it is highly unlikely that this emergency rule will result in total Chinook salmon PSC from all GOA trawl groundfish fisheries exceeding 32,500 Chinook salmon. The emergency rule will allow NMFS to open non-pollock groundfish fisheries for the Non-Rockfish Program CV Sector but still limit the overall amount of Chinook salmon PSC use by this sector.

Criterion 3—Can Be Addressed Through Emergency Rulemaking for Which the Immediate Benefits Outweigh the Value of Notice and Comment Rulemaking

NMFS and the Council have determined that the emergency situation created by the May 3, 2015, closure can be addressed by emergency regulations. As explained earlier, an additional allocation of 1,600 Chinook salmon PSC can be provided to the Non-Rockfish Program CV Sector without creating conservation and management issues for the resource or direct users of Chinook salmon and consistent with the goals of Amendment 97 (see Sections 1.6.1 and 1.6.2 of the RIR for additional detail).

To address the emergency, NMFS must implement an emergency rule that waives the notice-and-comment rulemaking period. The benefits of waiving notice-and-comment rulemaking will serve the industry and public by allowing for additional harvest of groundfish by the Non-Rockfish Program CV Sector. Any delay that results in implementing rulemaking will reduce opportunities to harvest non-pollock groundfish species such as flatfish and Pacific cod. The Pacific cod fishery reopens for this sector in early September, and represents the primary fall opportunity for restoring lost catches and groundfish revenue for this sector. Sections 1.6.1 and 1.6.2 of the RIR describe the potential additional harvest opportunities for the Non-Rockfish Program CV Sector in greater detail.

Without the waiver of notice-and-comment rulemaking, the Non-Rockfish Program CV Sector will not have sufficient time to prosecute these fisheries as intended. Flatfish and Pacific cod trawl fisheries are high volume fisheries that require extended fishing time. Fishing time would be extremely limited, or unavailable, with notice-and-comment rulemaking. For example, the trawl Pacific cod fishery closes by regulation on November 1, 2015, so the directed Pacific cod fishery is only available for harvest during a limited period of time. Vessel owners need time to secure new crew, which may have shifted into other groundfish fisheries, non-groundfish fisheries or other activities. In addition, vessel owners need sufficient lead time to revise fishing plans, restock vessels, change gear, and have the vessel travel to and from the fishing grounds to prosecute the reopened fisheries.

Processors also require lead time to plan for new deliveries of groundfish that they have ceased to process due to the closure. Once the summer production cycle was altered by eliminating landings from the Non-Rockfish Program CV Sector, processors removed these traditional fishery products from their annual processing cycle and budget planning. Processors will need to secure market orders with buyers for desired finished product forms and establish pricing. Packaging materials and shipping containers must be delivered to processing plants. Processing factories must be reconfigured to process groundfish. Processors will also need to secure and assign labor to these fisheries. This emergency rule needs to be effective in advance of the start of the fisheries in order to provide processors with the time needed to plan and prepare for processing operations. Therefore, the benefits of the waiver of public notice and comment more than offset the value of standard notice-and-comment rulemaking.

Any change to the Chinook salmon PSC limit for the non-Rockfish Program CV Sector will require an amendment to the FMP amendment. Secretarial review of FMP amendments must follow the process set forth in section 304 of the Magnuson-Stevens Act, which requires more time to complete than is available to provide relief for the Non-Rockfish Program CV Sector. While the normal rulemaking process is the preferred avenue for making regulatory changes, as it provides interested parties the full ability to comment, the Council and NMFS have determined that in this case, the cost of the foregone harvest opportunity outweighs the benefit of using the more protracted, standard process because it would be ineffective for addressing the immediate issue. The Council initiated a typical fishery management plan amendment process in June 2015 to address this situation in a more permanent manner.

The purpose of this emergency rule is to promulgate a temporary regulatory amendment that would provide a one-time allocation of additional Chinook salmon PSC to the Non-Rockfish Program CV Sector, while allowing continued analysis of the issue in a separate, and standard, amendment process. This emergency rule is needed to re-open groundfish trawl fisheries in order to temporarily ameliorate unforeseen economic consequences due to the unexpectedly high use of Chinook salmon PSC in the Western GOA.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this emergency rule is consistent with the National Standards, other provisions of the Magnuson-Stevens Act, and other applicable laws.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest. This emergency rule will allow groundfish fisheries for the Non-Rockfish Program CV Sector to be reopened as early as August 2015 to address the unforeseen, early closing of these fisheries in early May 2015. Once groundfish seasons are reopened, this emergency rule is anticipated to allow for harvest of most of the remainder of the non-pollock fisheries available to this sector and should prevent prolonged economic losses from the closure to the Non-Rockfish Program CV Sector and processors receiving landings from this sector. The reopened fisheries may partially restore the indirect economic effects to the community of Kodiak that would otherwise be lost if the fishery closing is allowed to extend to the end of 2015 GOA groundfish season, which is currently scheduled for December 31, 2015. If this rule were delayed to allow for notice and comment, impacted entities would likely be prevented from harvesting the 13,000 to 15,000 metric tons of groundfish that would otherwise be available to impacted entities through the remainder of 2015. The lost revenue from this forgone harvest is estimated to be approximately $4.6 million in ex-vessel value and $11.3 million in first wholesale value. Fishermen, shoreside processors, and communities that participate in the Non-Rockfish Program CV Sector would have limited alternatives to mitigate this significant, negative economic impact due to the directed fishing closure. Providing an additional PSC limit of 1,600 Chinook salmon to the Non-Rockfish Program CV Sector as soon as possible is likely to restore a substantial portion of the foregone groundfish harvest due to the closure, restore the associated harvesting and processing revenues, and provide benefits to communities engaged in these fisheries, primarily the community of Kodiak.

As explained earlier, after the closure of the Non-Rockfish Program CV Sector on May 3, 2015, NMFS became aware of the significant difference in Chinook salmon PSC use in 2015 in comparison with the level of use anticipated in the Amendment 97 Analysis. The Council and NMFS had no way of foreseeing that the amount of Chinook salmon PSC taken by this sector would be so much greater than the historic number of Chinook salmon PSC. The Chinook salmon PSC limit was reached quickly,

and the Non-Rockfish Program CV Sector was not able to mitigate fishing operations that modified where and how the fishery occurred to limit Chinook salmon PSC.

Finally, the time required for notice-and-comment rulemaking would not provide relief from the closure of these fisheries because it would not provide sufficient time for participants to harvest enough groundfish to offset the foregone revenue due to the closure. The Magnuson-Stevens Act FMP amendment process sets forth certain requirements that must be followed, such as a 60-day comment period on an FMP amendment. Because the Non-Rockfish Program CV Sector must re-open by mid-August, there is not enough time to follow the FMP amendment process prescribed by the Magnuson-Stevens Act and provide sufficient time for the sector to prosecute critical fisheries that are typically open the first few days of September, or for processing operations to prepare for receiving groundfish from landings in September. For fishery participants to prosecute these reopened fisheries in early September they must contact, secure, and redeploy crew; as well as restock vessels, change gear, and travel to the fishing grounds. For processors to be prepared to accept groundfish deliveries from these vessels in early September, they must secure market orders, prepare packaging materials, and shipping containers, as well as contact, secure and train and house processing laborers. NMFS has no other way than this emergency rule to amend these PSC limits in a timely manner to restore forgone fishing opportunities for 2015. Allowing for access to the remaining groundfish harvest for the rest of 2015 provides immediate economic benefits that outweigh the value of the deliberative notice-and-comment rulemaking process.

Similarly, for the reasons above that support the need to implement this emergency rule in a timely manner, the Assistant Administrator for Fisheries finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness provision of the Administrative Procedure Act and make the emergency rule effective immediately upon publication in the **Federal Register**. As stated above, NMFS anticipates that this emergency rule will allow for harvest of most of the remainder of the non-pollock fisheries available to this sector, and should prevent prolonged economic losses from the closure to the Non-Rockfish Program CV Sector and processors receiving landings from this sector.

This action is being taken pursuant to the emergency provision of the Magnuson-Stevens Act and is exempt from OMB review. The RIR prepared for this emergency rule is available from NMFS (see **ADDRESSES**).

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is not subject to the requirement to provide prior notice and opportunity for public comment pursuant to 5 U.S.C. 553 or any other law. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: August 3, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447, Pub. L. 111–281.

■ 2. In § 679.21, revise paragraphs (i)(2)(iii) and (i)(7)(i), and add paragraph (i)(8) to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(i) * * *

(2) * * *

(iii) *Non-Rockfish Program catcher vessel Sector.* For the purpose of accounting for the Chinook salmon PSC limit at paragraph (i)(3)(i)(C) or paragraph (i)(8) of this section, the Non-Rockfish Program catcher vessel Sector is any catcher vessel fishing for groundfish, other than pollock, with trawl gear in the Western or Central reporting areas of the GOA and not operating under the authority of a Central GOA Rockfish Program CQ permit assigned to the catcher vessel sector.

* * * * *

(7) * * *

(i) Vessels in a sector defined at paragraph (i)(2) of this section will catch the applicable Chinook salmon PSC limit specified at paragraph (i)(3)(i) or paragraph (i)(8) of this section for that sector, NMFS will publish notification in the **Federal Register** closing directed fishing for all groundfish species, other than pollock, with trawl gear in the Western and Central reporting areas of the GOA for that sector; or

* * * * *

(8) From August 10, 2015 until December 31, 2015, NMFS establishes a Chinook salmon PSC limit of 1,600 in the Western and Central reporting areas of the GOA for the Non-Rockfish Program catcher vessel Sector defined in paragraph (i)(2)(iii) of this section.

[FR Doc. 2015–19428 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 153
Monday, August 10, 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 AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

Market Agencies Selling on Commission; Purchases From Consignment

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Request for information; Extension of comment period.

SUMMARY: We published a Request for Information in the **Federal Register** on June 15, 2015 (80 FR 34097), asking for comments regarding a regulation issued under the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act). GIPSA regulations address circumstances under which a market agency selling livestock on a commission basis may permit its owners, officers, and employees to purchase livestock from consignments to the market. The Request for Information provided an opportunity for interested parties to submit written comments to the Grain Inspection, Packers and Stockyards Administration (GIPSA) until August 14, 2015. In response to requests from the livestock industry, we are extending the comment period to provide interested parties with additional time in which to comment.

DATES: The comment period for the Request for Information published at 80 FR 34097, June 15, 2015, which originally was to close August 14, 2015, is extended through October 13, 2015.

ADDRESSES: We invite you to submit comments on this Request for Information. You may submit comments by any of the following methods:

- *E-Mail:* Send comments via electronic mail to *comments.gipsa@usda.gov.*
- *Mail:* Send hardcopy written comments to M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3613.
- *Fax:* Send comments by facsimile transmission to: (202) 690–2173.
- *Hand Delivery or Courier:* Deliver comments to: M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3613.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All comments should make reference to the date and page number of the June 15, 2015, issue of the **Federal Register** [80 FR 34097].

Read Comments: Regulatory analyses and other documents relating to this action will be available for public inspection in Room 2530–S, 1400 Independence Avenue SW., Washington, DC 20250–3613 during regular business hours. All comments will be available for public review in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services staff of GIPSA at (202) 720–8479 to arrange a viewing of comments.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250–3601, (202) 690–4355, *s.brett.offutt@usda.gov.*

SUPPLEMENTARY INFORMATION: GIPSA published a Request for Information in the **Federal Register** on June 15, 2015 (80 FR 34097), seeking public comment regarding Section 201.56 of the regulations issued under the P&S Act. The comment period of 60 days from the date of publication closes on August 14, 2015. GIPSA has received requests from the livestock industry to provide interested parties additional time to comment. In response, the comment period is extended for additional 60-day period. All comments submitted between June 15, 2015 and October 13, 2015 will be considered.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2015–19528 Filed 8–7–15; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3300; Directorate Identifier 2015–CE–024–AD]

RIN 2120–AA64

Airworthiness Directives; Fiberglas-Technik Rudolf Lindner GmbH & Co. KG Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Fiberglas-Technik Rudolf Lindner GmbH & Co. KG Model G103 TWIN ASTIR, G103 TWIN II, and G103A TWIN II ACRO gliders. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a broken bell-crank installed in the air brake control system. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 24, 2015.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Fiberglas-Technik Rudolf Lindner GmbH & Co.KG, Steige 3, D–88487 Walpertshofen, Germany; phone: ++49

(0) 7353/22 43; fax: ++49 (0) 7353/30 96; email: *info@LTB-Lindner.com;* internet: *http://www.ltb-lindner.com/.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3300; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–3300; Directorate Identifier 2015–CE–024–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2015–0116, dated June 24, 2015 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

A report was received concerning a broken bell-crank, installed in the air brake control circuit approximately 1.4 m outside the wing root rib of a GROB G 103 Twin II sailplane. Preliminary investigation results revealed additional cases of cracks on the same part, installed in the air brake control systems of the early Twin II type design.

The same bell-cranks are also installed at the same location in the control systems of other models belonging to the same type design (see list of affected models under Applicability).

This condition, if not detected and corrected, could lead to failure of the air brake system, possibly resulting in reduced control of the sailplane.

To address this potential unsafe condition, Fiberglas-Technik issued Technische Mitteilung (TM)/Service Bulletin (SB) TM–G08/SB–G08 (one document) and Anweisung (A)/Instructions (I) A/I–G08 (one document) to provide instructions for a check of the air brake locking forces, the inspection of the bell-crank and, if cracks are found, replacement of the bell-crank.

Additionally, TM–G07/SB–G07 (one document) and A/I–G07 (one document) provide instructions for the installation of inspection openings in the wing of GROB G 103 TWIN II and G 103 A TWIN II ACRO sailplanes to facilitate the inspection of the bell-crank. (For the TWIN ASTIR and TWIN ASTIR TRAINER sailplanes, such an opening is required by LBA AD 92–190/2 (GROB SB 315– 45/2.) This installation is optional for sailplanes not exceeding the original intended life limit.

For the reason described above, this AD requires a check of the air brake locking forces, an inspection for cracks in the air brake control unit and, if cracks are found, replacement of the affected flight control system parts. This AD is a temporary measure and further AD action may follow.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3300.

Related Service Information Under 1 CFR Part 51

Fiberglas-Technik Rudolf Lindner GmbH & Co. KG has issued Fiberglas-Technik Rudolf Lindner Technische Mitteilung (English translation: Service Bulletin), (TM–G08)/(SB–G08), Ausgabe (English translation: Edition) April 24, 2015; and Fiberglas-Technik Rudolf Lindner Anweisung (English translation: Instructions), (A/I–G08), Ausgabe (English translation: Edition) April 24, 2015. The service information describes procedures for inspecting the air brake locking forces; inspecting the bell-crank; and, if cracks are found during the inspections, replacing the bell-crank. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

Interim Action

We consider this AD interim action. The design approval holder is working toward a terminating action for the inspections. We may take further AD action in the future.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 106 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $18,020, or $170 per product.

In addition, we estimate that any necessary follow-on actions would be as follows:

- Replacement of bell-crank would take about 5 work-hours per product. Required parts would cost about $566 for a total of $991 per product.
- Installation of optional inspection openings would take about 15 work-hours per product. Required parts would cost about $1,004 for a total of $2,279 per product.

We have no way of determining the number of products that may need these actions.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to 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 control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and

reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

Fiberglas-Technik Rudolf Lindner GmbH & Co. KG: Docket No. FAA–2015–3300; Directorate Identifier 2015–CE–024–AD.

(a) Comments Due Date

We must receive comments by September 24, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fiberglas-Technik Rudolf Lindner GmbH & Co. KG Model G103 TWIN ASTIR, G103 TWIN II, and G103A TWIN II ACRO gliders, all manufacturer serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a broken bell-crank installed in the air brake control system. We are issuing this AD to detect and correct a broken bell-crank which could lead to failure of the air brake system, possibly resulting in reduced control.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) Within 30 days after the effective date of this AD and repetitively thereafter at intervals not to exceed 12 months, inspect the locking forces of the air brake control unit, and, if any discrepancy is found, before further flight, correct the locking forces. Do the inspection and correction of any discrepancy following the instructions of Fiberglas-Technik Rudolf Lindner Technische Mitteilung (English translation: Service Bulletin), (TM–G08)/(SB–G08), Ausgabe (English translation: Edition) April 24, 2015; and Fiberglas-Technik Rudolf Lindner Anweisung (English translation: Instructions), (A/I–G08), Ausgabe (English translation: Edition) April 24, 2015.

Note 1 to paragraph (f)(1) of this AD: This service information contains German to English translation. The European Aviation Safety Agency (EASA) used the English translation in referencing the document. For enforceability purposes, we will refer to the Fiberglas-Technik Rudolf Lindner service information as it appears on the document.

(2) Within 60 days after the effective date of this AD, inspect the bell-crank installed in the air brake control system, and, if any cracks are found, before further flight, replace the bell-crank with a serviceable part. Do the inspection and replacement following the instructions of Fiberglas-Technik Rudolf Lindner Technische Mitteilung (English translation: Service Bulletin), (TM–G08)/(SB–G08), Ausgabe (English translation: Edition) April 24, 2015; and Fiberglas-Technik Rudolf Lindner Anweisung (English translation: Instructions), (A/I–G08), Ausgabe (English translation: Edition) April 24, 2015.

Note 2 to paragraph (f)(1) of this AD: In the lower wing surface inspection, openings near the bell-crank may be installed to simplify the inspection and make a possible replacement of the bell-crank possible. This optional installation is described in GROB Luft Und Raumfahrt Service Bulletin 315–45/2, dated December 21, 1995; and Fiberglas-Technik Rudolf Lindner Technische Mitteilung (English translation: Service Bulletin), (TM–G07)/(SB–G07), Ausgabe (English translation: Edition) April 24, 2015.

(3) Within 30 days after replacing a bell-crank as required by paragraph (f)(2) of this AD, report the inspection results of the removed bell-crank to Fiberglas-Technik Rudolf Lindner GmbH & Co. KG. You may find contact information for Fiberglas-Technik Rudolf Lindner GmbH & Co. KG in paragraph (h) of this AD.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, 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 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to MCAI EASA AD No.: 2015–0116, dated June 24, 2015; GROB Luft Und Raumfahrt Service Bulletin 315–45/2, dated December 21, 1995; and Fiberglas-Technik Rudolf Lindner Technische Mitteilung (English translation: Service Bulletin), (TM–G07)/(SB–G07), Ausgabe (English translation: Edition) April 24, 2015, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3300. For service information related to this AD, contact Fiberglas-Technik Rudolf Lindner GmbH & Co. KG, Steige 3, D–88487 Walpertshofen, Germany; phone: ++49 (0) 7353/22 43; fax: ++49 (0) 7353/30 96; email: *info@LTB-Lindner.com;* internet: *http://www.ltb-lindner.com/.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on July 31, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–19323 Filed 8–7–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 200

[Docket No. FR–5850–P–01]

RIN 2502–AJ28

Retrospective Review—Improving the Previous Participation Reviews of Prospective Multifamily Housing and Healthcare Programs Participants

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise HUD's regulations for reviewing the previous participation in federal programs of certain participants seeking to take part in multifamily housing and healthcare programs administered by HUD's Office of Housing. Specifically, the proposed rule would clarify and simplify the process by which HUD reviews the previous participation of participants that have decision-making authority over their projects as one component of HUD's responsibility to assess financial and operational risk to the projects in these programs. The proposed rule would clarify which individuals and entities will be reviewed, HUD's purpose in conducting such review, and describe the review to be undertaken. By targeting more closely the individuals and actions that would be subject to prior participation review, HUD not only brings greater certainty and clarity to the process but provides HUD with flexibility as to the necessary previous participation review for entities and individuals that is not possible in a one-size fits all approach. Through this rule, HUD proposes to replace the current previous participation regulations in their entirety.

DATES: *Comment Due Date:* October 9, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (fax) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m., weekdays, at the above address. Due to security measures at the HUD Headquarters building, an appointment to review the public comments must be scheduled in advance by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Aaron Hutchinson, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6178, Washington, DC 20410; telephone number 202–708–3994 (this is not a toll-free number). Individuals with speech or hearing 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).

SUPPLEMENTARY INFORMATION:

I. Background

Currently, applicants seeking to participate in HUD's multifamily housing and healthcare programs must certify that all principals involved in a proposed project have acted responsibly and have honored their legal, financial, and contractual obligations in their previous participation in HUD programs, in certain programs administered by the U.S. Department of Agriculture, and in projects assisted or insured by state and local government housing finance agencies. HUD's regulations governing the assessment of previous participation are codified in 24 CFR part 200, subpart H (Subpart H), and require applicants to complete a very detailed and lengthy certification form (HUD Form 2530).[1]

The 2530 form currently requires disclosure of all principals to be involved in the proposed project, a list of projects in which those principals have previously participated or currently participate in, a detailed account of the principals' involvement in the listed project(s), and assurances that the principals have upheld their

[1] See *http://portal.hud.gov/hudportal/documents/huddoc?id=2530.pdf.*

responsibilities while participating in those programs. The regulations in Subpart H govern not only the content of the certification submitted by applicants, but the types of parties that must certify, the process for submitting the certification, the standards by which submissions are evaluated, and the delegations and duties of HUD officials involved in the evaluation of the certifications. The regulations in Subpart H also contain procedures by which applicants can appeal adverse determinations.

Since the regulations were last revised, with the changing deal structures and transaction practices, it has become apparent that the current regulations are both over-inclusive and under-inclusive, creating unnecessary burdens for participants and HUD alike. For example, the current review and certification process requires submittal of information about the entities' organizational structures and detailed information about each entity in the organizational structure. This information is often duplicative of information that HUD collects elsewhere in program application procedures. The previous participation review process set forth in the current regulations can obfuscate what entities and individuals exercise true control over a project. Applicants are often highly complex entities. Current procedures have not kept step with contemporary organizational structures or transactional practices. For example, the current regulations' definitions predate the development of limited liability companies as an organizational entity.

Participants in HUD's multifamily housing and healthcare programs have long complained about the delays with HUD's previous participation process because of the overly detailed information required to be submitted. Complaints focused on the difficulties associated with obtaining information from all the limited partner investors in individual projects and in duplicating information for multiple levels of affiliates. Current regulations require that HUD field offices send certain requests for determination to HUD headquarters instead of resolving them at the field office level, which contributes to further delays. The process set forth in the current regulations for appealing adverse determinations is cumbersome and yet fails to specify that participants can participate in the appeal or submit information they deem relevant to the appeal. Participants in HUD's multifamily housing and healthcare programs also stated that the previous participation process requires participants to complete a Form 2530 for each project, regardless of the number of Forms 2530 each participant completed in the recent past, regardless of how many projects the participant is involved in each year, and regardless of whether the participant is a well-established, experienced institutional entity already familiar to HUD. Moreover, the Form 2530 is not tailored to any particular program or set of circumstances. Yet, the current regulations require its use for all programs requiring previous participation review.

Over the years, HUD has made efforts to improve the process and minimize the time and collection burden it takes to undergo the previous participation review process. In 1998, a housing re-engineering task force met with members of the multifamily housing industry to discuss suggestions for improving HUD's previous participation process.[2] In 2004, HUD convened a working group consisting of multifamily housing industry partners to improve the process.[3] In 2004 through 2005, HUD undertook rulemaking to replace the Form 2530 paper submission requirement with an electronic review system, which HUD named the Active Partner Performance System (APPS). HUD published its final rule on April 13, 2005, at 70 FR 19660, which became effective on May 13, 2005, and provided for transition to the new system, six months following publication of the final rule.[4] Unfortunately, electronic processing did not work as HUD envisioned due to bugs in the now outdated, 2006 version of the electronic system, and the Preservation Approval Process Act of 2007 (Public Law 110–35, approved June 25, 2007) directed HUD to suspend the mandatory electronic filing of previous participations certificates in order to permit paper filings of Form 2530 at the participant's option.[5]

Since 2007, HUD has not undertaken further rulemaking to improve the previous participation process, but has taken incremental steps designed to minimize burden. On January 22, 2010, HUD issued Housing Notice H2010–04, which revised the previous participation process with respect to placing ''flags'' for certain conditions pertaining to the multifamily housing and healthcare programs process. A flag generally will necessitate additional review by HUD. The 2010–04 notice issued by HUD limited the appropriateness of flags related to failing scores under the Real Estate Assessment Center (REAC) physical inspection process to those situations in which a property has a REAC score below 60 but above 30. Under the notice, such properties are no longer required to be flagged in APPS, but instead the owner of the property is provided the opportunity to meet with the applicable HUB or Program Center to discuss the identified physical deficiencies, and work out a plan to correct the deficiency or deficiencies.[6] HUD maintained this process through Housing notices 2011–24[7] and 2012–16.[8] On March 6, 2013, HUD posted a fillable portable document form (pdf) version of Form 2530.[9] In issuing this new form, HUD did make some changes to reduce burden. Schedule A of the form requires a listing of previous projects for only the past 10 years. The form no longer requires alphabetizing the list of the organization's principals, and the organization may attach a significant authority document for principals who have authority to sign on behalf of the organization.

While the guidance provided in the Housing notices and the new Form 2530 PDF with fillable sections have provided some improvement to the previous participation review process, significant improvement is not achieved by solely changing the form by which information is submitted. HUD recognizes that to achieve the improvement that HUD and HUD's multifamily housing and healthcare programs industry partners seek, HUD must change the process. In this regard, HUD is continuing to review its previous participation review practices for potential improvements. These revised regulations are one piece of those continuing efforts.

In soliciting public comment on regulations on which HUD should focus on streamlining and reducing burden, through notice published on March 2, 2011, at 76 FR 11395,[10] commenters raised the regulations governing the previous participation process as regulations that HUD should address as

[2] See *http://www.hud-consultant.com/2530.html.*

[3] See *http://www.ncsha.org/node/923.*

[4] See *http://www.gpo.gov/fdsys/pkg/FR-2005-04-13/pdf/05-7351.pdf.*

[5] See *http://www.gpo.gov/fdsys/pkg/PLAW-110publ35/pdf/PLAW-110publ35.pdf.*

[6] See *http://www.hud.gov/offices/adm/hudclips/notices/hsg/10hsgnotices.cfm.*

[7] See *http://portal.hud.gov/hudportal/documents/huddoc?id=11-24hsgn.pdf.*

[8] See *http://portal.hud.gov/hudportal/documents/huddoc?id=12-16hsgn.pdf.*

[9] See *http://portal.hud.gov/hudportal/documents/huddoc?id=2530.pdf.*

[10] See *http://www.gpo.gov/fdsys/pkg/FR-2011-03-02/pdf/2011-4563.pdf.*

part of the retrospective review process.[11]

Changes to the regulations governing the previous participation process would benefit both HUD's multifamily housing and healthcare participants and HUD. The detailed prescriptive procedure in the current regulations is at once overly inclusive and under-inclusive, in some instances making it difficult for HUD to review the previous participation of certain controlling entities and individuals with control, while at other times requiring HUD to review the previous participation of entities and individuals that will not exercise control over a proposed project.

II. This Proposed Rule

The proposed rule would revise the Subpart H regulations in their entirety, replacing the current prior participation review process. While the current regulations mandate that Form HUD 2530 be used, the proposed rule would shift the emphasis of the regulations from this specific form to the substance of what is being asked from whom. This would provide HUD with flexibility to develop form(s) specifically tailored to certain programs, which seek information relevant to those programs, and expand electronic data practices for gathering information. This approach would further decrease the burden of information collection imposed on applicants. The proposed revised process would also clarify when past participation review is triggered. Furthermore, the proposed rule streamlines the appeals process for applicants who receive adverse determinations and specifies that they have a right to participate in the appeal and submit information they may feel is helpful in their circumstances.

Because the instructions of the 2530 form mirror the requirements of the existing regulations, it is assumed that the instructions will need to be revised once the regulations are finalized, following consideration of public comments received in response to this proposed rule. Although the proposed regulations envision greatly reducing the burden of completing the 2530 form, because information will be collected from substantially fewer entities, the substance of the information collected is anticipated to remain largely the same. The information sought by the 2530 form is directed to obtaining core performance information that is needed of an entity that has control over the project. The APPs system will continue to be available for use.

A. Consolidation of Key Concepts

The proposed rule would consolidate the central concepts currently codified in Subpart H into four regulatory sections. These proposed sections are: § 200.214 (Covered Projects), § 200.216 (Controlling Participants), § 200.218 (Triggering Events), and § 200.220 (Previous Participation).

First, proposed § 200.214 establishes the new term ''Covered Project'' to refer to the types of proposed projects that subject certain entities and individuals to previous participation review. The definition of Covered Project would include many of the categories of projects currently listed in § 200.217, which describes the types of projects that require principals to submit their previous participation certification. It also includes a category for projects insured under sections 542(b) and 542(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 17107 note), which sections provide HUD with insurance authority independent of the National Housing Act and authorizes certain risk-sharing arrangements with certain entities.

Proposed § 200.216 would identify the individuals and entities that are subject to previous participation review. This concept is currently captured in HUD's existing codified regulations in the definition for ''Principal'' in § 200.215(e) as well as in § 200.218, which sets out who must certify and sign Form 2530. Proposed § 200.216 would establish the new term ''Controlling Participant,'' in order to clarify that HUD will only seek information pertaining to the previous participation of those individuals or entities who will exercise control over the proposed project. The definition for Controlling Participant would be narrower than the specific types of individuals and entities included in the existing definition for ''principal''; instead of including any individuals or entities who have any interest in the project other than an arms-length fee arrangement for professional services. Instead of including long lists of enumerated individuals and affiliate entities, the definition for Controlling Participant would include the persons or entities determined by HUD to have control over the finances or operation of a proposed project. As required by the Preservation Approval Process Act of 2007, investor entities with limited liability in Covered Projects benefiting from low-income housing tax credits, that do not have operational or policy control or influence over a Controlling Participant are all specifically excluded from previous participation review. The proposed regulation would expand this exemption to investors in other kinds of tax credits who also do not exercise control of the project.

Proposed § 200.218 would establish the concept of a ''Triggering Event,'' which specifically identifies which actions taken by a Controlling Participant would require the submission of materials for the purpose of undergoing previous participant review.

Proposed § 200.220 would describe what is involved in a previous participation review. The purpose of the review is to focus on the prior performance of Covered Projects in which the Controlling Partner exercised actual or constructive control and to determine whether any serious findings reflect adversely on the Controlling Participants' integrity, competency, or ability to exercise control of a Covered Project responsibly.

In addition, the proposed rule would add the term ''Commissioner'' to the definitions for Subpart H. The subpart H regulations would be revised to clarify that HUD's decision making authority in the review process resides with the Assistant Secretary for Housing—Federal Housing Commissioner (Commissioner), and the Commissioner's designees.

B. Determining Risk

Under the current regulations, HUD is required to evaluate applicants' prior performance using specific criteria set out in the definition for ''risk'' in § 200.215 and using the standards for disapproval outlined in § 200.230. HUD has found these criteria and standards to be constraining and, at times, have presented an unnecessarily high bar to participation by qualified applicants. In other instances, HUD has found these criteria and standards to insufficiently cover a circumstance that HUD determines should constitute an impermissible risk to the Department. Nor is previous participation review the primary avenue for the Department to assess the risk of a project; various application and underwriting procedures assess different components of risk. Previous participation review is merely one component of assessing risk, and the proposed rule more accurately reflects its purpose.

Controlling Participants who are debarred, suspended, subject to restrictions under 2 CFR part 2424, or prohibited from doing business with any other federal department or federal agency are automatically precluded from participation in federal programs,

[11] See *http://www.regulations.gov/#!docketBrowser;rpp=25;po=0;s=2530%252Bprocess;dct=PS;D=HUD-2011-0037.*

and the proposed rule would deny the participation of such Controlling Participants from the current Triggering Event for which they are applying. The proposed rule would also allow the Commissioner to require that other unacceptable risks be mitigated before the Controlling Participant could participate in the current Triggering Event. Proposed § 200.220(c) would provide the Commissioner this discretion to disapprove an applicant, conditionally accept an applicant, temporarily withhold approval of an applicant until more information can be gathered, or require the Controlling Participant to remedy or mitigate certain conditions to the Commissioner's satisfaction. Examples of unacceptable risk would typically include those deficiencies currently codified at § 200.230, such as but not limited to: (1) Mortgage defaults, assignments or foreclosures; (2) suspension or termination of payments under any HUD assistance contract; (3) significant work stoppages; and (4) instances of noncompliance with the regulations, programmatic or contractual requirements of HUD or State or local government's Housing Finance Agency in connection with an insured or assisted project.

Collectively, these changes would significantly reduce the initial paperwork burden for applicants and would allow the Department to undertake a targeted review to those who control the finances and/or operation of a project.

C. Other Proposed Changes

In addition to the proposed regulatory changes discussed above, the proposed rule would make several other streamlining and clarifying changes. For example, § 200.230 of the currently codified regulations requires HUD to consider particular kinds of events or flags in its evaluation of applicants, even when these may not be relevant or indicative of real risk. Any flag is enough to delay a project and can stand as an obstacle to the applicant's participation. The proposed rule refocuses the purpose of this previous participation review. If a violation rises to the level of indicating unacceptable risk, in accordance with contemporary transactional practices, the violation must be mitigated. If not, HUD and the participant have more flexibility in how and when to mitigate the violation. In addition, §§ 200.241–200.245 in the currently codified regulations establish a detailed appeals process for applicants who receive an adverse determination. The proposed rule would streamline these regulations addressing the appeals process by consolidating them into a single section. Proposed § 200.222 would substitute the opportunity for a hearing before the standing Multifamily Participation Review Committee with the opportunity for reconsideration before a review committee or a reviewing officer, as established by the Commissioner. Further, the proposed rule explicitly provides that the applicant have an opportunity to participate in this reconsideration process and submit information on their behalf; the current regulations lack these provisions.

HUD believes these proposed changes significantly reduce the burden of the previous participation process, which has long been subject to complaints of being too burdensome a process. HUD welcomes comments on how this process may be further streamlined but preserves HUD's right and need to determine the suitability of applicants to participate in HUD's multifamily housing and healthcare programs.

III. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

This rule was determined not to be a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, nor was it found to be an economically significant regulatory action, as provided under section 3(f)(1) of the Executive Order.

This rule responds to the direction of Executive Order 13563 to reduce burden. As discussed in this preamble, HUD stakeholders have long complained about the previous participation process, and HUD has offered measures over the past to improve this process. However these measures were not successful in providing a significant overhaul of the previous participation review process sufficient to remedy the common complaints. HUD believes that this proposal to streamline the previous participation review process strikes the appropriate balance between allowing HUD to effectively assess the suitability of applicants to participate in HUD's multifamily housing and healthcare programs, while interjecting sufficient flexibility into the process in order to remove a one-size-fits-all review process. Such a balance best allows HUD to make determinations of suitability in order to accurately access risk.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule would not have a significant economic impact on a substantial number of small entities.

As has been discussed in this preamble, this rule proposes to greatly streamline HUD's previous participation review process. As noted earlier in this preamble, and discussed in more detail in the preceding section, this process has long been the subject of complaint by HUD participants as an overly burdensome process. HUD believes that the changes proposed by this rule would allow HUD to better consider the differences of any applicant and tailor requested information to that applicant, including whether the applicant is a small entity. For these reasons, HUD has determined that this rule would not have a significant economic impact on a substantial number of small entities.

Notwithstanding HUD's determination that this rule will not have a significant effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Environmental Impact

This proposed rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern, or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this proposed rule is categorically excluded from

environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Federalism Impact

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Order. This rule does not have federalism implications and would not impose substantial direct compliance costs on state and local governments nor preempts state law within the meaning of the Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This rule does not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of UMRA.

Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The burden of information collection in this proposed rule is estimated as follows:

INFORMATION COLLECTION UNDER CURRENT 2530 REVIEW PROCESS

Information collection	Number of forms filed annually	Approximate number of respondents needed to complete the form	Burden hours per respondent	Total annual burden hours per filing	Hourly cost per respondent	Total annual cost per filing
HUD–2530 (paper), Electronic	10,000	8 per filing	1	8	$20	$160.00.
Total Annual Burden per All Filings	10,000	80,000	.....	80,000	.....	$1.6 Million.

INFORMATION COLLECTION UNDER PROPOSED PARTICIPATION REVIEW PROCESS

Information collection	Number of reviews done annually	Approximate number of respondents to be reviewed	Burden hours per respondent	Total annual burden hours per filing	Hourly cost per respondent	Total annual cost per filing
Previous Participation Review	10,000	3 per filing	1	3	$20	$60.00
Total Annual Burden per All Filings	10,000	30,000	.....	30,000	.....	600,000

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning the information collection requirements in the proposed rule regarding:

(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) Whether the proposed collection of information enhances the quality, utility, and clarity of the information to be collected; and

(4) Whether the proposed information collection minimizes the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

Interested persons are invited to submit comments regarding the information collection requirements in this rule. Under the provisions of 5 CFR part 1320, OMB is required to make a decision concerning this collection of information between 30 and 60 days after today's publication date. Therefore, a comment on the information collection requirements is best assured of having its full effect if OMB receives the comment within 30 days of today's publication. This time frame does not affect the deadline for comments to the agency on the proposed rule, however. Comments must refer to the proposal by name and docket number (FR–5850–P–01) and must be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Fax number: (202) 395–6947 and Colette Pollard, HUD Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room 2204, Washington, DC 20410.

Interested persons may submit comments regarding the information collection requirements electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping

requirements, Social security, Unemployment compensation, Wages.

Accordingly, for the reasons stated in the preamble above, and in accordance with HUD's authority under 42 U.S.C. 3535(d), HUD proposes to amend 24 CFR part 200 as follows:

PART 200—INTRODUCTION TO FHA PROGRAMS

■ 1. The authority citation for 24 CFR part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

■ 2. Revise subpart H to read as follows:

Subpart H—Participation and Compliance Requirements

Sec.

200.210 Policy.
200.212 Definitions.
200.214 Covered Projects.
200.216 Controlling Participant.
200.218 Triggering Events.
200.220 Previous Participation review.
200.222 Request for reconsideration.

Subpart H—Participation and Compliance Requirements

§ 200.210 Policy.

It is HUD's policy that, in accordance with the intent of the National Housing Act (12 U.S.C. 1701 *et seq.*) and with other applicable federal statutes, participants in HUD's housing and healthcare programs be responsible individuals and organizations who will honor their legal, financial and contractual obligations. Accordingly, as provided in this subpart, HUD will review the prior participation of Controlling Participants, as defined in § 200.212 and § 200.216, as a prerequisite to participation in HUD's multifamily housing and healthcare programs listed in § 200.214.

§ 200.212 Definitions.

As used in this subpart:

Commissioner means the Assistant Secretary for Housing-Federal Housing Commissioner, or the Commissioner's delegates and designees.

Controlling Participant means an individual or entity serving in a capacity for a Covered Project that makes the individual or entity subject to previous participation review under this subpart, as further described in § 200.216.

Covered Project means a HUD-held, FHA-insured, or HUD-assisted project on which the participation of a Controlling Participant is conditioned on previous participation review under this subpart, as further described in § 200.214.

Previous Participation means a Controlling Participant's previous participation in federal programs, as further described in § 200.220.

Triggering Event means an occurrence in connection with a Covered Project that subjects a Controlling Participant to Previous Participation review under this subpart, as further described in § 200.218.

§ 200.214 Covered Projects.

The following types of multifamily and healthcare projects are Covered Projects subject to the requirements of this subpart, provided however that single family projects are excluded from the definition of Covered Projects:

(a) *FHA insured projects.* A project financed or which is proposed to be financed with a mortgage insured under the National Housing Act, a project subject to a mortgage held by the Secretary under the National Housing Act, or a project acquired by the Secretary under the National Housing Act.

(b) *Housing for the elderly or persons with disabilities.* Housing for the elderly financed or to be financed with direct loans or capital advances under section 202 of the Housing Act of 1959, as amended; and housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act.

(c) *Risk Share projects.* A project that is insured under section 542(b) or 542(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 17107 note).

(d) *Projects subject to continuing HUD requirements.* A project that is subject to a Use Agreement or any other continuing HUD requirements or affordability restrictions.

(e) *Subsidized projects.* Any project in which 20 percent or more of the units now receive or will receive a subsidy in the form of:

(1) Interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(2) Rent Supplement payments under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); or

(3) Project-based housing assistance payment contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), excluding those issued pursuant to section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13).

§ 200.216 Controlling Participant.

(a) *Definition.* An individual or entity serving in any of the following capacities for a Covered Project is a Controlling Participant subject to the requirements of this subpart:

(1) An owner of a Covered Project;

(2) A borrower of a loan financing a Covered Project;

(3) A management agent;

(4) An operator (in connection with healthcare projects insured under the following section of the National Housing Act: section 232 (12 U.S.C. 1715w) and section 242 (12 U.S.C. 1715z–7));

(5) A master tenant (in connection with any multifamily housing project insured under the National Housing Act (12 U.S.C. 1701 *et seq.*), and in connection with certain healthcare projects insured under sections 232 and 242 of the National Housing Act);

(6) A general contractor;

(7) In connection with a hospital project insured under section 242 of the National Housing Act (12 U.S.C. 1715z–7), members of a hospital Board of Directors (or similar body) and executive management (such as the Chief Executive Officer and Chief Financial Officer) that HUD determines to have control over the finances or operation of a Covered Project; and

(8) Any other person or entity determined by HUD to have control over the finances or operation of a Covered Project.

(b) *Control of entities.* To the extent any Controlling Participant listed in paragraph (a) of this section is an entity, any individual(s) determined by HUD to control the financial or operational decisions of such Controlling Participant shall also be considered Controlling Participants. For purposes of this section, ''control'' shall mean ownership of at least 25 percent of such entity or the ability to bind such entity in the Triggering Event that necessitates review of Previous Participation.

(c) *Exclusions from definition.* The following individuals or entities are not Controlling Participants for purposes of this subpart:

(1) Investor entities with limited liability in Covered Projects benefiting from tax credits, including but not limited to low-income housing tax credits pursuant to section 42 of title 26 of the United States Code, whether such investors are syndicators, direct investors or investors in such syndicators and/or investors;

(2) Individuals or entities that do not have operational or policy control or influence over an entity that is a Controlling Participant;

(3) Mortgagees acting in their capacity as such; and

(4) Public housing agencies (PHAs), where the PHA is acting in its capacity as a PHA owning or operating public housing.

§ 200.218 Triggering Events.

Each of the following is a Triggering Event that may subject a Controlling Participant to Previous Participation review under § 200.220:

(a) An application for FHA mortgage insurance, excluding applications already approved by HUD;

(b) An application for funds provided by HUD, such as but not limited to supplemental loans or flexible subsidy loans;

(c) A request to change any Controlling Participant with respect to a Covered Project;

(d) A request for consent to an assignment of a housing assistance payment contract under section 8 of the United States Housing Act of 1937 or of another contract pursuant to which a Controlling Participant will receive funds in connection with a Covered Project;

(e) A bid to purchase a Covered Project or mortgage note held by the Commissioner; or

(f) A sale of a HUD-held mortgage affecting a Covered Project, or a sale of any HUD-held Covered Project that is now or will be subject to a Use Agreement or any other continuing HUD requirements or affordability restrictions. Notwithstanding the foregoing, HUD may elect to refrain from conducting Previous Participation review under this subsection where a bidder's Previous Participation has already been reviewed under paragraph (e) of this section, in order to avoid a duplicative review.

§ 200.220 Previous Participation review.

(a) *Scope of review.* (1) Upon the occurrence of a Triggering Event, as provided in § 200.218, the Commissioner shall review the Previous Participation of the relevant Controlling Participants in considering whether to approve the participation of the Controlling Participants in connection with the Triggering Event. The Commissioner's review of a Controlling Participant's previous participation shall include previous financial and operational performance in federal programs that may indicate a financial or operating risk in approving the Controlling Participant's participation in the subject Triggering Event. The Commissioner's review shall consider financial stability; previous performance in accordance with HUD statutes, regulations and program requirements; general business practices and other factors that indicate that the Controlling Participant could not be expected to operate the project in a manner consistent with furthering the Department's purpose of supporting and providing decent, safe and affordable housing for the public. At the Commissioner's discretion, as necessary to determine financial or operating risk, this review may include the Controlling Participant's participation and performance in any federal program and may exclude previous participation in which the Controlling Participant did not exercise, actually or constructively, control.

(2) The Commissioner will not review Previous Participation for interests acquired by inheritance or by court decree.

(3) In connection with the submittal of an application for any Triggering Event, applicants shall identify the Controlling Participants and, to the extent requested by HUD, make available to HUD the Controlling Participant's Previous Participation in Covered Projects.

(b) *Results of review.* (1) Based upon the review under paragraph (a) of this section, the Commissioner will approve, disapprove, limit, or otherwise condition the continued participation of the Controlling Participant in the Triggering Event, in accordance with paragraphs (c) and (d) of this section.

(2) The Commissioner shall provide notice of the determination to the Controlling Participant including the reasons for disapproval or limitation. The Commissioner may provide notice of the determination to other parties, as well, such the FHA-approved lender in the transaction.

(c) *Basis for disapproval.* (1) The Commissioner must disapprove a Controlling Participant if the Commissioner determines that the Controlling Participant is suspended, debarred or subject to other restriction under 2 CFR part 2424;

(2) The Commissioner may disapprove a Controlling Participant if the Commissioner determines:

(i) The Controlling Participant is restricted from doing business with any other department or agency of the federal government; or

(ii) The Controlling Participant's record of Previous Participation reveals significant risk to proceeding with the Triggering Event.

(d) *Alternatives to disapproval.* In lieu of disapproval, the Commissioner may:

(1) Condition or limit the Controlling Participant's participation;

(2) Temporarily withhold issuing a determination in order to gather more necessary information; or

(3) Require the Controlling Participant to remedy or mitigate outstanding violations of HUD requirements to the Commissioner's satisfaction in order to participate in the Triggering Event.

§ 200.222 Request for reconsideration.

(a) Where participation in a Triggering Event has been disapproved, otherwise limited or conditioned because of Previous Participation review, the Controlling Participant may request reconsideration of such determination by a review committee or reviewing officer as established by the Commissioner.

(b) The Controlling Participant shall submit requests for such reconsideration in writing within 30 days of receipt of the Commissioner's notice of the determination under § 200.220.

(c) The review committee or reviewing officer shall schedule a review of such requests for reconsideration. The Controlling Participant shall be provided advance written notification of such a review. The Controlling Participant shall be provided the opportunity to submit such supporting materials as the Controlling Participant desires or as the review committee or reviewing officer requests.

(d) Before making its decision, the review committee or reviewing officer will analyze the reasons for the decision(s) for which reconsideration is being requested, as well as the documents and arguments presented by the Controlling Participant. The review committee or reviewing officer may affirm, modify, or reverse the initial decision. Upon making its decision, the review committee or reviewing officer will provide written notice of its determination to the Controlling Participant setting forth the reasons for the determination(s).

Dated: August 3, 2015.

Edward L. Golding,

Principal Deputy Assistant Secretary for Housing.

[FR Doc. 2015–19529 Filed 8–7–15; 8:45 am]

BILLING CODE 4210–67–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0483; FRL–9931–84–Region 10]

Approval and Promulgation of Implementation Plans; Washington: Update to the Spokane Regional Clean Air Agency Solid Fuel Burning Device Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a

State Implementation Plan (SIP) revision submitted by the Washington State Department of Ecology (Ecology) on July 10, 2015. The SIP submission contains revisions to the Spokane Regional Clean Air Agency (SRCAA) solid fuel burning device regulations to control particulate matter from residential wood combustion. The updated regulations reflect the State of Washington's statutory changes setting fine particulate matter trigger levels for impaired air quality burn bans. The submission also contains updates to the regulations to improve the clarity of the language. We are proposing to approve these changes because they meet the requirements of the Clean Air Act and strengthen the Washington SIP.

DATES: Written comments must be received on or before September 9, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0483, by any of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: R10-Public_Comments@epa.gov.*
- *Mail:* Jeff Hunt, EPA Region 10, Office of Air, Waste and Toxics (AWT–150), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier:* EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Jeff Hunt, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2015–0483. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information the disclosure of which 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. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at (206) 553–0256, *hunt.jeff@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

The following outline is provided to aid in locating information in this preamble:

Table of Contents

I. Background
II. Summary of SIP Revision
III. Proposed Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

On July 1, 1987, the EPA promulgated revised National Ambient Air Quality Standards (NAAQS or standards) for particulate matter focused on inhalable coarse particles (PM_{10}) that are 10 micrometers in diameter or smaller (52 FR 24663). The PM_{10} standard most relevant to Washington was the 24-hour (or daily) standard. The EPA set the 24-hour PM_{10} NAAQS at 150 micrograms per cubic meter ($\mu g/m^3$), not to be exceeded more than once per year on average over a three-year period. The Spokane, Washington, area was designated nonattainment for PM_{10} and classified as moderate upon enactment of the Clean Air Act Amendments in 1990. Washington submitted a PM_{10} attainment plan on December 12, 1994, and the EPA approved the Plan on January 27, 1997 (62 FR 3800). One element of the approved PM_{10} attainment plan was the residential wood smoke curtailment program contained in SRCAA, Article VIII, *Solid Fuel Burning Device Standards.* On July 1, 2005, the EPA redesignated the Spokane area to attainment for PM_{10} based on the existing set of control measures contained in Ecology's original 1994 attainment plan (70 FR 38029).

On July 18, 1997, the EPA revised the particulate matter standards to establish the fine particulate matter ($PM_{2.5}$) NAAQS for particles that are 2.5 micrometers in diameter or smaller, based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to $PM_{2.5}$ (62 FR 38652). The EPA's revised 1997 particulate matter standards included a 24-hour NAAQS of 65 $\mu g/m^3$ for $PM_{2.5}$, based on a three-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006, the EPA revised the $PM_{2.5}$ 24-hour NAAQS from 65 $\mu g/m^3$ to 35 $\mu g/m^3$ based on additional evidence and health studies (71 FR 61144).

II. Summary of SIP Revision

On January 27, 1997, the EPA approved *Regulation I, Article VIII—Solid Fuel Burning Device Standards,* adopted by SRCAA in 1994 (62 FR 3800). This set of adopted regulations predated the EPA's promulgation of the $PM_{2.5}$ NAAQS, and focused on the 1987 PM_{10} NAAQS for residential woodstove curtailment. More recently, the Washington State Legislature revised the underlying statutory authority contained in Chapter 70.94 Revised Code of Washington (RCW) *Washington Clean Air Act* (Washington Clean Air Act) regarding residential wood smoke curtailment programs to focus on the more pressing and environmentally relevant 24-hour $PM_{2.5}$ NAAQS. In a SIP revision approved by the EPA on May 9, 2014, Ecology provided an analysis covering former PM_{10} nonattainment areas in both Western and Eastern Washington to demonstrate that wood smoke curtailment programs focused on the more stringent 24-hour $PM_{2.5}$ NAAQS will provide continued maintenance of the 24-hour PM_{10} NAAQS (79 FR 26628). The EPA agreed with Ecology's analysis and approved revisions to the statewide regulations contained in Chapter 173–433 Washington Administrative Code (WAC) *Solid Fuel Burning Devices* to remove outdated PM_{10} burn ban trigger

levels and replace them with $PM_{2.5}$ trigger levels, consistent with the changes to Chapter 70.94.473 of the Washington Clean Air Act.

In this action, as the Governor's designee for revisions to the Washington SIP, Ecology requested that the EPA approve changes to *Regulation I, Article VIII—Solid Fuel Burning Device Standards* adopted by SRCAA on July 10, 2014. This proposed SIP revision aligns the SRCAA solid fuel burning device regulations with the Washington Clean Air Act statutory changes discussed above, as well as the EPA-approved changes to Ecology's statewide solid fuel burning device regulations (79 FR 26628, May 9, 2014). SRCAA's regulatory changes generally mirror the statewide Ecology regulations and update the existing EPA-approved SRCAA regulations for improved clarity. A document showing, in redline/strike-out, the changes, is included in the docket for this action.

As discussed above, the 1994 $p.m._{10}$ attainment plan for the Spokane area included SWCAA *Regulation I, Article VIII* that regulates particulate matter emissions from residential solid fuel burning devices (*e.g.,* woodstoves and fireplaces). These regulations include several provisions that together provide continuous control of particulate matter emissions, including an episodic curtailment program, restrictions concerning materials that can and cannot be burned, and a limit on visible emissions from residential chimneys.

The primary element of the solid fuel burning device regulations to help ensure maintenance of the NAAQS is the episodic curtailment program which restricts the use of woodstoves and fireplaces on days that are conducive to the buildup of particulate matter concentrations. The curtailment program restricts the use of woodstoves and fireplaces by calling stage 1 and stage 2 burn bans consistent with the changes to Chapter 70.94.473 of the Washington Clean Air Act.

In addition to the episodic curtailment program, the regulations include provisions that impose restrictions on what can be burned in woodstoves and fireplaces at any time. The regulations require that seasoned wood (defined as wood with a moisture content of 20% or less) be burned in woodstoves and fireplaces. The regulations also specifically prohibit the burning of garbage (and other named materials) in woodstoves and fireplaces, but does allow the burning of paper sufficient to start a fire. These provisions control the particulate matter emissions from woodstoves and fireplaces on a continuous basis, whereas the episodic curtailment program imposes additional restrictions on the use of woodstoves and fireplaces only when necessary to address the potential buildup of particulate matter concentrations.

Finally, the regulations establish a 20% opacity limit on smoke from residential woodstoves and fireplaces. This provision provides a visual indicator for the proper operation of a woodstove or fireplace, including the use of properly seasoned wood. The 20% opacity limit applies at all times except during the starting of a fire and the refueling of a woodstove or fireplace. However, during those times, the episodic curtailment program and other restrictions regulating fuel contained in the provisions described above continue to apply, as clarified in the June 22, 2015 letter from the Spokane Regional Clean Air Agency.

Accordingly, this combination of regulatory provisions constitutes continuous emission limitations, consistent with Federal Clean Air Act requirements. Specifically, reliance on the episodic curtailment program and other provisions regulating fuel described above serves as an adequate alternative emission limit during the starting and refueling of fires in residential woodstoves and fireplaces, when use of the 20% opacity limits would be infeasible. Reliance on those requirements during starting and refueling periods is limited and specific to the operation of residential stoves and fireplaces, minimizes the frequency and duration of those periods, and minimizes the impact of emissions on ambient air quality during those periods, while the episodic curtailment program ensures that emission impacts are avoided during potential worst-case periods. While the EPA's guidance on alternative emission limits also specifies that the owner or operator's actions during startup and shutdown periods should be documented by signed, contemporaneous operating logs or other relevant evidence, application of this recordkeeping requirement in this case would be an unreasonable burden for individual home heating situations. See 80 FR 33840, June 12, 2015 [relevant discussion begins on page 33913].

III. Proposed Action

The EPA is proposing to approve Washington's SIP revision received July 10, 2015. Specifically, the EPA is proposing to approve and incorporate by reference into the SIP the SRCAA regulations shown in Table 1. In addition, Ecology and SRCAA submitted Section 8.11, *Regulatory Actions and Penalties* to demonstrate adequate enforcement authority to implement the program. Regulations describing agency enforcement authority are not generally incorporated by reference into the SIP to avoid potential conflict with the EPA's independent authorities. Therefore, the EPA has reviewed and is proposing approval of Section 8.11 as having adequate enforcement authority, but will not incorporate this section by reference into the SIP codified in 40 CFR 52.2470(c). Similarly, SRCAA Section 8.04 incorporates by reference the statewide Ecology solid fuel burning device regulations contained in WAC 173–433. To the extent that SRCAA's regulations reference WAC 173–433–130, 173–433–170, and 173–433–200 which contain nuisance, fee, and enforcement provisions, Washington is not submitting these provisions for approval, consistent with the EPA's May 9, 2014 final action on the statewide Ecology regulations. See 79 FR 26628. We have made the determination that this action is consistent with section 110 of the CAA. The EPA is soliciting public comments which will be considered before taking final action.

TABLE 1—SUBMITTED RULES

Agency	Citation (section)	Title	State effective date	Submitted	Explanation
Regulation I—Article VIII—Solid Fuel Burning Device Standards					
SRCAA	8.01	Purpose	09/02/15	07/10/15	
SRCAA	8.02	Applicability	09/02/15	07/10/15	
SRCAA	8.03	Definitions	09/02/15	07/10/15	

TABLE 1—SUBMITTED RULES—Continued

Agency	Citation (section)	Title	State effective date	Submitted	Explanation
SRCAA	8.04	Emission Performance Standards	09/02/15	07/10/15	Except SRCAA's incorporation by reference of WAC 173–433–130, 173–433–170, and 173–433–200.
SRCAA	8.05	Opacity Standards	09/02/15	07/10/15	
SRCAA	8.06	Prohibited Fuel Types	09/02/15	07/10/15	
SRCAA	8.07	Curtailment (Burn Ban)	09/02/15	07/10/15	
SRCAA	8.08	Exemptions	09/02/15	07/10/15	
SRCAA	8.09	Procedure to Geographically Limit Solid Fuel Burning Devices.	09/02/15	07/10/15	
SRCAA	8.10	Restrictions on Installation and Sales of Solid Fuel Burning Devices.	09/02/15	07/10/15	

IV. Incorporation by Reference

In accordance with requirements of 1 CFR 51.5, the EPA is proposing to revise our incorporation by reference of 40 CFR 52.2470(c)—Table 9 ''Additional Regulations Approved for the Spokane Regional Clean Air Agency (SRCAA) Jurisdiction'' to reflect the regulations shown in Table 1. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law. This SIP revision is not approved to apply in Indian reservations in the State or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, and Particulate matter.

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

Dated: July 27, 2015.

Dennis J. McLerran,

Regional Adminstrator, Region 10.

[FR Doc. 2015–19280 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0247; FRL–9932–23–Region 4]

Approval and Promulgation of Implementation Plans; Mississippi; Memphis, TN-MS-AR Emissions Statements for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a draft state implementation plan (SIP) revision submitted by the State of Mississippi, through the Mississippi Department of Environmental Quality (MDEQ) on June 1, 2015, for parallel processing, to address the emissions statement requirements for the State's portion of the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN-MS-AR) 2008 8-hour ozone national ambient air quality standards (NAAQS) nonattainment area (hereafter referred to as the ''Memphis, TN-MS-AR Area'' or ''Area''). Annual emissions reporting (*i.e.,* emissions statements) is required for all ozone nonattainment areas. The Area is comprised of Shelby County in Tennessee, Crittenden County in Arkansas, and a portion of DeSoto County in Mississippi. In a separate action, EPA approved Tennessee's regulations addressing emissions statements for its portion of the Memphis, TN-MS-AR Area. EPA will consider and take action on the emissions statements requirements for the Arkansas portion of this Area in a separate action. This proposed action is being taken pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

DATES: Written comments must be received on or before September 9, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0247, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* ''EPA–R04–OAR–2015–0247,'' Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2015–0247. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

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

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bell can be reached at (404) 562–9088 and via electronic mail at *bell.tiereny@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is parallel processing?

Consistent with EPA regulations found at 40 CFR part 51, appendix V, section 2.3.1, for purposes of expediting review of a SIP submittal, parallel processing allows a state to submit a plan to EPA prior to actual adoption by the state. Generally, the state submits a copy of the proposed regulation or other revisions to EPA before conducting its public hearing. EPA reviews this proposed state action, and prepares a notice of proposed rulemaking. EPA's notice of proposed rulemaking is published in the **Federal Register** during the same time frame that the state is holding its public process. The state and EPA then provide for concurrent public comment periods on both the state action and federal action.

If the revision that is finally adopted and submitted by the State is changed in aspects other than those identified in the proposed rulemaking on the parallel process submission, EPA will evaluate those changes and if necessary and appropriate, issue another notice of proposed rulemaking. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by the state and submitted formally to EPA for incorporation into the SIP.

On June 1, 2015, the State of Mississippi, through MDEQ, submitted a formal letter request for parallel processing of a draft SIP revision that the State had already taken through public comment. The letter also contains a schedule for final adoption of the draft SIP revision. MDEQ requested parallel processing so that EPA could begin to take action on its draft SIP revision in advance of the State's submission of the final SIP revision. As stated above, the final rulemaking action by EPA will occur only after the SIP revision has been: (1) Adopted by Mississippi, (2) submitted formally to EPA for incorporation into the SIP; and (3) evaluated by EPA, including any changes made by the State after the June 1, 2015, draft was submitted to EPA.

II. Background

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

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS, based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Memphis, TN-MS-AR Area was designated nonattainment for the 2008 8-hour

ozone NAAQS on April 30, 2012 (effective July 20, 2012) using 2008–2010 ambient air quality data. *See* 77 FR 30088 (May 21, 2012). At the time of designation, the Memphis, TN-MS-AR Area was classified as a marginal nonattainment area for the 2008 8-hour ozone NAAQS. On March 6, 2015, EPA finalized a rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule) that establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour ozone NAAQS.[1] *See* 80 FR 12264. This rule establishes nonattainment area attainment dates based on Table 1 of section 181(a) of the CAA, including an attainment date three years after the July 20, 2012, effective date, for areas classified as marginal for the 2008 8-hour ozone NAAQS. Therefore, the attainment date for the Memphis, TN-MS-AR Area is July 20, 2015.

Based on the nonattainment designation, Mississippi is required to develop a nonattainment SIP revision addressing certain CAA requirements. Specifically, pursuant to CAA section 182(a)(3)(B), Mississippi is required to submit a SIP revision addressing emissions statements requirements.

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

On June 1, 2015, Mississippi submitted a draft SIP revision, for parallel processing, containing an emissions statements requirement related to its portion of the Memphis, TN-MS-AR Area.[3] EPA is now proposing to approve this draft SIP revision as meeting the requirements of section 182(a)(3)(B) of the CAA. More information on EPA's analysis of Mississippi's draft SIP revision is provided below.

III. Analysis of State's Submittal

Mississippi's June 1, 2015, draft submission seeks to include 11 Mississippi Administrative Code (MAC), Part 2, Chapter 11, ''Regulations for Ambient Air Quality Non-Attainment Areas,'' into its SIP to meet the emissions statements requirement of the CAA section 182(a)(3)(B).[4] This new state regulation addresses the emissions statements requirement and is applicable to sources in the portion of DeSoto County, Mississippi, that is located within the Area. The June 1, 2015, draft SIP submittal adds Rule 11.1—*General,* which states the purpose of the regulation; Rule 11.2—*Definitions,* which defines Commission, Department, NAAQS, Nonattainment Area and Emissions Statement; and Rule 11.3—*Emissions Statement,* which: (1) Applies to all stationary sources of NO_X or VOCs which have the potential to emit 25 tons or more of either pollutant per calendar year and are located in areas designated as nonattainment for the 2008 ozone NAAQS; (2) requires owners and operators of those stationary sources of NO_X and VOC to provide a statement showing the actual emissions of NO_X and VOCs from that source; and (3) requires that emissions statements be submitted to MDEQ by July 1 of every year, showing actual emissions of the previous calendar year and containing a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. EPA has determined that this regulation meets all of the requirements of CAA section 182(a)(3)(B) for the Mississippi portion of the Area because it covers the portion of DeSoto County within the Area and satisfies the applicability, certification, and other emissions statements criteria contained therein.

IV. Incorporation by Reference

In this proposed rule, EPA is proposing to finalize regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to finalize the incorporate by reference of 11 MAC, Part 2, Chapter 11 entitled ''Regulations for Ambient Air Quality Non-Attainment Areas.'' EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the Region 4 EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Proposed Action

EPA is proposing to approve the draft SIP revision submitted by Mississippi on June 1, 2015, to incorporate 11 MAC, Part 2, Chapter 11, ''Regulations for Ambient Air Quality Non-Attainment Areas,'' into its SIP to meet the section 182(a)(3)(B) emissions statements requirement for the Mississippi portion of the Memphis, TN-MS-AR Area. EPA has preliminarily concluded that the State's submission meets the requirements of sections 110 and 182 of the CAA.

VI. Statutory and Executive Order Reviews

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

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

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

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

[3] Mississippi originally submitted a rule to address the 2008 8-hour ozone standard in a January 14, 2015, SIP revision. However, the State subsequently revised its rule to more fully address the requirements of section 182(a)(3)(B) and submitted the draft revised rule to EPA in a June 1, 2015, draft SIP submission for parallel processing. The June 1, 2015, draft SIP submission supersedes the January 14, 2015, submission.

[4] This regulation conforms to the new nomenclature for Mississippi's state regulations pursuant to the State's recently amended Administrative Procedures Act. Mississippi has not provided EPA with a SIP revision to renumber the state regulations currently incorporated into the SIP.

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

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

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

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

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

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 30, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–19589 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 11

[PS Docket No. 15–94; FCC 15–77]

Amendment of the Commission's Rules Regarding the Emergency Alert System

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) seeks comment on proposed changes to its rules governing the Emergency Alert System (EAS) to incorporate three new event codes into and revise two geographic location codes identified in the EAS rules.

DATES: Comments are due on or before September 9, 2015 and reply comments are due on or before September 24, 2015.

ADDRESSES: You may submit comments, identified by EB Docket No. 04–296 by any of the following methods:

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

• *Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.

• *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• *People with Disabilities:* Contact the Commission to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432. For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lisa Fowlkes, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, at (202) 418–7452, or by email at *Lisa.Fowlkes@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*) in PS Docket No. 15–94, FCC 15–77, adopted on July 8, 2015, and released on July 10, 2015. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.*

Synopsis of the NPRM

1. In the *NPRM,* the Federal Communications Commission (FCC or Commission) proposes to revise the Emergency Alert System (EAS) rules, as set forth in a letter and subsequent comments filed by the National Weather Service (NWS) of the National Oceanic and Atmospheric Administration (NOAA). Specifically, NWS requests that the Commission add three new EAS event codes, covering extreme wind and storm surges, as well as revise the territorial boundaries of the geographic location codes for two offshore marine areas listed in the EAS rules as location codes 75 and 77. The Commission agrees with NWS that targeted, specific warnings ''will help the public and emergency officials better respond to local threat(s).''

I. Background

2. The EAS is a national public warning system through which broadcasters, cable systems, and other service providers (EAS Participants) deliver alerts to the public to warn them of impending emergencies and dangers to life and property. The primary purpose of the EAS is to provide the President with ''the capability to provide immediate communications and information to the general public at the national, state and local levels during periods of national emergency.'' The EAS also is used by state and local governments, as well as NWS, to distribute alerts. According to NWS, about 90 percent of all EAS activations are generated by NWS and relate to short-term weather events. The Commission, the Federal Emergency Management Agency (FEMA), and the NWS implement the EAS at the federal level. The EAS is a broadcast-based, hierarchical alert message distribution system through which an alert message originator at the local, state or national level encodes (or arranges to have encoded) a message in the EAS Protocol, which provides basic information about the emergency involved. The message is then broadcast by one or more EAS Participants and subsequently relayed from one station to another until all affected EAS Participants have received the alert and delivered it to the public. This process of EAS alert distribution among EAS Participants is often referred as the ''daisy chain'' distribution architecture.

3. The EAS Protocol utilizes fixed codes to identify various aspects of the alert. Of particular relevance to this *NPRM,* the EAS Protocol utilizes a three-character ''event code'' to describe the nature of the alert (*e.g.,* ''TOR'' signifies tornado). The EAS Protocol identifies ''National'' event codes, such as the EAN and National Periodic Test (NPT), which EAS Participants use as part of required Presidential alerts and tests, and ''State and Local'' event codes, such as TOR, which EAS Participants use when they deliver weather and other voluntary alerts. In addition, the EAS Protocol utilizes six-digit numerical location codes to identify the geographic area(s) to which the alert applies, two digits of which, the ''SS'' codes, indicate the state, territory, or, in this case, the offshore marine area to which the alert applies. Unlike the state and territory geographic location codes, which are based on the American National Standards Institute (ANSI) standard, the codes assigned to the offshore marine areas were created by the NWS and adopted by the Commission in 2002 at NWS's request.

II. Discussion

A. Proposed EAS Event Codes

4. NWS requests that the Commission add a new ''Extreme Wind Warning'' (EWW) event code to provide the public with advance notice of the onset of extreme sustained surface winds (greater than or equal to 115 miles per hour) associated with a major land-falling hurricane (category 3 or higher). NWS explains that use of the ''Tornado Warning'' (TOR) event code, then the only available code to warn of high winds, caused confusion when used to warn of Hurricane Charley's high winds in 2004. NWS states that although it started using the EWW code during the 2007 hurricane season, EAS Participants are ''reluctant to add and relay the new [e]vent [c]ode via the EAS, fearing FCC adverse action without addition of the new EWW Event Code to the Part 11.'' According to NWS, no other existing EAS event code is adequate or acceptable to activate the EAS for an extreme wind warning. Although section 11.31 of the rules contains other codes regarding hurricanes (*i.e.,* HUW for Hurricane Warning, HUA for Hurricane Watch, HLS for Hurricane Statement), those codes apply generally to the hurricane event itself, and are not specifically tailored to warn of extreme sustained surface winds associated with a (Category 3) hurricane.

5. NWS also requests that the Commission add two new event codes covering storm surges: ''Storm Surge Watch'' (SSA) and ''Storm Surge Warning'' (SSW). NWS indicates that the ''Storm Surge Watch/Warning will be issued when there is a significant risk of life-threatening inundation from rising water moving inland from the ocean.'' In the event of a storm surge, a watch (SSA) would be issued 48 hours in advance of the event taking place and a warning (SSW) would be issued 36 hours in advance of the event, and will help to mitigate damage from storm surge, the leading cause of death in tropical cyclones.

6. In support of its request, NWS notes that it currently does not explicitly issue warnings for storm surge, notwithstanding that the National Hurricane Center (NHC) has vigorously advocated for a storm surge watch and storm surge warning for a number of years. The NWS explains that, according to the NHC, ''storm surge losses in the hundreds or thousands of lives have occurred in every coastal state from Texas to South Carolina, and in some states north of there.'' NWS explains that ''[w]hile the threatening winds of a hurricane are important, most deaths from tropical cyclones result from storm surge.'' NWS further explains that ''current Hurricane Watch/Warning does not provide clear or sufficient information to allow citizens to determine if they are threatened by wind or storm surge or both.'' NWS notes that issuing storm surge watch/warning conditions is supported by both the NHC and FEMA, and that storm surge warnings are utilized by the government meteorological services of other nations, such as Environment Canada, and that use of such warnings has been advocated by the World Meteorological Organization for member nations. Accordingly, the NWS requests that the Commission revise its EAS rules to add Storm Surge Watch and Warning codes so that the NWS may offer these alerts to the public.

7. The Commission proposes adding both the extreme wind warning and storm surge event codes to section 11.31(e) of the Commission's rules, thus authorizing their use by EAS Participants. The Commission believes that extreme wind and storm surge events pose significant dangers to human health and property, dangers that the Commission's current EAS rules are not designed to prevent. The Commission observes that not revising the EAS rules to allow the NWS to warn the public of these events risks unnecessary harm to the public, a risk inconsistent with the Commission's statutory mandate of ''promoting the safety of life and property through the use of wire and radio communication.'' The Commission thus tentatively concludes that the event codes NWS proposes could promote public safety by saving lives and reducing the potential for injuries and damage to property. The Commission seeks comment on this tentative conclusion.

8. On a more granular level, the Commission seeks comment on whether the addition of the EWW, SSA, and SSW event codes would promote the public interest by enabling the public to deal more effectively with emergency situations, and, if so, how the specificity added by use of the codes would assist the public in these regards. The Commission observes that the NWS previously documented the confusion associated with using the TOR event code for non-tornados in its *Service Assessment* of the response to Hurricane Katrina. According to the *Service Assessment,* use of the TOR event code for events other than tornados also can lead to inconsistent or incorrect advice. The standard advice associated with the TOR event code directs people to take shelter in ''an interior room of the lowest floor'' of a building, but during Hurricane Katrina, the TOR warnings were issued for counties at risk for storm surge flooding. Local alerts originating in Miami describing the potential flooding hazard directed people ''to go to the highest floor of a building.'' The Commission seeks comment on whether the addition of these weather-related event codes will address the potential for confusion or incorrect guidance that might otherwise result from the continued use of the TOR event code.

9. The Commission also seeks comment regarding the extent to which these new event codes will help promote safety of life and property. With respect to Hurricane Katrina, for example, NWS states that ''[a]t least [1,500] people lost their lives during Katrina, and many of those deaths occurred because of storm surge, either directly or indirectly.'' In addition, NWS states that ''Katrina also caused well over $100 billion in damage from its surge and winds.'' The Commission also notes that a recent analysis of data from Atlantic tropical cyclones occurring from 1963–2012 indicates that 49 percent of all deaths directly attributable to those events were caused by storm surge. Further, storm surge damage is not limited to coastal areas. According to NHC data, for example, the storm surge (measured as water height above normal astronomical tide level) experienced in New York State during Hurricane Sandy reached 9.4 feet in the Battery on the southern tip of Manhattan, and caused (with some

contribution from rainfall) significant flooding in parts of the Hudson River Valley as far north as Albany (located approximately 130 miles from Manhattan). Moreover, data suggests that storm surges may become more severe over time. The National Center for Atmospheric Research indicates that an increase to the global average temperature would result in ''increasingly dramatic storm surges that, combined with higher water levels, [would] increase risk of damage to coastal infrastructure, society, and economies.'' The Commission believes that the addition of EWW, SSA and SSW to the event codes in section 11.31(e) of the rules would serve the public interest by providing more specific information regarding the emergency event. The Commission seeks comment on this analysis. The Commission observes that NWS indicates that broadcasters, emergency management offices and federal agencies support the need to establish specific EAS warning alerts for these conditions, and invites these entities in particular to submit their updated views on these issues.

10. The Commission also seeks comment on the costs for implementing the proposed event codes. NWS states that the additional costs associated with the addition of these new event codes will be minimal and can generally be added through a firmware and/or software update. Several EAS equipment manufacturers confirm NWS's contentions. Trilithic Inc. (Trilithic), for example, states that, for its two EAS encoder/decoder models currently deployed in the field, the event codes can be added through a software update, adding that ''[t]he modifications are minimal and there would be no cost passed onto our customers.'' Monroe Electronics, Inc. (Monroe), states that the event codes could be implemented in its EAS device models through a software update, ''downloaded by users from Monroe's secure site, and applied to each EAS device by the user, with basic instructions provided by Monroe or its Digital Alert Systems subsidiary.'' Similarly, Sage Alerting Systems, Inc. (Sage), states that end users could implement the proposed event codes by downloading a settings file. The Commission tentatively concludes that the costs for implementing the proposed event codes will be nominal to manufacturers and either nominal or non-existent for EAS participants. The Commission seeks comment on this tentative conclusion and the costs for individual EAS Participants.

11. The Commission notes that Sage observes that one of its EAS device models in the field can no longer support software updates and, therefore, presumably cannot be updated with the proposed event codes. The Commission seeks comment on how this might affect the adoption of these additional event codes and to what extent this device model is being used by EAS Participants. How do the costs associated with implementing these event codes compare with the benefit that might result from their implementation?

12. Finally, the Commission seeks comment generally on whether it should make any other changes to the event codes currently set forth in the EAS Protocol. Are the event codes proposed by NWS the right event codes? Is there a better way to address the issues identified by NWS than these proposed changes?

B. Proposed Geographic Location Code Revisions

13. NWS requests that the Commission revise the areas defined in the geographic location codes identified in section 11.31(f) of the EAS rules as location codes 75 and 77, which cover offshore marine areas. These location codes, and their defined areas, like all of the Offshore (Marine Areas) location codes contained in the EAS Protocol, were originally adopted in 2002 pursuant to a request by NWS. Currently, the marine area defined for location code 75 covers ''Western North Atlantic Ocean, and along U.S. East Coast, south of Currituck Beach Light, N.C., following the coastline into Gulf of Mexico to Bonita Beach, FL, including the Caribbean,'' while location code 77 covers ''Gulf of Mexico, and along the U.S. Gulf Coast from the Mexican border to Bonita Beach, FL.'' NWS indicates that it has changed the end point it uses for generating weather alerts for both of these areas from Bonita Beach, FL, to Ocean Reef, FL, and, accordingly, requests that the area covered by location code 75 be changed to ''Western North Atlantic Ocean, and along U.S. East Coast, south of Currituck Beach Light, NC, following the coastline to Ocean Reef, FL, including the Caribbean,'' and that the area covered by location code 77 be changed to ''Gulf of Mexico, and along the U.S. Gulf Coast from the Mexican border to Ocean Reef, FL.'' According to the NWS, allowing the EAS rules to contain definitions for the two offshore location codes that are inconsistent with the definitions that NWS has implemented for issuing its alerts may cause confusion for broadcasters, the emergency management community and the maritime commerce community, particularly when tropical storm and hurricane watches and warnings are issued for southern Florida. NWS notes that it has checked with several EAS encoder/decoder manufacturers, and was informed that the cost and time to make the requested change would be nominal.

14. The Commission proposes revising section 11.31 of its rules to adopt the definitional changes for location codes 75 and 77. As indicated above, location codes 75 and 77 were added as location codes in 2002 pursuant to a request by NWS, and this proposed rule change amounts to a modification of a location definition created and primarily used by the NWS. The Commission observes that, like all the Offshore (Marine Areas) location codes, location codes 75 and 77 are used with the Special Marine Warning (SMW) event code, among others, and thus are vital to maintaining the efficiency of marine operations and safety of vessels and their crews. The Commission also observes that NWS has indicated that it is already applying the revised definitions for location codes 75 and 77 in the field, which suggests a potential for confusion among EAS Participants, the emergency management community and the maritime commerce community in a major hurricane corridor of the United States if the definitions for these location codes currently identified in section 11.31(f) are not harmonized with NWS's usage. The Commission also proposes revising footnote 1 of section 11.31 to delete the reference to a past deadline and to clarify that the numbers assigned to the offshore marine areas listed in the table of geographic areas in section 11.31(f), while consistent with the format of the state and territory location codes derived from the ANSI standard, are not a product of that standard, but rather were assigned by the NWS.

15. With respect to cost considerations, NWS states that it has checked with several EAS encoder/decoder manufacturers, and was informed that the cost and time to make the requested change would be nominal. Recent submissions by EAS equipment manufacturers suggest that the costs to EAS Participants for implementing these changes in their EAS equipment—like the event codes discussed in the previous section—are likely to be *de minimis.* For example, Sage states that end users could implement the proposed event codes discussed above, as well as the revised offshore location definitions by downloading a settings

file and firmware update, respectively, the entire implementation process of which would take ''10 minute[s] or less.'' Similarly, Monroe states that the location codes can be added to its equipment via a software update, as does Trilithic, which adds that such update would be available at no charge.

16. The Commission seeks comment on its proposal to revise the geographic descriptions for location codes 75 and 77, as requested by NWS. Is such action necessary to prevent or ameliorate potential confusion among broadcasters, the emergency management community and the maritime commerce community that might otherwise exist if the current descriptions for these location codes in section 11.31(f) were left unchanged and continued to diverge from present usage by NWS? Would the proposed amendments to location codes 75 and 77 enhance the efficiency of marine operations and safety of vessels and their crews, and otherwise benefit the public? With respect to costs, the Commission seeks comment on whether the costs of implementing these proposed revisions to the location codes would be *de minimis,* as EAS equipment manufacturers suggest. Are there any EAS device models deployed by EAS Participants located in coastal geographic areas, in particular, that could not be updated to reflect these revisions?

C. Implementation Schedule

17. The Commission believes that the prompt deployment of alerts using these new codes is consistent with the safety of the public in affected areas. The Commission realizes that in order to ensure the full distribution to an affected community of an alert that uses one of these new codes, all EAS participants in the EAS distribution relay chain for that community must have equipment that is programmed to receive and process the new codes. Accordingly, the Commission proposes that EAS equipment manufacturers integrate these codes into equipment yet to be manufactured or sold, and make necessary software upgrades available to EAS Participants no later than six months from the effective date of any rules adopted as a result of this notice. The Commission also would encourage State Emergency Coordination Committees (SECCs) to update their state and local EAS plans and to take any other steps necessary to ensure the smooth implementation of these new codes within their states (*e.g.,* by encouraging key sources which relay EAS messages to obtain the upgrades promptly). Would these measures help ensure that all EAS Participants have the capability of updating their EAS equipment and of delivering alerts using these new codes to the public, such that the alert is successfully distributed throughout the EAS distribution relay chain? To ensure that all relevant alerts are received by their intended audiences, would it be helpful if, for an interim transitional period, NWS issued any alert that uses one of the new event codes concurrent with an alert that uses the current event code? Would this help ensure that all EAS alerts reach their intended audience until the new codes are fully integrated into EAS architecture? Would it be reasonable to expect that all EAS Participants would voluntarily integrate the new codes within their systems no later than one year from the effective date of any such rules, such that one year would provide an adequate transition period for NWS to issue concurrent alerts?

The Commission believes that enabling these codes in this timeframe will not unduly burden EAS Participants or EAS equipment manufacturers. The Commission notes that the record indicates that most EAS device models already are capable of processing these codes, or can be made to do so with minor software modifications. Further, as the Commission has clarified previously, modifications to authorized EAS equipment that are necessary to implement revisions to the EAS event codes and location codes may be implemented as Class I permissive changes that do not require prior authorization to be implemented. Accordingly, the Commission suggests that the implementation schedule proposed herein would afford a reasonable period of time and would not present any undue burden. The Commission seeks comment on this conclusion.

III. Procedural Matters

A. Initial Regulatory Flexibility Analysis

18. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities of the policies and rules proposed in the Notice of Proposed Rulemaking (*NPRM*). The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *NPRM* provided in section IV of that item. The Commission will send a copy of the *NPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Proposed Rules

19. In this *NPRM,* the Commission proposes to add three new Emergency Alert System (EAS) Event Codes, covering extreme wind (''Extreme Wind Warning'') and storm surges (''Storm Surge Watch'' and ''Storm Surge Warning''), and proposes to revise the territorial boundaries of geographic location codes 75 and 77 used by the EAS. These proposed rule revisions would seek to improve the capacity of the EAS to warn the public of impending threats to life and property, and ensure that the geographic definitions of location codes 75 and 77 utilized by the EAS are harmonized with those employed by the NWS.

Legal Basis

20. Authority for the actions proposed in this *NPRM* may be found in sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g),706, and 715 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 303(r), 303(v), 307, 309, 335, 403, 544(g), 606, and 615.

Description and Estimate of the Number of Small Entities to Which Rules Will Apply

21. The RFA directs agencies to provide a description of and, where feasible, an estimate of, the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''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 any additional criteria established by the Small Business Administration (SBA). Below is a description and estimate the number of small entity licensees that may be affected by the adopted rules.

22. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* The Commission's action may, over time, affect small entities that are not easily categorized at present. The Commission therefore describe here, at the outset, three comprehensive, statutory small entity size standards.

First, nationwide, there are a total of approximately 28.2 million small businesses, according to the SBA. As of 2011, small businesses comprise 99.7 percent of all employer firms in the US. In addition, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,315 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2011 indicate that there were 89,476 local governmental jurisdictions in the United States. The Commission estimates that, of this total, as many as 88,506 entities may qualify as ''small governmental jurisdictions.'' Thus, the Commission estimates that most governmental jurisdictions are small.

23. *Radio Stations.* This Economic Census category comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in the station's own studio, from an affiliated network, or from an external source. The SBA defines a radio broadcasting entity that has $38.5 million or less in annual receipts as a small business. According to Commission staff review of the BIA Kelsey Inc. Media Access Radio Analyzer Database as of June 5, 2013, about 90 percent of the 11,340 of commercial radio stations in the United States have revenues of $38.5 million or less. Therefore, the majority of such entities are small entities. The Commission has estimated the number of licensed noncommercial radio stations to be 3,917. The Commission do not have revenue data or revenue estimates for these stations. These stations rely primarily on grants and contributions for their operations, so the Commission will assume that all of these entities qualify as small businesses. The Commission note that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. In addition, to be determined to be a ''small business,'' the entity may not be dominant in its field of operation. The Commission notes that it is difficult at times to assess these criteria in the context of media entities, and the Commission's estimate of small businesses may therefore be over-inclusive.

24. *Low-Power FM Stations.* The same SBA definition that applies to radio broadcast licensees would apply to low power FM (''LPFM'') stations. The SBA defines a radio broadcast station as a small business if such station has no more than $38.5 million in annual receipts. Currently, there are approximately 864 licensed LPFM stations. Given the nature of these services, the Commission will presume that all of these licensees qualify as small entities under the SBA definition.

25. *Television Broadcasting.* The SBA defines a television broadcasting station that has no more than $38.5 million in annual receipts as a small business. Business concerns included in this industry are those primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in the station's own studio, from an affiliated network, or from an external source.

26. According to Commission staff review of the BIA Financial Network, Inc. Media Access Pro Television Database as of March 31, 2013, about 90 percent of an estimated 1,385 commercial television stations in the United States have revenues of $38.5 million or less. Based on this data and the associated size standard, the Commission concludes that the majority of such establishments are small. The Commission has estimated the number of licensed noncommercial educational (''NCE'') stations to be 396. The Commission does not have revenue estimates for NCE stations. These stations rely primarily on grants and contributions for their operations, so the Commission will assume that all of these entities qualify as small businesses. In addition, there are approximately 567 licensed Class A stations, 2,227 licensed low-power television (''LPTV'') stations, and 4,518 licensed TV translators. Given the nature of these services, the Commission will presume that all LPTV licensees qualify as small entities under the above SBA small business size standard.

27. The Commission notes that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. The Commission estimate, therefore, likely overstates the number of small entities affected by the proposed rules, because the revenue figures on which this estimate is based do not include or aggregate revenues from affiliated companies.

28. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. The Commission is unable at this time and in this context to define or quantify the criteria that would establish whether a specific television station is dominant in its market of operation. Accordingly, the foregoing estimate of small businesses to which the rules may apply does not exclude any television stations from the definition of a small business on this basis and is therefore over-inclusive to that extent. An additional element of the definition of ''small business'' is that the entity must be independently owned and operated. It is difficult at times to assess these criteria in the context of media entities, and the Commission's estimates of small businesses to which they apply may be over-inclusive to this extent.

29. *Cable and Other Subscription Programming.* This industry comprises establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (*e.g.,* limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA size standard for this industry establishes as small any company in this category which receives annual receipts of $38.5 million or less. Based on U.S. Census data for 2007, in that year 659 establishments operated for the entire year. Of that 659, 197 operated with annual receipts of $10 million a year or more. The remaining 462 establishments operated with annual receipts of less than $10 million. Based on this data, the Commission estimates that the majority of establishments operating in this industry are small.

30. *Cable System Operators (Rate Regulation Standard).* The Commission has also developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data shows that there were 1,141 cable companies at the end of June 2012. Of this total, all but 10 incumbent cable companies are small under this size standard. In addition, under the

Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,945 cable systems nationwide. Of this total, 4,380 cable systems have less than 20,000 subscribers, and 565 systems have 20,000 subscribers or more, based on the same records. Thus, under this standard, the Commission estimates that most cable systems are small.

31. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 56.4 million incumbent cable video subscribers in the United States today. The Commission has determined that an operator serving fewer than 677,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Industry data indicate that, of 1,076 cable operators nationwide, all but ten are small under this size standard. The Commission notes that the FCC neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, the Commission is unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

32. *Satellite Telecommunications.* The Commission has not developed a small business size standard specifically for providers of satellite service. The SBA definition of small Satellite Telecommunications entities comprises those that have $32.5 million or less in average annual receipts. For this category, Census Bureau data for 2007 show that there were a total of 512 satellite communications firms that operated for the entire year. Of this total, 464 firms had annual receipts of under $10 million, and 18 firms had receipts of $10 million to $24,999,999. Consequently, the Commission estimates that the majority of Satellite Telecommunications firms are small entities that might be affected by the Commission's action.

33. *Other Telecommunications.* This category includes ''establishments primarily engaged in . . . providing satellite terminal stations and associated facilities operationally connected with one or more terrestrial communications systems and capable of transmitting telecommunications to or receiving telecommunications from satellite systems.'' The SBA definition of Other Telecommunications entities comprises those that have $32.5 million or less in average annual receipts. For this category, Census Bureau data for 2007 show that there were a total of 2,383 firms that operated for the entire year. Of this total, 2,346 firms had annual receipts of under $25 million and 37 firms had annual receipts of $25 million to $49,999,999. Consequently, the Commission estimates that the majority of *Other Telecommunications* firms are small entities that might be affected by our action.

34. *The Educational Broadcasting Services.* In addition, the SBA's placement of Cable Television Distribution Services in the category of Wired Telecommunications Carriers is applicable to cable-based Educational Broadcasting Services. Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers, which was developed for small wireline businesses. This category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.'' The SBA has developed a small business size standard for this category, which is: All such businesses having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, the Commission estimates that the majority of businesses can be considered small entities. In addition to Census data, the Commission's internal records indicate that as of September 2014, there are 2,207 active EBS licenses. The Commission estimates that of these 2,207 licenses, the majority are held by non-profit educational institutions and school districts, which are by statute defined as small businesses.

35. *Broadband Radio Service.* Broadband Radio Service (''BRS'') systems, also referred to as Multipoint Distribution Service (''MDS'') and Multichannel Multipoint Distribution Service (''MMDS'') systems, and ''wireless cable,'' transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the BRS and Educational Broadband Service (''EBS''). In connection with the 1996 BRS auction, the Commission established a ''small business'' as an entity that had annual average gross revenues of no more than $40 million in the previous three years. The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (''BTAs''). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, the Commission estimates that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities. After adding the number of small business auction licensees to the number of incumbent licensees not already counted, the Commission finds that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules. In 2009, the Commission conducted Auction 86, which resulted in the licensing of 78 authorizations in the BRS areas. The Commission offered three levels of bidding credits: (i) A bidder with attributed average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years (small business) will receive a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) will receive a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed $3

million for the preceding three years (entrepreneur) will receive a 35 percent discount on its winning bid. Auction 86 concluded in 2009 with the sale of 61 licenses. Of the ten winning bidders, two bidders that claimed small business status won four licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

36. *Direct Broadcast Satellite (''DBS'') Service.* DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic ''dish'' antenna at the subscriber's location. DBS, by exception, is now included in the SBA's broad economic census category, Wired Telecommunications Carriers, which was developed for small wireline businesses. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small. However, the data the Commission has available as a basis for estimating the number of such small entities were gathered under a superseded SBA small business size standard formerly titled ''Cable and Other Program Distribution.'' The definition of Cable and Other Program Distribution provided that a small entity is one with $12.5 million or less in annual receipts. Currently, only two entities provide DBS service, which requires a great investment of capital for operation: DIRECTV and DISH Network. Each currently offers subscription services. DIRECTV and DISH Network each report annual revenues that are in excess of the threshold for a small business. Because DBS service requires significant capital, the Commission believes it is unlikely that a small entity as defined by the SBA would have the financial wherewithal to become a DBS service provider.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

37. None.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

38. The RFA requires an agency to describe any significant, specifically small business alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for small entities.''

39. The rule changes contemplated by the *NPRM* would implement certain EAS warning codes and location code definitional changes that are unique, and implemented by small entity and larger-sized regulated entities on a voluntary basis. Thus, the *NPRM* does not propose mandated burdens on regulated entities of any size. Moreover, the costs associated with voluntarily implementing the codes contained in the proposed rule changes are expected to be *de minimis* or non-existent. Commenters are invited to propose steps that the Commission may take to further minimize any significant economic impact on small entities. When considering proposals made by other parties, commenters are invited to propose significant alternatives that serve the goals of these proposals.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

40. None.

B. Paperwork Reduction Act Analysis

41. This document contains no proposed new or modified information collection requirements. Accordingly, the Commission does not need to seek comment from the general public and OMB on any information collection requirements contained in this document, as required by PRA, nor does the Commission seek specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002.

C. Ex Parte Presentations

42. The proceeding this document initiates shall be treated as ''permit-but-disclose'' proceedings in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) List all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

D. Comment Filing Procedures

43. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*.
- Paper Filers: Parties that choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

44. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

E. Regulatory Flexibility Analysis

45. As required by the Regulatory Flexibility Act of 1980, see 5 U.S.C. 604, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules addressed in this document. Written public comments are requested in the IRFA. These comments must be filed in accordance with the same filing deadlines as comments filed in response to this document, as set forth on the first page of this document, and have a separate and distinct heading designating them as responses to the IRFA.

IV. Ordering Clauses

46. Accordingly, *it is ordered* that pursuant to sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), 706, and 715 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 303(r), 303(v), 307, 309, 335, 403, 544(g), 606, and 615, this Notice of Proposed Rulemaking *is adopted*.

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

48. *It is further ordered* that pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on this Notice of Proposed Rulemaking on or before September 9, 2015, and interested parties may file reply comments on or before September 24, 2015.

List of Subjects in 47 CFR Part 11

Radio, Television, Emergency alerting.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 11 to read as follows:

PART 11—EMERGENCY ALERT SYSTEM (EAS)

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 47 U.S.C. 151, 154 (i) and (o), 303(r), 544(g) and 606.

■ 2. Amend § 11.31 by:

■ a. In the table in paragraph (e), adding entries in alphabetical order under ''State and Local Codes (Optional)'' for ''Extreme Wind Warning'', ''Storm Surge Watch'', and ''Storm Surge Warning''; and

■ b. In the table in paragraph (f), revising the entries for ANSI Nos. 75 and 77 and the footnote to the table.

The additions and revisions read as follows:

§ 11.31 EAS protocol.

* * * * *

(e) * * *

Nature of activation	Event codes
National Codes (Required):	
* * * * * * *	
State and Local Codes (Optional):	
* * * * * * *	
Extreme Wind Warning	EWW.
* * * * * * *	
Storm Surge Watch	SSA.
Storm Surge Warning	SSW.
* * * * * * *	

* * * * * (f) * * *

ANSI No.
* * * * * * *
State:
* * * * * * *
Offshore (Marine Areas) [1]:

	ANSI No.
* * * * * * *	
Western North Atlantic Ocean, and along U.S. East Coast, south of Currituck Beach Light, NC, following the coastline to Ocean Reef, FL, including the Caribbean.	75
Gulf of Mexico, and along the U.S. Gulf Coast from the Mexican border to Ocean Reef, FL	77
* * * * * * *	

[1] The numbers assigned to the offshore marine areas listed in this table are not described under the ANSI standard, but rather are numeric codes that were assigned by NWS.

[FR Doc. 2015–18089 Filed 8–7–15; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 80, No. 153
Monday, August 10, 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

Office of the Secretary

Notice of Solicitation of Members to the National Genetic Research Advisory Council

AGENCY: Research, Education, and Economics, USDA.

ACTION: Solicitation of members.

SUMMARY: In accordance with the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.A. 5843), the United States Department of Agriculture announces the solicitation for nominations to fill five vacancies on the National Genetic Resources Advisory Council (NGRAC), a subcommittee of the National Agricultural Research, Extension, Education, and Economics (NAREEE) Advisory Board.

DATES: The deadline for nominations is August 28, 2015.

ADDRESSES: The nominee's name, resume, completed Form AD–755, and any letters of nomination or support must be submitted via one of the following methods:

(1) Email to *nareee@ars.usda.gov;* or

(2) By mail delivery service to REE Advisory Board Office, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 332A, Jamie L. Whitten Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Michele Esch, Executive Director, REE Advisory Board Office, U.S. Department of Agriculture, 1400 Independence Avenue SW., Jamie L. Whitten Building, Room 332A, Washington, DC 20250–0321; telephone: 202–720–3684; fax: 202–720–6199; or email: *Michele.esch@ars.usda.gov.* Information specific to the NGRAC can be found at *http://www.ars-grin.gov/ngrac/.* General information regarding the NAREEE Advisory Board can be found at *http://nareeeab.ree.usda.gov/.*

SUPPLEMENTARY INFORMATION:

Background: The NGRAC was established in March 1992 under Section 1634 of the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101–624). The NGRAC was re-established in 2012 as a permanent subcommittee of the NAREEE Advisory Board to formulate recommendations on actions and policies for the collection, maintenance, and utilization of genetic resources; to make recommendations for coordination of genetic resources plans of several domestic and international organizations; and to advise the Secretary of Agriculture and the National Genetic Resources Program (NGRP) Director of new and innovative approaches to genetic resources conservation.

Request for Nominations: The terms of 5 members of the NGRAC will expire on September 30, 2015. NGRAC is required to have two-thirds of the appointed members from scientific disciplines relevant to the NGRP including agricultural sciences, environmental sciences, natural resource sciences, health sciences, and nutritional sciences; and one-third of the appointed members from the general public including leaders in fields of public policy, trade, international development, law, or management. The 5 positions being filled are to be composed of 3 scientific members and 2 general public members. Nominations are for a 2-year appointment, effective October 1, 2015. All nominees will be carefully reviewed for their expertise, leadership, and relevance.

How to Submit Nominations: Any interested person or organization may nominate qualified individuals for appointment to the NGRAC. Individuals may also self-nominate. Nominations can be submitted electronically or by mail (see **ADDRESSES** section above). Each nominee must submit a nomination letter addressed to the Secretary of Agriculture, form AD–755 ''*Advisory Committee Background Information,*'' and their resume or Curriculum Vitae. Nomination letters should indicate whether the applicant is applying as a scientific member or a general public member. The application form and more information about advisory committees can be found at *www.usda.gov/advisory_committees.xml.* 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 recommendations of the Advisory Board take into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent all racial and ethnic groups, geographical areas, women and men, and persons with disabilities. Federally registered lobbyists may not serve on an advisory board or committee in an individual capacity. Members cannot serve on more than one USDA Federal Advisory Committee simultaneously.

Appointments to the National Genetic Research Advisory Council will be made by the Secretary of Agriculture.

Done at Washington, DC, this 4th day of August 2015.

Ann Bartuska,

Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 2015–19573 Filed 8–7–15; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board [Order No. 1980]

Expanded Production Authority Not Approved; Foreign-Trade Zone 169; ASO, LLC; Subzone 169A; (Textile Fabric Adhesive Bandage Coating and Production); Sarasota, Florida

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, ASO, LLC (ASO), operator of Subzone 169A, has requested certain expanded production authority for the coating and production of textile fabric adhesive bandages, within Subzone 169A, at the ASO facility in Sarasota, Florida, (B–24–2013, docketed 03–19–2013).

Whereas, notice inviting public comment has been given in the **Federal Register** (78 FR 18314, 03–26–2013 (initial application); 79 FR 17133, 03–27–2014 (new evidence); 79 FR 32910, 06–09–2014 (new evidence)) and the application has been processed

pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations have not been satisfied (*i.e.,* the applicant has not met the burden of proof to demonstrate that its proposal would result in a net positive economic effect and significant public benefit);

Now, therefore, the Board hereby does not approve the application requesting expanded production authority under zone procedures within Subzone 169A at the facility of ASO, LLC, located in Sarasota, Florida, as described in the application and **Federal Register** notice.

Signed at Washington, DC, this 31st day of July 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2015–19603 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–47–2015]

Foreign-Trade Zone (FTZ) 46—Cincinnati, Ohio; Notification of Proposed Production Activity, Festo Corporation (Pneumatic/Electric Cylinders and Drives, Valve Manifolds, Electronic Control Systems), Mason, Ohio

Festo Corporation (Festo), an operator of FTZ 46, submitted a notification of proposed production activity to the FTZ Board for its facility located in Mason, Ohio. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 22, 2015.

The Festo facility is located within Site 9 of FTZ 46. The facility is used for the production of pneumatic and electronic cylinders and drives, valve manifolds, and electronic control systems used for industrial automation applications. Pursuant to 15 CFR 400.14(b), FTZ authority would be limited to the specific foreign-status components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Festo from customs duty payments on the foreign status components used in export production. On its domestic sales, Festo would be able to choose the duty rate during customs entry procedures that applies to pneumatic and electric cylinders and drives, valve manifolds, and electronic control systems (duty rates ranges from free to 2.7%) for the foreign status components noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: Light oils/hydrocarbon mixtures; greases; aluminum oxides; petroleum lubricants; adhesives; pastes; epoxies; Loctite; Scotch Weld; Thermaglue; Araldite; simson; heat transfer pastes; polymer adhesives; polyacetals; acrylic and plastic rods/sticks/profiles shapes; plastic pipes/hoses (and with fittings)/tubes/sleeves/couplings/ plugs/adapters/unions/connectors/connection sets; plastic adhesive tape/foil/strip/labels/stickers/films/sheets/covers/boxes/packaging/bins/lids/cases/containers/bags/sacks/caps/covers/ handles/knobs/o-rings/washers/belts/fasteners; polyvinyl chloride plates/sheets/film/foil/strip; rubber rods/tubes/profiles/strips/sheets/plates/pipes/hoses/hose sets/conveyor belts/gaskets/seals/o-rings/stops/rings/discs/plugs; cases; plywood; paperboard cartons/boxes/cases/containers; paper tape/labels/stickers/manuals/printed materials/posters; felt (HTSUS Subheading 5602.21); transmission/conveyor belts; glass containers; stainless steel strips/coils/bars/rods; steel tubes/pipes/profiles/bars/rods/pipe fittings/sleeves/elbows/unions/bends/rings/grommets/gaskets/connectors/couplings/adapters/bushings/nipples/elbows/plugs/ferrules/flanges/bellows/inserts/glands/containers/grills/netting/fencing/stops/caps/dowels/pins/leaf springs/plug seals/ring seals/straps/extensions; steel fasteners (screws, cotters and pins, washers, spacers, rivets, bolts, studs, nuts, inserts); copper nipples/couplings/unions/sleeves/banjos/plugs/adapters/pillars/wires/bushings; copper fasteners (rivets, cotters, cotter pins, nuts, bolts, screws, plug screws); aluminum-aluminum alloy profiles/strips/sheets/plates/tubes/unions/adapters/flanges/banjos/containers for liquefied or compressed gases/couplings/bushings/couplings/spacers/washers/rings/sleeves/supports/gaskets/brackets/mountings/connectors/fittings/branch modules/ring pieces/sub-bases); aluminum fasteners (screws, rivets, pins, nuts; nickel fittings); castors; latches; adjustor knobs; rails; handles; base metal hoses/pipes/tubes/bellows/unions; identification plates; hydraulic engines and motors; pneumatic engines/motors/cylinders/actuators; diaphragm pumps; air compressors; air dryers; membrane dryer service kit; air/water/gas filters and cartridges; filter gaskets; humidifiers; inlet units; vacuum units; solenoid blocks; clean air restrictors; purifying equipment; air manifold assemblies; filling/closing/sealing/labeling/capsuling machines; lubricators; airgun nozzle/oiler bowls; data storage units; printed circuits; handling modules; grippers; valves (pressure-reducing, hydraulic/pneumatic, check, ball, solenoid, regular, ballcocks, angle, inline, gate, hand) and related parts; ball/needle/housed/plain shaft bearings and related cups, bushings, discs, spacers, housings; camshafts; crankshafts; transmission shafts; gears; gear racks; gear boxes; ball screws; pulleys; free wheel units; axles kits; clamping sleeves; coupling housings; drive shafts; motor flanges; pinions; metal gaskets; synchronous electric motors; AC/DC motors and related parts; electrical transformers; power supplies; permanent magnets; electromagnetic couplings/lifting heads/work holders and related parts; clutches; brakes; lithium batteries; voltage regulators; cassettes; software on compacts disks; memory/smart cards; electrical items (resistors, capacitors, motor starters, controllers, circuit breakers, terminals, starters, overload protectors, splices, connectors, switches, fuses, relays, switches, plug sockets, terminal strips/sockets, cat5 couplers, boxes, bridges, grounding sets, manifolds, modules, multipoles); motor controllers; motor controls; interfaces; bus nodes; control blocks; operating units; sensor boxes; PLC boards; printed circuit board assemblies; flat electrical modules and related covers, housings, frames; electric modules (analogue, branch, flat, input, output, extension); mercury vapor lamps; diodes; light emitting diodes; electronic simulators; demonstration kits; ethernet cables; electric cables; connecting lines; insulated wires; wiring harnesses; electrical conductors; fiber optic cables; conduit tubing; insulating fittings; insulating fittings; prisms; mirrors; lenses; liquid crystal devices; lasers; optical appliances/instruments; disc calculators; slide rules; micrometers; calipers; gauges; rulers/tape measures; measuring devices and related parts; demonstration instruments; barometers; thermometers; flow meters; sensors; pressure gauges/transmitters; oscilloscopes/graphs; optical instruments; testing devices; temposonics; pneumatic industrial process control instruments; and, time delay inserts (duty rate ranges from free

to 20%). Inputs included in textile category 414 (classified within HTSUS subheading 5602.21) will be admitted to the zone under domestic (duty-paid) status (19 CFR 146.43(a)(2)) or privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is September 21, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: August 4, 2015.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–19609 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–057–2015]

Approval of Subzone Expansion; Subzone 231A; Medline Industries, Inc.; Lathrop, California

On April 22, 2015, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Port of Stockton, California, grantee of FTZ 231, requesting to expand Subzone 231A subject to the existing activation limit of FTZ 231, on behalf of Medline Industries, in Lathrop, California.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (80 FR 23771, 04/29/2015). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 231A is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 231's 2,000-acre activation limit.

Dated: August 4, 2015.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–19605 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–50–2015]

Foreign-Trade Zone 281—Miami, Florida; Application for Expansion (New Magnet Site) Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by Miami-Dade County, grantee of Foreign-Trade Zone 281, requesting authority to expand its zone under the alternative site framework (ASF) adopted by the Board (15 CFR Sec. 400.2(c)) to include a new magnet site in Miami, Florida. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on August 4, 2015.

FTZ 281 was established by the Board under the alternative site framework on August 2, 2012 (Board Order 1844, 77 FR 47816, 8/10/2012). The zone currently has a service area that includes the northern half of Miami-Dade County and consists of the following sites (three magnet and thirty-one usage-driven): *Site 1* (520 acres)—Dante B. Fascell Port of Miami, 1015 North America Way, Miami; *Site 2* (423 acres, sunset 8/2/2022)—Flagler Logistics Hub, 6875 NW. 58th Street, Miami; *Site 3* (419 acres, sunset 8/2/2017)—Flagler Station, 10505 NW. 112th Avenue, Miami; *Site 4* (6 acres, sunset 10/31/2015)—Warehouse Division of World Terminal and Distributing Corporation, 2801 NW. 74th Avenue, Miami; *Site 5* (8 acres, sunset 11/30/2015)—Duty Free Air and Ship Supply Co., 555 NE. 185th Street and 320 NE. 187th Street, Miami; *Site 6* (0.29 acres, sunset 2/29/2016)—Milenium Supply, Inc., 9920 NW. 21st Street, Miami; *Site 7* (4 acres, sunset 4/30/2016)—Tire Group International Inc., 7500 NW. 35th Terrace, Miami; *Site 8* (16.52 acres, sunset 4/30/2016)—DHL Global Forwarding, Inc., 9350 NW. 108th Avenue, Miami; *Site 9* (2.71 acres, sunset 5/31/2016)—Supreme International LLC, 4875 NW. 77th Avenue, Miami; *Site 10* (1 acre, sunset 5/31/2016)—International Cruise Duty Free Inc., 3511 NW. 113th Court, Doral; *Site 11* (1 acre, sunset 5/31/2016)—GFX Inc., 4810 NW. 74th Avenue, Miami; *Site 12* (0.44 acres, sunset 6/30/2016)—Asimex Miami Forwarding, LLC, 8000 NW. 29th Street #118 and 8006 NW. 29th Street #119, Miami; *Site 13* (18.07 acres, sunset 9/30/2016)—CEVA Freight LLC, 5601 NW. 72nd Avenue, Miami; *Site 14* (3.91 acres, sunset 9/30/2016)—TVA Automotive Inc., 2180 NW. 89th Place, Doral; *Site 15* (4 acres, sunset 9/30/2016)—Dufry America Services Inc., 10300 NW. 19th Street, Suite 114, Miami; *Site 16* (4.98 acres, sunset 9/30/2016)—Precision Trading Corp., 15800 NW. 48th Avenue, Miami Gardens; *Site 17* (4 acres, sunset 11/30/2016)—Interport Logistics LLC, 12950 NW. 25th Street, Miami; *Site 18* (2.26 acres, sunset 11/30/2016)—CE North America LLC, 6950 NW. 77th Court, Miami; *Site 19* (5.28 acres, sunset 12/31/2016)—Hellmann Worldwide Logistics Inc., 10450 Doral Boulevard, Doral; *Site 20* (2.27 acres, sunset 1/31/2017)—Miami International Freight Solutions, LLC, 14100 NW. 60th Avenue, Miami Lakes; *Site 21* (1.004 acres, sunset 4/30/2017)—TVA Automotive Inc., 3515 NW. 113 Court, Doral; *Site 22* (0.5094 acres, sunset 5/31/2017)—Expert Log LLC, 10540 NW. 29 Terrace, Doral; *Site 23* (7.34 acres, sunset 5/31/2017)—Schenker, Inc., 1800 NW. 133rd Avenue, Suite 100, Miami; *Site 24* (1.19 acres, sunset 5/31/2017)—Everwell Parts, Inc., 10914 NW. 33rd Street, Suite 100, Miami; *Site 25* (1.716 acres, sunset 10/31/2017)—Exporther Bonded Corporation (d/b/a EBC Duty Free), 2323 NW. 72nd Avenue, Miami; *Site 26* (0.15 acres, 11/30/2017)—Marine Air Service Forwarding, 1970 NW. 129th Avenue, Unit 104, Miami; *Site 27* (2.3 acres, sunset 11/30/2017)—Dependable Warehousing & Distribution, 2900 NW. 75th Street, Miami; *Site 28* (13.12 acres, sunset 3/31/2018)—Perez Trading Company, 11400 NW. 32nd Avenue, Miami; *Site 29* (3.05 acres, sunset 3/31/2018)—Perez Trading Company, 12300 NW. 32nd Avenue, Miami; *Site 30* (2.16 acres, sunset 4/30/2018)—Neutralogistics, LLC, 8578 NW. 23rd Street, Miami; *Site 32* (1.04 acres, sunset 4/30/2018)—Global Food Corp., 11450 NW. 122nd Street, Building A, Suite 400, Medley; *Site 33* (1.828 acres, sunset 5/31/2018)—Floral Logistics of Miami, Inc., 3400 NW. 74th Avenue, Miami; *Site 34* (7.68 acres, sunset 6/30/2018)—SDV USA Inc., 11250 NW. 122nd Street, Medley; and, *Site 35* (0.204 acres, sunset 6/30/2018)—Miansai, Inc., 1800 N Miami Avenue, Miami.

The applicant is now requesting authority to expand its zone to include an additional magnet site: *Proposed Site 31* (320 acres)—Beacon Lakes industrial park, 12200–12650 NW 25th Street,

Miami. The proposed new site is adjacent to the Miami Customs and Border Protection port of entry.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 9, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 26, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: August 4, 2015.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–19607 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Peter Gromacki, 88 White Bridge Road, Middletown, NY 10940; Respondent; JEN Fibers, LLC, 88 White Bridge Road, Middletown, NY 109400; Performance Engineered Nonwovens, LLC, 88 White Bridge Road, Middletown, NY 10940; Related Persons

Order Denying Export Privileges

A. Denial of Export Privileges of Peter Gromacki

On November 26, 2013, in the U.S. District Court for the Southern District of New York, Peter Gromacki (''Gromack''), was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)) (''IEEPA''). Specifically, Gromacki unlawfully, willfully and knowingly exported, and caused to be exported from the United States T700 carbon fiber, an item subject to the Export Administration Regulations, to China without obtaining the required approval from BIS. Gromacki was sentenced to three months of imprisonment, three years of supervised release, a $300 assessment, and a $5,000.00 criminal fine.

Section 766.25 of the Export Administration Regulations (''EAR'' or ''Regulations'')[1] provides, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the EAA, the EAR, of any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).'' 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. 2410(h). The denial of export privileges under this provision may be for a period of up to ten (10) years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security (''BIS'') licenses previously issued in which the person had an interest in at the time of his conviction.

BIS received notice of Gromacki's conviction for violating the IEEPA, and has provided notice and an opportunity for Gromacki to make a written submission to BIS, as provided in Section 766.25 of the Regulations. BIS received a submission from Gromacki. Based upon my review and consideration of that submission, and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Gromacki's export privileges under the Regulations for a period of ten (10) years from the date of Gromacki's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Gromacki had an interest at the time of his conviction.

B. Denial of Export Privileges of Related Persons JEN Fibers LLC and Performance Engineered Nonwovens, LLC

Pursuant to Sections 766.25(h) and 766.23 of the Regulations, the Director of BIS's Office of Exporter Services, in consultation with the Director of BIS's Office of Export Enforcement, may, in order to prevent evasion of a denial order, make a denial order applicable not only to the respondent, but also to other persons related to the respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business.

As provided in Section 766.23 of the Regulations, BIS gave notice to JEN Fibers, LLC (''JEN Fibers'') and Performance Engineered Nowovens, LLC (''Performance Engineered'') that its export privileges under the Regulations could be denied for up to ten (10) years due to its relationship with Gromacki and that BIS believed that naming JEN Fibers and Performance Engineered as persons related to Gromacki would be necessary to prevent evasion of a denial order imposed against Gromacki. In providing such notice, BIS gave JEN Fibers and Performance Engineered an opportunity to oppose their addition to the Gromacki Denial Order as related parties.

Having received and reviewed a submission from Gromacki, I have decided, following consideration of that submission and consultations with BIS's Office of Export Enforcement, including its Director, to include name JEN Fibers and Performance Engineered as Related Persons and make this Denial Order applicable to JEN Fibers and Performance Engineered, thereby denying their export privileges for ten (10) years from the date of Gromacki's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which JEN Fibers and Performance Engineered had an interest at the time of Gromacki's conviction. The 10-year denial period is scheduled to end on November 26, 2023.

Gromacki is the owner of JEN Fibers and Performance Engineered and operates both businesses from his home. Therefore, JEN Fibers and Performance Engineered are related to Gromacki within the meaning of Section 766.23. BIS also has reason to believe that JEN Fibers and Performance Engineered should be added as a related persons in order to prevent evasion of this Denial Order.

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2015). The Regulations are issued pursuant to the Export Administration Act of 1979 (50 U.S.C. app. 2401–2420 (2000)) (''the EAA'' or ''the Act''). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2014 (79 FR 46959 (August 11, 2014)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

Accordingly, it is hereby ORDERED:

First, from the date of this Order until November 26, 2023, Peter Gromacki, with a last known address of 88 White Bridge Road, Middletown, NY 10940, and when acting for or on his behalf, his successors, assigns, employees, agents, or representatives, and JEN Fibers LLC and Performance Engineered Nonwovens, LLC, with a last known address of 88 White Bridge Road, Middletown, NY 10940, and when acting for or on their behalf, their successors, assigns, directors, officers, employees, agents, or representatives (each as ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person, if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, in addition to the Related Person named above, after notice and opportunity for comment as provided in section 766.23 of the Regulations, any other individual, firm, corporation, or other association or organization or other person related to a Denied Person by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order if necessary to prevent evasion of this Order.

Fourth, in accordance with Part 756 and Section 766.25(g) of the Regulations, Gromacki may file an appeal of the issuance of this Order against him with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, in accordance with Part 756 and Section 766.23(c) of the Regulations, JEN Fibers and Performance Engineered may file an appeal of their naming as related persons in this Order with the Under Secretary of Commerce for Industry and Security. This appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Sixth, a copy of this Order shall be provided to Gromacki, JEN Fibers and Performance Engineered and shall be published in the **Federal Register**.

Seventh, this Order is effective immediately and shall remain in effect until November 26, 2023.

Issued this 23 day of July, 2015.

Karen H. Nies-Vogel,

Director, Office of Exporter Services.

[FR Doc. 2015–19570 Filed 8–7–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

W.M. Keck Observatory, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC.

Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, that was being manufactured in the United States at the time of its order.

Docket Number: 14–030. Applicant: W.M. Keck Observatory, Kamuela, HI 96743. Instrument: Next Generation Adaptive Optics (NGAO) Laser System. Manufacturer: Toptica Photonics AG, Germany. Intended Use: See notice at 80 FR 31890, June 4, 2015. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to provide a high quality ''artificial star'' in the atmosphere to remove the image blurring caused by the atmosphere, as part of a Laser Guide Star Adaptive Optics System. The system uses a technique called Adaptive Optics that measures the turbulence in Earth's atmosphere that causes blurring or ''twinkling'' by ''flexing'' or ''bending'' a deformable mirror at speeds of hundreds of times per second. The instrument is used to excite sodium atoms residing in the mesosphere above the Earth's surface creating an ''artificial star'' for measuring the atmosphere's turbulence. The instrument uses a laser of a precise wavelength of 589nm projected onto the sodium layer at 90km in the atmosphere, for which the stability, format and bandwidth are critical. The wavelength, amount of power, and spectral content required to resonant atoms 90km in the atmosphere are not commonly used in the laser industry.

Docket Number: 15–003. Applicant: University of California Santa Barbara, Santa Barbara, CA 93106–6105.

Instrument: Cryo Positioning Stage High Resonance. Manufacturer: Janssen Precision Engineering, the Netherlands. Intended Use: See notice at 80 FR 31890, June 4, 2015. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to construct a variable temperature (4–300 Kelvin) scanning probe microscope with sub-nanometer stability, optical access and microwave integration to measure nitrogen vacancy probes. There is no domestic instrument that combines six degrees of freedom of linear motion in a tool that operates at cryogenic temperatures (<4 Kelvin) and has a resonant frequency larger than 1 kHz.

Docket Number: 15–013. Applicant: Washington State University, Pullman, WA 99164–1020. Instrument: CTK Reactor, High Pressure Reactor, Diff pump mass spectrometer. Manufacturer: OmniVac, Germany. Intended Use: See notice at 80 FR 31890–91, June 4, 2015. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to take measurements during an ongoing catalytic reaction, *i.e.* under 'operando' reaction conditions so as to clarify mechanistic details during studies up to 100 bar so as to ensure optimal conditions for the production of fuels and other chemical feedstock such as detergents or lubricants. Such dynamic reaction studies will help elucidate the mechanisms of catalytic reactions such as the formation of transportation fuels from 'synthesis gas' (Fischer Tropsch synthesis). While CTK informs about the early run-in period in a time-resolved manner, the high pressure reactor allows the study of steady-state reaction behavior at a bench scale for many hours. The Quantachrome system allows measurements of the specific surfaces areas of materials, which is required for the optimization of catalysts. The CTK reactor comprises a gas cleaning and dosing system, along with gas inlets using mass flow controllers. The central part of the reactor is made of quartz, and temperatures can be varied at choice. The high pressure reactor comprises gas cleaning and inlet pressure up to 100 bar, surrounded by a temperature programmed oven which allows temperatures of up to 500 Celsius. The differential mass spectrometer serves to continuously control gas phase compositions and is equipped with a high-speed turbo molecular pump and rotary forevacuum pump. Sampling occurs with calibrated capillary at pressures controlled by ion gauges. The Quantachrome system allows specific surface areas to be determined using non-selective probe molecule adsorption at cryogenic temperatures.

Dated: August 4, 2015.

Supriya Kumar,

Acting Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2015–19598 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Certain Pasta From Italy: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Preliminary Intent To Rescind in Part; 2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on certain pasta (pasta) from Italy. The period of review (POR) is January 1, 2013, through December 31, 2013. We preliminarily find that DeMatteis Agroalimentare S.p.A. (DeMatteis) (also known as, DeMatteis Agroalimentare SpA) and La Molisana S.p.A. received countervailable subsidies during the POR. We are rescinding the review with respect to Industria Alimentare Filiberto Bianconi 1947 S.p.A. (Bianconi) and Delverde Industrie Alimentari S.p.A. (Delverde), as both companies timely withdrew their requests for review. For reasons discussed below, the Department preliminarily intends to rescind the review, in part, with respect to La Molisana Industrie Alimentari S.p.A. (LMIA). Interested parties are invited to comment on these preliminary results.

DATES: *Effective date:* August 10, 2015.

FOR FURTHER INFORMATION CONTACT: Jennifer Meek or Joseph Shuler, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2778 and (202) 482–1293, respectively.

Scope of the Order

The scope of the order consists of certain pasta from Italy. The merchandise subject to the order is currently classifiable under items 1901.90.90.95 and 1902.19.20 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 merchandise subject to the order is dispositive. A full description of the scope of the order is contained in the ''Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Certain Pasta from Italy,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated July 31, 2015 (Preliminary Decision Memorandum), and hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://trade.gov/enforcement/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum is provided in the Appendix to this notice.

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each program found countervailable, we preliminarily determine that there is a countervailable subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[1]

In making the preliminary findings, we relied, in part, on an adverse inference in selecting from among the facts available in accordance with

[1] *See* sections 771(5)(B)and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

sections 776(a) and (b) of the Act because we find that the Government of Italy did not act to the best of its ability to respond to the Department's requests for information.[2] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Partial Rescission

As discussed in the Preliminary Decision Memorandum, the companies Bianconi, and Delverde timely withdrew their requests for administrative review of themselves. No other parties requested reviews of these companies. The Department, pursuant to 19 CFR 351.213(d)(1), is therefore rescinding this administrative review with respect to Bianconi and Delverde.

Preliminary Intent To Rescind

We initiated a review for LMIA. However, as explained in the Preliminary Decision Memorandum, the record demonstrates that LMIA ceased operations prior to the POR. Moreover, La Molisana reported that all entries under either company name (La Molisana or LMIA) were of subject merchandise produced and exported by La Molisana. Accordingly, because we find that LMIA was not operational during the POR, and made no entries of subject merchandise during the POR, we preliminarily intend to rescind the review with respect to LMIA.

Preliminary Results of the Review

In accordance with section 751(a)(1)(A) of the Act and 19 CFR 351.221(b)(4)(i), we calculated individual subsidy rates for De Matteis and La Molisana for the period January 1, 2013, through December 31, 2013. We preliminarily find that the net subsidy rates for DeMatteis and La Molisana are as follows:

Company	Subsidy rate (percent)
DeMatteis Agroalimentare S.p.A.	2.12
La Molisana, SpA	0.32

Disclosure and Public Comment

The Department intends to disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice.[3] Interested parties may submit case briefs no later than 30 days after the day on which these preliminary results are published in the **Federal Register.**[4] Rebuttal briefs, which must be limited to issues raised in case briefs, may be submitted by no later than five days after the deadline for case briefs.[5] Parties who submit case briefs or rebuttal briefs in this proceeding should submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6] The summary of the argument should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.[7] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the briefs.[8] If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, on a date and at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS.[9] An electronically filed documents must be received successfully in their entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time (ET) on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[10]

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department intends to issue the final results of this administrative review, including our analysis of and responses to issues raised by the parties in their comments, within 120 days after publishing these preliminary results.

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we assigned a subsidy rate for the producer/exporter subject to this administrative review. Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

For the rescinded companies, countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2013, through December 31, 2013, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Cash Deposit Requirements

Also in accordance with section 751(a)(2)(C) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above for De Matteis and La Molisana, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: July 31, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

A. Summary
B. Background
C. Scope of the Order
D. Partial Rescission of the Administrative Review
E. Use of Facts Otherwise Available and Adverse Inferences
F. Loan Benchmarks and Discount Rates
G. Subsidy Valuation Information
H. Analysis of Programs

[2] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(c)(1)(ii).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.309(c)(2) and (d)(2).

[7] *See* 19 CFR 351.310(c).

[8] *Id.*

[9] *See generally* 19 CFR 351.303.

[10] *See Antidumping and Countervailing Duty proceedings: Electronic Filing Procedures; Administrative Protective Order Procedure,* 76 FR 39263 (July 6, 2011).

I. Recommendation

[FR Doc. 2015–19613 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–016, C–570–017]

Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing antidumping duty (AD) and countervailing duty (CVD) orders on certain passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (the PRC). Also, as explained in this notice, the Department is amending its final affirmative CVD determination to correct the rate assigned to Shandong Yongsheng Rubber Group Co., Ltd. (Yongsheng). In addition, the Department is amending the final affirmative AD determination to correct the rate assigned to the GITI companies [1] and to the separate rate companies.

DATES: *Effective date:* August 10, 2015.

FOR FURTHER INFORMATION CONTACT: Emily Halle at (202) 482–0176 (CVD); or Toni Page at (202) 482–1398 (AD), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 2015, with respect to passenger tires from the PRC,[2] the Department published its final affirmative determination of sales at less than fair value (LTFV) and its final affirmative determination that countervailable subsidies are being provided to producers and exporters of passenger tires from the PRC.[3] On August 3, 2015, pursuant to sections 735(d) and 705(d) of the Tariff Act of 1930, as amended (the Act), the ITC notified the Department of its affirmative final determination that an industry in the United States is materially injured within the meaning of sections 735(b)(1)(A)(i) and 705(b)(1)(A)(i) of the Act by reason of LTFV imports and subsidized imports of subject merchandise from the PRC, and its determination that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department's affirmative critical circumstances finding.[4]

Scope of the Orders

The scope of these orders is passenger vehicle and light truck tires. Passenger vehicle and light truck tires are new pneumatic tires, of rubber, with a passenger vehicle or light truck size designation. Tires covered by these orders may be tube-type, tubeless, radial, or non-radial, and they may be intended for sale to original equipment manufacturers or the replacement market.

Subject tires have, at the time of importation, the symbol ''DOT'' on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have the following prefixes or suffix in their tire size designation, which also appears on the sidewall of the tire:

Prefix designations:

P—Identifies a tire intended primarily for service on passenger cars.

LT—Identifies a tire intended primarily for service on light trucks.

Suffix letter designations:

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service.

All tires with a ''P'' or ''LT'' prefix, and all tires with an ''LT'' suffix in their sidewall markings are covered by this investigation regardless of their intended use.

In addition, all tires that lack a ''P'' or ''LT'' prefix or suffix in their sidewall markings, as well as all tires that include any other prefix or suffix in their sidewall markings, are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the passenger car section or light truck section of the Tire and Rim Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set out below.

Passenger vehicle and light truck tires, whether or not attached to wheels or rims, are included in the scope. However, if a subject tire is imported attached to a wheel or rim, only the tire is covered by the scope.

Specifically excluded from the scope are the following types of tires:

(1) Racing car tires; such tires do not bear the symbol ''DOT'' on the sidewall and may be marked with ''ZR'' in size designation;

(2) new pneumatic tires, of rubber, of a size that is not listed in the passenger car section or light truck section of the Tire and Rim Association Year Book;

(3) pneumatic tires, of rubber, that are not new, including recycled and retreaded tires;

(4) non-pneumatic tires, such as solid rubber tires;

(5) tires designed and marketed exclusively as temporary use spare tires for passenger vehicles which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in Table PCT–1B (''T'' Type Spare Tires for Temporary Use on Passenger Vehicles) of the Tire and Rim Association Year Book,

(b) the designation ''T'' is molded into the tire's sidewall as part of the size designation, and,

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed is 81 MPH or a ''M'' rating;

(6) tires designed and marketed exclusively for specialty tire (ST) use which, in addition, exhibit each of the following conditions:

(a) The size designation molded on the tire's sidewall is listed in the ST sections of the Tire and Rim Association Year Book,

(b) the designation ''ST'' is molded into the tire's sidewall as part of the size designation,

(c) the tire incorporates a warning, prominently molded on the sidewall, that the tire is ''For Trailer Service Only'' or ''For Trailer Use Only'',

[1] Giti Tire Global Trading Pte. Ltd., GITI Radial Tire (Anhui) Company Ltd., GITI Tire (Fujian) Company Ltd., GITI Tire (Hualin) Company Ltd., and GITI Tire (USA) Ltd.

[2] *See Antidumping Duty Investigation of Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, In Part,* 80 FR 34893 (June 18, 2015) (*AD Final Determination*).

[3] *See Countervailing Duty Investigation of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Affirmative Determination, and Final Affirmative Critical Circumstances Determination, in Part,* 80 FR 34888 (June 18, 2015) (*CVD Final Determination*).

[4] *See* ITC Notification Letter to the Deputy Assistant Secretary for Enforcement and Compliance referencing ITC Investigation Nos. 701–TA–522 and 731–TA–1258 (August 3, 2015) (ITC Notification).

(d) the load index molded on the tire's sidewall meets or exceeds those load indexes listed in the Tire and Rim Association Year Book for the relevant ST tire size, and

(e) either

(i) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed does not exceed 81 MPH or an ''M'' rating; or

(ii) the tire's speed rating molded on the sidewall is 87 MPH or an ''N'' rating, and in either case the tire's maximum pressure and maximum load limit are molded on the sidewall and either

(1) both exceed the maximum pressure and maximum load limit for any tire of the same size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book; or

(2) if the maximum cold inflation pressure molded on the tire is less than any cold inflation pressure listed for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book, the maximum load limit molded on the tire is higher than the maximum load limit listed at that cold inflation pressure for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book;

(7) tires designed and marketed exclusively for off-road use and which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in the off-the-road, agricultural, industrial or ATV section of the Tire and Rim Association Year Book,

(b) in addition to any size designation markings, the tire incorporates a warning, prominently molded on the sidewall, that the tire is ''Not For Highway Service'' or ''Not for Highway Use'',

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 55 MPH or a ''G'' rating, and

(d) the tire features a recognizable off-road tread design.

The products covered by the orders are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.10.10.10, 4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.45.10, 4011.99.45.50, 4011.99.85.10, 4011.99.85.50, 8708.70.45.45, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60. While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Amendment to the AD Final Determination

On June 11, 2015, the Department issued its affirmative final determination in the AD investigation.[5] On June 22, 2015, Petitioner[6] submitted timely ministerial error allegations. On June 29, 2015, the GITI companies and the Sailun Group Co., Ltd. (Sailun Group), respondents in the AD investigation, submitted timely rebuttal comments to the Petitioner's allegations.[7] No other interested party submitted ministerial error allegations or rebutted Petitioner's submission.

After analyzing the comments and rebuttals received, we determine, in accordance with section 735(e) of the Act and 19 CFR 351.224(e), that we made ministerial errors in our calculations for the *AD Final Determination* with respect to the GITI companies.[8] This amended final AD determination corrects these errors and revises the weighted-average margin rate for the GITI companies. Because the margin rate for the separate rate companies is based on the rates for the GITI companies and the Sailun Group, and the rate for the GITI companies changed due to the aforementioned ministerial errors, we have revised the calculation for the weighted-average margin rate for the separate rate companies in this amended final AD determination.[9] The amended weighted-average margin rates are listed in the table below. The amended weighted-average margin rates provided for all exporter/producer combinations listed in the table are adjusted, where appropriate, for export subsidies and estimated domestic subsidy pass-through.

Amendment to the CVD Final Determination

On June 11, 2015, the Department issued its affirmative final determination in the CVD investigation.[10] On June 17, 2015, Petitioner and GITI Tire (Fujian) Co., Ltd. (GITI Fujian), a respondent in the CVD investigation, submitted timely ministerial error allegations and requested that the Department correct the alleged ministerial errors in the subsidy rate calculations.[11] On June 22, 2015, Petitioner, GITI Fujian, and Yongsheng submitted timely rebuttal comments to these ministerial error allegations.[12] No other interested party submitted ministerial error allegations or rebuttals to Petitioner's or GITI Fujian's submissions.

After analyzing the comments and rebuttals received, we determined, in accordance with section 705(e) of the Act and 19 CFR 351.224(e), that we made ministerial errors in certain calculations for the *CVD Final Determination* with respect to Yongsheng. This amended final CVD determination corrects these errors and revises the *ad valorem* subsidy rate for Yongsheng. The amended estimated *ad valorem* subsidy rate for Yongsheng is 116.73 percent.

Antidumping Duty Order

As stated above, on August 3, 2015, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination in its

[5] *See AD Final Determination.*

[6] Collectively, United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC.

[7] *See* Letter from the GITI companies, ''Passenger Vehicle and Light Truck Tires from the People's Republic of China: Reply to Ministerial Error Comments—Giti Tire Global Trading Pte. Ltd.,'' June 29, 2015; *see also* Letter from the Sailun Group, ''Sailun's Reply to Petitioner's Ministerial Error Allegations in the Antidumping Duty Investigation on Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China,'' June 29, 2015.

[8] For a detailed discussion of all alleged ministerial errors, as well as the Department's analysis, *see* the memorandum, ''Amended Final Determination of the Antidumping Duty Investigation: Allegations of Ministerial Errors,'' dated concurrently with this Notice (AD Ministerial Error Memorandum).

[9] *See* AD Ministerial Error Memorandum.

[10] *See CVD Final Determination.*

[11] *See* Letter from Petitioner, ''Countervailing Duty Investigation on Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China (C–570–017)—Petitioner's Ministerial Error Comments,'' June 17, 2015 (Petitioner's Ministerial Error Comments); Letter from GITI Fujian, ''Passenger Vehicle and Light Truck Tires from the People's Republic of China: Ministerial Error Comments,'' June 17, 2015 (GITI Fujian Ministerial Error Comments).

[12] *See* Letter from Petitioner, ''Countervailing Duty Investigation on Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China (C–570–017)—Petitioner's Reply to GITI Tire's Ministerial Error Comments,'' June 22, 2015; Letter from GITI Fujian, ''Passenger Vehicle and Light Truck Tires from the People's Republic of China: Ministerial Error Comments—Reply,'' June 22, 2015; Letter from Yongsheng, ''Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Ministerial Error Reply of Shandong Yongsheng Rubber Group Co., Ltd.,'' June 22, 2015.

investigation, in which it found that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of passenger tires from the PRC, and that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department's affirmative critical circumstances finding.[13] Because the ITC determined that imports of passenger tires from the PRC are materially injuring a U.S. industry, unliquidated entries of such merchandise from the PRC, entered or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of passenger tires from the PRC. These antidumping duties will be assessed on unliquidated entries of passenger tires from the PRC entered, or withdrawn from warehouse, for consumption on or after January 27, 2015, the date of publication of the *AD Preliminary Determination,*[14] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination as further described below.

Continuation of Suspension of Liquidation (AD)

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation of all appropriate entries of passenger tires from the PRC as described in the ''Scope of the Orders'' section, which were entered, or withdrawn from warehouse, for consumption on or after January 27, 2015, the date of publication in the **Federal Register** of the notice of an affirmative preliminary determination that passenger tires are being, or are likely to be, sold in the United States at LTFV. Further, consistent with our practice, where the product from the PRC under investigation is also subject to a concurrent CVD investigation, the Department will instruct CBP to require a cash deposit [15] equal to the weighted-average amount by which the normal value exceeds U.S. price, adjusted where appropriate for export subsidies and estimated domestic subsidy pass-through.[16] The cash deposit rates are as follows: (1) For each exporter/producer combination listed in the table below, the cash deposit rate will be equal to the dumping margin listed for that exporter/producer combination in the table, adjusted as appropriate for export subsidies and estimated domestic subsidy pass-through; (2) for all other combinations of PRC exporters/producers of the merchandise under consideration, the cash deposit rate will be equal to the dumping margin established for the PRC-wide entity, adjusted as appropriate for export subsidies and estimated subsidy pass-through; and (3) for all non-PRC exporters of the merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These suspension of liquidation instructions will remain in effect until further notice.

Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins indicated below, adjusted, where appropriate, for export subsidies and estimated domestic subsidy pass-through, as discussed above.[17]

Provisional Measures (AD)

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination in an AD investigation may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four month period to no more than six months. At the request of the GITI companies, who account for a significant proportion of passenger tires from the PRC, we extended the four-month period to no more than six months in this case.[18] The Department published the preliminary determination in the AD investigation on January 27, 2015. Therefore, the six-month period beginning on the date of publication of the preliminary determination in the AD investigation ended on July 26, 2015. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of passenger vehicle tires from the PRC, entered, or withdrawn from warehouse, for consumption on or after July 26, 2015, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register.**

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows.[19]

[13] *See ITC Determination.*

[14] *See Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value; Preliminary Affirmative Determination of Critical Circumstances; In Part and Postponement of Final Determination*, 80 FR 4250 (January 27, 2015) (*AD Preliminary Determination*).

[15] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[16] *See* sections 772(c)(1)(C) and 777A(f) of the Act.

[17] With respect to the final affirmative countervailing duty determination in the companion investigation, because the provisional measures period has expired, the Department will only order the resumption of the suspension of liquidation, and require cash deposits for countervailing duties equal to the final subsidy rates, upon issuance of a final affirmative injury determination by the ITC. As a result, the Department will make an adjustment to AD cash deposits, where appropriate, for export subsidies and estimated domestic subsidy pass-through as of the date of publication of the ITC's final affirmative injury determination.

[18] *See Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value; Preliminary Affirmative Determination of Critical Circumstances; In Part and Postponement of Final Determination,* 80 FR 4250 at 4253 (January 27, 2015) (*AD Preliminary Determination*).

[19] As explained in the *AD Final Determination,* we will adjust cash deposit rates by the amount of export subsidies and domestic subsidy pass-throughs, where appropriate. *See AD Final Determination,* 80 FR at 34897. As a result of the adjustments for export subsidies and domestic subsidy pass-throughs, the GITI companies' cash deposit rate will be 15.31 percent; the Sailun Group's cash deposit rate will be 0.00 percent; Cooper Tire & Rubber Company's, Cooper (Kunshan) Tire Co., Ltd.'s, and Cooper Chengshan (Shandong) Tire Co., Ltd's. (collectively, Cooper) cash deposit rate will be 11.12 percent; the other separate rate entities' (besides Cooper) cash deposit rate will be 8.72 percent; and the PRC-wide entity's cash deposit rate will be 76.46 percent. *See also CVD Final Determination* and Memorandum to the File, ''Certain Passenger Vehicle and Light Truck from the People's Republic of China: Double Remedies Final Calculation Memorandum'' (June 11, 2015).

Exporter(s)	Producer(s)	Weighted-average dumping margin (percent)
Giti Tire Global Trading Pte. Ltd., Giti Tire (USA) Ltd., Giti Radial Tire (Anhui) Company Ltd., Giti Tire (Fujian) Company Ltd., Giti Tire (Hualin) Company Ltd., (Collectively, the GITI Companies).	Giti Radial Tire (Anhui) Company Ltd., Giti Tire (Fujian) Company Ltd., Giti Tire (Hualin) Company Ltd.	30.74
Sailun Group Co., Ltd. (aka Sailun Jinyu Group Co., Ltd.), Sailun Tire International Corp., Shandong Jinyu Industrial Co., Ltd., Jinyu International Holding Co., Limited, Seatex International Inc., Dynamic Tire Corp., Husky Tire Corp., Seatex PTE. Ltd., (Collectively, Sailun Group).	Sailun Group Co., Ltd. (aka Sailun Jinyu Group Co., Ltd.), Shandong Jinyu Industrial Co., Ltd.	14.35
Cooper Tire & Rubber Company	Cooper Chengshan (Shandong) Tire Co., Ltd., Cooper (Kunshan) Tire Co., Ltd.	25.84
Cooper Chengshan (Shandong) Tire Co., Ltd	Cooper Chengshan (Shandong) Tire Co., Ltd	25.84
Cooper (Kunshan) Tire Co., Ltd	Cooper (Kunshan) Tire Co., Ltd	25.84
Best Choice International Trade Co., Limited	Qingdao Sentury Tire Co., Ltd., Shandong Haohua Tire Co., Ltd., Beijing Capital Tire Co., Ltd.	25.84
Bridgestone (Wuxi) Tire Co., Ltd	Bridgestone (Wuxi) Tire Co., Ltd	25.84
Bridgestone Corporation	Bridgestone (Wuxi) Tire Co., Ltd	25.84
Cheng Shin Tire & Rubber (China) Co., Ltd	Cheng Shin Tire & Rubber (China) Co., Ltd., Cheng Shin Tire & Rubber (Chongqing) Co., Ltd.	25.84
Crown International Corporation	Shandong Guofeng Rubber Plastics Co., Ltd., Shandong Haohua Tire Co., Ltd., Shandong Jinyu Industrial Co., Ltd., Doublestar-Dongfeng Tyre Co., Ltd., Shengtai Group Co., Ltd., Qingdao Doublestar Tire Industrial Co., Ltd., Shandong Yongtai Chemical Co., Ltd.	25.84
Goodyear Dalian Tire Company Limited	Goodyear Dalian Tire Company Limited	25.84
Guangzhou Pearl River Rubber Tyre Ltd	Guangzhou Pearl River Rubber Tyre Ltd	25.84
Hankook Tire China Co., Ltd	Hankook Tire China Co., Ltd	25.84
Hebei Tianrui Rubber Co., Ltd	Hebei Tianrui Rubber Co., Ltd	25.84
Highpoint Trading, Ltd	Federal Tire (Jiangxi) Ltd	25.84
Hong Kong Tiancheng Investment & Trading Co., Limited	Shandong Linglong Tyre Co., Ltd	25.84
Hong Kong Tri-Ace Tire Co., Limited.	Shandong Yongtai Chemical Co., Ltd., Doublestar-Dongfeng Tyre Co., Ltd.	25.84
Hwa Fong Rubber (Hong Kong) Ltd	Hwa Fong Rubber (Suzhou) Co., Ltd.	25.84
Jiangsu Hankook Tire Co., Ltd	Jiangsu Hankook Tire Co., Ltd	25.84
Kenda Rubber (China) Co., Ltd	Kenda Rubber (China) Co., Ltd	25.84
Kumho Tire Co., Inc	Kumho Tire (Tianjin) Co., Inc., Nanjing Kumho Tire Co., Ltd., Kumho Tire (Changchun) Co., Inc.	25.84
Mayrun Tyre (Hong Kong) Limited	South China Tire & Rubber Co., Ltd., Shandong Haohua Tire Co., Ltd.	25.84
Nankang (Zhangjiagang Free Trade Zone) Rubber Industrial Co., Ltd.	Nankang (Zhangjiagang Free Trade Zone) Rubber Industrial Co., Ltd.	25.84
Pirelli Tyre Co., Ltd	Pirelli Tyre Co., Ltd	25.84
Qingdao Crown Chemical Co., Ltd	Shandong Guofeng Rubber Plastics Co., Ltd., Shandong Haohua Tire Co., Ltd., Shandong Jinyu Industrial Co., Ltd., Doublestar-Dongfeng Tyre Co., Ltd.	25.84
Qingdao Free Trade Zone Full-World International Trading Co., Ltd.	Shandong Zhentai Group Co., Ltd., Longkou Xinglong Tyre Co., Ltd., Hebei Tianrui Rubber Co., Ltd.	25.84
Qingdao Fullrun Tyre Corp. Ltd	Fullrun Tyre Tech Corp., Ltd, Shengtai Group Co., Ltd., Shandong Zhongyi Rubber Co., Ltd., Shandong Guofeng Rubber Plastics Co, Ltd, Deruibao Tire Co., Ltd., Shandong New Continent Tire Co., Ltd, Shandong Fengyuan Tyre Manufacturing Co., Ltd, Sichuan Tyre & Rubber Co., Ltd, Qingdao Futaian Tyre Teck. Co., Ltd., Good Friend Tyre Co., Ltd., Shandong Hengyu Science & Technonology Co., Ltd., Shandong Longyue Rubber Co., Ltd., Shouguang Firemax Tyre Co., Ltd, Beijing Capital Tire Co., Ltd., Shandong Wanda Boto Tyre Co., Ltd, Zhaoqing Junhong Co., Ltd, Shandong Huasheng Rubber Co., Ltd, Shandong Haohua Tire Co., Ltd., Shandong Province Sanli Tire Manufactured Co., Ltd.	25.84
Qingdao Fullrun Tyre Tech Corp., Ltd	Qingdao Fullrun Tyre Tech Corp., Ltd.	25.84
Qingdao Honghua Tyre Factory	Qingdao Honghua Tyre Factory	25.84
Qingdao Nama Industrial Co., Ltd	Shandong Guofeng Rubber Plastics Co., Ltd., Shandong Hengyu Science & Technology Co., Ltd., Shandong Longyue Rubber Co., Ltd., Shandong Haohua Tire Co., Ltd., Shouguang Firemax Tyre Co., Ltd., Shandong Zhongyi Rubber Co., Ltd., Shandong Yonking Rubber Co., Ltd., Shandong Hongsheng Rubber Technology Co., Ltd.	25.84
Qingdao Nexen Tire Corporation	Qingdao Nexen Tire Corporation	25.84

Exporter(s)	Producer(s)	Weighted-average dumping margin (percent)
Qingdao Odyking Tyre Co., Ltd	Doublestar-Dongfeng Tyre Co., Ltd., Shandong Fengyuan Tire Manufacturing Co., Ltd., Shouguang Firemax Tyre Co., Ltd.	25.84
Qingdao Qianzhen Tyre Co., Ltd	Qingdao Qianzhen Tyre Co., Ltd	25.84
Qingdao Qihang Tyre Co., Ltd	Qingdao Qihang Tyre Co., Ltd	25.84
Qingdao Qizhou Rubber Co., Ltd	Qingdao Qizhou Rubber Co., Ltd	25.84
Qingdao Sentury Tire Co., Ltd	Qingdao Sentury Tire Co., Ltd	25.84
Shandong Anchi Tyres Co., Ltd	Shandong Anchi Tyres Co., Ltd	25.84
Shandong Changfeng Tyres Co., Ltd	Shandong Changfeng Tyres Co., Ltd	25.84
Shandong Duratti Rubber Corporation Co., Ltd	Shandong Duratti Rubber Corporation Co., Ltd	25.84
Shandong Guofeng Rubber Plastics Co., Ltd	Shandong Guofeng Rubber Plastics Co., Ltd	25.84
Shandong Haohua Tire Co., Ltd	Shandong Haohua Tire Co., Ltd	25.84
Shandong Haolong Rubber Tire Co., Ltd	Shandong Haolong Rubber Tire Co., Ltd	25.84
Shandong Hawk International Rubber Industry Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	25.84
Shandong Hengyu Science & Technology Co., Ltd	Shandong Hengyu Science & Technology Co., Ltd	25.84
Shandong Huitong Tyre Co., Ltd	Shandong Huitong Tyre Co., Ltd., Laiwu Sunshine Tyre Co., Ltd.	25.84
Shandong Linglong Tyre Co., Ltd	Shandong Linglong Tyre Co., Ltd	25.84
Shandong Longyue Rubber Co., Ltd	Shandong Longyue Rubber Co., Ltd	25.84
Shandong New Continent Tire Co., Ltd	Shandong New Continent Tire Co., Ltd	25.84
Shandong Province Sanli Tire Manufactured Co., Ltd	Shandong Province Sanli Tire Manufactured Co., Ltd	25.84
Shandong Shuangwang Rubber Co., Ltd	Shandong Shuangwang Rubber Co., Ltd	25.84
Shandong Wanda Boto Tyre Co., Ltd	Shandong Wanda Boto Tyre Co., Ltd	25.84
Shandong Yongtai Chemical Co., Ltd	Shandong Yongtai Chemical Co., Ltd	25.84
Shandong Zhongyi Rubber Co., Ltd	Shandong Zhongyi Rubber Co., Ltd	25.84
Shengtai Group Co., Ltd	Shengtai Group Co., Ltd., Shandong Shengshitailai Rubber Technology Co., Ltd.	25.84
Shifeng Juxing Tire Co., Ltd	Shifeng Juxing Tire Co., Ltd	25.84
Shouguang Firemax Tyre Co., Ltd	Shouguang Firemax Tyre Co., Ltd	25.84
Southeast Mariner International Co., Ltd	Dongying Zhongyi Rubber Co., Ltd., Shandong Haohua Tire Co., Ltd.	25.84
Techking Tires Limited	Shandong Longyue Rubber Co., Ltd	25.84
Toyo Tire (Zhangjiagang) Co., Ltd	Toyo Tire (Zhangjiagang) Co., Ltd	25.84
Triangle Tyre Co., Ltd	Triangle Tyre Co., Ltd	25.84
Tyrechamp Group Co., Limited	Shandong Haohua Tire Co., Ltd., Sichuan Tyre & Rubber Co., Ltd., Shandong Anchi Tyres Co., Ltd., Beijing Capital Tire Co., Ltd., Shandong Wanda Boto Tyre Co., Ltd., Shandong Wosen Rubber Co., Ltd., Shandong Zhentai Group Co., Ltd., Shandong Yonking Rubber Co., Ltd., Qingdao Doublestar Tire Industrial Co., Ltd., South China Tire & Rubber Co., Ltd., Anhui Heding Tire Technology Co., Ltd.	25.84
Weihai Ping'an Tyre Co., Ltd	Weihai Ping'an Tyre Co., Ltd	25.84
Weihai Zhongwei Rubber Co., Ltd	Weihai Zhongwei Rubber Co., Ltd	25.84
Wendeng Sanfeng Tyre Co., Ltd	Wendeng Sanfeng Tyre Co., Ltd	25.84
Winrun Tyre Co., Ltd	Shaanxi Yanchang Petroleum Group Rubber Co. Ltd	25.84
Zenith Holdings (HK) Limited	Shandong Linglong Tyre Co., Ltd	25.84
Zhaoqing Junhong Co., Ltd	Zhaoqing Junhong Co., Ltd	25.84
PRC-wide Entity*		87.99

*The PRC-wide entity includes, among other companies, Yongsheng, a mandatory respondent in this investigation that did not demonstrate that it is entitled to a separate rate. Accordingly, we consider Yongsheng to be part of the PRC-wide Entity.

Critical Circumstances (AD)

With regard to the ITC's negative critical circumstances determination on imports of passenger tires from the PRC, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after October 29, 2014 (*i.e.,* 90 days prior to the date of publication of the *AD Preliminary Determination*), but before January 27, 2015, (*i.e.,* the date of publication of the *AD Preliminary Determination*).

Countervailing Duty Order

As stated above, on August 3, 2015, in accordance with section 705(d) of the Act, the ITC notified the Department of its final determination in this investigation, in which it found that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of imports of passenger tires from the PRC, and that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department's affirmative critical circumstances finding.[20] Therefore, in accordance with sections 705(c)(2) and 706(a) of the Act, we are publishing this countervailing duty order.

In accordance with section 706(a) of the Act, the Department will direct CBP to assess, upon further instruction by the Department, countervailing duties on unliquidated entries of passenger tires from the PRC entered, or withdrawn from warehouse, for consumption on or after December 1, 2014, the date of publication of the *CVD Preliminary Determination* in the

[20] *See* ITC Notification.

Federal Register,[21] and before March 31, 2015, the date on which the Department instructed CBP to discontinue the suspension of liquidation in accordance with section 703(d) of the Act. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Entries of passenger tires from the PRC made on or after March 31, 2015, and prior to the date of publication of the ITC's final determination in the **Federal Register**, are not liable for the assessment of countervailing duties, due to the Department's discontinuation, effective March 31, 2015, of the suspension of liquidation.

Provisional Measures (CVD)

In accordance with Section 703(d) of the Act, the provisional measures period for the CVD investigation ended on March 31, 2015 and CBP was instructed to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of passenger vehicle tires from the PRC, entered, or withdrawn from warehouse, for consumption on or after March 31, 2015, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.

Suspension of Liquidation (CVD)

In accordance with section 706 of the Act, the Department will direct CBP to reinstitute suspension of liquidation, effective on the date of publication of the ITC's notice of final determination in the **Federal Register**, and to assess, upon further instruction by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise. The Department will also direct CBP to require a cash deposit for each entry of subject merchandise in an amount equal to the net countervailable subsidy rates listed below. The all-others rate applies to all producers and exporters of subject merchandise not specifically listed.

Estimated Countervailing Duty Cash Deposit Rates

Company	Cash deposit rate (percent)
GITI Tire (Fujian) Co., Ltd. and certain cross-owned companies[22]	36.79
Cooper Kunshan Tire Co., Ltd and certain cross-owned companies[23]	20.73
Shandong Yongsheng Rubber Group Co., Ltd	116.33
All-Others	30.61

Critical Circumstances (CVD)

With regard to the ITC's negative critical circumstances determination on imports of passenger tires from the PRC, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated countervailing duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after September 2, 2014 (*i.e.,* 90 days prior to the date of the publication of the *CVD Preliminary Determination*), but before December 1, 2014 (*i.e.,* the date of publication of the *CVD Preliminary Determination*).

Notifications to Interested Parties

This notice constitutes the AD and CVD orders with respect to passenger tires from the PRC pursuant to sections 736(a) and 706(a) of the Act. Interested parties can find an updated list of orders currently in effect by either visiting *http://enforcement.trade.gov/stats/iastats1.html* or by contacting the Department's Central Records Unit, Room B8024 of the main Commerce Building.

These orders and the amended *AD Final Determination* and amended *CVD Final Determination* are published in accordance with sections 705(e), 706(a), 735(e), 736(a), and 777(i) of the Act, and 19 CFR 351.211(b) and 351.224(e).

Dated: August 4, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–19615 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Withdrawal of Application for Duty-Free Entry of Scientific Instruments

Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 3720, Subsidies Enforcement Office, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230.

Docket Number: 15–009. Applicant: University of Texas Health Science Center, San Antonio, TX 78229. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: See notice at 80 FR 31890, June 4, 2015.

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), the Department of Commerce and the Department of Homeland Security determine, *inter alia,* whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States as well as whether the instrument or apparatus is for the exclusive use of the applicant institution and is not intended to be used for commercial purposes.

On May 29, 2015, Texas University Health Science Center officials notified the Department that they wished to withdraw the above-referenced application for duty-free entry of a scientific instrument. They noted that the instrument will be cleared through Customs with duty paid by the vendor in order to be used at a trade show for demonstrations. As noted in the regulations at section 301.5(g), the Department of Commerce shall discontinue processing an application when a request has been made by the applicant to withdraw the application. Therefore, the Department of Commerce has discontinued the processing of this application, in accordance with section 301.5(g) of the regulations. *See 15 CFR 301.5(g).*

[21] *See Countervailing Duty Investigation of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Preliminary Affirmative Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination with Final Antidumping Duty Determination,* 79 FR 71093 (December 1, 2014) (*CVD Preliminary Determination*).

[22] GITI Tire (Fujian) Co., Ltd., and its cross-owned affiliated companies GITI Tire (China) Investment Company Ltd., GITI Radial Tire (Anhui) Company Ltd., GITI Tire (Hualin) Company Ltd., GITI Steel Cord (Hubei) Company Ltd., Anhui Prime Cord Fabrics Company Ltd., GITI Tire Corporation, GITI Tire (Anhui) Company Ltd., GITI Greatwall Tire (Yinchuan) Company Ltd., GITI Steel Cord (Anhui) Company Ltd., Anhui Prime Cord Weaving Company Ltd., and Anhui Prime Cord Twisting Company Ltd.

[23] Cooper Kunshan Tire Co., Ltd., and its cross-owned affiliated company, Cooper Chengshan (Shandong) Tire Co., Ltd.

Dated: August 4, 2015.

Supriya Kumar,

Acting Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2015–19610 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–838]

Seamless Refined Copper Pipe and Tube From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on seamless refined copper pipe and tube from Mexico.[1] The review covers one producer/exporter of the subject merchandise, GD Affiliates S. de R.L. de C.V. (Golden Dragon).[2] The period of review (POR) is November 1, 2013, through October 31, 2014. We preliminarily found that sales of subject merchandise have not been made at prices below normal value. Interested parties are invited to comment on these preliminary results.

DATES: Effective date: August 10, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood or Dennis McClure, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3874 or (202) 482–5973, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is seamless refined copper pipe and tube. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7411.10.1030 and 7411.10.1090, and also may enter under HTSUS subheadings 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.[3]

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and it is available to all parties in the Central Records Unit, room B0824 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix to this notice.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margin exists:

Producer/Exporter	Weighted-average dumping margin (percent)
GD Affiliates S. de R.L. de C.V.	0.00

Disclosure and Public Comment

The Department intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[4] Interested parties may submit case briefs to the Department no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[5] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6] Case and rebuttal briefs should be filed using ACCESS.[7]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[8] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.[9]

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h), unless this deadline is extended.

[1] *See Seamless Refined Copper Pipe and Tube From Mexico and the People's Republic of China: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value From Mexico,* 75 FR 71070 (November 22, 2010) (*Order*).

[2] The Department has previously treated GD Affiliates S. de R.L. de C.V. as part of a single entity including: 1) GD Copper Cooperatief U.A.; 2) Hong Kong GD Trading Co. Ltd.; 3) Golden Dragon Holding (Hong Kong) International, Ltd.; 4) GD Copper U.S.A. Inc.; 5) GD Affiliates Servicios S. de R.L. de C.V.; and 6) GD Affiliates S. de R.L. de C.V., which is collectively referred to as Golden Dragon. *See, e.g., Seamless Refined Copper Pipe and Tube From Mexico: Final Results of Antidumping Duty New Shipper Review,* 77 FR 59178 (September 26, 2012), and accompanying Issues and Decision Memorandum.

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled ''Seamless Refined Copper Pipe and Tube from Mexico: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2013–2014'' (Preliminary Decision Memorandum), dated concurrent with and adopted by this notice, for a complete description of the Scope of the Order.

[4] *See* 19 CFR 351.224(b).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.309(c)(2) and (d)(2).

[7] *See* 19 CFR 351.303.

[8] *See* 19 CFR 351.310(c).

[9] *Id.*

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[10] Golden Dragon reported the names of the importers of record and the entered value for all of its sales to the United States during the POR. If Golden Dragon's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1), and we will instruct CBP to assess antidumping duties on all appropriate entries covered by this review. Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

In accordance with the Department's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Golden Dragon for which it did not know its 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 companies involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

We intend to issue instructions to CBP 41 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of seamless refined copper pipe and tube from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Golden Dragon will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this 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; (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 recently-completed segment for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 26.03 percent, the all-others rate established in the *Order.* These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(4).

Dated: August 3, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
   i. Normal Value Comparisons
   ii. Determination of Comparison Method
   iii. Product Comparisons
   iv. Date of Sale
   v. Constructed Export Price
   vi. Normal Value
   vii. Currency Conversion

[FR Doc. 2015–19616 Filed 8–7–15; 8:45 am]

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[10] *See* 19 CFR 351.212(b).

DEPARTMENT OF COMMERCE

International Trade Administration

University of Maryland Baltimore County, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscope

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 14–024. Applicant: University of Maryland Baltimore County, Baltimore, MD 21250. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 80 FR 31890, June 4, 2015.

Docket Number: 15–002. Applicant: Rhode Island Hospital (Lifespan Corporation), Providence, RI 02903. Instrument: Laser Scanning Microscope. Manufacturer: FEI Company/TILL Photonics, Germany. Intended Use: See notice at 80 FR 31890, June 4, 2015.

Docket Number: 15–004. Applicant: Drexel University, Philadelphia, PA 19104. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: See notice at 80 FR 31890, June 4, 2015.

Docket Number: 15–006. Applicant: Colorado School of Mines, Golden, CO 80401. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 80 FR 31890–91, June 4, 2015.

Docket Number: 15–008. Applicant: St. Jude Children's Research Hospital, Memphis, TN 38105. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 80 FR 31890, June 4, 2015.

Docket Number: 15–020. Applicant: The City University of New York, New York, NY 10017. Instrument: Electron Microscope. Manufacturer: FEI Company, Japan. Intended Use: See notice at 80 FR 31890–91, June 4, 2015.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. Reasons: Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: August 4, 2015.

Supriya Kumar,

Acting Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2015–19614 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce

ACTION: Notice of open meeting.

SUMMARY: The Hydrographic Services Review Panel (HSRP) is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere, the NOAA Administrator, on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

DATE AND TIME: The public meeting will be held from September 16–18, 2015, September 16, 10:30 a.m. to 6:00 p.m.; September 17, 9:00 a.m. to 3:00 p.m.; and September 18, 8:00 a.m. to 5:00 p.m. All meetings times are EDT.

LOCATION: Silver Spring, MD, with the meeting location to be posted online at the Web site below. Please refer to the following Web site for updates on the location, agenda, presentations, speaker's biographies, and Web conferencing service sign up: *http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings.htm* and *http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings_washingtondc.htm*.

FOR FURTHER INFORMATION CONTACT: Visit the NOAA HSRP Web site at *http://www.nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm,* or contact Lynne Mersfelder-Lewis, HSRP Program Manager, National Ocean Service (NOS), Office of Coast Survey, NOAA (N/NSD), 1315 East West Highway, Silver Spring, Maryland 20910; Telephone: 301–713–2702 ext. 199; Email: *lynne.mersfelder@noaa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public and public comment periods (on-site) will be scheduled at various times throughout the meeting. Public comment periods will be included in the draft and final agendas posted on the HSRP Web site listed above and written comments are welcome in advance. Each individual or group making verbal comments will be limited to a total time of five (5) minutes. Comments will be recorded. Advance written comments should be submitted to *Lynne.Mersfelder@noaa.gov* by September 4, 2015. Public seating will be available on a first-come, first-served basis. This meeting is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to *Lynne.Mersfelder@noaa.gov* by September 4, 2015. The HSRP meeting will provide Web conferencing service and teleconference capability for access to listen and observe the meeting presentations. Members of the public who wish to participate virtually must register at least a day in advance by September 15, 2015. The meeting times, topics, and speakers are subject to change. For updated information and to register for the Web conferencing service, please refer to *http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm.*

MATTERS TO BE CONSIDERED: National and Federal partners and stakeholders will present to the HSRP on issues relevant to NOAA's navigation services. Navigation services includes the data, products, and services provided by the NOAA programs and activities which undertake geodetic observations, gravity modeling, shoreline mapping, bathymetric mapping, hydrographic surveying, nautical charting, tide and water level observations, current observations, and marine modeling. This suite of geospatial data, products and services support safe and efficient navigation, resilient coasts and communities, and the nationwide positioning information infrastructure to build America for the future.

The Panel will hear from Federal agencies and non-Federal associations about their mission or business uses for NOAA's navigation services; what value these services bring; and what improvements could be made to NOAA's navigation services. Other business will include reports by the HSRP working groups on their progress or results in response to NOAA's tasking on coastal intelligence and resilience, and emerging Arctic priorities.

The Panel will consider input from these discussions to develop recommendations for the NOAA Under Secretary to improve NOAA's navigation services.

Dated: July 31, 2015.

Rear Admiral Gerd F. Glang,

Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration

[FR Doc. 2015–19552 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–22P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Surfclam/Ocean Quahog Individual Transferable Quota Administration.

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 October 9, 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 Douglas Potts, (978) 281–9341 or *Douglas.Potts@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved collection associated with the Atlantic surfclam and ocean quahog fisheries. National Marine Fisheries Service (NMFS) Greater Atlantic Region manages these fisheries in the Exclusive Economic Zone (EEZ) of the Northeastern United States through the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The regulations implementing the FMP are specified at 50 CFR part 648 subpart E.

The recordkeeping and reporting requirements at §§ 648.74, 648.75, and 648.76 form the basis for this collection of information. We request information from surfclam and ocean quahog individual transferable quota (ITQ) permit holders to issue ITQ permits and to process and track requests from permit holders to transfer quota share or cage tags. We also request information from surfclam and ocean quahog ITQ permit holders to track and properly account for surfclam and ocean quahog harvest shucked at sea. Because there is not a standard conversion factor for estimating unshucked product from shucked product, NMFS requires vessels that shuck product at sea to carry on board the vessel a NMFS-approved observer to certify the amount of these clams harvested. This information, upon receipt, results in an efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ.

Georges Bank has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause paralytic shellfish poisoning (PSP). In 2013, a portion of Georges Bank was reopened with certain restrictions. We request information from surfclam and ocean quahog ITQ permit holders who fish in the reopened portion of the Georges Bank Closed Area to ensure compliance with the Protocol for Onboard Screening and Dockside Testing in Molluscan Shellfish. The U.S. Food and Drug Administration, the commercial fishing industry, and NMFS developed the PSP protocol to test and verify that clams harvested from Georges Bank continue to be safe for human consumption. The National Shellfish Sanitation Program adopted the PSP protocol at the October 2011 Interstate Shellfish Sanitation Conference.

II. Method of Collection

Forms are online at *www.nmfs.noaa.gov/gpea_forms/forms.htm* as ''fillable'' pdf documents, which can then be downloaded, printed, and faxed or mailed to NMFS. ITQ transfer forms may also be submitted electronically. Information for the PSP protocol is submitted through paper forms, as well as through electronic methods, including email, telephone, and shipboard electronic equipment such as VHF radio, email, or a vessel monitoring system.

III. Data

OMB Control Number: 0648–0240.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 189.

Estimated Time per Response: ITQ permit application form, review of a pre-filled ITQ ownership form for renewing entities, ITQ transfer form, 5 minutes each; 1 hour to complete the ITQ ownership form for new applicants; and 30 minutes for the application to shuck surfclams and ocean quahogs at sea. The requirements under the PSP protocol are based on the number of vessels that land surfclams or ocean quahogs and the number of trips taken into the area, with a total estimated annual burden of 2,400 hours.

Estimated Total Annual Burden Hours: 2,538.

Estimated Total Annual Cost to Public: $111,764 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 Office of Management and Budget approval of this information collection; they also will become a matter of public record.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–19567 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Internet Assigned Numbers Authority Stewardship Transition Consolidated Proposal and Internet Corporation for Assigned Names and Numbers Accountability Enhancements; Request for Comments

AGENCY: National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce.

ACTION: Notice of public comment.

SUMMARY: This notice announces the dates of a comment period during which the public is invited to provide input on two interrelated multistakeholder community proposals. Together, the proposals set forth a plan for transitioning NTIA's stewardship role over the Internet Assigned Numbers Authority (IANA) functions. The purpose of this notice is to encourage interested parties to comment on the two connected proposals—the IANA Stewardship Transition Plan and the Enhancements to Internet Corporation for Assigned Names and Numbers (ICANN) Accountability Related to the IANA Stewardship Transition. NTIA will utilize the input provided in making its determination of whether the proposals have received broad community support and whether the plan satisfies the criteria required to transition its stewardship role.

DATES: Comments on the IANA Stewardship Transition Plan are due on or before September 8, 2015; comments on the Enhancements to ICANN Accountability are due on or before September 12, 2015.

ADDRESSES: Written comments on the IANA Stewardship Transition Proposal should be submitted at *https://www.ianacg.org/calls-for-input/combined-proposal-public-comment-period/*. Written comments on the proposed Enhancements to ICANN's Accountability should be submitted at *https://www.icann.org/public-comments/ccwg-accountability-2015-08-03-en.*

FOR FURTHER INFORMATION CONTACT: Ashley Heineman, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4701, Washington, DC 20230; telephone (202) 482–0298; email *aheineman@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

A July 1, 1997, Executive Memorandum directed the Secretary of Commerce to privatize the Internet's domain name system (DNS) in a manner that increases competition and facilitates international participation in its management.[1] To fulfill this Presidential Directive, the Department of Commerce issued a Statement of Policy on June 10, 1998, stating that the U.S. Government ''is committed to a transition that will allow the private sector to take leadership for DNS management.'' [2] On March 14, 2014, NTIA announced its intent to complete the privatization of the DNS.[3] In that announcement, NTIA called upon ICANN to convene a multistakeholder process to develop the transition plan.[4] While looking to stakeholders and those most directly served by the IANA functions to work through the technical details, NTIA established a clear framework to guide the discussion. Specifically, NTIA communicated to ICANN that the transition proposal must have broad community support and address the following four principles:

- Support and enhance the multistakeholder model;
- Maintain the security, stability, and resiliency of the Internet DNS;
- Meet the needs and expectation of the global customers and partners of the IANA services; and
- Maintain the openness of the Internet.

Consistent with the clear policy expressed in bipartisan resolutions of the U.S. Senate and House of Representatives [5]—which affirmed the United States support for the multistakeholder model of Internet governance—NTIA stated that it will not accept a proposal that replaces the NTIA role with a government-led or an intergovernmental organization solution. In response to NTIA's announcement, the community mobilized two efforts. First, the IANA customer communities took responsibility to develop an IANA stewardship transition plan, coordinated by an IANA-Stewardship Coordination Group (ICG).[6] Second, the community undertook to develop ICANN accountability enhancements deemed necessary prior to the transition of NTIA's stewardship role. These accountability enhancements are being developed through a Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability).[7]

The ICG and CCWG are now seeking public comment on their respective recommendations. Comments provided will be used by NTIA to determine whether the proposals satisfy NTIA's criteria and have received broad community support. Comments will also be considered in any NTIA certification before the U.S. Congress that may be required prior to terminating the existing IANA functions contract currently in place between NTIA and ICANN.[8] To ensure that all views are taken into consideration, NTIA encourages interested parties—including U.S.-based stakeholders—to file written comments by the deadline.

Dated: August 4, 2015.

Angela Simpson,

Deputy Assistant Secretary, National Telecommunications and Information Administration.

[FR Doc. 2015–19525 Filed 8–7–15; 8:45 am]

BILLING CODE 3510–60–P

[1] Memorandum on Electronic Commerce, 2 Pub. Papers 898 (July 1, 1997).

[2] National Telecommunications and Information Administration, *Management of Internet Names and Addresses,* 63 FR 31741 (June 10, 1998), *available at http://www.ntia.doc.gov/federal-register-notice/1998/statement-policy-management-internet-names-and-addresses.*

[3] *See* NTIA's authorities, 15 U.S.C. 1512; 47 U.S.C. 902(b)(2)(H).

[4] NTIA Announces Intent to Transition Key Internet Domain Name Functions (Mar. 14, 2014) *available at http://www.ntia.doc.gov/press-release/2014/ntia-announces-intent-transition-key-internet-domain-name-functions.*

[5] A concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived, 112th Cong. 2nd sess. S.Con.Res.50 and H.Con.Res.127 (2012).

[6] *See* IANA Stewardship Transition Coordination Group, *available at https://www.ianacg.org/.*

[7] *See* CCWG on Enhancing ICANN Accountability, *available at https://community.icann.org/display/acctcrosscomm/CCWG+on+Enhancing+ICANN+Accountability.*

[8] DOTCOM Act of 2015, H.R. 805 and S. 1551, 114th Cong. (2015).

DEPARTMENT OF ENERGY

[OE Docket No. EA–367–A]

Application To Export Electric Energy; EDF Trading North America, LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: EDF Trading North America, LLC (Applicant) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 9, 2015.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On June 17, 2010, DOE issued Order No. EA–367 to the Applicant, which authorized the Applicant to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. That authority expired on June 17, 2015. On July 24, 2015, the Applicant filed an application with DOE for renewal of the export authority contained in Order No. EA–367 for an additional five-year term. The applicant states that it has not engaged in any electricity export transactions to Canada since its authorization expired on June 17, 2015, and will not engage in any until the Department renews its authorization to do so.

In its application, the Applicant also states that it does not own or operate any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that the Applicant proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings

should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning the Applicant's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–367–A. An additional copy is to be provided directly to both Eric Dennison, EDF Trading North America, LLC, 4700 West Sam Houston Parkway North, Suite 250, Houston, TX 77041 and Kenneth W. Irvin, Sidley Austin LLP, 1501 K. Street NW., Washington, DC 20005.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021, *et seq.*) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on August 4, 2015.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2015–19642 Filed 8–7–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under Section 9008(d) of the Food, Conservation, and Energy Act of 2008 amended by the Agricultural Act of 2014. The Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

DATES: August 27, 2015 8:30 a.m.–5:30 p.m.

August 28, 2015 8:30 a.m.–1:00 p.m.

ADDRESSES: Omni Shoreham Hotel, 2500 Calvert Street NW., Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Elliott Levine, Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586–1476; Email: *Elliott.Levine@ee.doe.gov* and Roy Tiley at (410) 997–7778 ext. 220; Email: *rtiley@bcs-hq.com*.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To develop advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

- Update on USDA Biomass R&D Activities
- Update on DOE Biomass R&D Activities
- Update the Biomass Research and Development Initiative
- Panel on Measuring Environmental Indicators and Assessment
- Panel on Economic and Bioeconomy Market Development
- Panel on Biomass Resource Development

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you must contact Elliott Levine at 202–586–1476; Email: *Elliott.Levine@ee.doe.gov* and Roy Tiley at (410) 997–7778 ext. 220; Email: *rtiley@bcs-hq.com* at least 5 business days prior to the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Co-chairs of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Co-chairs will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying at *http://biomassboard.gov/committee/meetings.html*.

Issued at Washington, DC, on August 4, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–19574 Filed 8–7–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2267–000]

Chevron Power Holdings Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Chevron Power Holdings Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 24, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the

Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 4, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–19554 Filed 8–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13629–002]

Coleman Hydro, LLC; Notice of Availability of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for an original license to construct the Coleman Hydroelectric Project, located on Little Timber Creek near the Town of Leadore, in Lemhi County, Idaho, and has prepared a Draft Environmental Assessment (EA) for the project. The project would not occupy any federal lands.

The draft EA includes staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the draft EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice. Comments may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

For further information, contact Jim Hastreiter at (503) 552–2760.

Dated: August 4, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–19557 Filed 8–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD14–14–000]

Commission Information Collection Activities; (FERC–725G1); Comment Request

AGENCY: Federal Energy Regulatory Commission.

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 its information collections FERC–725G1 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** on 5/13/2015 requesting public comments. The Commission received no comments on FERC–725G1 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by September 9, 2015.

ADDRESSES: Comments filed with OMB, identified by the FERC–725G1 information 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. RD14–14–000, 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.

Title: Proposed revisions FERC–725; proposed new collection FERC–725G1 (Certification of the Electric Reliability Organization and Procedures for the Establishment, Approval and Enforcement of Electric Reliability Standards; Mandatory Reliability Standards for the Bulk-Power System: Reliability Standard PRC–004–3).

OMB Control No.: 1902–0269 (FERC–725); TBD (FERC–725G1).

Abstract: On September 15, 2014, the North American Electric Reliability Corporation (NERC) submitted a petition seeking approval of a revised Protection and Control (PRC) Reliability Standard PRC–004–3—Protection System Misoperation Identification and Correction, pursuant to section 215(d)(1) of the Federal Power Act (FPA) [1] and section 39.5 of the Commission's regulations.[2] The revised Reliability Standard, which replaces Reliability Standards PRC–004–2.1a (Analysis and Mitigation of Transmission and Generation Protection System Misoperations) and PRC–003–1 (Regional Procedures for Analysis of Misoperations of Transmission and Generation Protection System), requires transmission owners, generator owners, and distribution providers to identify and correct causes of misoperations of certain protection systems. NERC also requests approval of two new terms utilized in the proposed Reliability Standard, to be included in NERC's Glossary of Terms Used in NERC Reliability Standards (NERC Glossary). Finally, NERC requests approval of its implementation plan for Reliability Standard PRC–004–3, including the retirement of Reliability Standards PRC–004–2.1a and PRC–003–1, as well as approval of the associated Violation Risk Factors (VRFs) and Violation Severity Levels (VSLs). FERC determined that revised Reliability Standard PRC–004–3, including the associated new Glossary terms and implementation plan, is just, reasonable, not unduly discriminatory or preferential and in the public interest. We accept the violation severity levels associated with the standard as proposed by NERC, however, we direct NERC to submit a compliance filing, within 60 days of issuance of this order, to address the Commission's concerns with the VRF designations for Requirements R1 through R6.

Type of Respondent: Businesses or other for-profit institutions; not-for-profit institutions.

Estimate of Annual Burden: Reliability Standard PRC–004–3 requires each transmission owner, generator owner, and distribution provider to provide notification of BES interrupting devices that operated in accordance with the Requirement R2.[3] Our estimate below regarding the number of respondents is based on the NERC Compliance Registry as of January 30, 2015. According to the NERC Compliance Registry, NERC has registered in the United States 326 transmission owners (TO), 914 generator owners (GO), and 471 distribution providers (DP). However, under NERC's compliance registration program, entities may be registered for multiple functions, so these numbers incorporate some double counting. The total number of unique entities that may be identified as a notification provider (*e.g.*, applicable entity) in accordance with Reliability Standard PRC–004–3 will be approximately 659 entities registered in the United States as a transmission owner, generator owner, and/or distribution provider.

FERC–725G1 [4]

	Number of respondents	Annual number of responses per espondent	Total number of responses	Average burden & cost per response [5]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	(5)÷(1)
Notifications to TO/GO/DP per Requirement R2	659	1	659	8 $584	5,272 $384,856	584
One-time review and adjustment of existing program	659	1	659	2 $146	1,318 $96,214	146
Evidence Retention	659	1	659	12 $384	7,908 $253,056	384
Total					14,498 $734,126	1,114

[1] 16 U.S.C. § 824o(d)(1) (2012).

[2] 18 CFR § 39.5 (2014).

[3] Requirement R2—Each Transmission Owner, Generator Owner, and Distribution Provider that owns a BES interrupting device that operated shall, within 120 calendar days of the BES interrupting device operation, provide notification as described in Parts 2.1 and 2.2.

[4] FERC–725G is a currently pending request at OMB. Only one submittal can be pending OMB review under each control number, therefore, FERC–725G1 will be used for timely submittal.

[5] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $n per Hour = Average Cost per Response. The $73 hourly cost figure is the average of the salary plus benefits for a manager and an engineer (rounded to the nearest dollar); $32/hour is the salary plus benefits for information and record clerks. The figures are taken from the Bureau of Labor Statistics at *http://bls.gov/oes/current/naics3_221000.htm.*

Dated: August 4, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–19559 Filed 8–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–33–000]

Wolverine Pipe Line Company; Notice of Petition for Declaratory Order

Take notice that on July 31, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2014), Wolverine Pipe Line Company filed a petition for declaratory order seeking approval of proposed priority service terms, committed rate structure and contract provisions underlying Detroit Metro System project, designed to transport refined petroleum products from Chicago area refineries in Illinois and Indiana to Buckeye Partners' Woodhaven terminal in Michigan.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on August 31, 2015.

Dated: August 4, 2015.

J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–19556 Filed 8–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2270–000]

Thunder Spirit Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Thunder Spirit Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 24, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 4, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–19555 Filed 8–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–1145–000.

Applicants: Big Sandy Pipeline, LLC.

Description: Compliance filing Big Sandy Fuel Filing effective 9–1–2015.

Filed Date: 7/30/15.

Accession Number: 20150730–5045.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: RP15–1146–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: Section 4(d) Rate Filing: Exhibit B Amendment—Port Everglades to be effective 8/1/2015.

Filed Date: 7/30/15.

Accession Number: 20150730–5057.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: RP15–1147–000.

Applicants: Horizon Pipeline Company, L.L.C.

[4] FERC–725G is a currently pending request at OMB. Only one submittal can be pending OMB review under each control number, therefore, FERC–725G1 will be used for timely submittal.

[5] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $n per Hour = Average Cost per Response. The $73 hourly cost figure is the average of the salary plus benefits for a manager and an engineer (rounded to the nearest dollar); $32/hour is the salary plus benefits for information and record clerks. The figures are taken from the Bureau of Labor Statistics at *http://bls.gov/oes/current/naics3_221000.htm.*

Description: Section 4(d) Rate Filing: Main Line Generation Negotiated Rate Filing to be effective 9/1/2015.
Filed Date: 7/30/15.
Accession Number: 20150730–5059.
Comments Due: 5 p.m. ET 8/11/15.
Docket Numbers: RP15–1148–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Section 4(d) Rate Filing: S–2 Tracker Effective 8–1–2015 to be effective 8/1/2015.
Filed Date: 7/30/15.
Accession Number: 20150730–5159.
Comments Due: 5 p.m. ET 8/11/15.
Docket Numbers: RP15–1149–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: Section 4(d) Rate Filing: Negotiated Rate Agreement Update (APS August 2015) to be effective 8/1/2015.
Filed Date: 7/30/15.
Accession Number: 20150730–5179.
Comments Due: 5 p.m. ET 8/11/15.
Docket Numbers: RP15–1150–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Section 4(d) Rate Filing: Non-Conforming Agreements_Virginia Southside to be effective 9/1/2015.
Filed Date: 7/30/15.
Accession Number: 20150730–5193.
Comments Due: 5 p.m. ET 8/11/15.
Docket Numbers: RP15–1151–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Section 4(d) Rate Filing: Update List of Non-Conforming Service Agreements (VA Southside) to be effective 9/1/2015.
Filed Date: 7/30/15.
Accession Number: 20150730–5207.
Comments Due: 5 p.m. ET 8/11/15.
Docket Numbers: RP15–1152–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Section 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Aug 2015 to be effective 8/1/2015.
Filed Date: 7/30/15.
Accession Number: 20150730–5209.
Comments Due: 5 p.m. ET 8/11/15.
Docket Numbers: RP15–1153–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta 8438 to various eff 8–1–15) to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5023.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1154–000.
Applicants: Dominion Transmission, Inc.
Description: Section 4(d) Rate Filing: DTI—July 31, 2015 Negotiated Rate Agreements & Administrative Change to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5046.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1155–000.
Applicants: ANR Storage Company.
Description: Section 4(d) Rate Filing: United Energy Trading LLC FS Agmt to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5049.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1156–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) Rate Filing: Amendments to Neg Rate Agmts (QEP 36601–52, 37657–165) to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5067.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1157–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) Rate Filing: Amendment to Neg Rate Agmt (Entergy 40489–3) to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5069.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1158–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Compliance filing New Ambient Winter Firm Transportation Service to be effective 7/1/2016.
Filed Date: 7/31/15.
Accession Number: 20150731–5071.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1159–000.
Applicants: Northern Natural Gas Company.
Description: Section 4(d) Rate Filing: 20150731 Negotiated Rate to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5089.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1160–000.
Applicants: Gulf States Transmission LLC.
Description: Section 4(d) Rate Filing: New Volume with Housekeeping to be effective 9/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5098.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1161–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Section 4(d) Rate Filing: FL&U to be effective Sept 1, 2015 to be effective 9/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5100.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1162–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) Rate Filing: Amendment to Neg Rate Agmt (Mobile 38531–2) to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5107.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1163–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Semi-Annual Transporter's Use Report.
Filed Date: 7/31/15.
Accession Number: 20150731–5112.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1164–000.
Applicants: Gulf States Transmission LLC.
Description: Tariff Cancellation: Cancel entire First Revised Volume No. 1 to be effective 9/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5128.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1165–000.
Applicants: Texas Eastern Transmission, LP.
Description: Section 4(d) Rate Filing: U2GC 9–1–2015 Non-conforming Agreements to be effective 9/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5148.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1166–000.
Applicants: Rockies Express Pipeline LLC.
Description: Section 4(d) Rate Filing: 2015–07–31 Tariff Updates to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5155.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1167–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: Negotiated Rate Agreement—SWN Amendment to be effective 9/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5161.
Comments Due: 5 p.m. ET 8/12/15.
Docket Numbers: RP15–1168–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Section 4(d) Rate Filing: Negotiated Rate Service Agmt—Columbia, 150632 to be effective 9/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5164.
Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: RP15–1169–000.
Applicants: Guardian Pipeline, L.L.C.
Description: Section 4(d) Rate Filing: Terminated Negotiated Rate PAL Agreements—Koch Energy Services, LLC to be effective 8/31/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5182.
Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: RP15–1170–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) Rate Filing: Amendment to NC Agmt and Remove Expired Agmts and References to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5184.
Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: RP15–1171–000.
Applicants: Algonquin Gas Transmission, LLC, Big Sandy Pipeline, LLC, Bobcat Gas Storage, East Tennessee Natural Gas, LLC, Egan Hub Storage, LLC, Maritimes & Northeast Pipeline, L.L.C., Ozark Gas Transmission, L.L.C., Saltville Gas Storage Company L.L.C., Southeast Supply Header, LLC, Texas Eastern Transmission, LP.
Description: Compliance filing Spectra Energy Pipelines Request for Waiver for LINK System Outage.
Filed Date: 7/31/15.
Accession Number: 20150731–5185.
Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: RP15–1172–000.
Applicants: Rockies Express Pipeline LLC.
Description: Section 4(d) Rate Filing: Neg Rates 2015–07–31 Encana, *et al.* to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5189.
Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: RP15–1173–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing U2GC In-service Compliance Filing—Docket CP14–104–000 to be effective 9/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5229.
Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: RP15–1174–000.
Applicants: Equitrans, L.P.
Description: Section 4(d) Rate Filing: Negotiated Capacity Release Agreements—08/01/2015 to be effective 8/1/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5261.
Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: RP15–1175–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits Off System Capacity Request under RP15–1175.
Filed Date: 7/31/15.
Accession Number: 20150731–5281.
Comments Due: 5 p.m. ET 8/12/15.

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.

Filings in Existing Proceedings

Docket Numbers: RP10–996–000.
Applicants: Dominion Cove Point LNG, LP.
Description: Report Filing: DCP–2015 Report of Operational Sales and Purchases of Gas.
Filed Date: 7/31/15.
Accession Number: 20150731–5039.
Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: RP11–2631–000.
Applicants: Colorado Interstate Gas Company.
Description: Colorado Interstate Gas Company, L.L.C. submits report describing the withdrawal performance of the Totem Storage Field during the 2014–2015 storage season.
Filed Date: 7/31/15.
Accession Number: 20150731–5060.
Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: RP15–1057–001.
Applicants: Destin Pipeline Company, L.L.C.
Description: Compliance filing Asset Management Arrangements new effective date to be effective 7/13/2015.
Filed Date: 7/31/15.
Accession Number: 20150731–5191.
Comments Due: 5 p.m. ET 8/12/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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: August 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–19553 Filed 8–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Murphy Dam, LLC; Notice Granting Late Intervention

On April 21, 2015, Commission staff issued a public notice for Murphy Dam, LLC's preliminary permit application to study the feasibility of the Murphy Dam Hydroelectric Project No. 14670. The proposed project would be located on the Connecticut River, near Pittsburg, Coos County, New Hampshire.

The notice established June 20, 2015, as the deadline to file motions to intervene. On July 22, 2015, the Connecticut River Watershed Council, Inc. filed a late motion to intervene in the proceeding. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,[1] the late motion to intervene is granted, subject to the Commission's Rules and Regulations.

Dated: August 4, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–19558 Filed 8–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR15–39–000.
Applicants: Northern Illinois Gas Company.
Description: Submits tariff filing per 284.123(b)(2) + (g): Petition for Rate Approval to be effective 9/1/2015; Filing Type: 1310.
Filed Date: 7/30/15.
Accession Number: 20150730–5078.
Comments Due: 5 p.m. ET 8/20/15.
284.123(g) Protests Due: 5 p.m. ET 9/28/15.

Docket Numbers: RP15–1176–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Compliance filing Report of Refund Transco's GSS LSS Customer Share of DTI Penalty Revenue 2015.
Filed Date: 8/3/15.
Accession Number: 20150803–5204.
Comments Due: 5 p.m. ET 8/17/15.

Docket Numbers: RP15–1177–000.

[1] 18 CFR 385.214 (2014).

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Section 4(d) Rate Filing: Clean-Up Filing—2015 to be effective 9/1/2015.

Filed Date: 8/3/15.

Accession Number: 20150803–5256.

Comments Due: 5 p.m. ET 8/17/15.

Docket Numbers: RP15–1178–000.

Applicants: Cimarron River Pipeline, LLC.

Description: Section 4(d) Rate Filing: Fuel Tracker 2015—Winter Season Rates to be effective 11/1/2015.

Filed Date: 8/4/15.

Accession Number: 20150804–5000.

Comments Due: 5 p.m. ET 8/17/15.

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: August 4, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–19563 Filed 8–7–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0099; FRL–9929–22]

Registration Review Proposed Interim Decisions; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions for the pesticides listed in the table in Unit II of this notice, and opens a public comment period on the proposed decisions. This notice also opens the dockets and announces the availability of EPA's proposed interim registration review decisions for 2-propen-1-aminium, *N,N*-dimethyl-*N*-2-propenyl-, chloride, homopolymer (or homopolymer) and tributyltin oxide (or TBTO); and also opens the docket, announces the availability of the draft human health and ecological risk assessments, and announces the proposed interim registration review decision for dipropyl isocinchomeronate. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before October 9, 2015.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit II.A., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: the Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in the following table, and opens a 60-day public comment period on the proposed interim decisions.

TABLE—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS

Registration review case name and number	Docket ID number	Chemical review manager and contact information
Chlorfenapyr 7419	EPA–HQ–OPP–2010–0467	Margaret Hathaway, *hathaway.margaret@epa.gov*, 703–305–5076.
Daminozide 0032	EPA–HQ–OPP–2009–0242	Margaret Hathaway, *hathaway.margaret@epa.gov*, 703–305–5076.
Dipropyl isocinchomeronate 2215	EPA–HQ–OPP–2014–0578	Marianne Mannix, *mannix.marianne@epa.gov*, 703–347–0275.
Fenoxaprop p-ethyl 7209	EPA–HQ–OPP–2007–0437	Miguel Zavala, *zavala.miguel@epa.gov*, 703–347–0504.
Imazapyr 3078	EPA–HQ–OPP–2014–0200	Joel Wolf, *wolf.joel@epa.gov*, 703–347–0228.
Isoxaben 7219	EPA–HQ–OPP–2007–1038	Christina Scheltema, *scheltema.christina@epa.gov*, 703–308–2201.
Paclobutrazol 7002	EPA–HQ–OPP–2006–0109	Khue Nguyen *nguyen.khue@epa.gov* 703–347–0248.
2-Propen-1-aminium, *N,N*-dimethyl-*N*-2-propenyl-, chloride, homopolymer (or homopolymer) 5024.	EPA–HQ–OPP–2015–0255	Donna Kamarei, *kamarei.donna@epa.gov*, 703–347–0443.
Silicon dioxide and silica gel 4081	EPA–HQ–OPP–2007–1140	James Parker *parker.james@epa.gov* 703–306–0469.
Sulfentrazone 7231	EPA–HQ–OPP–2009–0624	Christina Scheltema, *scheltema.christina@epa.gov*, 703–308–2201.
Tributyltin Oxide (or TBTO) 2620	EPA–HQ–OPP–2014–0801	Sandra O'Neill, *oneill.sandra@epa.gov*, 703–347–0141.

The registration review final decisions for these cases are dependent on the assessments of listed species under the Endangered Species Act (ESA), determinations on the potential for endocrine disruption, and/or assessments of exposure and risk to pollinators.

Chlorfenapyr (Proposed Interim Decision). Chlorfenapyr is a member of the pyrroles class of insecticide/miticides, which works by disrupting adenosine triphosphate (ATP) production, leading to cell dysfunction. Chlorfenapyr is registered only for application to fruiting vegetables and ornamentals in greenhouses; and as a crack/crevice/spot treatment on indoor and outdoor residential sites (including treatment for bed bugs), food/feed handling areas, indoor and outdoor commercial sites, and indoor medical sites. EPA conducted assessments for both human health and ecological risks. Possible human health risks of concern were identified for chlorfenapyr, including occupational risks and risks to young children for certain residential uses. Several risk mitigation measures, including the termination of the use of chlorfenapyr on mattresses, are proposed to address human health risk concerns. No risks of concern were identified in the ecological risk assessment for non-listed species. The Agency has made a No Effect determination for chlorfenapyr under ESA section 7 for all listed species and a No Habitat Modification determination for all designated critical habitats for the currently registered uses.

Daminozide (Proposed Interim Decision). Daminozide is a systemic plant growth regulator registered to control the development of commercially grown container plants. It is used in nurseries, shadehouses, and greenhouses, and is applied as a foliar spray, a use pattern resulting in little or no potential for off-site drift. Daminozide has no registered food or residential uses. EPA conducted ecological and human health risk assessments for daminozide, and concluded that there were no significant risks of concern. Other than clarifying application rate information, the Agency is not calling for changes to daminozide registrations or labels at this time.

Dipropyl isocinchomeronate (Combined Docket Opening, Release of Draft Human Health and Ecological Risk Assessments, and Proposed Interim Decision). Dipropyl isocinchomeronate is registered for use as an insect repellent for use on humans and companion animals to repel flies, gnats, and other flying and biting insects. The Agency has concluded that there are no human health risk concerns associated with the use of dipropyl isocinchomeronate. Based on the limited usage, diffusion over a large treatment area, and the low probability of non-target organism exposure, the Agency has not found any ecological risks of concern associated with dipropyl isocinchomeronate, and anticipates making a No Effect determination for all listed species and a No Habitat Modification determination for all designated critical habitats for listed species. At this time, the Agency is proposing that no additional data are needed, and is not proposing any risk reduction measures for this case.

Fenoxaprop p-ethyl (Proposed Interim Decision). FPE is a selective aryloxy phenoxy-propionate herbicide registered for use on barley, cotton, rice, soybeans, and wheat for post-emergence control of grassy weeds. Additional non-agricultural use sites include conservation reserves, ornamentals, rights-of-way, and turf. EPA's Registration Review Proposed Interim Decision for FPE is: First; no additional data are required at this time; and second, certain risk reduction measures are needed at this time. To address potential risk to non-target terrestrial monocots, spray drift management language is proposed for all FPE product registrations used on agricultural, wide area, or rights-of-way use sites. The Agency also is proposing the implementation of label language clarifying use rates, to which the registrants have already agreed. In addition, EPA proposes label language to include recommended herbicide-resistance management measures.

Imazapyr (Proposed Interim Decision). Imazapyr is a non-selective systemic herbicide registered for use in pre- and post-emergent treatments to control terrestrial and aquatic weeds, including grasses, broadleaf weeds, and woody species. The registration review case includes both the acid (imazapyr) and the isopropylamine salt (imazapyr IPA). EPA's Registration Review Proposed Interim Decision for the case is that first, no additional data are required at this time, and second, no changes to the registrations or their labeling are needed at this time.

Isoxaben (Proposed Interim Decision). Isoxaben is a pre-emergent, soil-directed benzamide herbicide registered for use in controlling a variety of broad-leaf weeds. Agricultural uses include grapes and bearing fruit and nut trees. Non-agricultural uses include turf, lawns, ornamentals, and landscape mulch. Quantitative human health and

ecological risk assessments were completed for isoxaben. There are no occupational or residential risks of concern. There are potential ecological risks to listed and non-listed aquatic vascular and terrestrial plants, and risks to mammals from foliar applications of isoxaben. The Agency has made the following Registration Review Proposed Interim Decision for isoxaben: First, no additional data are required at this time, and second, certain risk reduction measures are needed at this time, including uniform spray drift management label language for products applied by spraying, and recommended herbicide resistance management language on all product labels.

Paclobutrazol (Proposed Interim Decision). Paclobutrazol is a systemic triazole plant growth regulator registered for use on nonresidential turf, on ornamentals in greenhouses and nurseries, as a tree injection, and as a seed treatment for certain vegetable crops. There are no residential uses of paclobutrazol. EPA conducted risk assessments for both human health and ecological risk, and a screening level endangered species assessment. No human health risks were identified. The ecological risk assessment indicated potential risks to birds, mammals, terrestrial and aquatic plants, freshwater and estuarine/marine fish, and freshwater and estuarine/marine invertebrates. The Agency is proposing to modify the application directions for paclobutrazol to reduce risks to non-target organisms from runoff. The screening-level endangered species assessment did not come to a conclusion of No Effect to listed species, therefore, consultation with the Fish and Wildlife Service and the National Marine Fisheries Service (''the Services'') on the potential risk of paclobutrazol to listed species will be necessary.

2-Propen-1-aminium, N,N-dimethyl-N-2-propenyl-, chloride, homopolymer (Combined Preliminary Work Plan and Proposed Interim Decision). There is one product containing this active ingredient; it is registered to control mollusks in potable water supplies. The Agency did not call-in any data in support of this registration review case. Additionally, the Agency did not conduct a human health or an environmental risk assessment due to the lack of exposure concern for the product's registered use. Based on the lack of potential exposure, the Agency is proposing a No Effect determination for listed species.

Silicon dioxide and silica gel (Proposed Interim Decision). Products containing these two naturally occurring active ingredients are registered for use as insecticides on a variety of agricultural and residential use sites to control pests such as ants, cockroaches, flies, fleas, and ticks. EPA conducted an ecological risk assessment that included a screening-level endangered species assessment. The Agency engaged in informal consultation with FWS to reach a ''may affect, but not likely to adversely affect'' determination for direct effects to terrestrial invertebrates and a No Effect determination for all other listed taxa. No human health risk assessment was conducted because no toxicological endpoints are identified for the two active ingredients. No risk mitigation measures for human health or ecological effects are included in the silica gel and silicon dioxide Proposed Interim Decision.

Sulfentrazone (Proposed Interim Decision). Sulfentrazone is a broad spectrum, pre-emergence, soil-directed proto porphyrinogen herbicide used to control a variety of weeds. It is registered for use on field crops, specialty vegetable crops, fruit trees, ornamentals, and turf grass. EPA completed quantitative human health and ecological risk assessments for sulfentrazone in 2014, and amended the ecological risk assessment in 2015. There are no residential risks of concern; however, there is a risk concern for pesticide handlers that can be adequately mitigated by wearing chemical-resistant gloves. In addition, there are potential risk concerns for terrestrial plants. The Agency has made the following Registration Review Proposed Interim Decision for sulfentrazone: First, no additional data are required at this time; and second, certain risk reduction measures are needed at this time. These measures include uniform spray drift management language on sulfentrazone labels for products applied by spraying and recommended herbicide resistance management language on all product labels.

Tributyltin oxide (Combined Preliminary Work Plan and Proposed Interim Decision). There are two EPA registrations for TBTO for rubber coatings on the sonar domes of nuclear submarines and for oceanographic conductivity sensors. Based on the lack of potential for dietary exposure and no residential uses, the Agency did not conduct a human health risk assessment. Exposure to aquatic organisms would occur only from the small amount of TBTO potentially leaching from sonar domes, and the Agency believes that risks to non-target, non-listed species are minimal. TBTO use as an antifoulant on sonar domes is undergoing ESA consultation with the Department of Defense, EPA, and the Services for compounds covered under EPA's Uniform National Discharge Standards. At this time, the Agency is proposing that no additional data are needed, and is not proposing any risk reduction measures for this case.

The registration review docket for a pesticide includes earlier documents related to the registration review of the case. For example, the review typically opens with the availability of a Summary Document, containing a Preliminary Work Plan, for public comment. A Final Work Plan typically is placed in the docket following public comment on the initial docket. Following a period for public comment on the proposed interim decisions announced in this notice, the Agency will issue interim registration review decisions for products containing the affected active ingredients.

The registration review program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) required EPA to establish by regulation procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in the **Federal Register** of August 9, 2006 (71 FR 45720) (FRL–8080–4) and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decisions. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the table in Unit II. Comments received after the close of the comment period will be marked ''late.'' EPA is not

required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and, as appropriate, will provide a ''Response to Comments Memorandum'' in the docket for each of the pesticides included in the table in Unit II. The interim registration review decision will explain the effect that any such comments had on the decision and provide the Agency's response to significant comments, as needed.

Background on the registration review program is provided at: *http://www2.epa.gov/pesticide-reevaluation.* Links to earlier documents related to the registration review of the pesticide cases identified in this notice are provided on the Pesticide Chemical Search data base accessible at: *http://iaspub.epa.gov/apex/pesticides/f?p=chemicalsearch.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 30, 2015.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2015–19590 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9932–09-Region 2]

Proposed Settlement Pursuant Section 122(h) of CERCLA Relating to the Gowanus Canal Superfund Site, Brooklyn, Kings County, New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 2, of a proposed settlement agreement pursuant to Section 122(h) of CERCLA, entered into by and EPA, Region 2, and Patterson Fuel Oil Co., Inc. (''Settling Party''), pertaining to the Gowanus Canal Superfund Site (''Site'') located in Brooklyn, Kings County, New York. Under the Settlement Agreement, the Settling Party agrees to pay EPA $100,000.00 for the recovery of response actions incurred at the Site.

The Settlement Agreement includes a covenant by EPA not to sue or to take administrative action against the Settling Party pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), with regard to the Site, as defined in the Settlement Agreement. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the Settlement Agreement. EPA will consider all comments received and may modify or withdraw its consent to the Settlement Agreement if comments received disclose facts or considerations that indicate that the proposed Settlement Agreement is inappropriate, improper or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 2 offices, 290 Broadway, New York, New York 10007–1866.

DATES: Comments must be submitted on or before September 9, 2015.

ADDRESSES: The proposed Settlement Agreement can be viewed at *http://www.epa.gov/region02/superfund/npl/gowanus/additionaldocs.html.* It is also available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007–1866.

A copy may also be obtained from Brian Carr, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. EPA Region 2, 290 Broadway, 17th Floor, New York, New York 10007–1866, 212–637–3170, *carr.brian@epa.gov.* Comments should reference the Gowanus Canal Superfund Site, Brooklyn, New York. Index No. CERCLA–02–2015–2008 and should be sent by mail or email to Brian Carr, Assistant Regional Counsel, at the address or email address above.

FOR FURTHER INFORMATION CONTACT: Brian Carr, Assistant Regional Counsel, at the address, email or telephone number stated above.

Dated: July 27, 2015.

Walter Mugdan,

Director, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2.

[FR Doc. 2015–19601 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0467; FRL–9932–08–ORD]

Board of Scientific Counselors (BOSC) Safe and Sustainable Water Resources Subcommittee Meeting—August 2015; Public Requests Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: On July 30, 2015, the U.S. Environmental Protection Agency (EPA), Office of Research and Development (ORD), gave notice of a meeting of the Board of Scientific Counselors (BOSC) Safe and Sustainable Water Resources Subcommittee in the **Federal Register**. On Page 45536, Column 3, in the **DATES** section, EPA inadvertently listed the date by which members of the public should request a draft agenda or request an opportunity to make oral presentations at the meeting as July 25, 2015. The correct date by which requests should be made is August 25, 2015.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Cindy Roberts, Mail Code 8104R, Office of Science Policy, Office of Research and Development, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; via phone/voice mail at: (202) 564–1999; or via email at: *roberts.cindy@epa.gov.*

Dated: July 31, 2015.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2015–19592 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

Proposed Partial Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed partial consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), notice is hereby given of a proposed partial consent decree to address a lawsuit filed by the Sierra Club in the United States District Court for the District of Columbia: *Sierra Club* v. *EPA*, Civil Action No. 10–cv–1541 (CKK) (D.D.C.) (filed Sept. 14, 2010). Plaintiff filed a lawsuit alleging that Gina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency (''EPA''), failed to perform duties mandated by the CAA to: (1) Promulgate a federal implementation plan (''FIP'') for the State of Texas for the 1997 fine particulate matter (''$PM_{2.5}$'') and ozone national ambient air quality standards (''NAAQS''); (2) promulgate a FIP for the State of Texas for the 1997 ozone NAAQS; and (3) take final approval/disapproval action on the state implementation plan (''SIP'') that Texas submitted for implementation of the

1997 $PM_{2.5}$ NAAQS. The proposed partial consent decree would establish deadlines for EPA to take certain specified actions.

DATES: Written comments on the proposed partial consent decree must be received by September 9, 2015.

ADDRESSES: Submit your comments, identified by Docket ID number OGC–2015–0544, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Stephanie L. Hogan, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–3244; fax number: (202) 564–5603; email address: *hogan.stephanie@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Partial Consent Decree

The proposed partial consent decree would partially resolve a lawsuit filed by the Sierra Club seeking to compel the Administrator to take actions under CAA section 110(c)(1) and (k)(2). The Plaintiff's lawsuit alleged that EPA has a mandatory duty to: (1) Promulgate a FIP for the State of Texas that meets the requirements of CAA section 110(a)(2)(D)(i) for the 1997 $PM_{2.5}$ and ozone NAAQS; (2) promulgate a FIP for the State of Texas that meets the requirements of CAA Section 110(a)(2) for the 1997 ozone NAAQS; and (3) take final approval/disapproval action pursuant to CAA section 110(k)(3) on the SIP that Texas submitted for implementation of the 1997 $PM_{2.5}$ NAAQS. The proposed partial consent decree would resolve the Plaintiff's claim regarding EPA's duty to promulgate a FIP that meets the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 1997 ozone NAAQS for Texas. Under the terms of the proposed partial consent decree, EPA must take proposed action no later than September 22, 2015, and final action no later than February 22, 2016, with respect to this claim. See the proposed partial consent decree for the specific details.

The proposed partial consent decree does not resolve Plaintiff's claim with respect to the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 1997 $PM_{2.5}$ NAAQS for Texas. The court entered a partial consent decree with respect to the other claims at issue in the case on November 28, 2011.

On July 28, 2015, the Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued its opinion in *EME Homer City Generation, L.P.* v. *EPA*, slip op., No. 11–1302, regarding the Cross-State Air Pollution Rule (CSAPR), 76 FR 48,208 (Aug. 8, 2011). In CSAPR, EPA determined that the FIP promulgated in that rulemaking to address CAA section 110(a)(2)(D)(i)(I) as to Texas with respect to the 1997 ozone NAAQS may not be sufficient to address the state's statutory obligation under that provision. 76 FR at 48,210 n.3. In *EME Homer City*, however, the court determined, among other things, that the Texas FIP required more emission reductions than necessary to address that state's obligation pursuant to CAA section 110(a)(2)(D)(i)(I). Slip op. at 19. The EPA is still evaluating the impact of that decision on the claims raised in the present lawsuit, *Sierra Club* v. *EPA*. However, because the proposed partial consent decree has been lodged with the court, the EPA is issuing the notice required by CAA section 113(g) within the timeframe required by the proposed partial consent decree and requests comment as to whether the court's decision in *EME Homer City* should in any way affect whether EPA finalizes the partial consent decree or its terms.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed partial consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed partial consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this proposed partial consent decree should be withdrawn, the terms of the partial consent decree will be affirmed.

II. Additional Information About Commenting on the Proposed Partial Consent Decree

A. How can I get a copy of the proposed partial consent decree?

The official public docket for this action (identified by OGC–2015–0544) contains a copy of the proposed partial consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov*. You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be

marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD–ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov*, your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: July 31, 2015.

Lorie J. Schmidt,

Associate General Counsel.

[FR Doc. 2015–19599 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL_9930–45–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Washington's request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

DATES: EPA's approval is effective September 9, 2015 for the State of Washington's National Primary Drinking Water Regulations Implementation program, if no timely request for a public hearing is received and accepted by the Agency.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements. Once an authorized program has EPA's approval to accept electronic documents under certain programs, CROMERR § 3.1000(a)(4) requires that the program keep EPA apprised of any changes to laws, policies, or the electronic document receiving systems that have the potential to affect the program's compliance with CROMERR § 3.2000.

On December 14, 2009, the Washington State Department of Health (WA DOH) submitted an amended application titled ''Washington State Lab Electronic Reporting System'' for revision to its EPA-approved program under title 40 CFR part 142 to allow new electronic reporting. EPA reviewed WA DOH's request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision/modification set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Washington's request to revise its Part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register**.

WA DOH was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Also, in today's notice, EPA is informing interested persons that they may request a public hearing on EPA's action to approve the State of Washington's request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of today's **Federal Register** notice. Such requests should include the following information:

(1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today's determination or rescinding such determination. If no timely request for a hearing is received

and granted, EPA's approval of the State of Washington's request to revise its part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting will become effective 30 days after today's notice is published, pursuant to CROMERR section 3.1000(f)(4).

Matthew Leopard,

Director, Office of Information Collection.

[FR Doc. 2015–19577 Filed 8–7–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The following applicants filed AM or FM proposals to change the community of license: Blue Sky Broadcasting, Station KPND, Facility ID 5992, BPH–20150717AAV, From Sandpoint, ID, To Dear Park, WA; Educational Media Foundation, Station KARQ, Facility ID 90988, BPED–20150706ACR, From San Andreas, CA, To Linden, CA; Educational Media Foundation, Station WDKL, Facility ID 64662, BPH–20150601ACZ, From Grafton, WV, To Loch Lynn Heights, MD; J&W Communications LLC, Station WAOQ, Facility ID 825, BPH–20150515ABK, From Brantley, AL, To Goshen, AL; Lakewood Communications LLC, Station WKSR–FM, Facility ID 27422, BPH–20150702AAL, From Lawrenceburg, TN, To Pulaski, TN; Lazer Licenses, LLC, Station KCAL, Facility ID 55416, BP–20150603AAS, From Redlands, CA, To Grand Terrace, CA; Mississippi College, Station WHJT, Facility ID 43180, BPH–20150618AAS, From Clinton, MS, To Kearney Park, MS; MTD, Inc., Station KNMB, Facility ID 87766, BPH–20150610AAR, From Cloudcroft, NM, To Capitan, NM; Northwest Indy Radio, Station KBSG, Facility ID 174954, BPED–20150610AAD, From Hoquiam, WA, To Raymond, WA; Radio Dalhart, Inc., Station KHJQ, Facility ID 82894, BPH–20150625ACH, From Leakey, TX, To Concan, TX; S and H Broadcasting, LLC, Station KVGH, Facility ID 2316, BPH–20150622AFT, From North Shore, CA, To Bermuda Dunes, CA; Top O' Texas Ed B/Casting Foundation, Station KOGC, Facility ID 174505, BPED–20150611ABM, From Wheeler, TX, To Carter, OK.

DATES: The agency must receive comments on or before October 9, 2015.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tung Bui, 202–418–2700.

SUPPLEMENTARY INFORMATION: The full text of these applications is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street SW., Washington, DC 20554 or electronically via the Media Bureau's Consolidated Data Base System, *http://licensing.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm.*

Federal Communications Commission.

James D. Bradshaw,

Deputy Chief, Audio Division, Media Bureau.

[FR Doc. 2015–19575 Filed 8–7–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15AME]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Monitoring and Reporting System for the National Tobacco Control Program—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) works with states, territories, tribal organizations, and the District of Columbia (collectively referred to as ''state-based'' programs) to develop, implement, manage, and evaluate tobacco prevention and control programs. Support and guidance for these programs have been provided through cooperative agreement funding and technical assistance administered by CDC's National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP).

NCCDPHP cooperative agreements DP15–1509 (National State-Based Tobacco Control Programs) and DP14–1410PPHF14 (Public Health Approaches for Ensuring Quitline Capacity) continue to support efforts since 1999 to build state health department infrastructure and capacity to implement comprehensive tobacco prevention and control programs. Through these cooperative agreements, health departments in all 50 states, the District of Columbia, Puerto Rico and Guam are funded to implement evidence-based environmental, policy, and systems strategies and activities designed to reduce tobacco use, secondhand smoke exposure, tobacco-related disparities and associated disease, disability, and death.

As part of routine monitoring, assessing progress, and ensuring accountability, cooperative agreement awardees will report information about their work plan objectives, activities, and performance measures. Each awardee will submit an Annual Work Plan Progress Report using an Excel-

based Work Plan Tool. The estimated burden per response is three hours for each Annual Work Plan Progress report. In addition, each awardee will submit an Annual Budget Progress Report using an Excel-based Budget Tool. The estimated burden per response is two hours for each Annual Budget Progress Report.

In Year one, each awardee will have additional burden related to initial population of the reporting tools. Initial population of the Work Plan Tool is estimated to be six hours per response, and initial population of the Budget Tool is estimated to be four hours per response. Initial population of the tools is a one-time activity which is annualized over the three years of the information collection request. Due to annualization, the 53 awardees are represented as 18 awardees (53/3) in the burden table. After completing the initial population of the tools, pertinent information only needs to be updated for each annual report. The same instruments will be used for all information collection and reporting.

Awardees will upload their information to *www.grants.gov* on an annual basis to satisfy routine cooperative agreement reporting requirements. CDC will use the information collected to monitor each awardee's progress and to identify facilitators and challenges to program implementation and achievement of outcomes.

OMB approval is requested for three years. Participation in the information collection is required as a condition of funding. There are no costs to respondents other than their time. The total estimated annualized burden hours are 445.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State Tobacco Control Managers	Initial Population of the Work Plan Tool	18	1	6
	Annual Work Plan Progress Report	53	1	3
	Initial Population of the Budget Tool	18	1	4
	Annual Budget Progress Report	53	1	2

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–19579 Filed 8–7–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Joint Meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of two public advisory committees of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Names of Committees: Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee.

General Function of the Committees: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 10, 2015, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

Contact Person: Stephanie L. Begansky, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *AADPAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committees will be asked to discuss new drug application (NDA) 206830, oxycodone immediate-release tablets, submitted by Purdue Pharma, with the proposed indication of the management of moderate to severe pain where the use of an opioid analgesic is appropriate. It has been formulated with the intent to provide abuse-deterrent properties. The pharmacokinetic data demonstrate that there is a significant food effect resulting in a significant delay in absorption and peak plasma concentration of oxycodone when taken with food. The applicant proposes to address this finding by labeling the product to be taken on an empty stomach, but patients may have difficulty complying with these instructions as the product is dosed every 4 to 6 hours as needed. The committees will be asked to discuss the potential safety risks and the potential effects on efficacy associated with the delayed peak concentration when taken with food, and the feasibility of labeling to be taken an empty stomach as a means to mitigate the potential risks. The committees will also be asked to consider whether the potential public health benefit of the product's abuse-deterrent properties are sufficient to outweigh the risk to patients who are prescribed the product for the management of pain.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the

meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On September 10, 2015, from 9:30 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committees. Written submissions may be made to the contact person on or before August 26, 2015. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 18, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 19, 2015.

Closed Presentation of Data: On September 10, 2015, from 8 a.m. to 9:30 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)). During this session, the committees will discuss the drug development program of an investigational product.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Stephanie L. Begansky at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 4, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015–19547 Filed 8–7–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Joint Meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committees: Joint meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee.

General Function of the Committees: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 11, 2015, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

Contact Person: Stephanie L. Begansky, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *AADPAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committees will discuss new drug application (NDA) 208090, oxycodone extended-release capsules for oral use, submitted by Collegium Pharmaceuticals, proposed for the management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative options are inadequate. This product has been formulated with the intent to provide abuse-deterrent properties. Pharmacokinetic data demonstrate that, in order to deliver the intended amount of oxycodone, the drug product must be taken with food. The committees will be asked to discuss the potential safety risks and the potential effects on efficacy associated with the extent of the food effect, and potential fluctuations in oxycodone levels that may occur if the product is not taken consistently with the same amount of food. In addition, the committees will be asked to review and discuss whether the data characterizing the abuse-deterrent properties support the likelihood that this drug product will have a meaningful effect on abuse and whether potential benefits to the public from abuse-deterrent properties outweigh potential risks to patients from the effect of food. The committees will be asked to vote on whether this product should be approved for marketing in the United States.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On September 11, 2015, from 9:30 a.m. to 5 p.m., the meeting is

open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committees. Written submissions may be made to the contact person on or before August 27, 2015. Oral presentations from the public will be scheduled approximately between 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 19, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 20, 2015.

Closed Presentation of Data: On September 11, 2015, from 8 a.m. to 9:30 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)). During this session, the committees will discuss the drug development program of an investigational product.

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Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 4, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015–19548 Filed 8–7–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Class Deviation from Competition Requirements for the Health Center Program.

SUMMARY: In accordance with the Awarding Agency Grants Administration Manual (AAGAM) Chapter 2.04.103, the Bureau of Primary Health Care (BPHC) has been granted a class deviation from the exceptions to maximum competition requirements contained in the AAGAM Chapter 2.04.104A–5 to provide additional funding without competition to the 144 Health Center Program award recipients whose budget period ends November 30, 2015, for up to 5 months. The extension allows BPHC to eliminate the December 1 budget period start date by redistributing these grants to established start dates later in the fiscal year, thereby allowing award recipients comparable opportunity to prepare and submit applications while allowing BPHC to remain compliant with internal process timelines.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Health Center Program award recipients with a project period end date of November 30, 2015.

Amount of Non-Competitive Awards: $85,451,535.

Period of Supplemental Funding: December 1, 2015, to maximum April 30, 2016.

CFDA Number: 93.224.

Authority: Section 330 of the Public Health Service Act, as amended (42 U.S.C. 254b, as amended).

Justification: Targeting the nation's neediest populations and geographic areas, the Health Center Program currently funds nearly 1,300 health centers that operate approximately 9,000 service delivery sites in every state, the District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific Basin. In 2013, more than 21 million patients, including medically underserved and uninsured patients, received comprehensive, culturally competent, quality primary health care services through the Health Center Program award recipients. Due to the vast size of the Health Center Program, the active grants are distributed across seven budget periods that begin on the first of the month, December through June.

BPHC uses the information award recipients report annually via the Uniform Data System (UDS) to objectively determine the patient and service area requirements that new and continuing applications must address. The requirements are available for applicant use in June. The deviation allows BPHC to redistribute the award recipients with December 1 starting dates to budget period start dates later in the fiscal year, thus allowing these award recipients comparable opportunity to prepare and submit applications while allowing BPHC to remain compliant with internal process timelines. By September 15, 2015, $85,451,535 will be awarded to these 144 award recipients to continue approved activities for up to 5 months. Award recipients will report progress and financial obligations made during their budget period extension through routine reports.

TABLE 1—AWARD RECIPIENTS

Grant No.	Award recipient name	State	New budget period start	Prorated award amount ($)
H80CS00057	The Providence Community Health Centers, Inc	RI	January	460,800
H80CS00058	East Boston Neighborhood Health Center Corporation	MA	February	561,147
H80CS00059	Wood River Health Services, Inc	RI	May	425,646
H80CS00060	East Harlem Council for Human Services, Inc	NY	April	652,402
H80CS00061	William F. Ryan Community Health Center, Inc	NY	January	691,645
H80CS00062	Newark Community Health Centers, Inc	NJ	February	633,059
H80CS00063	Consejo De Salud De Puerto Rico, Inc	PR	January	733,064

TABLE 1—AWARD RECIPIENTS—Continued

Grant No.	Award recipient name	State	New budget period start	Prorated award amount ($)
H80CS00064	Oda Primary Health Care Center, Inc	NY	April	667,221
H80CS00065	Family Health Network of Central New York, Inc	NY	May	611,735
H80CS00067	Park West Health Systems, Inc	MD	February	568,343
H80CS00068	Total Health Care, Inc	MD	January	343,277
H80CS00069	Tri-State Community Health Center	MD	April	958,543
H80CS00070	Unity Health Care, Inc	DC	January	749,122
H80CS00071	Covenant House, Inc	PA	April	763,811
H80CS00072	Sto-Rox Neighborhood Health Council, Inc	PA	May	654,267
H80CS00073	Peninsula Institute For Community Health, Inc	VA	January	460,088
H80CS00074	Scranton Primary Health Care Center, Inc	PA	May	458,125
H80CS00075	New River Health Association, Inc	WV	April	547,263
H80CS00076	Keystone Rural Health Center	PA	April	1,068,687
H80CS00078	Camden-On-Gauley Medical Center, Inc	WV	May	398,198
H80CS00080	Community Care of West Virginia, Inc	WV	April	786,007
H80CS00081	Rural Health Care, Inc	FL	February	633,939
H80CS00082	Curtis V. Cooper Primary Health Care, Inc	GA	April	893,829
H80CS00083	Park Duvalle Community Health Center, Inc	KY	January	335,986
H80CS00084	Central Mississippi Civic Improvement Association, Inc	MS	January	462,927
H80CS00085	Delta Health Center, Inc	MS	February	579,228
H80CS00086	Piedmont Health Services, Inc	NC	January	468,414
H80CS00087	Wake Health Services, Inc	NC	April	1,042,868
H80CS00088	Greene County Health Care, Inc	NC	January	509,538
H80CS00090	Family Health Centers, Inc	SC	January	360,589
H80CS00091	Erlanger Medical Center	TN	April	791,040
H80CS00092	Low Country Health Care System, Inc	SC	April	644,741
H80CS00093	Georgia Mountains Health Services, Inc	GA	April	825,098
H80CS00094	Whatley Health Services, Inc	AL	January	488,781
H80CS00096	Mantachie Rural Health Care, Inc	MS	May	243,710
H80CS00097	Manatee County Rural Health Services, Inc	FL	January	552,786
H80CS00098	Bayou La Batre Area Health Development Board, Inc	AL	April	805,603
H80CS00099	Franklin Primary Health Center, Inc	AL	January	813,618
H80CS00100	First Choice Community Health Centers	NC	April	552,595
H80CS00101	Premier Community Healthcare Group, Inc	FL	January	341,791
H80CS00102	Family Health Centers, Inc	KY	January	407,856
H80CS00104	Kinston Community Health Center, Inc	NC	April	623,329
H80CS00105	Central North Alabama Health Services, Inc	AL	April	891,178
H80CS00106	Lewis County Primary Care Center, Inc	KY	April	614,791
H80CS00107	Robeson Health Care Corporation	NC	April	906,337
H80CS00108	Baldwin Family Health Care	MI	April	908,083
H80CS00109	TCA Health, Inc Nfp.	IL	May	515,392
H80CS00110	Neighborhood Health Association of Toledo, Inc	OH	April	840,647
H80CS00111	Heartland Health Outreach, Inc	IL	January	396,253
H80CS00112	Open Cities Health Center	MN	April	672,575
H80CS00113	Crusaders Central Clinic Association	IL	January	418,512
H80CS00114	Healthnet, Inc	IN	January	476,909
H80CS00115	Erie Family Health Center, Inc	IL	January	507,472
H80CS00116	Alivio Medical Center, Inc	IL	April	1,059,492
H80CS00117	AxessPointe Community Health Center, Inc	OH	May	677,233
H80CS00118	Columbus Neighborhood Health Center, Inc	OH	January	373,944
H80CS00119	County of Lake	IL	February	552,637
H80CS00120	Friend Family Health Center, Inc	IL	April	806,746
H80CS00122	Lee County Cooperative Clinic	AR	April	815,098
H80CS00123	East Arkansas Family Health Center, Inc	AR	April	913,567
H80CS00124	Cross Timbers Health Clinics, Inc	TX	April	909,224
H80CS00125	Community Health Centers of South Central Texas, Inc	TX	May	611,910
H80CS00126	Regence Health Network, Inc	TX	January	383,342
H80CS00127	Martin Luther King Jr Family Clinic, Inc	TX	February	573,277
H80CS00128	Centro De Salud Familiar La Fe, Inc	TX	January	458,443
H80CS00129	Excelth, Inc	LA	January	338,583
H80CS00130	Community Health Development, Inc	TX	April	908,327
H80CS00131	Kansas Department of Health and Environment	KS	May	542,788
H80CS00132	Richland Medical Clinic, Inc	MO	April	828,672
H80CS00133	Betty Jean Kerr—People's Health Centers	MO	February	631,044
H80CS00134	Valley Wide Health Systems, Inc	CO	January	535,388
H80CS00135	Horizon Health Care, Inc	SD	January	348,833
H80CS00137	United Health Centers of the San Joaquin Valley	CA	January	669,889
H80CS00138	Community Medical Centers, Inc	CA	January	522,161
H80CS00139	Northeast Valley Health Corporation	CA	January	899,164
H80CS00140	Adelante Healthcare, Inc	AZ	January	408,861
H80CS00141	Mountain Park Health Center	AZ	January	601,935

TABLE 1—AWARD RECIPIENTS—Continued

Grant No.	Award recipient name	State	New budget period start	Prorated award amount ($)
H80CS00142	Altamed Health Services Corporation	CA	January	703,237
H80CS00143	Darin M. Camarena Health Centers, Inc	CA	February	549,375
H80CS00145	South County Community Health Center, Inc	CA	April	947,950
H80CS00146	Anchorage Neighborhood Health Center, Inc	AK	February	557,898
H80CS00147	Columbia Basin Health Association	WA	January	406,414
H80CS00148	Northwest Human Services, Inc	OR	April	810,809
H80CS00149	County of Multnomah	OR	January	669,764
H80CS00215	Heartland International Health Centers	IL	April	711,254
H80CS00323	Concilio De Salud Integral De Loiza, Inc	PR	January	328,371
H80CS00676	Community Health Systems, Inc	WI	May	529,257
H80CS00850	Watts Healthcare Corporation	CA	January	337,408
H80CS04196	Cheyenne Health and Wellness Center	WY	May	405,179
H80CS04197	Partnership Community Health Center, Inc	WI	May	423,294
H80CS04200	Community Health Centers of Southern Iowa, Inc	IA	May	412,351
H80CS04201	Community Council of Idaho, Inc	ID	May	390,180
H80CS04202	Mary's Center For Maternal and Child Care, Inc	DC	May	544,160
H80CS04203	Juniper Health, Inc	KY	May	668,967
H80CS04204	Community Health Center	OR	April	631,155
H80CS04205	Lewis County Community Health Services, Inc	WA	May	463,722
H80CS04206	Asher Community Health Center	OR	May	204,088
H80CS04207	Columbia River Community Health Services	OR	May	320,816
H80CS04208	Yakutat Tribe	AK	May	267,278
H80CS04209	Alaska Island Community Services	AK	April	627,569
H80CS04210	Goodwin Community Health	NH	May	469,613
H80CS04211	Zufall Health Center, Inc	NJ	February	571,828
H80CS04212	Health Partners of Western Ohio	OH	April	928,816
H80CS04213	The Brevard Health Alliance, Inc	FL	April	860,910
H80CS04214	Citrus Health Network, Inc	FL	April	581,191
H80CS04215	Healthfirst Family Care Center, Inc	MA	May	519,561
H80CS04216	Salina Health Education Foundation	KS	May	421,788
H80CS04217	Venice Family Clinic	CA	May	651,363
H80CS04218	County of Solano	CA	May	596,799
H80CS04219	Community Health Clinic Ole	CA	April	583,317
H80CS04220	Community Health Alliance Of Pasadena	CA	February	623,981
H80CS04222	Valley Community Healthcare	CA	April	893,755
H80CS04223	EISNER Pediatric & Family Medical Center	CA	April	859,741
H80CS04224	Karuk Tribe	CA	May	378,421
H80CS04226	Hill Country Community Clinic	CA	May	418,025
H80CS04286	Stigler Health & Wellness Center, Inc	OK	April	766,526
H80CS04287	Project Vida Health Center	TX	April	801,248
H80CS04288	River Valley Primary Care Services	AR	May	429,862
H80CS04289	Lone Star Circle of Care	TX	April	884,105
H80CS04290	St. Francis House NWA, Inc	AR	April	866,346
H80CS04291	Penobscot Community Health Center, Inc	ME	February	548,814
H80CS06444	Hernando County Health Department/Nature Coast CHC, Inc	FL	May	429,170
H80CS06445	Fourth Ward d.b.a Good Neighbor Healthcare Center	TX	May	450,233
H80CS06446	Community Health Connection, Inc	OK	May	409,525
H80CS06447	Spring Branch Community Health Center	TX	April	567,997
H80CS06449	Pasadena Health Center, Inc	TX	May	410,263
H80CS06450	Tensas Community Health Center	LA	May	276,396
H80CS06452	Pancare of Florida, Inc	FL	February	565,567
H80CS06453	Pushmataha Family Medical Center, Inc	OK	May	388,158
H80CS06454	Primary Care of Southwest Georgia, Inc	GA	May	659,322
H80CS06455	Midland Community Healthcare Services	TX	May	413,243
H80CS06456	Fairfax Medical Facilities, Inc	OK	April	548,527
H80CS06457	North Texas Area Community Health Centers, Inc	TX	May	675,548
H80CS06458	Osceola County Health Department	FL	April	631,458
H80CS06459	Primary Care Providers for a Healthy Feliciana	LA	April	1,009,172
H80CS06460	Shackelford County Community Resource Center	TX	April	757,384
H80CS06461	Chota Community Health Services	TN	May	435,160
H80CS06674	Los Angeles Christian Health Centers	CA	February	549,003
H80CS08329	Adams County Health Center, Inc	ID	May	307,964
H80CS08777	County of Cass	IL	May	367,674
H80CS11255	Stephen F. Austin Community Health Center, Inc	TX	May	399,520
H80CS18278	Rainelle Medical Center	WV	May	312,398
H80CS25436	The Health & Hospital Corp of Marion County	IN	May	634,731
H80CS25679	J C Lewis Health Center	GA	April	597,193

FOR FURTHER INFORMATION CONTACT: Olivia Shockey, Expansion Division Director, Office of Policy and Program Development, Bureau of Primary Health Care, Health Resources and Services Administration at 301–443–9282 or *oshockey@hrsa.gov.*

Dated: July 31, 2015.

James Macrae,

Acting Administrator.

[FR Doc. 2015–19524 Filed 8–7–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Committee on Rural Health and Human Services; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: National Advisory Committee on Rural Health and Human Services.

Dates and Time: September 9, 2015, 8:45 a.m.–5:00 p.m. CDT, September 10, 2015, 8:30 a.m.–5:15 p.m. CDT, September 11, 2015, 8:30 a.m.–11:00 a.m. CDT.

Place: Shooting Star Hotel, 777 S Casino Road, Mahnomen, Minnesota 56557, (800) 453–7827.

Status: The meeting will be open to the public.

Purpose: The National Advisory Committee on Rural Health and Human Services provides counsel and recommendations to the Secretary with respect to the delivery, research, development, and administration of health and human services in rural areas.

Agenda: The meeting on Wednesday, September 9, will be called to order at 8:45 a.m. by the Chairperson of the Committee, the Honorable Ronnie Musgrove. The Committee will examine the issue of Health Care Delivery System Reform in rural areas and the issue of Rural Child Poverty. The day will conclude with a period of public comment at approximately 4:45 p.m.

The Committee will break into Subcommittees and depart for site visits Thursday morning, September 10, at approximately 8:30 a.m. Subcommittees will visit the Otter Tail County Public Health Department in Fergus Falls, Minnesota, and the Sanford Heath Detroit Lakes Clinic in Detroit Lakes, Minnesota. The day will conclude at the Shooting Star Hotel with a period of public comment at approximately 5:00 p.m.

The Committee will meet to summarize key findings and develop a work plan for the next quarter and the following meeting on Friday morning, September 11, at 8:30 a.m.

For Further Information Contact: Steve Hirsch, MSLS, Executive Secretary, National Advisory Committee on Rural Health and Human Services, Health Resources and Services Administration, Parklawn Building, 17W29–C, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–0835, Fax (301) 443–2803.

Persons interested in attending any portion of the meeting should contact Pierre Joseph at the Federal Office of Rural Health Policy (FORHP) via telephone at (301) 945–0897 or by email at *PJoseph@hrsa.gov.* The Committee meeting agenda will be posted on the Committee's Web site at *http://www.hrsa.gov/advisorycommittees/rural/.*

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–19546 Filed 8–7–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary, Office of the Assistant Secretary for Administration

Statement of Organization, Functions, and Delegations of Authority; Office of the Assistant Secretary for Public Affairs

Part A of the HHS Organization Manual Office of the Secretary, Department of Health and Human Services (HHS) is being amended at Chapter AP, ''Office of the Assistant Secretary for Public Affairs (ASPA),'' as last amended at 70 FR 61621–22, dated Oct. 25, 2005. Over the past several years, ASPA has been refining its organizational structure to improve its strategic and operational communication capacities to more effectively support the mission and strategic priorities of the Department. A substantive element of this change has been a shift from a purely operational structure focusing on defined services to one that builds a whole-of-ASPA approach that draws on all communication skills across each of three key portfolios—health care, public health, and human services. The proposed organizational realignments will, therefore, update and revise ASPA's structure to reflect this more functional, strategic operational approach. The changes are described below:

I. Under Part A, Chapter AP, Section AP.00 Mission, delete in its entirety and replace with the following:

AP.00 Mission: The ASPA serves as the Secretary's principal counsel on public affairs, leading efforts across the Department to promote transparency, accountability and access to critical public health and human services information to the American people. The Office of the Assistant Secretary for Public Affairs conducts national public affairs programs, provides centralized leadership and guidance for public affairs activities within HHS' Staff and Operating Divisions and regional offices, manages the Department's digital communications and administers the Freedom of Information and Privacy Acts. The Division leads the planning, development and implementation of emergency incident communications strategies and activities for the Department. The ASPA reports directly to the HHS Secretary.

II. Under Part A, Chapter AP, Section AP.10 Organization, delete in its entirety and replace with the following:

AP.10 Organization. The Office of the Assistant Secretary for Public Affairs, headed by the Assistant Secretary for Public Affairs (ASPA) who reports to the Secretary, supports public affairs efforts for three primary issue areas: Public Health, Human Services, and Health Care. ASPA consists of the following organizations:

- The Office of the Assistant Secretary for Public Affairs, Agency Chief FOIA Officer
- The Office of the Principal Deputy Assistant Secretary
  —Strategic Planning Division
  —Speechwriting Division
- The Office of the Deputy Assistant Secretary for Public Health
- The Office of the Deputy Assistant Secretary for Health Care
- The Office of the Deputy Assistant Secretary for Human Services
  —Broadcast Services Division
  —Digital Communications Division
- Executive Officer/Deputy Agency Chief FOIA Officer
  —Business Operations Division
  —Administrative Operations Division
  —FOIA/Privacy Act Division

III. Under Section AP.20 Functions, delete in its entirety, and replace with the following:

A. The Office of the Assistant Secretary for Public Affairs (AP)—Provides executive leadership, policy direction, and management strategy for the Department's public affairs programs and activities. Counsels and acts for the Secretary and the Department in carrying out responsibilities under statutes, Presidential directives, and Secretarial orders for informing the general public, specialized audiences, HHS employees, and other Federal employees about the programs, policies, and services of the Department. Establishes and enforces policies and practices which produce an accurate, clear, efficient, and consistent flow of information to the general public and other audiences about departmental programs and activities. Provides

advice, counsel and information to the Secretary and other HHS policymakers to ensure that public affairs impact is considered in the establishment of departmental policies or the conduct of its activities. Serves as the principal point of contact with senior White House officials regarding communications and press issues. Exercises professional leadership and provides functional management of public affairs activities throughout the Department to ensure that Secretarial priorities are followed, high quality standards are met, and cost-effective, non-duplicative communications products are developed which accurately and effectively inform its audiences. Serves as Secretarial surrogate throughout the public and private sector to both represent the views of the Administration and the Secretary, and to inform and educate various audiences. Ensures coordination among public affairs components. Manages public affairs issues and special activities that cut across Operating Division lines.

In addition, the Assistant Secretary for Public Affairs (ASPA) serves as the HHS Agency Chief FOIA Officer (ACFO), pursuant to Executive Order 13392 and the Freedom of Information Act, as amended by Public Law 110–175, 121 Stat. 2524, 5 U.S.C. 552(k). In this capacity, the ASPA/ACFO is responsible for administering information access and privacy protection laws and HHS regulations implementing these laws to ensure Department wide consistency in information disclosure, confidentiality policies, practices and procedures. Such laws include the Freedom of Information Act and the Privacy Act, as well as the open meetings provisions of the Federal Advisory Committee Act, the Government in the Sunshine Act and the disclosure provisions of the Ethics in Government Act.

B. The Office of the Principal Deputy Assistant Secretary for Public Affairs (APE)—Responsible for developing effective strategies to publicize Departmental policies, goals and accomplishments, activities related to the Department's communications services and public affairs policy analysis, and management oversight of the Strategic Planning Division and the Speechwriting Division. Provides advice and assistance on all public affairs matters, in consultation with the Assistant Secretary for Public Affairs; coordinates with ASPA's Deputy Assistant Secretaries for Public Affairs (Public Health, Health Care, Human Services) in providing prompt response to media and public inquiries, and in helping the Assistant Secretary for Public Affairs generate a strategic focus for stories and other information products that the Department develops and wishes to highlight. Manages or coordinates the conduct of high priority media campaigns and information programs in the Department. Acts as liaison to private sector organizations, to the Operating and Staff Divisions, to the public affairs units in the HHS Operating Divisions and Regions and to other Federal agencies, including OMB and the Office of Public Liaison at the White House. Initiates, designs and effects outreach programs for all organizations, associations and individuals concerned with the broad range of policies, programs and issues of the Department. Performs special assignments which involve and cut across Department programs and activities to achieve broadly defined public affairs management and program objectives. Interacts with internal and external organizations, groups and individuals to secure and provide information concerning matters affecting HHS policy, interests, and initiatives. Represents the Assistant Secretary for Public Affairs in conveying official viewpoints and policy considerations of the Department and the Administration.

B1. Strategic Planning Division (APE1)—Provides strategic, long-term vision and strong leadership on public health, health care, and human services initiatives. Collaborates with and has the authority to work across HHS Staff/Operating Divisions and White House Press Offices. Leads implementation of strategic plans and coordinates earned, digital, and specialty media staff across the Department to boost impact, ensuring the right message is delivered to the right audience through the right channel. Advises the Secretary and Senior Staff on tactics, timing and level of investment in accordance with the Department's strategic priorities. Provides proactive consultation and advice to HHS Staff/Operating Divisions, including regional staff, regarding the dissemination of information on programs, policies, and initiatives; while ensuring the wide dissemination of accurate materials to the American public. Participates with the Assistant Secretary for Public Affairs (ASPA), the Principal Deputy Assistant Secretary (PDAS), and other ASPA staff in discussions with staff across the Department on cross-cutting issues regarding overall policies, planning, issues, concerns and activities and related health care programs. Works with all HHS Staff/Operating Divisions to develop a long-term outreach strategy, coordinate in-house communications efforts, and ensure consistency with plain writing directives. Promotes full and open participation in the communications process and develops reports and recommendations, ensuring full review and vetting of drafts by appropriate staff between and among ASPA's customers and stakeholders at all levels. Researches, understands, and translates for a lay audience laws, policies, regulations and precedents applicable to public health, health care, and human services. Oversees the document clearance process and the prioritization of rollouts while taking into account internal and external feedback. Coordinates and/or prepares briefings, memos, policy calendars and other information material for use by the Secretary, HHS, at Secretarial and senior staff briefings, the White House, and for congressional and other briefings.

B2. Speechwriting Division (APE2)—Serves as the principal resource with the Department for reviewing and editing written materials reflecting the views of the Secretary, Deputy Secretary, and Chief of Staff. Prepares speeches, statements, articles, and related material for the Secretary, Deputy Secretary, and Chief of Staff and other top Departmental officials. Researches and prepares Op Ed pieces, features, articles, and stories for the media.

C. Deputy Assistant Secretary for Public Affairs (Public Health) (APB)—The Public Health team works with agencies such as the Centers for Disease Control and Prevention, Food and Drug Administration, National Institutes for Health, and others on initiatives and strategies to promote public health, improve health outcomes, prevent disease, respond to outbreaks, and accelerate scientific discovery. Key priorities include helping Americans achieve and maintain a healthy weight, preventing and reducing tobacco use, supporting the National HIV/AIDS strategy, and implementing a modern food safety system. The Deputy Assistant Secretary for Public Affairs (Public Health)—DAS–PH—provides advice and assistance on all public affairs matters within ASPA's public health portfolio, in consultation with the Assistant Secretary for Public Affairs and in coordination with the Principal Deputy Assistant Secretary for Public Affairs. In this capacity, the DAS–PH: Provides prompt responses to media and public inquiries; and generates a strategic focus for stories and other information products or outputs that the Department develops and wishes to

highlight; Conducts an active communication program with the public on behalf of the Department through the media and other avenues of communication in order to further public understanding of its policies, programs and issues; Coordinates press activities with the White House Press Office and other government departmental press operations; Responds to inquiries from Congress, other arms of the government, media and the public that involves the collection of data. In addition, the DAS–PH leads the planning, development and implementation of emergency incident and risk communications strategies and activities for the Department.

D. Deputy Assistant Secretary for Public Affairs (Health Care) (APC)—The Health Care team works to advance a 21st century healthcare system that delivers high quality, affordable care to all Americans. The team works with agencies such as the Agency for Healthcare Research and Quality, Office of the National Coordinator for Health Information Technology, Health Resources and Services Administration, and the Centers for Medicare & Medicaid Services to improve access, quality, safety, efficiency, and effectiveness of the nation's healthcare. The Deputy Assistant Secretary for Public Affairs (Health Care)—DAS–HC—provides advice and assistance on all public affairs matters within ASPA's healthcare portfolio, in consultation with the Assistant Secretary for Public Affairs and in coordination with the Principal Deputy Assistant Secretary for Public Affairs. In this capacity, the DAS–HC: Provides prompt responses to media and public inquiries; and generates a strategic focus for stories and other information products or outputs that the Department develops and wishes to highlight; Conducts an active communication program with the public on behalf of the Department through the media and other avenues of communication in order to further public understanding of its policies, programs and issues; Coordinates press activities with the White House Press Office and other government departmental press operations; Responds to inquiries from Congress, other arms of the government, media and the public that involves the collection of data. A key initiative in the DAS–HC portfolio is to help implement the Affordable Care Act, which is providing new coverage options and tools for Americans to make informed choices about their health.

E. Deputy Assistant Secretary for Public Affairs (Human Services) (APD)—The Human Services team helps Americans of all ages and backgrounds live full, productive lives: Kids getting a ''Head Start'' through early childhood education, families transitioning out of poverty to economic independence, teens and adults recovering from mental illness and addiction, and seniors participating in communities that value their contributions. These and other human service programs are carried out by the Administration for Children and Families, Administration for Community Living, Indian Health Service, Office for Civil Rights, and Substance Abuse and Mental Health Services Administration. The Deputy Assistant Secretary for Public Affairs (Human Services)—DAS–HS—provides advice and assistance on all public affairs matters within ASPA's healthcare portfolio, in consultation with the Assistant Secretary for Public Affairs and in coordination with the Principal Deputy Assistant Secretary for Public Affairs. In this capacity, the DAS–HS: Provides prompt responses to media and public inquiries; and generates a strategic focus for stories and other information products or outputs that the Department develops and wishes to highlight; Conducts an active communication program with the public on behalf of the Department through the media and other avenues of communication in order to further public understanding of its policies, programs and issues; Coordinates press activities with the White House Press Office and other government departmental press operations; Responds to inquiries from Congress, other arms of the government, media and the public that involves the collection of data. In addition, the DAS–HS provides direction and oversight to the Broadcast Communications Division (BCD) and the Digital Communications Division (DCD).

E.1 Broadcast Communications Division—BCD (APD1)—Collaborates with subject matter experts and key stakeholders to create useful and cost effective video products that support Departmental goals. Provides a wide range of video production and A/V services. Operates the HHS studio and coordinates activities with other HHS studios as required. Under the direction of the ASPA, supports key initiatives for the Secretary and all HHS Staff Divisions by developing and implementing media campaigns and special projects. Acts as liaison to broadcast organizations. Supports A/V services in the Humphrey Auditorium and Great Hall.

E.2 Digital Communications Division—DCD (APD2): Leads the development and review of HHS Web content, social media, and supporting technologies. Recommends and implements digital (including Web) information policy, standards, guidance, and tools for the Department. Assesses the content and usability of all proposed Department-wide and Office of the Secretary (OS)-level Web sites to ensure they are consistent with Departmental policies and goals. Manages the daily operations of the main HHS/OS public Web site (HHS.gov) and associated social media; the Department's priority Web sites and several cross-federal topic Web sites, such as FoodSafety.gov and Flu.gov, Secretary-level Web pages; and the HHS intranet. Runs the Department's user experience (UE) program, including two usability laboratories; responsible for Section 508 (accessibility) compliance across all Departmental digital communications platforms, including Web.

F. Executive Officer/Deputy Agency Chief FOIA Officer (APA)—Coordinates ASPA's day-to-day operations, overseeing management operations and policy, workforce plans and other human resources activities, and general administrative support including information technology requirements. Oversees the formulation and execution of ASPA's annual budgets and financial operating plans. Ensures that ASPA effectively integrates its performance metrics and budget processes, in order to support informed decision-making related to funding constraints and program requirements and outcomes. Supports the development and implementation of management strategies, business processes, and standard operating procedures that fully support the attainment of ASPA program goals and mission critical initiatives.

ASPA's Executive Officer also serves as the designated Deputy Agency Chief FOIA Officer (DACFO) and is delegated authority to execute the provisions of EO 13392 and 5 U.S.C. 552 (k), as follows: Monitoring FOIA implementation throughout the department and keeping the Secretary and the Office of the General Counsel (OGC), HHS, and the U.S. Attorney General appropriately informed of HHS' performance in implementing FOIA; recommending to the Secretary adjustments to departmental practices, policies, personnel, and funding necessary to improve HHS implementation of FOIA; facilitating public understanding of the purposes of the statutory FOIA exemptions; establishing Departmental FOIA policies and providing training and technical assistance to the department's Operating

Divisions (OpDivs); concurring in the delegation by an authorized HHS OpDiv FOIA Officer of the officer's authority to deny records or determine fees; serving as the review authority for appeals from a decision to deny a request for records or a refusal to waive fees made by the Director, FOIA/Privacy Act Division, ASPA, as well as ensuring consultation with OGC and providing review and concurrence on all departmental appeal decisions, including those on fees; general responsibility for Department-wide implementation and administration of the Privacy Act; authority to decide appeals of refusals to amend or correct records of the Office of the Secretary (OS); serving as ASPA's designated senior level official on the HHS Data Integrity Board; and acknowledging receipt of requests from OpDiv and OS Staff Division heads and Regional Directors for waivers to the minimum safeguarding standards established to secure records maintained in systems of records.

F1. Business Operations Division (APA1)—Directs ASPA budget formulation, execution and financial management; incorporating a results-oriented, program quality, and cost effectiveness focus into assessing and managing ASPA's resource requirements and developing and executing integrated performance-based budgets. Oversees and manages ASPA contracts and procurements, physical property, and information technology initiatives and requirements. Coordinates travel operations support, reporting, and auditing. Serves as ASPA's liaison to the Office of the Assistant Secretary for Financial Resources (ASFR) for budget and finance matters and the Office of the Assistant Secretary for Administration (ASA) for facilities, property accountability, and contract implementation and oversight matters. Additionally serves as the ASPA point of contact for departmental UFMS, PRISM, and acquisition management initiatives and for budget and performance integration inquiries from OMB and Congress.

F2. Administrative Operations Division (APA2)—Directs ASPA's human capital planning, human resources (HR) performance management, and other departmental HR policy and program requirements. Serves as ASPA's internal consultant and source of expert technical assistance on organizational development and human capital management (*e.g.,* staffing and workforce analysis, transition and succession planning, awards and special honors programs), and as liaison to the Office of the Secretary (OS) Office of Human Resources (OHR) on sensitive personnel issues (*e.g.,* EEO, labor and management relations, performance and conduct-based actions). Coordinates with OHR concerning all ASPA recruitment and personnel actions and manages professional staff development. Administers ASPA's Ethics Program and serves as liaison with OS' Office of Security and Strategic Information (OSSI) on behalf of ASPA staff regarding personnel security initiatives and requirements.

F3. FOI/Privacy Acts Division (APA3)—Administers Freedom of Information Act (FOIA) and Privacy Act issues and requests, including appeals for the Office of the Secretary. Supports and assists the execution of the ACFO/DACFO responsibilities to monitor and facilitate departmental compliance with public disclosure requirements; establish departmental Freedom of Information Act policies; coordinate, monitor, and compile reports to Congress; and provide technical assistance to the HHS Operating Divisions. Maintains the Department's index of materials mandated for public release by FOIA. In concert with Office of General Counsel staff, assists in developing regulations, policy interpretations, guidelines and procedures, and training programs for all Department components, as necessary and appropriate to implement FOIA and related legislation, including the Privacy Act, Federal Advisory Committee Act and the Government in the Sunshine Act. Provides responses to requests made to components of the Office of the Secretary pursuant to the Freedom of Information Act and determines the availability of records and information under the law and HHS Regulations. Resolves questions regarding the release of records which overlap the FOIA and the Privacy Act. Analyzes and recommends action on FOIA and Privacy Act appeals for documents denied by officials in the Office of the Secretary.

Dated: August 3, 2015.

E.J. Holland, Jr.,

Assistant Secretary for Administration.

[FR Doc. 2015–19522 Filed 8–7–15; 8:45 am]

BILLING CODE 4150–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health IT Standards Committee; Schedule for the Assessment of Health IT Policy Committee Recommendations

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice.

SUMMARY: Section 3003(b)(3) of the American Recovery and Reinvestment Act of 2009 mandates that the Health IT Standards Committee develop a schedule for the assessment of policy recommendations developed by the Health IT Policy Committee and publish it in the **Federal Register**. This notice fulfills the requirements of Section 3003(b)(3) and updates the schedule posted in the **Federal Register** on August 18, 2014. In anticipation of receiving recommendations originally developed by the Health IT Policy Committee, the Health IT Standards Committee will form task forces that will be convened to address specific issues, as needed.

Health IT Standards Committee's Schedule for the Assessment of Health IT Policy Committee Recommendations is as follows:

The National Coordinator will establish priority areas based in part on recommendations received from the Health IT Policy Committee regarding health information technology standards, implementation specifications, and/or certification criteria. Once the Health IT Standards Committee is informed of those priority areas, it will:

(A) Identify the best mechanism by which to organize itself in order to respond to the National Coordinator within 90 days with, at a minimum, the following:

(1) An assessment of what standards, implementation specifications, and certification criteria are currently available to meet the priority area;

(2) An assessment of where gaps exist (*i.e.,* no standard is available or harmonization is required because more than one standard exists) and identify potential organizations that have the capability to address those gaps; and

(3) a timeline, which may also account for NIST testing, where appropriate, and include dates when the Health IT Standards Committee is expected to issue recommendation(s) to the National Coordinator.

(B) Upon responding to the National Coordinator, the Health IT Standards Committee will:

(1) Approve a timeline by which it will deliver recommendations to the National Coordinator; and

(2) Determine whether to establish a task force to conduct research and solicit testimony, where appropriate, and issue recommendations to the full committee in a timely manner.

(C) Advise the National Coordinator, consistent with the accepted timeline in (B)(1) and after NIST testing, where appropriate, on standards, implementation specifications, and/or certification criteria, for the National Coordinator's review and determination whether or not to endorse the recommendations, and possible adoption of the proposed recommendations by the Secretary of the Department of Health and Human Services.

The standards and related topics which the Health IT Standards Committee is expected to address over the coming year include, but may not be limited to: Quality measurement; the extended portfolio of standards for the nationwide health information network; distributed queries and results; radiology; consumer-mediated information exchange; public health; data portability; and a process for the maintenance of standards.

For a listing of upcoming Health IT Standards Committee meetings, please visit the ONC Web site at *http://www.healthit.gov/facas/calendar.*

Notice of this schedule is given under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), section 3003.

Dated: August 3, 2015.

Michelle Consolazio,

FACA Lead, Office of Policy, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2015–19620 Filed 8–7–15; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health IT Policy Committee and Health IT Standards Committee; Call for Applications

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Call for applications.

SUMMARY: The Office of the National Coordinator for Health Information Technology (ONC) is seeking applications to the Health Information Technology Policy Committee (HITPC) and the Health Information Technology Standards Committee (HITSC).

Name of Committees: Health IT Standards Committee and Health IT Policy Committee.

General Function of the Committees: The HITPC is charged to provide recommendations to the National Coordinator on a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the Federal Health IT Strategic Plan and that includes recommendations on the areas in which standards, implementation specifications, and certification criteria are needed.

The HITSC is charged to provide recommendations to the National Coordinator on standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption, consistent with the implementation of the Federal Health IT Strategic Plan, and in accordance with policies developed by the Health IT Policy Committee.

Date and Time: Applications must be received by 12:00 p.m. on Friday, September 11, 2015.

Contact Person: Michelle Consolazio, phone: (202) 341–6144, email: *michelle.consolazio@hhs.gov* .

Background: The Health IT Policy Committee was established under the American Recovery and Reinvestment Act 2009 (ARRA)(P.L. 111–5), section 13101, new Section 3002. Members of the Health IT Policy Committee are appointed in the following manner: 3 members appointed by the Secretary, HHS; 4 members appointed by Congress; 13 members appointed by the Comptroller General of the United States; and other federal members appointed by the President. Applications are being accepted for one of the three members appointed by the Secretary of HHS. Nominees of the HITPC should have experience promoting the meaningful use of health information technology and be knowledgeable in privacy and security issues related to health information.

The Health IT Standards Committee was established under the American Recovery and Reinvestment Act 2009 (ARRA) (Pub. L. 111–5), section 13101, new Section 3003. Members of the Health IT Standards Committee are appointed by the Secretary, HHS and shall at least reflect providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information. Nominees of the HITSC should have experience promoting the meaningful use of health information technology and be knowledgeable in areas such as: small innovative health care providers, providers participating in payment reform initiatives, accountable care organizations, pharmacists, behavioral health professionals, home health care, purchaser or employer representatives, patient safety, health information technology security, big data, consumer e-health, personal health records, and mobile health applications.

Members will be selected in order to achieve a balanced representation of viewpoints, areas of experience, subject matter expertise, and representation of the health care system. Terms will be three (3) years from the appointment date to either the HITSC or HITPC. Members on both Committees serve without pay. However, members will be provided per diem and travel costs for Committee services.

The HITPC will be seeking applications for the following area of expertise:

- Consumer/Patient Representative

The HITSC will be seeking applications for the following areas of expertise:

- Technical Expertise, Small Innovative Provider
- Technical Expertise, CIO
- Health Plans Representative
- Technical Expertise, Health IT (2)
- Purchaser/Employer Representative
- Long-term Care Representative
- Ancillary Healthcare Worker Representative

For more information about the HITPC please visit: *http://www.healthit.gov/facas/health-it-policy-committee*

For more information about the HITSC please visit: *http://www.healthit.gov/facas/health-it-standards-committee.*

Submitting Applications: Applications should be submitted electronically through the application database FACA application page on the HealthIT.gov Web site at: *http://www.healthit.gov/facas/faca-workgroup-membership-application.* All applications must be compiled and submitted in one complete package. An application package must include: A short bio, a current CV including contact information and memberships with professional organizations/advisory committees, and two letters of support.

Dated: August 3, 2015.

Michelle Consolazio,

FACA Program Lead, Office of Policy, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2015–19621 Filed 8–7–15; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Listing of Members of the National Institutes of Health's Senior Executive Service 2015 Performance Review Board (PRB)

The National Institutes of Health (NIH) announces the persons who will serve on the National Institutes of Health's Senior Executive Service 2015 Performance Review Board. This action is being taken in accordance with Title 5, U.S.C., Section 4314(c)(4), which requires that members of performance review boards be appointed in a manner to ensure consistency, stability, and objectivity in performance appraisals and requires that notice of the appointment of an individual to serve as a member be published in the **Federal Register.**

The following persons will serve on the NIH Performance Review Board, which oversees the evaluation of performance appraisals of the NIH Senior Executive Service (SES) members:

Colleen Barros, Chair

Michelle Bulls

Michael Gottesman

Caroline Lewis

Lawrence Tabak

Michael Tartakovsky

Timothy Wheeles

For further information about the NIH Performance Review Board, contact the Office of Human Resources, Executive Services Group, National Institutes of Health, Building 2, Room 5E18, Bethesda, Maryland 20892, telephone 301–402–7999 (not a toll-free number).

Dated: July 31, 2015.

Francis S. Collins,

Director, National Institutes of Health.

[FR Doc. 2015–19619 Filed 8–7–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting.

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in 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 Child Health and Human Development Special Emphasis Panel; Cortical multisensory connectivity a predictor of neurodevelopmental outcome.

Date: August 20, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Division Of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865,Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209,Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS) imposed by the review and funding cycle.

Dated: August 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–19544 Filed 8–7–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. A portion of this 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 for the review and discussion of grant applications. 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.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: September 17, 2015.

Closed : September 17, 2015, 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Date: September 18, 2015.

Open: September 18, 2015, 8:00 a.m. to Adjournment.

Agenda: Report of the Director, NICHD; Report of the Acting Director, Division of Extramural Research, NICHD; Division of Intramural Research Presentation; and Drug Recovery & Development in NICHD Populations Presentation.

Place: National Institutes of Health, Building 31, Center Drive, C-Wing, Conference Room 6, Bethesda, MD 20892.

Contact Person: Della Hann, Ph.D., Director, Division of Extramural Research, Eunice Kenney Shriver, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 4A05, MSC 7510, Bethesda, MD 20892, (301) 496–5577.

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 taxis, 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.

In order to facilitate public attendance at the open session of Council in the main meeting room, Conference Room 6, please contact Ms. Lisa Kaeser, Program and Public Liaison Office, NICHD, at 301–496–0536 to make your reservation, additional seating will be available in the meeting overflow rooms, Conference Rooms 7 and 8. Individuals will also be able to view the meeting via NIH Videocast. Please go to the following link for Videocast access instructions at: *http://www.nichd.nih.gov/about/advisory/nachhd/Pages/virtual-meeting.aspx*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment program, National Institutes of Health, HHS)

Dated: August 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–19545 Filed 8–7–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting.

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in 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 of Child Health and Human Development Special Emphasis Panel; Newborn Screening Pilot Studies.

Date: September 1, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS) imposed by the review and funding cycle.

Dated: August 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–19543 Filed 8–7–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in 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 of Child Health and Human Development Special Emphasis Panel; Data Archive on Pregnancy and Pregnancy Prevention.

Date: September 10, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS) imposed by the review and funding cycle.

Dated: August 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–19542 Filed 8–7–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0108]

Agency Information Collection Activities: Canadian Border Boat Landing Permit

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Canadian Border Boat Landing Permit (CBP Form I–68). CBP is proposing that this information collection be extended with no change to the burden hours or Information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before October 9, 2015 to be assured of consideration.

ADDRESSES: Written comments may be mailed to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the 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 estimates 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 including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Canadian Border Boat Landing Permit.

OMB Number: 1651–0108.

Form Number: CBP Form I–68.

Abstract: The Canadian Border Boat Landing Permit (CBP Form I–68) allows participants entering the United States along the northern border by small pleasure boats weighing less than 5 tons to telephonically report their arrival without having to appear in person for an inspection by a CBP officer. United States citizens, Lawful Permanent Residents of the United States, Canadian citizens, Landed Commonwealth Residents of Canada, and Landed Residents of Canada who are nationals of the Visa Waiver Program countries listed in 8 CFR 217.2(a) are eligible to participate.

The information collected on CBP Form I–68 allows people who enter the United States from Canada by small pleasure boats to be inspected only once during the boating season, rather than each time they make an entry. This information collection is provided for by 8 CFR 235.1(g) and Section 235 of Immigration and Nationality Act. CBP Form I–68 is accessible at *http://www.cbp.gov/newsroom/publications/forms?title=68&=Apply.*

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Individuals or Households.

Estimated Number of Respondents: 68,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 11,288.

Estimated Annual Cost: $1,088,000.

Dated: August 3, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–19566 Filed 8–7–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Modification of National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Partner Government Agency (PGA) Message Set Regarding Types of Transportation Modes and Certain Data Required by the National Highway Traffic Safety Administration (NHTSA)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP's) plan to modify the National Customs Automation Program (NCAP) test concerning the transmission of electronic filings through the Automated Commercial Environment (ACE), known as the Partner Government Agency (PGA) Message Set test. These modifications extend the current PGA Message Set to cover entries arriving by ocean, truck, rail, and air modes of transportation at CBP-designated ports and expands the use of the ACE PGA Message Set for the transmission of U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA) import data for entries of motor vehicles and motor vehicle equipment items. CBP invites public comment concerning the test program.

DATES: The modified PGA Message Set test will commence no earlier than August 10, 2015, and will continue until concluded by way of announcement in the **Federal Register**. Comments will be accepted through the duration of the test.

ADDRESSES: Comments concerning this notice and any aspect of this test may be submitted at any time during the test via email to Josephine Baiamonte, ACE Business Office (ABO), Office of International Trade at *josephine.baiamonte@cbp.dhs.gov.* In the subject line of your email, please indicate, ''Comment on NHTSA PGA Message Set Test FRN''.

FOR FURTHER INFORMATION CONTACT: For NHTSA-related PGA Message Set test questions, interested parties should send an email message to Clint Lindsay at *Clint.Lindsay@dot.gov* or Coleman Sachs at *Coleman.Sachs@dot.gov,* and they should send a copy of that message to their assigned CBP client representative. For technical questions related to the Automated Commercial Environment (ACE) or Automated Broker Interface (ABI) transmissions, contact your assigned client representative. Interested parties without an assigned client representative should direct their questions to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov* with the subject heading ''PGA Message Set NHTSA Test FRN-Request to Participate''.

SUPPLEMENTARY INFORMATION:

Background

This test notice, and the Customs related electronic functions it describes, are part of the National Customs Automation Program (NCAP). NCAP was established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, December 8, 1993) (Customs Modernization Act). *See* 19 U.S.C. 1411. Through NCAP, the initial focus of customs modernization was on trade compliance and the development of the Automated Commercial Environment (ACE), the planned successor to the legacy Customs Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing. ACE will streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all its communities of interest. The ability to meet these objectives depends upon successfully modernizing CBP's business functions and the information technology that supports those functions. CBP's modernization efforts are accomplished through phased releases of ACE component functionality, designed to introduce a new capability or to replace a specific legacy ACS function. Each release will begin with a test, and will end with mandatory compliance with the new ACE feature, thus retiring the legacy ACS function. Each release builds on previous releases, and sets the foundation for subsequent releases.

On December 13, 2013, U.S. Customs and Border Protection (CBP) published in the **Federal Register** a notice announcing a National Customs

Automation Program (NCAP) test called the Partner Government Agency (PGA) Message Set test. *See* 78 FR 75931. This test is in furtherance of key CBP International Trade Data System (ITDS) initiatives, as provided in the Security and Accountability For Every Port Act of 2006 (''SAFE Port Act''), Pub. L. 109–347, 120 Stat. 1884 (19 U.S.C. 1411(d)), to achieve the vision of ACE as the ''single window'' for the Government and trade community. ACE will automate and enhance the interaction between international trade partners, CBP, and PGAs by facilitating electronic collection, processing, sharing, and review of trade data and documents required by Federal agencies during the cargo import and export process. The use of ACE to process trade data will significantly increase efficiency and reduce costs compared to the traditional manual method of processing of paper forms.

The PGA Message Set is the data required to satisfy the PGAs' reporting requirements.

ACE will enable the trade community to submit trade-related data, required by the PGAs, only once to CBP, thus improving communications between agencies and filers, and shortening entry processing time. This data must be submitted at any time prior to the arrival of the merchandise on the conveyance transporting the cargo to the United States as part of the ACE Cargo Release process. The data will be validated and made available to the relevant PGAs involved in import, export, and transportation-related decision making. The data will satisfy the filer's obligation to make entry and will allow for earlier release decisions and more certainty for the importer in determining the logistics of cargo delivery. Also, by virtue of being electronic, the PGA Message Set will eliminate the necessity for the submission and subsequent manual processing of paper documents.

The December 2013 **Federal Register** notice announced that ACE would be accepting certain PGA data elements for the Environmental Protection Agency (EPA) and the U.S. Department of Agriculture, Food Safety and Inspection Service (FSIS) for type ''01'' (consumption) and type ''11'' (informal) commercial entries filed at specified ports. The December 2013 **Federal Register** notice also provides additional background on the NCAP and the International Trade Data System (ITDS). On February 4, 2015, CBP published the announcement that it had broadened the PGA Message Set test to accept additional PGA data elements for the EPA, for type ''01'' (consumption) and type ''11'' (informal) commercial entries filed at specified ports. *See* 80 FR 6098.

For the convenience of the public, a chronological listing of **Federal Register** publications detailing ACE test developments is set forth below in Section XIV, entitled,

''Development of ACE Prototypes''. The procedures and criteria related to participation in the previous ACE notices remain in effect unless otherwise explicitly changed by this or subsequent notices published in the **Federal Register**.

I. Authorization for the Test

The Customs Modernization Act provides the Commissioner of CBP with authority to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. This test is authorized pursuant to section 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)) which provides for the testing of NCAP programs or procedures. *See* Treasury Decision (T.D.) 95–21.

II. Partner Government Agency Message Set for Four Transportation Modes

This document announces CBP's plan to expand the PGA Message Set to allow submission of certain data, which PGAs require, for informal and formal consumption entries arriving by air, ocean, rail, or truck mode of transportation.

At this time, a limited number of ports will be accepting PGA Message Set data. A list of those ports is provided on the following Web site: *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports.* Those ports will accept PGA Message Set data for entries arriving by air, ocean, rail, or truck mode of transportation.

CBP may expand this test to include additional ports in the future. CBP may also expand the commodities that are within the scope of the test, as indicated by the Harmonized Tariff Schedule (HTS) codes, on the following Web site: *http://www.cbp.gov/trade/ace/catair#field-content-tab-group-tab-4.* Test participants should monitor the Web site for updates to the list of ports accepting PGA Message Set data and the list of HTS codes covered by the test.

III. The National Highway Traffic Safety Administration (NHTSA)

In addition, this document announces CBP's plan to expand the PGA Message Set test to include electronic filings of the NHTSA PGA Message Set for the importation of motor vehicles and motor vehicle equipment items.

NHTSA is responsible for implementing and enforcing the National Traffic and Motor Vehicle Safety Act of 1966, as amended, codified at 49 U.S.C. Chapter 301 (49 U.S.C. 30101 *et seq.*). Under its authority, NHTSA issues and enforces the Federal motor vehicle safety standards (''FMVSS''), which apply to motor vehicles and certain items of motor vehicle equipment. Section 30112(a)(1) of Title 49 U.S.C. contains a general prohibition on, among other things, importing into the United States motor vehicles or motor vehicle equipment items that do not comply with all applicable FMVSS and that are not covered by a certification issued under 49 U.S.C. 30115. Under 49 CFR 591.5, any person offering a motor vehicle or item of motor vehicle equipment for importation into the United States must file a declaration. This declaration is known as the DOT HS–7 Declaration Form. Under its parallel regulation at 19 CFR 12.80, CBP requires that a declaration be filed in duplicate for motor vehicles or motor vehicle equipment items. In practice, importers or brokers file the HS–7 Declaration Form and supporting documents for these products. The DOT HS–7 Declaration Form, the form's supporting documents, and NHTSA's regulations require the identification of parties associated with the entry of the products that are presented for importation, as well as information on the identity of imported motor vehicles and motor vehicle equipment items.

Importers of motor vehicles or motor vehicle equipment items are required to file a HS–7 Declaration Form and supporting documents with CBP at the time of making entry. Alternatively, importers may file the HS–7 Declaration Form electronically via the Automated Broker Interface (ABI) and present the HS–7 Declaration Form's supporting documents to CBP at the time of entry. NHTSA staff may review the importer's entry information and make a determination as to whether the shipment should be released, detained, or refused. This may involve manual checking of key information against NHTSA databases. The current process is costly and inefficient because it relies on paper documents, and manual data validation and error correction. The review process can take several days during which more costs may be incurred for storage.

CBP is expanding the use of the PGA Message set to include the electronic filing of NHTSA-regulated motor vehicles and motor vehicle equipment items for type ''01'' (consumption) and type ''11'' (informal) commercial entries

filed at specified ports. The data elements to be filed electronically through the PGA message set are those found in the current paper form (DOT HS–7 Declaration Form), collectively the ''NHTSA Vehicle/Equipment Information Collection.'' Supporting documents such as the DOT conformance bond form (DOT HS–474) must be submitted electronically at any time prior to the arrival of the merchandise on the conveyance transporting the cargo to the United States via a CBP-approved Electronic Data Interchange (EDI). In a notice published in the **Federal Register** (79 FR 36083) on June 25, 2014, CBP set forth the rules for filing submissions via DIS and a list of CBP and PGA forms that may be submitted via DIS. Technical information regarding the use of DIS is available at the following Web site: *http://www.cbp.gov/trade/ace/features*.

The technical requirements for submitting the NHTSA data elements are set forth in the supplemental Customs and Trade Automated Interface Requirements (CATAIR) guidelines for NHTSA. These technical specifications, including the CATAIR chapters and applicable Harmonized Tariff Schedule of the United States (HTSUS) codes, can be found at the following link: *http://www.cbp.gov/document/guidance/national-highway-traffic-safety-administration-nhtsa-pga-message-set-manual*.

The NHTSA-required entry data will be filed electronically once through the single window for use by both NHTSA and CBP, for pre-arrival screening, using the PGA Message Set. This will eliminate separate document filings for participating importers and as a result, reduce the overall paperwork burden on the importer and the port associated with these NHTSA-regulated shipments. It will also significantly reduce the initial processing and review time for motor vehicle and motor vehicle equipment item entries, provide consistency of these reviews, and eliminate the costs of filing paper documents. The electronic filing will also allow automated checks of certain required information facilitating pre-arrival admissibility verifications, thereby focusing CBP and NHTSA resources on shipments of interest.

At this time, the test will include entries originating in the ocean, truck, rail, and air environment. Upon acceptance into this test, participants will be allowed to transmit the NHTSA data elements for entries originating in the air, ocean, rail, and truck environments, as specified in this notice. During this test, participants will collaborate with CBP and NHTSA to examine the effectiveness of the single window capability.

IV. Test Participant Responsibilities

PGA Message Set test participants will be required to:

- Transmit the NHTSA Vehicle/Equipment Information Collection with the ports that are accepting the ACE PGA Message Set data. A current list of those ports is posted on the following Web site: *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports.*
- Transmit, when applicable, the NHTSA Vehicle/Equipment Information Collection using the NHTSA PGA Message Set and the supporting documents via DIS. This information must be electronically transmitted to ACE using an ACE Entry Summary certified for cargo release at any time prior to the arrival of the merchandise on the conveyance transporting the cargo to the United States;
- Transmit the NHTSA Vehicle/Equipment Information Collection only as part of an ACE Entry Summary certified for cargo release;
- Transmit import filings to CBP via ABI in response to a request for documentation or in response to a request for release information for certified ACE Cargo Release;
- Only transmit to CBP information that has been requested by CBP or NHTSA;
- Use a software program that has completed ACE certification testing for the PGA Message Set; and
- Take part in a CBP evaluation of this test.

Participants are reminded that they should only file documents that CBP can accept electronically. The documents CBP can accept electronically are listed under the Document Image System (DIS) tab of the ACE Features page on the Web site *http://www.cbp.gov/trade/ace/features,* and, for participants using ABI, in the PGA Message Set part of the CATAIR. When CBP cannot accept additional information electronically, the filer must file the additional information by paper. *See* 78 FR 75931 at 75934–35 (December 13, 2013), for information on Confidentiality (Section XIII) and Misconduct under the PGA Message Set Test (Section XIV).

V. Waiver of Regulation Under the Test

For purposes of this test, 19 CFR 12.80 will be waived for test participants only insofar as eliminating any requirement that may appear in these regulations to file a paper version of the DOT HS–7 Declaration Form or its supporting documents. In its place, test participants are required to transmit electronically the data elements contained in the DOT HS–7 Declaration Form via the PGA Message Set and the HS–7 Declaration Form's supporting documents via DIS. This document does not waive any recordkeeping requirements found in part 163 of title 19 of the CFR (19 CFR part 163) and the Appendix to part 163 (commonly known as the ''(a)(1)(A) list'').

VI. Eligibility Criteria

As announced in this notice, the use of the PGA Message Set test is expanding to accept DOT HS–7 Declaration Form data elements, also known as the NHTSA Vehicle/Equipment Information Collection, and supporting documents. All other eligibility criteria as specified in prior PGA Message Set test notices remain the same. To be eligible to apply for this modification of the PGA data message set test, the applicant must:

- Be a self-filing importer who has the ability to file ACE Entry Summaries certified for cargo release or a broker who has the ability to file ACE Entry Summaries certified for cargo release; and
- File entries for NHTSA-regulated commodities that are the subject of this test at the ports that are accepting PGA Message Set data.

CBP will accept an unlimited number of participants for the test. Test applicants must meet the eligibility criteria described in this document to participate in the test program.

VII. Application Process

Any party seeking to participate in the modified PGA Message Set test concerning NHTSA data should send an email message to Clint Lindsay at *Clint.Lindsay@dot.gov* or Coleman Sachs at *Coleman.Sachs@dot.gov* to request participation in the modified test. They should send a copy of that request also to their CBP Client Representative, ACE Business Office (ABO), Office of International Trade. Interested parties without an assigned client representative should submit an email to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov* with the subject heading ''PGA Message Set NHTSA Test FRN-Request to Participate''.

Emails sent to the CBP client representative or to Steven Zaccaro must include the applicant's filer code and the port(s) at which they are interested in filing the appropriate PGA Message Set information.

At this time, PGA Message Set data may be submitted only for entries filed

at certain ports. A current listing of those ports may be found on the following Web site: *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports*.

Client representatives will work with test participants to provide information regarding the transmission of this data. CBP will begin to accept applications on August 10, 2015 and will continue to accept applications throughout the duration of the test. CBP will notify the selected applicants by email of their selection and the starting date of their participation. Selected participants may have different starting dates. Anyone providing incomplete information, or otherwise not meeting participation requirements, will be notified by email and given the opportunity to resubmit their application.

VIII. Test Duration

The modified test will begin no earlier than August 10, 2015 and will continue until concluded by way of announcement in the **Federal Register**. At the conclusion of the test, an evaluation will be conducted to assess the effect that the PGA Message Set has on expediting the submission of NHTSA importation-related data elements and the processing of NHTSA entries. The final results of the evaluation will be published in the **Federal Register** and the *Customs Bulletin* as required by section 101.9(b)(2) of the CBP regulations (19 CFR 101.9(b)(2)).

IX. Comments

All interested parties are invited to comment on any aspect of this test at any time. CBP requests comments and feedback on all aspects of this test, including the design, conduct, and implementation of the test, in order to determine whether to modify, alter, expand, limit, continue, end, or fully implement this program.

X. Paperwork Reduction Act

The collections of information in this test modification, DOT HS–7 Declaration Form and supporting documents have been reviewed by OMB in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 2127–0002. 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 OMB.

XI. Confidentiality

Data submitted and entered into the ACE Portal includes information that is exempt or restricted from disclosure by law, such as by the Trade Secrets Act (18 U.S.C. 1905). As stated in previous notices, participation in this or any of the previous ACE tests is not confidential and upon a written Freedom of Information Act (FOIA) request, a name(s) of an approved participant(s) will be disclosed by CBP in accordance with 5 U.S.C. 552.

XII. Misconduct Under the Test

A test participant may be subject to civil and criminal penalties, administrative sanctions, liquidated damages, and/or discontinuance from participation in this test for any of the following:

- Failure to follow the terms and conditions of this test.
- Failure to exercise reasonable care in the execution of participant obligations.
- Failure to abide by applicable laws and regulations that have not been waived.
- Failure to deposit duties or fees in a timely manner.

If the Director, Business Transformation, ACE Business Office (ABO), Office of International Trade finds that there is a basis for discontinuance of test participation privileges, the test participant will be provided a written notice proposing the discontinuance with a description of the facts or conduct warranting the action. The test participant will be offered the opportunity to appeal the Director's decision in writing within 10 calendar days of receipt of the written notice. The appeal must be submitted to Acting Executive Director, ABO, Office of International Trade by emailing *Deborah.Augustin@cbp.dhs.gov*.

The Acting Executive Director will issue a decision in writing on the proposed action within 30 working days after receiving a timely filed appeal from the test participant. If no timely appeal is received, the proposed notice becomes the final decision of the Agency as of the date that the appeal period expires. A proposed discontinuance of a test participant's privileges will not take effect unless the appeal process under this paragraph has been concluded with a written decision adverse to the test participant.

In the case of willfulness or those in which public health, interest, or safety so requires, the Director, Business Transformation, ABO, Office of International Trade, may immediately discontinue the test participant's privileges upon written notice to the test participant. The notice will contain a description of the facts or conduct warranting the immediate action. The test participant will be offered the opportunity to appeal the Director's decision within 10 calendar days of receipt of the written notice providing for immediate discontinuance. The appeal must be submitted to Acting Executive Director, ABO, Office of International Trade by emailing *Deborah.Augustin@cbp.dhs.gov*. The immediate discontinuance will remain in effect during the appeal period. The Executive Director will issue a decision in writing on the discontinuance within 15 working days after receiving a timely filed appeal from the test participant. If no timely appeal is received, the notice becomes the final decision of the Agency as of the date that the appeal period expires.

XIII. List of PGA Programs Accepting Data Through the ACE PGA Message Set Test

- Environmental Protection Agency (EPA) Ozone Depleting Substances (ODS) program data.
- EPA Vehicle and Engine (V&E) program data.
- EPA Notice of Arrival of Pesticides and Devices (NOA—EPA Form 3540–1) data.
- U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), meat, poultry, and egg products data.
- U.S. Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA), motor vehicle or motor vehicle equipment declaration (DOT HS–7 Declaration) data.

More information regarding requirements for PGA Information in ACE and Methods for Submissions is available on this Web site: *http://www.cbp.gov/trade/ace/features.* Select ''PGA Integration'' tab and click ''November 1 PGA Forms List.''

XIV. Development of ACE Prototypes

A chronological listing of **Federal Register** publications detailing ACE test developments is set forth below.

- ACE Portal Accounts and Subsequent Revision Notices: 67 FR 21800 (May 1, 2002); 69 FR 5360 and 69 FR 5362 (February 4, 2004); 69 FR 54302 (September 8, 2004); 70 FR 5199 (February 1, 2005).
- ACE System of Records Notice: 71 FR 3109 (January 19, 2006).
- Terms/Conditions for Access to the ACE Portal and Subsequent Revisions: 72 FR 27632 (May 16, 2007); 73 FR 38464 (July 7, 2008).
- ACE Non-Portal Accounts and Related Notice: 70 FR 61466 (October 24, 2005); 71 FR 15756 (March 29, 2006).
- ACE Entry Summary, Accounts and Revenue (ESAR I) Capabilities: 72 FR 59105 (October 18, 2007).

• ACE Entry Summary, Accounts and Revenue (ESAR II) Capabilities: 73 FR 50337 (August 26, 2008); 74 FR 9826 (March 6, 2009).

• ACE Entry Summary, Accounts and Revenue (ESAR III) Capabilities: 74 FR 69129 (December 30, 2009).

• ACE Entry Summary, Accounts and Revenue (ESAR IV) Capabilities: 76 FR 37136 (June 24, 2011).

• Post-Entry Amendment (PEA) Processing Test: 76 FR 37136 (June 24, 2011).

• ACE Announcement of a New Start Date for the National Customs Automation Program Test of Automated Manifest Capabilities for Ocean and Rail Carriers: 76 FR 42721 (July 19, 2011).

• ACE Simplified Entry: 76 FR 69755 (November 9, 2011).

• National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS): 77 FR 20835 (April 6, 2012).

• National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Simplified Entry: Modification of Participant Selection Criteria and Application Process: 77 FR 48527 (August 14, 2012).

• Modification of NCAP Test Regarding Reconciliation for Filing Certain Post-Importation Preferential Tariff Treatment Claims under Certain FTAs: 78 FR 27984 (May 13, 2013).

• Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE), 78 FR 44142 (July 23, 2013).

• Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE); Correction; 78 FR 53466 (August 29, 2013).

• Modification of NCAP Test Concerning Automated Commercial Environment (ACE) Cargo Release (formerly known as Simplified Entry): 78 FR 66039 (November 4, 2013).

• Post-Summary Corrections to Entry Summaries Filed in ACE Pursuant to the ESAR IV Test: Modifications and Clarifications: 78 FR 69434 (November 19, 2013).

• National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Environmental Protection Agency and the Food Safety and Inspection Service Using the Partner Government Agency Message Set Through the Automated Commercial Environment (ACE): 78 FR 75931 (December 13, 2013).

• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Ocean and Rail Carriers: 79 FR 6210 (February 3, 2014).

• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release To Allow Importers and Brokers To Certify From ACE Entry Summary: 79 FR 24744 (May 1, 2014).

• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Truck Carriers: 79 FR 25142 (May 2, 2014).

• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment Document Image System: 79 FR 36083 (June 25, 2014).

• Announcement of eBond Test: 79 FR 70881 (November 28, 2014).

• eBond Test Modifications and Clarifications: Continuous Bond Executed Prior to or Outside the eBond Test May Be Converted to an eBond by the Surety and Principal, Termination of an eBond, Identification of Principal on an eBond by Filing Identification Number, and Email Address Correction: 80 FR 899 (January 7, 2015).

• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Document Image System Relating to Animal and Plant Health Inspection Service (APHIS) Document Submissions: 80 FR 5126 (January 30, 2015).

• Modification of National Customs Automation Program (NCAP) Test Concerning the use of Partner Government Agency Message Set through the Automated Commercial Environment (ACE) for the Submission of Certain Data Required by the Environmental Protection Agency (EPA): 80 FR 6098 (February 4, 2015).

• Announcement of Modification of ACE Cargo Release Test to Permit the Combined Filing of Cargo Release and Importer Security Filing (ISF) Data: 80 FR 7487 (February 10, 2015).

• Modification of NCAP Test Concerning ACE Cargo Release for Type 03 Entries and Advanced Capabilities for Truck Carriers: 80 FR 16414 (March 27, 2015).

• Automated Commercial Environment (ACE) Export Manifest for Air Cargo Test: 80 FR 39790 (July 10, 2015).

• National Customs Automation Program (NCAP) Concerning Remote Location Filing Entry Procedures in the Automated Commercial Environment (ACE) and the Use of the Document Image System for the Submission of Invoices and the Use of eBonds for the Transmission of Single Transaction Bonds: 80 FR 40079 (July 13, 2015).

Dated: August 4, 2015.

Brenda Smith,

Assistant Commissioner, Office of International Trade.

[FR Doc. 2015–19532 Filed 8–7–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0109]

Agency Information Collection Activities: Guam-CNMI Visa Waiver Information

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Guam-CNMI Visa Waiver Information (CBP Form I–736). CBP is proposing that this information collection be extended with no change to the burden hours or Information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before October 9, 2015 to be assured of consideration.

ADDRESSES: Written comments may be mailed to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13). The comments should address: (a) Whether the 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 estimates 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 including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Guam-CNMI Visa Waiver Information

OMB Number: 1651–0109

Form Number: CBP Form I–736

Abstract: Public Law 110–229 provides for certain aliens to be exempt from the nonimmigrant visa requirement if seeking entry into Guam or the Commonwealth of the Northern Mariana Islands (CNMI) as a visitor for a maximum stay of 45 days, provided that no potential threat exists to the welfare, safety, or security of the United States or its territories, and other criteria are met. Upon arrival at a Guam or CNMI Port-of-Entry, each applicant for admission presents a completed I–736 to CBP. CBP Form I–736 is provided for by 8 CFR 212.1(q) and is accessible at: *http://www.cbp.gov/newsroom/publications/forms?title=736&=Apply.*

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Individuals.

Estimated Number of Respondents: 1,560,000.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 129,480.

Dated: August 5, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–19565 Filed 8–7–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2015–0027]

U.S. Customs and Border Protection User Fee Advisory Committee (UFAC) Charter Renewal.

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security (DHS).

ACTION: Committee Management; Notice of Federal Advisory Committee Charter Renewal

SUMMARY: The Secretary of the Department of Homeland Security (DHS) has determined that the renewal of the charter of the U.S. Customs and Border Protection User Fee Advisory Committee (UFAC) is necessary and in the public interest in connection with the U.S. Customs and Border Protection's (CBP's) performance of its duties. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: U.S. Customs and Border Protection User Fee Advisory Committee (UFAC).

ADDRESSES: If you desire to submit comments on this action, they must be submitted by October 9, 2015. Comments must be identified by docket number and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* (*Tradeevents@dhs.gov*). Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290.
- *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.
- *Instructions:* All submissions received must include the words ''Department of Homeland Security'' and USCBP–2015–0027, the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov* including any personal information provided.
- *Docket:* For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and search for Docket Number USCBP–2015–0027. To submit a comment, see the link on the Regulations.gov Web site for ''How do I submit a comment?'' located on the right hand side of the main site page.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344–1440; facsimile (202) 325–4290.

Purpose and Objective: The charter of the U.S. Customs and Border Protection User Fee Advisory Committee (UFAC) is being renewed for two years in accordance with the Federal Advisory Committee Act (FACA) 5 U.S.C. Appendix. A copy of the charter can be found at *http://www.cbp.gov/trade/stakeholder-engagement/user-fee-advisory-committee*. UFAC is tasked with providing advice to the Secretary of the Department of Homeland Security through the Commissioner of U.S. Customs and Border Protection on matters related to the performance of inspections coinciding with the assessment of an agriculture, customs, or immigration user fee.

Duration: The committee's charter is effective June 10, 2015, and expires June 10, 2017.

Responsible CBP Officials: Ms. Maria Luisa Boyce, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344–1440.

Dated: August 5, 2015.

Maria Luisa Boyce,

Senior Advisor for Private Sector Engagement/Executive Director, Office of Trade Relations.

[FR Doc. 2015–19611 Filed 8–7–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0018: OMB No. 1660–0024]

Agency Information Collection Activities: Proposed Collection; Comment Request; Federal Assistance for Offsite Radiological Emergency Preparedness and Planning

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning revising a currently approved information collection to incorporate existing information collections in use without an OMB control number representing all information collections related to FEMA Radiological Emergency Preparedness Program requirements described in 44 CFR parts 350 and 352.

DATES: Comments must be submitted on or before October 9, 2015.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2015–0018. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Schafer, Chief, Engineering and Technology Section, Professional Services and Integration, Technological Hazards Division, at 202–341–4896. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: FEMA's Radiological Emergency Preparedness (REP) Program coordinates the national effort to provide State, Tribal and local governments with relevant and executable planning, training, and exercise guidance and policies necessary to ensure that adequate capabilities exist to prevent, protect against, mitigate the effects of, respond to, and recover from incidents involving commercial nuclear power plants (NPPs).

The REP Program assists State, Tribal and local governments in the development and conduct of off-site REP emergency planning and preparedness activities within the emergency planning zones (EPZs) of Nuclear Regulatory Commission (NRC)-licensed commercial nuclear power facilities.

Sec. 109 of the NRC Authorization Act of 1980 (Public Law 96–295) directed the NRC to establish emergency preparedness as a criterion for licensing commercial NPPs. Specifically, section 109 of Public Law 96–295 directed the NRC to establish through rulemaking, (a) standards, developed with FEMA, for the evaluation of State and local government radiological emergency planning and preparedness; and (b) a requirement that the NRC will issue operating licenses. Before issuing a license the NRC also must determine that there is (i) a State or local emergency response plan compliant with the standards developed with FEMA or (ii) in the absence of such a plan, a State, local, or utility emergency response plan that provides reasonable assurance that public health and safety is not endangered by the NPP's operation. *See* Public Law 96–295, § 109(b)(1)(A)–(B)). The NRC revised its regulations in Part 50 of Title 10 of the CFR to incorporate additional emergency preparedness requirements, including 16 planning standards for onsite and offsite emergency plans as required by PL 96–295. FEMA mirrors these 16 planning standards in part 350, specifically at 44 CFR 350.5.

In the communities surrounding commercial NPPs, 44 CFR 350.5(b) directs FEMA's REP Program to review offsite radiological emergency plans and preparedness. Approved plans and preparedness ''must be determined to adequately protect the public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency.''

FEMA defines reasonable assurance as a determination that State, Tribal, local, and utility offsite plans and preparedness are adequate to protect public health and safety in the emergency planning areas of commercial NPPs. FEMA will consider plans, procedures, personnel, training, facilities, equipment, drills, and exercises, which in its professional judgment are important to the effective implementation of protective measures offsite in the event or any incident at a commercial NPP. FEMA will make its adequacy determination, supported by other Federal agencies, as necessary, by conducting inspections, providing Staff Assistance Visits (SAVs), organizing, conducting and reviewing training, participating in, observing and evaluating drills and exercises, and by being an engaged partner with Federal, State, Tribal, and local government officials and industry stakeholders.

State, Tribal, or local government participation in offsite radiological emergency planning and preparedness is voluntary. However, participation in the REP planning and preparedness process necessitates adherence to the program requirements as set forth in 44 CFR part 350, the joint NRC/FEMA document NUREG–0645/FEMA–REP–1, Rev. 1, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants'' (and supplements), and the REP Program Manual (RPM). If State, Tribal, or local governments choose not to participate in REP planning, 44 CFR part 352 outlines the licensee's obligation to develop offsite plans/procedures to protect the public health and safety in accordance with the requirements in Executive Order 12657, as amended.

Collection of Information

Title: Federal Assistance for Offsite Radiological Emergency Preparedness and Planning.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0024.

FEMA Forms: There are no forms. There are no forms for this collection; rather the regulatory text details the content in which information is transmitted to FEMA.

Abstract: The intent of this request is to revise a currently approved information collection to incorporate existing information collections in use without an OMB control number representing all information collections related to FEMA REP Program requirements described in 44 CFR parts 350 and 352. Currently, only the 44 CFR part 352 collections is included under OMB Control #1660–0024.

Affected Public: State, Local or Tribal Government; and business and other for profits.

Number of Respondents: 153.

Number of Responses: 153.

Estimated Total Annual Burden Hours: 5,321.

Estimated Cost: $216,219.98.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Dated: July 31, 2015.

Janice Waller,

Acting Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–19591 Filed 8–7–15; 8:45 am]

BILLING CODE 9110–21–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–0019; FXIA167109ADV15–156–FF09A00000]

Advisory Council on Wildlife Trafficking

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Advisory Council on Wildlife Trafficking (Council). The Council's purpose is to provide expertise and support to the Presidential Task Force on Wildlife Trafficking. You may attend the meeting in person, or you may participate via telephone. At this time, we are inviting submissions of questions and information for consideration during the meeting.

DATES: *Meeting:* The meeting will be held on Monday, August 24, 2015, from 9 a.m. to 1 p.m. Eastern Time.

Registering to Attend the Meeting: To attend the meeting in person, you must register by close of business on August 17, 2015. (You do not need to register to listen via phone.) Please submit your name, email address, and phone number to Ms. Christina Meister to complete the registration process (see **FOR FURTHER INFORMATION CONTACT**). Because there is limited seating available, registrations will be taken on a first-come, first-served basis. Members of the public requesting reasonable accommodations, such as hearing interpreters, must contact Ms. Meister, in writing (preferably by email), no later than August 15, 2015.

Submitting Questions or Information: If you want to provide us with questions and information to be considered during the meeting, your material must be received or postmarked on or before August 14, 2015. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section) must be received by 11:59 p.m. Eastern Time on August 14, 2015.

Making an Oral Presentation at the Meeting: If you want to make an oral presentation at the meeting (in person or by phone), contact Ms. Meister no later than August 14, 2015 (see **FOR FURTHER INFORMATION CONTACT**). For more information, see Making an Oral Presentation under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: *Meeting Location:* The meeting will be held at the U.S. Department of the Interior, South Interior Building Auditorium, 1951 Constitution Avenue NW., Washington, DC 20240.

Meeting Call-In Numbers: Members of the public unable to attend the meeting in person may call in at 800–369–3144 (toll free) or 1–312–470–7152 (toll) using the passcode 6368856#. Members may register to give an oral presentation over the phone as well. For more information, see Making an Oral Presentation under **SUPPLEMENTARY INFORMATION**.

Submitting Questions or Information: You may submit questions or information for consideration during the meeting by one of the following methods:

1. *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–HQ–IA–2014–0019. Then click on the ''Search'' button. You may submit questions or information by clicking on ''Comment Now!''

2. *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–HQ–IA–2015–0019; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: ABHC; Falls Church, VA 22041–3803.

We will not accept email or faxes. We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Submitting Public Comments section below for more information).

Reviewing Comments Received by the Service: See Reviewing Public Comments in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Ms. Christina Meister, International Affairs, U.S. Fish and Wildlife Service, by email at *acwtmeeting@fws.gov* (preferable method of contact); by U.S. mail at U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: IA; Falls Church, VA 22041–3803; by telephone at (703) 358–2284; or by fax at (703) 358–2276.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), we announce that the Advisory Council on Wildlife Trafficking (Council) will hold a meeting to discuss the implementation of the National Strategy for Combating Wildlife Trafficking, and other Council business as appropriate. The Council's purpose is to provide expertise and support to the Presidential Task Force on Wildlife Trafficking.

You may attend the meeting in person, or you may participate via telephone. At this time, we are inviting submissions of questions and information for consideration during the meeting.

Background

Executive Order 13648 established the Advisory Council on Wildlife Trafficking on August 30, 2013, to advise the Presidential Task Force on Wildlife Trafficking, through the Secretary of the Interior, on national strategies to combat wildlife trafficking, including, but not limited to:

1. Effective support for anti-poaching activities;

2. Coordinating regional law enforcement efforts;

3. Developing and supporting effective legal enforcement mechanisms; and

4. Developing strategies to reduce illicit trade and consumer demand for illegally traded wildlife, including protected species.

The eight-member Council, appointed by the Secretary of the Interior, includes former senior leadership within the U.S. Government, as well as chief executive officers and board members from conservation organizations and the private sector. For more information on the Council and its members, visit

http://www.fws.gov/international/advisory-council-wildlife-trafficking/.

Meeting Agenda

The Council will consider:

1. National Strategy updates and Task Force discussions,
2. Administrative topics, and
3. Public comment and response.

The final agenda will be posted on the Internet at *http://www.fws.gov/international/advisory-council-wildlife-trafficking/* as well as at *http://www.regulations.gov.*

Making an Oral Presentation

Members of the public who want to make an oral presentation in person or by telephone at the meeting will be prompted during the public comment section of the meeting to provide their presentation and/or questions. If you want to make an oral presentation in person or by phone, contact Ms. Christina Meister (**FOR FURTHER INFORMATION CONTACT**) no later than the date given in the **DATES** section for *Making an Oral Presentation at the Meeting.*

Registered speakers who want to expand on their oral statements, or those who wanted to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council after the meeting. Such written statements must be received by Ms. Meister, in writing (preferably via email), no later than August 31, 2015.

Submitting Public Comments

You may submit your questions and information by one of the methods listed in **ADDRESSES**. We request that you send comments by only one of the methods described in **ADDRESSES**.

If you submit information via the Federal eRulemaking Portal (*http://www.regulations.gov*), your entire submission—including any personal identifying information—will be posted on the Web site.

If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions at *http://www.regulations.gov.*

Reviewing Public Comments

Comments and materials we receive will be available for public inspection at *http://www.regulations.gov.* Alternatively, you may view them by appointment during normal business hours at 5275 Leesburg Pike Falls Church, VA 22041–3803. Please contact Ms. Meister (see **FOR FURTHER INFORMATION CONTACT**).

Obtaining Meeting Minutes

Summary minutes of the meeting will be available on the Council Web site at *http://www.fws.gov/international/advisory-council-wildlife-trafficking/* as well as at *http://www.regulations.gov.* Alternatively, you may view them by appointment during normal business hours at 5275 Leesburg Pike Falls Church, VA 22041–3803. Please contact Ms. Meister (see **FOR FURTHER INFORMATION CONTACT**).

Gloria Bell,

Deputy Assistant Director, International Affairs, U.S. Fish and Wildlife Service.

[FR Doc. 2015–19516 Filed 8–7–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2015–N100; FXIA167109ADV15–156–FF09A00000]

Request for Nominees for the Advisory Council on Wildlife Trafficking

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Request for nominees.

SUMMARY: The Secretary of the Interior (Secretary), after consultation with the Co-Chairs of the Presidential Task Force on Wildlife Trafficking (Task Force), is seeking nominations for individuals to serve on the Advisory Council on Wildlife Trafficking (Council).

DATES: Nominations must be received by September 9, 2015.

ADDRESSES: Send nominations, preferably by email, to Mr. Cade London, Special Assistant, Assistant Director for International Affairs, at *acwtnominations@fws.gov.* You may also send nominations via U.S. mail to U.S. Fish and Wildlife Service; Attention: Mr. Cade London; 5275 Leesburg Pike, MS: IA; Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Ms. Christina Meister, International Affairs, U.S. Fish and Wildlife Service, by email at *acwtnominations@fws.gov* (preferable method of contact); by U.S. mail at U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: IA; Falls Church, VA 22041–3803; by telephone at (703) 358–2284; or by fax at (703) 358–2276.

SUPPLEMENTARY INFORMATION:

The Council's Role and Membership

The Council was formed and conducts its operations in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix). It reports to the Task Force through the Secretary of the Interior or her designee and functions solely as an advisory body. The Council advises and makes recommendations on issues related to combating wildlife trafficking, including, but not limited to:

(1) Effective support for anti-poaching activities,

(2) Coordinating regional law enforcement efforts,

(3) Developing and supporting effective legal enforcement mechanisms, and

(4) Developing strategies to reduce illicit trade and reduce consumer demand for illegally traded wildlife, including protected species.

The Council meets approximately 3–4 times annually, and at such time as designated by the Designated Federal Officer.

Members must include knowledgeable individuals from the private sector, former governmental officials, representatives of nongovernmental organizations, and others who are in a position to provide expertise and support to the Task Force. No member of the Council may be an employee of the Federal Government. Members' appointments will be for 3-year terms.

Individuals who are federally registered lobbyists are ineligible to serve on all FACA and non-FACA boards, committees, or councils in an individual capacity. The term ''individual capacity'' refers to individuals who are appointed to exercise their own individual best judgment on behalf of the government, such as when they are designated Special Government Employees, rather than being appointed to represent a particular interest.

Nominating Potential Council Members

The Department of the Interior is now seeking nominations for individuals to be considered as Council members. Nominations should include a resume providing contact information and an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding whether individual nominees meet the membership requirements of the Council.

Gloria Bell,

Acting Assistant Director for International Affairs, U.S. Fish and Wildlife Service.

[FR Doc. 2015–19519 Filed 8–7–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2015–N150; FXIA16710900000–156–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before September 9, 2015.

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

Endangered Species

Applicant: The Wild Animal Sanctuary, Keenesburg, CO; PRT–59838B

The applicant requests a permit to import three captive-bred Bengal tigers (*Panthera tigris*) from Argentina for the purpose of enhancement of the survival of the species through zoological display.

Applicant: Oklahoma City Zoological Park, Oklahoma City, OK; PRT–66196B

The applicant requests a permit to import one female Sumatran orangutan (*Pongo abelii*) from The Perth Zoological Parks Authority, Perth Zoo, for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Stanford University, Palo Alto, CA; PRT–66259B

The applicant requests a permit to import biological samples from wild African wild dog (*Lycaon pictus*) for the purpose of scientific research from Painted Dog Conservation, Harare, Zimbabwe. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: The Wild Animal Sanctuary, Keenesburg, CO; PRT–59837B

The applicant requests a permit to import two captive-bred Bengal tigers (*Panthera tigris*) from Uruguay for the purpose of enhancement of the survival of the species through zoological display.

Applicant: The Wild Animal Sanctuary, Keenesburg, CO; PRT–59836B

The applicant requests a permit to import two captive-bred, Bengal tigers (*Panthera tigris*) from Mexico for the purpose of enhancement of the survival of the species through zoological display.

Applicant: Harvey Kliebert Farms, LLC, Hammond, LA; PRT–66265B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the species listed below to enhance species propagation or survival: Nile crocodile (*Crocodylus niloticus*), Siamese crocodile (*Crocodylus siamensis*), Cuban crocodile (*Crocodylus rhombifer*), saltwater crocodile (*Crocodylus porosus*), African dwarf crocodile (*Osteolaemus tetraspis*), caiman (*Caiman crocodylus*), brown caiman (*Caiman crocodylus fuscus*), and yacare caiman (*Caiman yacare*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Reed Salce, Chaplin, CT; PRT–68415B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Radiated tortoise (*Astrochelys radiata*). This notification covers

activities to be conducted by the applicant over a 5-year period.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: John Klein, Amarillo, TX; PRT–72213B

Applicant: Steven Smith, Montgomery, TX; PRT–71735B

Applicant: William Chaney, Flower Mound, TX; PRT–72289B

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2015–19511 Filed 8–7–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX15GC009PLSG00]

Agency Information Collection Activity; National Cooperative Geologic Mapping Program (EDMAP and STATEMAP)

AGENCY: United States Geological Survey (USGS), Interior.

ACTION: Notice of extension of a currently approved collection.

SUMMARY: We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This collection is scheduled to expire on October 31, 2015.

DATES: To ensure that your comments are considered, we must receive them on or before September 9, 2015.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with 'Information Collection 1028–0088, National Cooperative Geologic Mapping Program (NCGMP—EDMAP and STATEMAP)' in all correspondence. Please also forward a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *gs-info_collections@usgs.gov* (email).

FOR FURTHER INFORMATION CONTACT: Douglas A. Howard, Associate Program Coordinator NCGMP (STATEMAP and EDMAP), U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 908, 20192 (mail); at 703–648–6978 (telephone); or *dahoward@usgs.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Abstract

EDMAP is the educational component of the NCGMP that is intended to train the next generation of geologic mappers. The primary objective of the STATEMAP component of the NCGMP is to establish the geologic framework of areas that are vital to the welfare of individual States.

The NCGMP EDMAP program allocates funds to colleges and universities in the United States and Puerto Rico through an annual competitive cooperative agreement process. Every federal dollar that is awarded is matched with university funds. Geology professors, who are skilled in geologic mapping, request EDMAP funding to support undergraduate and graduate students at their college or university in a one-year mentored geologic mapping project that focuses on a specific geographic area. Only State Geological Surveys are eligible to apply to the STATEMAP component of the National Cooperative Geologic Mapping Program pursuant to the National Geologic Mapping Act (Pub. L. 106–148). Since many State Geological Surveys are organized under a State university system, such universities may submit a proposal on behalf of the State Geological Survey.

Each fall, the program announcements are posted to the Grants.gov Web site and respondents are required to submit applications (comprising of Standard Form 424, 424A, 424B, Proposal Summary Sheet, the Proposal, and Budget Sheets. Additionally, EDMAP proposal must include a Negotiated Rate Agreement, and a Support letter from a State Geologist or USGS Project Chief).

Since 1996, more than $5 million from the NCGMP has supported geologic mapping efforts of more than 1,000 students working with more than 244 professors at 148 universities in 44 states, the District of Columbia, and Puerto Rico. Funds for graduate projects are limited to $17,500 and undergraduate project funds limited to $10,000. These funds are used to cover field expenses and student salaries, but not faculty salaries or tuition. The authority for both programs is listed in the National Geologic Mapping Act (Pub. L. 106–148).

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and under regulations at 30 CFR 250.197, ''Data and information to be made available to the public or for limited inspection.'' Responses are voluntary. No questions of a ''sensitive'' nature are asked.

II. Data

OMB Control Number: 1028–0088.

Form Number: NA.

Title: National Cooperative Geologic Mapping Program (EDMAP and STATEMAP).

Type of Request: Renewal without change.

Affected Public: University or College faculty and State Geological Surveys.

Respondent's Obligation: None. Required to receive funding.

Frequency of Collections: Annually.

Estimated Total Number of Annual Responses: Approximately 50 University or College faculty and approximately 45 State Geological Survey responses.

Estimated Time per Response: 36 hours.

Estimated Annual Burden Hours: 5,220 hours total. We expect to receive approximately 50 applications for EDMAP and 45 applications for STATEMAP each year which takes each applicant approximately 36 hours to complete, totaling 3,420 hours. This includes the time for project conception and development, proposal writing and reviewing, and submitting a project narrative through Grants.gov. We expect to issue 45 EDMAP and 45 STATEMAP grants per year. The grant recipients are also required to submit a final technical report which takes each grant recipient approximately 20 hours to complete, totaling 1,800 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this IC.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a

collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

To comply with the public consultation process, on March 25, 2015, we published a **Federal Register** notice (80 FR 15808) announcing our intent to submit this information collection to OMB for approval. In that notice we solicited public comments for 60 days, ending on May 26, 2015. The USGS did not receive any comments. Therefore, we have not changed this collection.

We again invite comments concerning this IC on: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) ways to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. Please note that any comments submitted in response to this notice are a matter of public record. 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 publically available at any time. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that will be done.

Douglas A. Howard,

Associate Program Coordinator, National Cooperative Geologic Mapping Program.

[FR Doc. 2015–19503 Filed 8–7–15; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/ A0A501010.999900 253G]

HEARTH Act Approval of Seminole Tribe of Florida Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On January 8, 2015, the Bureau of Indian Affairs (BIA) approved the Seminole Tribe of Florida leasing regulations under the HEARTH Act. With this approval, the Tribe is authorized to enter into the following type of leases without BIA approval: Business and residential ordinances.

FOR FURTHER INFORMATION CONTACT: Cynthia Morales, Office of Trust Services—Division of Realty, Bureau of Indian Affairs; Telephone (202) 768–4166; Email *cynthia.morales@bia.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH (Helping Expedite and Advance Responsible Tribal Homeownership) Act of 2012 (the Act) makes a voluntary, alternative land leasing process available to tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The Act authorizes tribes to negotiate and enter into agricultural and business leases of tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior. The Act also authorizes tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating tribes develop tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The Act requires the Secretary to approve tribal regulations if the tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the tribal regulations for the Seminole Tribe of Florida.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and tribal sovereignty. 77 FR 72,440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting tribal economic development and self-determination, and also threaten substantial tribal interests in effective tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign

functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a tribe that, as a result, might refrain from exercising its own sovereign right to impose a tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage tribes from raising tax revenue from the same sources because the imposition of double taxation would impede tribal economic growth).

Just like BIA's surface leasing regulations, tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* Guidance for the Approval of Tribal Leasing Regulations under the HEARTH Act, NPM–TRUS–29 (effective Jan. 16, 2013) (providing guidance on Federal review process to ensure consistency of proposed tribal regulations with Part 162 regulations and listing required tribal regulatory provisions). Furthermore, the Federal government remains involved in the tribal land leasing process by approving the tribal leasing regulations in the first instance and providing technical assistance, upon request by a tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the tribal regulations, including terminating the lease or rescinding approval of the tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Seminole Tribe of Florida.

Dated: July 29, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–19604 Filed 8–7–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[15X L1109AF LLUT980300 L11100000.PH0000 24–1A]

Utah Resource Advisory Council/ Recreation Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Land Policy and Management Act, the Federal Advisory Committee Act, and the Federal Lands Recreation Enhancement Act, the Bureau of Land Management's (BLM) Utah Resource Advisory Council (RAC)/Recreation Resource Advisory Council (RecRAC) will meet as indicated below.

DATES: The BLM-Utah RAC will meet September 9, 2015, from 8:00 a.m.–5:00 p.m., and the BLM-Utah RAC/RecRAC will meet September 10, 2015, from 8:00 a.m.–Noon.

ADDRESSES: The RAC/RecRAC will meet at the San Juan County Public Library, Monticello Branch, 80 North Main, Monticello, Utah.

FOR FURTHER INFORMATION CONTACT: Sherry Foot, Special Programs Coordinator, Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101; phone (801)539–4195; or, *sfoot@blm.gov.*

SUPPLEMENTARY INFORMATION: On September 9, 2015, the RAC will take a field tour of Alkali Ridge, in Blanding, Utah. A 15-minute briefing will be held at the San Juan County Library, Monticello Branch, 80 North Main, Monticello, Utah, beginning at 8:00 a.m. Topics of discussion will be: Reviewing archaeological sites; discussions on the Tread Lightly! anti-looting campaign, the transportation system in relation to the Richfield decision on transportation management plans in Utah, and oil and gas leasing. After the field tour, the RAC will meet at the San Juan County Library for a business meeting. Further discussion on topics will include: Anti-looting, Richfield litigation, programmatic agreement for travel management planning, the Moab Master Leasing Plan, and updates on the Grand Staircase-Escalante National Monument Management Plan Amendment for Livestock Grazing. On September 10, the RAC/RecRAC will listen to fee presentations from the BLM and the Ashley National Forest. The BLM will present proposals to increase fees at Monticello Field Office Campgrounds and the Sand Flats Recreation Area. The Ashley National Forest will present a proposal to increase their Christmas tree permit fees.

A one-hour public comment period will take place September 10, from 9:30–10:30 a.m., where the public may address the RAC. Written comments may also be sent to the BLM at the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

The meeting is open to the public; however, transportation, lodging, and meals are the responsibility of the participating individuals.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

Authority: 43 CFR 1784.4–1.

Kent Hoffman,

Acting State Director.

[FR Doc. 2015–19564 Filed 8–7–15; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14902–A, F–14902–A2; LLAK940000–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: Notice is hereby given that an appealable decision will be issued by the Bureau of Land Management (BLM), approving conveyance of the surface estate in the lands described below to Napaskiak Incorporated, pursuant to the Alaska Native Claims Settlement Act.

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4. Please see the **SUPPLEMENTARY INFORMATION** section for the time limits for appealing the decision.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: The BLM by phone at 907–271–5960 or by

email at *blm_ak_akso_public_room@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 BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the BLM to Napaskiak Incorporated. The decision approves the surface estate in the lands described below for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The subsurface estate in these lands will be conveyed to Calista Corporation, when the surface estate is conveyed to Napaskiak Incorporated.

The lands are located in the vicinity of Napaskiak, Alaska, and are described as:

Seward Meridian, Alaska

T. 11 N., R. 62 W.,
Secs. 5 and 6.
Containing approximately 1,170 acres.
T. 12 N., R. 62 W.,
Secs. 30, 31, and 32.
Containing approximately 1,769 acres.
T. 11 N., R. 63 W.,
Secs. 1 and 2.
Containing approximately 1,280 acres.
T. 12 N., R. 63 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 35 and 36.
Containing approximately 10,744 acres.
T. 6 N., R. 69 W.,
Secs. 31 and 32.
Containing approximately 1,269 acres.
Aggregating approximately 16,232 acres.

Notice of the decision will also be published once a week for four consecutive weeks in the *Delta Discovery.*

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 9, 2015 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

Ralph L. Eluska,

Land Transfer Resolution Specialist, Division of Lands and Cadastral.

[FR Doc. 2015–19602 Filed 8–7–15; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[15XL LLIDI02000.L71220000.EO0000. LVTFD0975750 241A 4500077602; IDI–36468]

Notice of Intent To Amend the Pocatello Resource Management Plan and Notice of Realty Action: Segregation of Land for a Proposed Non-Competitive (Direct) Sale of Public Land in Caribou County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent and Notice of Realty Action.

SUMMARY: This notice provides for two related actions involving 1,142.10 acres of public land in Caribou County, Idaho, one a proposed land use plan amendment and the other a proposed direct land sale. In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) Pocatello Field Office intends to prepare a resource management plan (RMP) amendment for the 2012 Pocatello RMP with an associated environmental impact statement (EIS) being prepared for a mine and reclamation plan for the proposed Dairy Syncline phosphate mine. This notice announces the beginning of the scoping process to solicit public comments and identify issues specific to the plan amendment. As part of proposed phosphate mine development, two parcels of public land in Caribou County, Idaho, are being considered for a direct sale under the provisions of FLPMA Section 203 at no less than the appraised fair market value.

DATES: This notice initiates the public scoping process for the RMP amendment, which will be evaluated in the EIS associated with the proposed mine plan. Comments on issues specific to the public land sale RMP amendment may be submitted in writing until September 9, 2015. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers and the BLM Web site at: *http://www.blm.gov/id.* In order to be included in the analysis, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments on issues and planning criteria related to the RMP amendment and proposed sale by any of the following methods:

- *Web site: http://www.blm.gov/id/st/en/prog/nepa_register/dairy_syncline_mine.html*
- *email: blm_id_dairysynclineEIS@blm.gov*
- *fax:* 208–478–6376
- *mail:* BLM Pocatello Field Office, ATTN: Dairy Syncline EIS, 4350 Cliff Drive, Pocatello, Idaho 83401.

Documents pertinent to this proposal may be examined at the Pocatello Field Office. Please reference ''Pocatello RMP Amendment/Notice of Realty Action: Proposed Sale of Public Lands'' on all correspondence.

FOR FURTHER INFORMATION CONTACT: Gloria Jakovac, Planning and Environmental Coordinator, 1405 Hollipark Drive, Idaho Falls, Idaho 83401; phone 208–524–7526; email: *blm_id_dairysynclineEIS@blm.gov.* Contact Ms. Jakovac to have your name added to our mailing list. 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 Ms. Jakovac. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM Pocatello Field Office, Pocatello, Idaho intends to prepare an RMP amendment in conjunction with the Dairy Syncline Mine Plan EIS and announces the beginning of the scoping process seeking input on issues and planning criteria specific to the RMP amendment. The purpose of the proposed RMP amendment is to evaluate whether the 1,142.10 acres of public lands proposed for sale as part of the Dairy Syncline Mine Plan, which are identified as eligible for disposal in the 2012 Pocatello RMP, meet one or more of FLPMA's Section 203 sales criteria. The

proposed land sale would accommodate a tailings pond that is a component of the mine and reclamation plan required for developing existing Federal phosphate leases.

Amending the Pocatello RMP as proposed would not increase the number of acres previously identified in the RMP as eligible for disposal. It would merely clarify that the 1,142.10 acres of public lands described above meet Section 203 sale criteria, thereby allowing consideration of the proposed sale to continue. In addition, the RMP amendment would not change the BLM's ability to dispose of public lands in Land Tenure Adjustment Zone 3 (as defined in the 2012 Pocatello RMP) through exchange, Recreation & Public Purposes Act leases or other means of conveyance, or to retain them. A separate RMP amendment, detailed analysis and Notice of Realty Action would be required for any subsequent sales proposed for public lands within Zone 3. Sale of the parcel described above will not proceed before completion of the Dairy Syncline EIS.

The following described public lands in Caribou County, Idaho, would be affected by the RMP amendment and will be considered for sale under the authority of FLPMA if they meet one or more of the sales criteria in Section 203:

Boise Meridian, Idaho

T. 9 S., R. 44 E.,
Sec. 6, lots 3 thru 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lot 1, NE¼, E½NW¼, SE¼;
Sec. 17, lots 1 and 2, S½NE¼.
The area described contains 1,142.10 acres.

In addition to initiating scoping for this RMP amendment, this notice also segregates the parcels from appropriation under the public land laws, including the mining laws, during the development of the EIS analyzing the Dairy Syncline Mine Plan and RMP amendment. Conveyance of the sale parcels would be subject to valid existing rights and encumbrances of records, including but not limited to, rights-of-way for roads and public utilities. Conveyance of any mineral interest pursuant to Section 209 of FLPMA will be analyzed during processing of the proposed sale. The patent would include an appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy or occupations of the patented lands.

On August 10, 2015, the above-described parcels for sale will be segregated from appropriation under the public land laws, including the United States mining laws, except the sale provisions of FLPMA. The segregation of the public lands being considered for sale will be for a period of two years. Until completion of the sale or termination of consideration of the sale, the BLM is no longer accepting land use applications affecting the identified public land, except applications for the amendment of previously-filed rights-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregative effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or August 10, 2017, unless extended by the BLM State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

The subject public lands are included in Land Tenure Adjustment Zone 3 of the approved 2012 Pocatello RMP. The RMP identified approximately 141,000 acres of public lands within Zone 3 as potentially suitable for disposal by exchange; however, disposal of land through sales and Recreation & Public Purposes Act (R&PP) patents would also be allowed. The RMP did not identify which of those lands in Zone 3 meet FLPMA Section 203 sale criteria.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the RMP amendment, including alternatives, and guide the RMP amendment process. A preliminary issue identified by BLM personnel; Federal, State, and local agencies; and other stakeholders is to identify whether the subject lands currently designated as eligible or potentially eligible for disposal also meet FLPMA Section 203 sale criteria (43 U.S.C. 1713(a)). The Pocatello RMP identifies approximately 141,000 acres of public land in Zone 3 as available for disposal. However, the RMP does not specify whether those lands have been evaluated under FLPMA Section 203. Issues communicated to the BLM in response to this notice that are related to the direct or indirect impacts of the proposed sale or related future land issues will be considered and appropriately addressed in the Dairy Syncline Mine EIS, the notice of intent for which was published in the **Federal Register** on April 13, 2010 (70 FR 18875).

Comments may also be submitted regarding the planning criteria. Preliminary planning criteria include:

1. The RMP amendment will only address whether the identified public lands, already designated as eligible for disposal (1,142.10 acres in Caribou County, Idaho), meet FLPMA's Section 203 sale criteria. No other decisions associated with the Pocatello RMP will be amended.

2. The RMP amendment will comply with FLPMA, NEPA, and all other applicable laws, regulations, and policies.

3. For program-specific guidance for decisions at the land use planning level, the process will follow the BLM's policies in the Land Use Planning Handbook, H–1601–1.

4. Public participation and collaboration will be an integral part of the planning process.

5. The BLM will strive to make decisions in the RMP amendment compatible with existing plans and policies of adjacent local, State, and Federal agencies and affected Native American tribes, as long as the decisions are consistent with the purposes, policies, and programs of Federal law and regulations applicable to public lands.

6. The BLM will work collaboratively with cooperating agencies and all other interested groups, agencies, and individuals.

The public is invited to provide scoping comments on the above mentioned issue, as well as other issues that should be addressed in the preparation of the plan amendment or proposed sales.

You may submit comments on issues and planning criteria in writing to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30-day scoping period.

The BLM will use and coordinate the NEPA scoping process to help fulfill the public involvement requirements under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed sale of the subject public lands being evaluated are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the

environmental analysis as a cooperating agency.

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. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the Proposed RMP Amendment as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the RMP amendment. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use an interdisciplinary approach to develop the RMP amendment in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Minerals and geology, forestry, outdoor recreation, archaeology, wildlife and fisheries, lands and realty, hydrology, soils, and socioeconomics.

Authority: 43 CFR 2711.1–2, 40 CFR 1501.7 and 43 CFR 1610.2

Timothy M. Murphy,

BLM Idaho State Director.

[FR Doc. 2015–19606 Filed 8–7–15; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14907–M; LLAK940000–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Decision Approving Lands for Conveyance.

SUMMARY: Notice is hereby given that an appealable decision will be issued by the Bureau of Land Management (BLM), approving conveyance of the surface estate in the lands described below to NANA Regional Corporation, Inc., Successor in Interest to Noatak Napaaktukmeut Corporation, pursuant to the Alaska Native Claims Settlement Act.

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4. Please see the **SUPPLEMENTARY INFORMATION** section for the time limits for appealing the decision.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@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 BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the BLM to NANA Regional Corporation, Inc., Successor in Interest to Noatak Napaaktukmeut Corporation. The decision approves the surface estate in the lands described below for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The subsurface estate in these lands will be conveyed to NANA Regional Corporation, Inc., when the surface estate is conveyed to NANA Regional Corporation, Inc., as Successor in Interest to Noatak Napaaktukmeut Corporation. Noatak Napaaktukmeut Corporation was the original ANCSA Corporation for the village of Noatak, but merged with NANA Regional Corporation, Inc., in 1976 under the authority of Public Law 94–204. The lands are located in the vicinity of Noatak, Alaska, and are described as:

Kateel River Meridian, Alaska

T. 25 N., R. 18 W.,
Secs. 5, 6, and 7;
Secs. 18 and 19.
Containing 1,726.39 acres.

Notice of the decision will also be published once a week for four consecutive weeks in the *Arctic Sounder.*

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 9, 2015 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

Ralph L. Eluska,

Land Transfer Resolution Specialist, Division of Lands and Cadastral.

[FR Doc. 2015–19608 Filed 8–7–15; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of North America, Inc.: Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV Rheinland of North America, Inc. (TUVRNA), for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before August 25, 2015.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow

the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2007–0042, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2007–0042). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before August 25, 2015 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that TUVRNA is applying for expansion of its current recognition as an NRTL. TUVRNA requests the addition of one recognized testing and certification site to its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified in Title 29, Code of Federal Regulations, Section 1910.7 (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. Recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition, and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL, including TUVRNA, which details the NRTL's scope of recognition. These pages are available from the OSHA Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVRNA currently has two facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: TUV Rheinland of North America, Inc., 12 Commerce Rd., Newtown, CT 06470. A complete list of TUVRNA sites recognized by OSHA is available at *http://www.osha.gov/dts/otpca/nrtl/tuvrna.html.*

II. General Background on the Application

TUVRNA submitted an application, dated January 9, 2015 (OSHA–2007–0042; Exhibit 15–1—TUVRNA Request for Expansion—January 2015), to expand its recognition to include the addition of one recognized testing and certification site located at: TUV Rheinland of North America, Inc., 1279 Quarry Lane, Pleasanton, CA 94566. OSHA staff performed a detailed analysis of the application and other pertinent information. OSHA staff also performed an on-site review of TUVRNA's testing facility in Pleasanton, CA on March 17, 2015, in which the assessors found some nonconformances with the requirements of 29 CFR 1910.7. TUVRNA addressed these issues sufficiently, and OSHA staff recommended that OSHA should grant the application.

III. Preliminary Finding on the Application

TUVRNA submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file and its detailed on-site assessment indicate that TUVRNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of the one site detailed above for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of TUVRNA's application.

OSHA welcomes public comment as to whether TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an

extension if it is not adequately justified. To obtain or review copies of the publicly available information in TUVRNA's application, including pertinent documents (*e.g.,* exhibits) and all submitted comments, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2007–0042.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to grant TUVRNA's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

IV. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on August 5, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–19593 Filed 8–7–15; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0026]

Curtis-Straus LLC: Grant of Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for Curtis-Straus LLC, as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 10, 2015.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Curtis-Straus LLC (CSL) as an NRTL. CSL's expansion covers the addition of nine test standards to its scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by an NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSL submitted two applications, one dated August 29, 2014, and one dated February 25, 2015 (OSHA–2009–0026–0057, CSL Exhibit 1—Expansion Application for Nine Standards and OSHA–2009–0026–0058, CSL Exhibit 2—Expansion Application for One Standard). These two applications were combined. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA performed an on-site review in relation to these applications on January 27, 2015 to January 28, 2015.

OSHA published the preliminary notice announcing CSL's expansion application in the **Federal Register** on May 21, 2015 (80 FR 29342). The Agency requested comments by June 5, 2015, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of CSL's scope of recognition.

To obtain or review copies of all public documents pertaining to the CSL's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2009–0026 contains all materials in the record concerning CSL's recognition.

II. Final Decision and Order

OSHA staff examined CSL's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that CSL meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the specified limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant CSL's scope of recognition. OSHA limits the expansion of CSL's recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN CSL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 1012	Power Supplies.
UL 1310	Direct Plug-In Transformer Units.
UL 60065	Audio, Video and Similar Electronic Apparatus.
UL 60950–21	Information Technology Equipment—Safety—Part 21: Remote Power Feeding.
UL 60950–22	Information Technology Equipment—Safety—Part 22: Equipment to be Installed Outdoors.
UL 60950–23	Information Technology Equipment—Safety—Part 23: Large Data Storage Equipment.
UL 62368–1	Audio/video, information and communication technology equipment—Part 1: Safety requirements.
UL 61010–2–030	Safety requirements for electrical equipment for measurement, control, and laboratory use—Part 2–030: Particular requirements for testing and measuring circuits.
UL 61010B–2–031	Electrical Equipment for Measurement, Control, and Laboratory Use; Part 2: Particular Requirements for Hand-Held Probe Assemblies for Electrical Measurement and Test.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSL must abide by the following conditions of the recognition:

1. CSL must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);

2. CSL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSL must continue to meet the requirements for recognition, including all previously published conditions on CSL's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSL, subject to the limitation and conditions specified above.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on August 5, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–19594 Filed 8–7–15; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

DATE AND TIME: The Legal Services Corporation's Board of Directors and Finance Committee will meet telephonically on August 13, 2015. The meetings will commence at 11:00 a.m., EDT, and will continue until the conclusion of the Board's agenda.

LOCATION: Government Relations & Public Affairs Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW., Washington DC 20007.

PUBLIC OBSERVATION: Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL–IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348
- When connected to the call, please immediately **"MUTE"** your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

Finance Committee

1. Approval of agenda
2. Approval of minutes of the Committee's July 9, 2015 telephonic meeting
3. Consider and act on resolution regarding the establishment of the Office of Data Governance and Analysis to replace the Office of Information Management, **(Resolution 2015–XXX)**
4. Public comment
5. Consider and act on other business
6. Consider and act on adjournment of meeting

Board of Directors

1. Approval of agenda
2. Consider and act on the Finance Committee's report on Resolution to Establish the Office of Data Governance and Analysis to Replace the Office of Information Management
3. Public comment
4. Consider and act on other business

5. Consider and act on adjournment of meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

ACCESSIBILITY: LSC complies with the Americans with Disabilities Act and section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: August 5, 2015.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs and General Counsel.

[FR Doc. 2015–19673 Filed 8–6–15; 11:15 am]

BILLING CODE 7050–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0188]

Use of Accreditation in Lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on a draft regulatory issue summary (RIS), RIS 2015–0188, ''Nuclear Energy Institute Guidance for the use of Accreditation in lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services.'' This RIS informs addressees of guidance prepared by the Nuclear Energy Institute for procurement of calibration and testing services performed by domestic and international laboratories, which the NRC staff has found acceptable for use.

DATES: Submit comments by October 9, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0188. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: O–12H8, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Matthew Humberstone, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1464; email: *Matthew.Humberstone@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0188 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0188.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *''ADAMS Public Documents''* and then select *''Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft RIS, ''Nuclear Energy Institute Guidance for the use of Accreditation in lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services '' is available in ADAMS under Accession No. ML15090A236.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0188 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submisssions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

The NRC is requesting public comments on a draft RIS. The NRC issues RISs to communicate with stakeholders on a broad range of regulatory matters. This may include communicating and restating staff technical positions on regulatory matters. The NRC staff has developed draft RIS 2015–0188, to inform addressees of industry implementation guidance developed by the Nuclear Energy Institute, Revision 1 to NEI 14–05, ''Guidelines for the Use of Accreditation in Lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services,'' Revision 1 (ADAMS Accession No. ML14245A391), which the NRC staff has found acceptable for use with respect to procurement of calibration and testing services performed by domestic and international laboratories. The draft RIS 2015–0188, is available in ADAMS under Accession No. ML15090A236.

Dated at Rockville, Maryland, this 4th day of August 2015.

For the Nuclear Regulatory Commission.

Sheldon D. Stuchell,

Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–19549 Filed 8–7–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATE: August 10, 17, 24, 31, September 7, 14, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of August 10, 2015

Thursday, August 13, 2015

8:55 a.m. Affirmation—Tentative Final Rule: Petition for Rulemaking Process, title 10 of the Code of Federal Regulations part 2 (RIN 3150–AI30) (Tentative)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

9:00 a.m. Briefing on Greater-Than-Class-C Low-Level Radioactive Waste (Public Meeting) (Contact: Gregory Suber: 301–415–8087)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of August 17, 2015—Tentative

There are no meetings scheduled for the week of August 17, 2015.

Week of August 24, 2015—Tentative

There are no meetings scheduled for the week of August 24, 2015.

Week of August 31, 2015—Tentative

There are no meetings scheduled for the week of August 31, 2015.

Week of September 7, 2015—Tentative

Tuesday, September 8, 2015

9:30 a.m. Briefing on Project AIM 2020 (Public Meeting) (Contact: Karen Fitch: 301–415–7358)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, September 10, 2015

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 14, 2015—Tentative

There are no meetings scheduled for the week of September 14, 2015.

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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: August 5, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–19641 Filed 8–6–15; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0187]

Human Factors Engineering

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 18.0, ''Human Factors Engineering.''

DATES: Comments must be filed no later than October 9, 2015. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0187. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: O12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mark D. Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–3053 or email at *Mark.Notich@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information.

Please refer to Docket ID NRC–2015–0187 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0187.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select *''Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. The proposed revision to SRP Section 18.0, ''Human

Factors Engineering.'' is available in ADAMS under Accession No. ML13108A095. A redline strikeout comparing the proposed revision to the current version can be found in ADAMS under Accession No. ML13108A098.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0187 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The NRC's Office of New Reactors and Office of Nuclear Reactor Regulation are revising SRP Section 18.0, ''Human Factors Engineering'' from the current Revision 2. Details of specific proposed changes are included at the end of the revised section. The changes to this SRP section reflect current staff reviews, methods and practices based on lessons learned from NRC reviews of design certification and combined license applications completed since the last revision of this section. The changes also reflect updated regulatory guidance contained in NUREG–0711, ''Human Factors Engineering Program Review Model,'' (ADAMS Accession No. ML12324A013).

Changes to SRP Chapter 18 include: (1) Relocating to NUREG–0711 details regarding review of new applications and amendments to existing licenses, (2) providing additional discussion and detail regarding inspections, tests, analyses, and acceptance criteria (ITAAC) and design acceptance criteria (DAC) for new reactor applications submitted in accordance with requirements in part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' (3) clarifying expectations for 10 CFR part 52 combined license reviews, (4) providing additional details regarding review interfaces, (5) making editorial and formatting revisions, including revised section numbering, and (6) incorporating guidance from the previously issued SRP Chapter 18, Appendix A, ''Manual Operator Actions.''

Following the NRC staff's evaluation of public comments on the proposed Revision 3, the NRC intends to finalize SRP Section 18.0 Revision 3 in ADAMS, and post it on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.* The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

The NRC is issuing a proposed revision to SRP Chapter 18.0. This document is used by the NRC staff as regulatory guidance while reviewing a control room design that reflects state-of-the-art human factor principles before a licensee commits to fabrication, or revision of fabricated control room panels and layouts. Issuance of this draft SRP, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations:

1. The draft SRP positions, if finalized, would not constitute backfitting, inasmuch as the SRP is internal guidance to NRC staff.

The SRP provides internal guidance to the NRC staff on how to review an application for NRC's regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. The NRC staff has no intention to impose the SRP positions on existing nuclear power plant licensees or regulatory approvals either now or in the future (absent a voluntary request for change from the licensee, holder of a regulatory approval, or a design certification applicant).

The NRC staff does not intend to impose or apply the positions described in the draft SRP to existing licenses and regulatory approvals. Hence, the issuance of a final SRP—even if considered guidance within the purview of the issue finality provisions in 10 CFR part 52—would not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the draft SRP (if finalized) on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions—were intended to apply to every NRC action that substantially changes the expectations of current and future applicants. The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The NRC staff does not at this time intend to impose the positions represented in the draft SRP (if finalized) in a manner that is inconsistent with any issue finality provisions.

Dated at Rockville, Maryland, this 30th day of July, 2015.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, New Reactor Rulemaking and Guidance Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2015–19585 Filed 8–7–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271; NRC–2015–0111]

Entergy Nuclear Operations, Inc.; Vermont Yankee Nuclear Power Station

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions in response to a request from Entergy Nuclear Operations, Inc. (Entergy or the licensee) that would permit the licensee to reduce its emergency planning (EP) activities at the Vermont Yankee Nuclear Power Station (Vermont Yankee or VY). The licensee is seeking exemptions that would eliminate the requirements for the licensee to maintain formal offsite radiological emergency plans, and reduce some of the onsite EP activities, based on the reduced risks at VY, which is permanently shutdown and defueled. However, requirements for certain onsite capabilities to communicate and coordinate with offsite response authorities, in the event of an emergency at VY, would be retained. In addition, offsite EP provisions would still exist through State and local government use of a comprehensive emergency management plan (CEMP) process in accordance with the Federal Emergency Management Agency's (FEMA's) Comprehensive Preparedness Guide (CPG) 101, ''Developing and Maintaining Emergency Operations Plans.'' The NRC staff is issuing a final environmental assessment (EA) and final finding of no significant impact (FONSI) associated with the proposed exemptions.

DATES: The EA and FONSI referenced in this document are available on August 10, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0111 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0111. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: James Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4125; email: *James.Kim@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

Vermont Yankee is a permanently shutdown and defueled nuclear power plant that is in the process of decommissioning, and is located in Windham County, Vermont, 5 miles south of Brattleboro, Vermont. Entergy is the holder of the Renewed Facility Operating License No. DPR–28 for VY. Vermont Yankee has been shut down since December 29, 2014, and the final removal of fuel from the VY reactor vessel was completed on January 12, 2015. By letter dated January 12, 2015, Entergy submitted to the NRC a certification of the permanent cessation of power operations at VY and the permanent removal of fuel from the VY reactor vessel. As a permanently shutdown and defueled facility, and pursuant to section 50.82(a)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR), VY is no longer authorized to be operated or to have fuel placed into its reactor vessel, but the licensee is still authorized to possess and store irradiated nuclear fuel. Irradiated nuclear fuel is currently stored onsite at VY in a spent fuel pool (SFP) and in an independent spent fuel storage installation.

The licensee has requested exemptions for VY from certain EP requirements in 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities.'' The NRC regulations concerning EP do not recognize the reduced risks after a reactor is permanently shut down and defueled. As such, a permanently shutdown and defueled reactor, such as VY, must continue to maintain the same EP requirements as an operating power reactor under the existing regulatory requirements. To establish a level of EP commensurate with the reduced risks of a permanently shutdown and defueled reactor, Entergy requires exemptions from certain EP regulatory requirements before it can change its emergency plans.

The NRC is considering issuing exemptions from portions of 10 CFR 50.47, ''Emergency plans,'' and 10 CFR part 50, appendix E, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' to Entergy, which would eliminate the requirements for Entergy to maintain offsite radiological emergency plans and reduce some of the onsite EP activities, based on the reduced risks at VY, due to its permanently shutdown and defueled status. According to the decision of the United States Court of Appeals for the Second Circuit in *Brodsky* v. *NRC* associated with a fire protection exemption for Indian Point Nuclear Generating Unit No. 3, and demonstrated public interest in this exemption request, particularly by the State of Vermont, on April 30, 2015 (80 FR 24291), the NRC published a **Federal Register** notice seeking public comment, pursuant to 10 CFR 51.33, on a draft EA and FONSI associated with Entergy's exemption request. Based on the final EA and the NRC staff's responses to the comments received on the draft EA, the NRC has determined not to prepare an environmental impact statement for the exemption request and is issuing a FONSI.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would exempt Entergy from meeting certain requirements set forth in 10 CFR 50.47 and appendix E to 10 CFR part 50. More specifically, Entergy requested exemptions from: (1) Certain requirements in 10 CFR 50.47(b) regarding onsite and offsite emergency response plans for nuclear power reactors; (2) certain requirements in 10 CFR 50.47(c)(2) to establish plume exposure and ingestion pathway EP zones for nuclear power reactors; and (3) certain requirements in 10 CFR part 50, appendix E, section IV, which establishes the elements that make up the content of emergency plans. The

proposed action of granting these exemptions would eliminate the requirements for Entergy to maintain formal offsite radiological emergency plans, as described in 44 CFR part 350, and reduce some of the onsite EP activities at VY, based on the reduced risks at the permanently shutdown and defueled reactor. However, requirements for certain onsite capabilities to communicate and coordinate with offsite response authorities, in the event of an emergency at VY, would be retained. Additionally, if necessary, offsite protective actions could still be implemented using a CEMP process. A CEMP in this context, also referred to as an emergency operations plan (EOP), is addressed in FEMA's CPG 101. The CPG 101 is the foundation for State, territorial, Tribal, and local EP in the United States. It promotes a common understanding of the fundamentals of risk-informed planning and decision making, and helps planners at all levels of government in their efforts to develop and maintain viable, all-hazards, all-threats emergency plans. An EOP is flexible enough for use in all emergencies. It describes how people and property will be protected; details regarding who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies, and other resources available; and outlines the process by which all actions will be coordinated. A CEMP is often referred to as a synonym for ''all-hazards'' planning.

The proposed action is in accordance with the licensee's application dated March 14, 2014, as supplemented by letters dated August 29, 2014, and October 21, 2014. In its letters dated August 29, 2014, and October 21, 2014, Entergy provided responses to the NRC staff's requests for additional information concerning the proposed exemptions.

Need for the Proposed Action

The proposed action is needed for Entergy to revise the VY emergency plan to reflect the permanently shutdown and defueled status of the facility. The EP requirements currently applicable to VY are for an operating power reactor. There are no explicit regulatory provisions distinguishing EP requirements for a power reactor that has been permanently shut down, from those for an operating power reactor. Therefore, since the 10 CFR part 50 license for VY no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation is no longer credible.

In its exemption request, the licensee identified four possible radiological accidents at VY in its permanently shutdown and defueled condition. These are: (1) A fuel handling accident (FHA); (2) a radioactive waste handling accident; (3) a loss of SFP normal cooling (*i.e.,* boil off); and (4) an adiabatic heat up of the hottest fuel assembly. The NRC staff evaluated these possible radiological accidents, as memorialized in the Commission Paper (SECY) 14–0125, ''Request by Entergy Nuclear Operations, Inc., for Exemptions from Certain Emergency Planning Requirements,'' dated November 14, 2014. In SECY–14–0125, the NRC staff stated that it had verified that Entergy's analyses and calculations provided reasonable assurance that if the requested exemptions were granted, then: (1) For a design-basis accident (DBA), an offsite radiological release will not exceed the U.S. Environmental Protection Agency's (EPA) Protective Action Guides (PAGs) at the exclusion area boundary, as detailed in the EPA ''PAG Manual, Protective Action Guides and Planning Guidance for Radiological Incidents,'' dated March 2013, which was issued as Draft for Interim Use and Public Comment; and (2) in the unlikely event of a beyond DBA, resulting in a loss of all SFP cooling, there is sufficient time to initiate appropriate mitigating actions on site and, if a release is projected to occur, there is sufficient time for offsite agencies to take protective actions using a CEMP to protect the public health and safety. The Commission approved the NRC staff's recommendation to grant the exemptions, based on this evaluation in its Staff Requirements Memorandum (SRM) to SECY–14–0125, dated March 2, 2015.

Based on these analyses, the licensee states that complete application of the EP rule to VY, in its particular circumstances as a permanently shutdown and defueled reactor, would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. Entergy also states that it would incur undue costs in the application of operating plant EP requirements for the maintenance of an emergency response organization in excess of that actually needed to respond to the diminished scope of credible accidents for a permanently shutdown and defueled reactor.

Environmental Impacts of the Proposed Action

The NRC staff concludes that the exemptions, if granted, would not significantly increase the probability or consequences of accidents at VY in its permanently shutdown and defueled condition. There would be no significant change in the types of any effluents that may be released offsite. There would be no significant increase in the amounts of any effluents that may be released offsite. There would be no significant increase in individual or cumulative occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have any foreseeable impacts to land, air, or water resources, including impacts to biota. In addition, there are no known socioeconomic or environmental justice impacts associated with the proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered the denial of the proposed action (*i.e.,* the ''no-action'' alternative). The denial of the proposed action would not result in a change to the current environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The proposed action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for VY, dated July 1972, as supplemented by NUREG–1437, Supplement 30, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Vermont Yankee Nuclear Power Station,'' Volumes 1 and 2, published in August 2007.

Agencies or Persons Consulted

Development of this EA and FONSI did not result in consultation.

Discussion of Comments

At the conclusion of the draft EA and FONSI comment period on June 1, 2015, the NRC received four submissions containing comments from interested

members of the public and from the State of Vermont. Full text versions of the comments can be viewed at *http://www.regulations.gov,* by searching for Docket NRC–2015–0111 and selecting ''Open Docket Folder,'' or at ADAMS Accession Nos. ML15138A094, ML15159A183, ML15159A184, and ML15159A185, respectively.

Each comment was carefully reviewed by the NRC staff. Although most of the comments were outside the scope of the draft EA and FONSI, which deal strictly with the environmental impacts of granting the exemption request, the NRC has responded fully to the comments, as shown below.

State of Vermont Comments

The State of Vermont's comments consisted of two arguments: (1) That the NRC did not comply with the National Environmental Policy Act (NEPA), by publishing the draft EA after the Commission had approved the staff's recommendation to grant the exemption request and (2) that the draft EA and FONSI are deficient and inadequate because they do not take a hard look at all the potential environmental impacts of the proposed action, which Vermont asserts could be significant and, thus, require evaluation through an environmental impact statement. The NRC staff does not agree with these comments. As an initial matter, the comments are outside the scope of the comment opportunity because they do not have to do with the environmental impacts of granting Entergy's exemption request, but are instead procedural and substantive challenges under NEPA, to an NRC granting of the exemption request that has not yet occurred. Additionally, both arguments are without merit.

The Vermont argument that the NRC is not procedurally in compliance with NEPA is without merit because, consistent with 10 CFR 51.21, the NRC conducted the EA for the exemption request before making any final decision on the exemption request. The NRC received the exemption request on March 14, 2014. The exemption request seeks exemptions from 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, appendix E. The Commission has previously directed, in SRM to SECY–08–0024, ''Delegation of Commission Authority to Staff to Approve or Deny Emergency Plan Changes that Represent a Decrease in Effectiveness,'' dated May 19, 2008, that the NRC staff should request Commission approval for any reduction in the effectiveness of a licensee's emergency plan that requires an exemption from the requirements of 10 CFR 50.47(b) and 10 CFR part 50, appendix E. Therefore, on November 14, 2014, the NRC staff sought Commission approval with SECY–14–0125 ''for the staff to process and grant, as appropriate'' the exemption request. In SECY–14–0125, the NRC staff also explained that it had reviewed Entergy's site-specific analyses and calculations and stated that these analyses provide reasonable assurance that in granting the exemption request: 1) An offsite radiological release will not exceed the EPA PAGs at the site boundary for a DBA and 2) in the unlikely event of a beyond DBA resulting in a loss of all SFP cooling, there is sufficient time to initiate appropriate mitigating actions and, if a release is projected to occur, there is sufficient time for offsite agencies to take protective actions using a CEMP to protect the health and safety of the public. In response, on March 2, 2015, the Commission ''approved the staff's recommendation to grant'' the exemption request ''to be implemented as stipulated in SECY–14–0125.'' Thus, the NRC staff then proceeded to process the exemption request by, in part, conducting an EA of the exemption request, the draft of which was published for public comment on April 30, 2015. The NRC has now completed its final EA and FONSI, but has still yet to approve or deny the exemption request. The fact that the Commission had approved an NRC staff recommendation to grant the exemption request does not compel the NRC staff to grant the exemption request. Therefore, any future approval or denial of the exemption request will have necessarily come only after the NRC had considered the potential environmental impacts of the proposed exemption request, as well as, the public's and the State of Vermont's comments on these potential environmental impacts. Consequently, Vermont's argument that the NRC has approved the exemption request before taking a hard look at its potential environmental impacts in contravention of NEPA is without merit.

The Vermont argument that the NRC is not substantively in compliance with NEPA is without merit because, consistent with 10 CFR 51.30, the EA identifies the proposed action and includes a brief discussion of: The need for the proposed action; the alternatives to the proposed action; the environmental impacts of the proposed action and alternatives; and a list of agencies and persons consulted and identification of sources used. With respect to environmental impacts, the NRC staff found that the exemption request, if granted, would not significantly increase the probability or consequences of accidents at VY, would not significantly change the types or increase the amounts of any effluents that may be released offsite, and would not significantly increase individual or cumulative occupational radiation exposure. Therefore, the NRC staff concluded that granting the exemption request would not have a significant effect on the quality of the human environment. The NRC staff based this finding on the permanently shutdown and defueled status of VY, combined with the long history of technical studies demonstrating that the risk for such facilities is very low, and the staff's verification that Entergy's site-specific analyses provided reasonable assurance that, even with the granting of the exemption request, a DBA will not exceed the EPA PAGs at the exclusion area boundary and a beyond-DBA will move slowly enough that appropriate onsite mitigating actions may be initiated and, if a release is projected to occur, offsite agencies would take protective actions using a CEMP to protect the public health and safety. Consequently, Vermont's argument that the EA is deficient and inadequate is without merit.

The NRC staff also disagrees with each of Vermont's specific arguments as to why it believes that the EA is inadequate. Vermont asserts that the granting of the exemption request would have ''direct and significant implications for public health and safety,'' but the EA explicitly found that granting the exemption request would not have a significant effect on the quality of the human environment. Vermont asserts that the situation is unique because there is an elementary school directly across the street from VY, but this fact is immaterial because the NRC staff found that Entergy had provided reasonable assurance that a DBA would not result in radiation exposure greater than or equal to 1 rem at the VY boundary and that any beyond-DBA could be addressed in a timely manner. Vermont asserts that the EA fails to give any consideration to high-burnup fuel in the SFP, but the exemption request's DBA analysis, as demonstrated in its reference 6 at attachment 4, table 3–2, did indeed consider high-burnup fuel. Vermont asserts that the use of an EA is insufficient because Vermont opposes the exemption request as do a number of Vermont citizens, but this does not impact the staff's determination that the proposed action will not have a significant effect on the quality of the human environment. Vermont asserts that the risks resulting from any

granting of the exemption request are uncertain, but technical studies spanning from 1975 to 2014 have, in fact, demonstrated the risks of storing spent fuel in SFPs to be very low. Vermont asserts that precedent advises against the granting of the exemption request, but similar exemption requests have been granted for eight previous facilities. Vermont asserts that granting the exemption request means that State and local officials may no longer receive training regarding radiological incidents, but does not address Entergy's continuing obligation, per 10 CFR part 50, appendix E.IV.F.1, to make radiological orientation training available to local emergency services and law enforcement, or, per 10 CFR 50.47(b)(15), to make radiological emergency response training available to those called on to assist in an emergency. Finally, Vermont asserts that the potential environmental impacts from the exemption request should be analyzed in conjunction with a prior Entergy termination of the Emergency Response Data System at VY, but this earlier action was taken by Entergy, consistent with the Commission's regulations and, thus, did not require an environmental review. Consequently, the NRC staff disagrees with all of Vermont's comments.

Public Comments

In addition to the Vermont comments, the NRC received three sets of public comments on the draft EA. These public comments raised substantively similar issues as the Vermont comments and, thus, the NRC staff disagrees with them for the same reasons that it disagrees with the Vermont comments, as addressed above.

III. Finding of No Significant Impact

The licensee has proposed exemptions from: (1) Certain requirements in 10 CFR 50.47(b) regarding onsite and offsite emergency response plans for nuclear power reactors; (2) Certain requirements in 10 CFR 50.47(c)(2) to establish plume exposure and ingestion pathway EP zones for nuclear power reactors; and (3) certain requirements in 10 CFR part 50, appendix E, section IV, which establishes the elements that make up the content of emergency plans. The proposed action of granting these exemptions would eliminate the requirements for the licensee to maintain formal offsite radiological emergency plans, as described in 44 CFR part 350, and reduce some of the onsite EP activities at VY, based on the reduced risks at the permanently shutdown and defueled reactor. However, requirements for certain onsite capabilities to communicate and coordinate with offsite response authorities following declaration of an emergency at VY will be retained and offsite ''all hazards'' EP provisions will still exist through State and local government use of a CEMP.

Consistent with 10 CFR 51.21, the NRC conducted the EA for the proposed action, which is included in Section II of this document, and incorporated by reference in this finding. On the basis of this EA, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has decided not to prepare an environmental impact statement for the proposed action.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./Web link
Developing and Maintaining Emergency Operations Plans, Comprehensive Preparedness Guide (CPG) 101, Version 2.0, November 2010.	*http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf*
Docket No. 50–271, Request for Exemptions from Portions of 10 CFR 50.47 and 10 CFR Part 50, Appendix E, Vermont Yankee Nuclear Power Station, March 14, 2014.	ADAMS Accession No. ML14080A141
Docket No. 50–271, Request for Exemptions from Portions of 10 CFR 50.47 and 10 CFR Part 50, Appendix E—Supplement 1, Vermont Yankee Nuclear Power Station, August 29, 2014.	ADAMS Accession No. ML14246A176
Docket No. 50–271, Request for Exemptions from Portions of 10 CFR 50.47 and 10 CFR Part 50, Appendix E—Supplement 2, Vermont Yankee Nuclear Power Station, October 21, 2014.	ADAMS Accession No. ML14297A159
Protective Action Guides and Planning Guidance for Radiological Incidents, U.S. Environmental Protection Agency Draft for Interim Use and Public Comment, March 2013.	*http://www.epa.gov/radiation/docs/er/pag-manual-interim-public-comment-4-2-2013.pdf*
SECY–14–0125, ''Request by Entergy Nuclear Operations, Inc., for Exemptions from Certain Emergency Planning Requirements,'' November 14, 2014.	ADAMS Accession No. ML14227A711
Staff Requirements Memorandum to SECY–14–0125, ''Request by Entergy Nuclear Operations, Inc., for Exemptions from Certain Emergency Planning Requirements,'' March 2, 2015.	ADAMS Accession No. ML15061A516
Staff Requirements Memorandum to SECY–08–0024, ''Delegation of Commission Authority to Staff to Approve or Deny Emergency Plan Changes that Represent a Decrease in Effectiveness,'' May 19, 2008.	ADAMS Accession No. ML081400510
NUREG–1437, Supplement 30, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Vermont Yankee Nuclear Power Station,'' August 2007.	ADAMS Accession No. ML071840398
State of Vermont Comments	ADAMS Accession No. ML15159A183
Public Comments	ADAMS Accession Nos. ML15138A094, ML15159A184, and ML15159A185

Dated at Rockville, Maryland, this 31 day of July, 2015.

For the Nuclear Regulatory Commission.

A. Louise Lund,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–19587 Filed 8–7–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2013–44; Order No. 2635]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Priority Mail Express & Priority Mail Contract 12 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 11, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On July 31, 2015, the Postal Service filed notice that it has agreed to an Amendment to the existing Priority Mail Express & Priority Mail Contract 12 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of Amendment 2 and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5. Notice at 1.

The Postal Service also filed the unredacted Amendment 2 and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.*

Amendment 2 revises section I of the contract by inserting in section I, Terms, new sections I.F and I.G, and replacing section II, Annual Adjustment, in its entirety. *Id.* Attachment A at 1.

The Postal Service intends for Amendment 2 to become effective one business day after the date that the Commission issues all necessary regulatory approval. *Id.* The Postal Service asserts that the Amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633(a). Notice, Attachment B.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than August 11, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2013–44 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Lyudmila Y. Bzhilyanskaya to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than August 11, 2015.

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

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–19531 Filed 8–7–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Express & Priority Mail Contract 12, July 31, 2015 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75594; File No. SR–EDGX–2015–35]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of EDGX Exchange, Inc.

August 4, 2015

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 28, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its schedule of fees and rebates applicable to Members[5] and non-Members of the Exchange pursuant to EDGX Rule 15.1(a) and (c) (''Fee Schedule'') to remove fee code 5, which is appended to trades that inadvertently match against each other and share the same Market Participant Identifier (''MPID'') (''Internalized Trade'') during the Pre-Opening[6] and Post-Closing Sessions.[7]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] The ''Pre-Opening Session'' is defined as ''the time between 8:00 a.m. and 9:30 a.m. Eastern Time.'' *See* Exchange Rule 1.5(r).

[7] The ''Post-Closing Session'' is defined as ''the time between 4:00 p.m. and 8:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(s).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to remove fee code 5, which is appended to Internalized Trade that add or remove liquidity during the Pre-Opening and Post-Closing Sessions. Orders that yield fee code 5 are changed [sic] a fee of $0.00045 per share in securities priced at or above $1.00 and 0.15% of the dollar value of the trade in securities priced below $1.00. During Regular Trading Hours,[8] fee code EA is appended to side of an Internalized Trade that adds liquidity, while fee code ER is appended to the side of an Internalized Trade that removes liquidity. Going forward, fee codes EA or ER will also be appended to Internalized Trades during the Pre-Opening and Post-Closing Sessions. Like fee code 5, orders that yield fee codes EA or ER are charged a fee of $0.00045 per share in securities priced at or above $1.00 and 0.15% of the dollar value of the trade in securities priced below $1.00.

As a result of the proposed removal of fee code 5, the Exchange also proposes to: (i) remove reference to fee code 5 from footnote 7 and; (ii) delete footnote 10. Under footnote 7, if a Member adds an ADV of at least 10,000,000 shares, then the Member's rate for fee codes 5, EA, or ER decreases to $0.0001 per share per side. Fee codes EA and ER would continue to remain eligible for the reduced fee under footnote 7. Footnote 10 states that a Member's monthly volume attributed to fee code 5 will be allocated accordingly between the added fee codes and removal fee codes when determining whether that Member satisfied a certain tier. The Exchange proposes to delete footnote 10 as it will no longer be necessary once fee code 5 is deleted.

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on August 3, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Specifically, the Exchange believes it is equitable, reasonable and non-discriminatory to delete fee code 5 because, going forward, fee codes EA and ER will be applied to the applicable side of an Internalized Trade. The proposed deletion of fee code 5 does not amend the fees charged for Internalized Trades. Members would continue to be charged identical fees for Internalized Trades occurring during the Pre-Opening and Post-Closing sessions as the fees charged for fee codes EA and ER are the same as fee code 5. The charge for Members inadvertently matching with themselves will continue to be no more favorable than the Exchange's maker/taker spread enabling the Exchange to continue to discourage potential wash sales.[11] In addition, the Exchange believes it is equitable and reasonable to remove a reference to fee code 5 in footnote 7 and delete footnote 10 as they are no longer necessary in light of the deletion of fee code 5 from the Exchange's Fee Schedule. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition. The proposed changes do not amend the amount or application of any fee or rebate. Members would continue to be charged identical fees for Internalized Trades occurring during the Pre-Opening and Post-Closing sessions as the fees charged for fee codes EA and ER are the same as those fees charged for orders that yielded fee code 5.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2015–35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2015–35. 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

[8] The ''Regular Trading Hours'' is defined as ''the time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(y).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] The Exchange will continue to ensure that the fees applicable to Internalized Trades are no more favorable than the Exchange's prevailing maker/taker spread.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2015–35 and should be submitted on or before August 31, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–19535 Filed 8–7–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75593; File No. SR–EDGA–2015–29]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of EDGA Exchange, Inc.

August 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 28, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') 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 by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to Members[5] of the Exchange pursuant to EDGA Rule 15.1(a) and (c) (''Fee Schedule'') to: (i) To remove fee codes 5, EA, and ER which are appended to trades that inadvertently match against each other and share the same Market Participant Identifier (''MPID'') (''Internalized Trade''); and (ii) amend the criteria for the MidPoint Discretionary Order Add Volume Tier.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to: (i) To remove fee codes 5, EA, and ER which are appended to Internalized Trades; and (ii) amend the criteria for the MidPoint Discretionary Order Add Volume Tier.

Fee Codes 5, EA, and ER

The Exchange proposes to remove fee codes 5, EA, and ER which are appended to Internalized Trades as well as footnote 13. During Regular Trading Hours,[6] fee code EA is appended to side of an Internalized Trade that adds liquidity while fee code ER is appended to the side of an Internalized Trade that removes liquidity. Fee code 5 is appended to Internalized Trades that add or remove liquidity during the Pre-Opening[7] and Post-Closing Sessions.[8] Orders that yield fee codes 5, EA, or ER are charged a fee of $0.00015 per share in securities priced at or above $1.00 and are charged no fee in securities priced below $1.00. Going forward, each side of an Internalized Trade will be subject to the Exchange's standard fees or rebates. Under the Exchange's standard rates, a rebate of $0.0002 per share is provided to orders that remove liquidity in securities priced at or above $1.00. For orders that add liquidity, a charge of $0.0005 per share is applied for orders in securities priced at or above $1.00, unless the Member qualifies for a decreased fee. Orders in securities priced below $1.00 are free, regardless of whether they add or remove liquidity.

The Exchange also proposes to delete footnote 13, which states that a Member's monthly volume attributed to fee code 5 will be allocated accordingly between the added fee codes and removal fee codes when determining whether that Member satisfied a certain tier. The Exchange proposes to delete footnote 13 as it will no longer be necessary once fee code 5 is deleted.

MidPoint Discretionary Order Add Volume Tier

The Exchange proposes to amend the criteria for the MidPoint Discretionary Order Add Volume Tier. Under the tier, a Member qualifies for a reduced fee of $0.0003 per share where that Member: (i) Adds an ADV of at least 0.20% of the TCV including non-displayed orders that add liquidity; and (ii) adds or removes an ADV of at least 500,000 shares yielding fee codes DM or DT. Fee code DM is applied to non-displayed orders that add liquidity using MidPoint Discretionary Orders[9] and fee code DT is applied to non-displayed orders that remove liquidity using MidPoint Discretionary Orders. Orders that yield fee code DM or fee code DT that do not meet to the criteria of the MidPoint Discretionary Order Add Volume Tier

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[6] The ''Regular Trading Hours'' is defined as ''the time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(y).

[7] The ''Pre-Opening Session'' is defined as ''the time between 8:00 a.m. and 9:30 a.m. Eastern Time.'' *See* Exchange Rule 1.5(r).

[8] The ''Post-Closing Session'' is defined as ''the time between 4:00 p.m. and 8:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(s).

[9] *See* Exchange Rule 11.8(e) for a description of MidPoint Discretionary Orders.

are charged a fee of $0.00050 per share. The Exchange now proposes to decrease the TCV requirement to require that a Member adds an ADV of at least 0.15% of the TCV including non-displayed orders that add liquidity. Easing the criteria of the MidPoint Discretionary Order Add Volume Tier is intended to further incentive Members to submit an increased number of MidPoint Discretionary Orders to the Exchange, thereby increasing the liquidity on the Exchange at the midpoint of the National Best Bid or Offer (''NBBO'').

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on August 3, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[10] in general, and furthers the objectives of Section 6(b)(4),[11] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

Fee Codes 5, EA, and ER

The Exchange believes that its proposal to delete fee codes 5, EA, and ER, as well as footnote 13 represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. The Exchange notes that other exchanges do not charge separate fees for their member's Internalized Trades, thereby subjecting such trades to their standard fees and rebates.[12] In addition, the proposed fees for Internalized Trades are designed to continue to discourage Members from inadvertently matching their buy and sell orders with one another. Internalized Trades would now be subject to the Exchange's standard fees or rebates, therefore subjecting such trades to the Exchange's current maker/taker spreads.[13] The charge for Members inadvertently matching with themselves is equal to and continues to be no more favorable than the Exchange's maker/taker spread, enabling the Exchange to continue to discourage potential wash sales. The Exchange also believes that the proposed amendments are non-discriminatory because they will be apply to all Members uniformly.

MidPoint Discretionary Order Add Volume Tier

The Exchange believes amending the criteria for the MidPoint Discretionary Order Add Volume Tier represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities because it is designed to further incentivize Members to increase their use of MidPoint Discretionary Orders on EDGA. MidPoint Discretionary Orders increase displayed liquidity on the Exchange while also enhancing execution opportunities at the midpoint of the NBBO. Promotion of displayed liquidity at the NBBO enhances market quality for all Members. Members utilizing MidPoint Discretionary Orders provide liquidity at the midpoint of the NBBO increasing the potential for an order to receive price improvement, and easing the tier's criteria so that Members may be eligible for a decreased fee is a reasonable means by which to encourage the use of such orders. In addition, the Exchange believes that by encouraging the use of MidPoint Discretionary Orders by easing the tier's criteria, Members seeking price improvement would be more motivated to direct their orders to EDGA because they would have a heightened expectation of the availability of liquidity at the midpoint of the NBBO. The Exchange also believes that the proposed amendment to the MidPoint Discretionary Order Add Volume Tier is non-discriminatory because it will be available to all Members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

Fee Codes 5, EA, and ER

The Exchange believes that its proposal to delete fee codes 5, EA, and ER, as well as footnote 13 will not burden intermarket or intramarket competition as Internalized Trades would be subject to the Exchange's standard fee sand rebates resulting in rates for Internalized Trades that are equal to and no more favorable than Members achieving the maker/taker spreads between the Exchange's standard add and remove rates. The Exchange believes that its proposal would not burden intramarket competition because the proposed rebate would apply uniformly to all Members.

MidPoint Discretionary Order Add Volume Tier

The Exchange believes that its proposal to ease the criteria for the MidPoint Discretionary Order Add Volume Tier would increase intermarket competition because it would further incentivize Members to send an increased amount MidPoint Discretionary Orders to the Exchange in order to qualify for the tier's decreased fee. The Exchange believes that its proposal would neither increase nor decrease intramarket competition because the MidPoint Discretionary Order Add Volume Tier would apply uniformly to all Members and the ability of some Members to meet the tier would only benefit other Members by contributing to increased liquidity at the midpoint of the NBBO and better market quality at the Exchange.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4).

[12] Both the Nasdaq Stock Market LLC (''Nasdaq'') and the New York Stock Exchange, Inc. (''NYSE'') do not charge separate or different fees for Internalized Trades. *See* the Nasdaq Price List—Trading Connectivity, *available at http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2* (last visited July 28, 2015); *and* NYSE Trading Fees *available at https://www.nyse.com/markets/nyse/trading-info/fees* (last visited July 28, 2015).

[13] The Exchange's standard rates result in a maker/taker spread of $0.0003 per share ($0.0005 (fee)—$0.0002 (rebate) = $0.0003), equal to the total fee for an Internalized Trade that yields fee codes EA and ER ($0.00015 (fee) + $0.00015 (fee) = $0.0003). The Exchange will continue to ensure that the fees applicable to Internalized Trades are no more favorable than the Exchange's prevailing maker/taker spread.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and paragraph (f) of Rule 19b–4 thereunder.[15] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2015–29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGA–2015–29. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2015–29 and should be submitted on or before August 31, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–19534 Filed 8–7–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75600; File No. SR–NASDAQ–2015–088]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding NASDAQ Last Sale Plus

August 4, 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 July 24, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7039 (NASDAQ Last Sale and NASDAQ Last Sale Plus Data Feeds) with language indicating the fees for NASDAQ Last Sale Plus (''NLS Plus''), a comprehensive data feed offered by NASDAQ OMX Information LLC.[3]

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposal is to amend Rule 7039 with language indicating the fees for NLS Plus. NLS Plus allows data distributors to access the three last sale products offered by each of NASDAQ OMX's three U.S. equity markets.[4] Thus, in offering NLS Plus, NASDAQ OMX Information LLC is acting as a redistributor of last sale products already offered by NASDAQ,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NASDAQ OMX Information LLC is a subsidiary of The NASDAQ OMX Group, Inc. (''NASDAQ OMX'').

[4] The NASDAQ OMX U.S. equity markets include The NASDAQ Stock Market (''NASDAQ''), NASDAQ OMX BX (''BX''), and NASDAQ OMX PSX (''PSX'') (together known as the ''NASDAQ OMX equity markets''). PSX and BX will shortly file companion proposals regarding data feeds similar to NLS Plus. NASDAQ's last sale product, NASDAQ Last Sale, includes last sale information from the FINRA/NASDAQ Trade Reporting Facility (''FINRA/NASDAQ TRF''), which is jointly operated by NASDAQ and the Financial Industry Regulatory Authority (''FINRA''). *See* Securities Exchange Act Release No. 71350 (January 17, 2014), 79 FR 4218 (January 24, 2014) (SR–FINRA–2014–002). For proposed rule changes submitted with respect to NASDAQ Last Sale, BX Last Sale, and PSX Last Sale, *see, e.g.,* Securities Exchange Act Release Nos. 57965 (June 16, 2008), 73 FR 35178, (June 20, 2008) (SR–NASDAQ–2006–060) (order approving NASDAQ Last Sale data feeds pilot); 61112 (December 4, 2009), 74 FR 65569, (December 10, 2009) (SR–BX–2009–077) (notice of filing and immediate effectiveness regarding BX Last Sale data feeds); and 62876 (September 9, 2010), 75 FR 56624, (September 16, 2010) (SR–Phlx–2010–120) (notice of filing and immediate effectiveness regarding PSX Last Sale data feeds).

BX, and PSX and volume information provided by the securities information processors for Tape A, B, and C.[5] This proposal is being filed by the Exchange to indicate the fees for the NLS Plus data feed offering and in light of the recent approval order regarding NLS Plus.[6]

NLS Plus allows data distributors to access last sale products offered by each of NASDAQ OMX's three equity exchanges. NLS Plus includes all transactions from all of NASDAQ OMX's equity markets, as well as FINRA/NASDAQ TRF data that is included in the current NLS product. In addition, NLS Plus features total cross-market volume information at the issue level, thereby providing redistribution of consolidated volume information (''consolidated volume'') from the securities information processors (''SIPs'') for Tape A, B, and C securities.[7] Thus, NLS Plus covers all securities listed on NASDAQ and New York Stock Exchange (''NYSE'') (now under the Intercontinental Exchange (''ICE'') umbrella), as well as US ''regional'' exchanges such as NYSE MKT, NYSE Arca, and BATS (also known as BATS/Direct Edge).[8] As noted in the NLS Plus Approval Order, the Exchange is filing this separate proposal regarding the NLS Plus fee structure.

NLS Plus is currently codified in Rule 7039(d) [9] in a manner similar to products of other markets.[10] NLS Plus is offered, as noted, through NASDAQ OMX Information LLC, which is a subsidiary of The NASDAQ OMX Group, Inc. that is separate and apart from The NASDAQ Stock Market LLC. NASDAQ OMX Information LLC combines publicly available data from the three filed last sale products of the NASDAQ OMX equity markets and from the network processors for the ease and convenience of market data users and vendors, and ultimately the investing public. In that role, the function of NASDAQ OMX Information LLC is analogous to that of other market data vendors, and it has no competitive advantage over other market data vendors. NASDAQ OMX Information LLC distributes no data that is not equally available to all market data vendors. For example, NASDAQ OMX Information LLC receives data from the exchange that is available to other market data vendors, with the same information distributed to NASDAQ OMX Information LLC at the same time it is distributed to other vendors (that is, NASDAQ OMX Information LLC has neither a speed nor an information differential). Through this structure, NASDAQ OMX Information LLC performs precisely the same functions as Bloomberg, Thomson Reuters, and dozens of other market data vendors; and the contents of the NLS Plus data stream are similar in nature to what is distributed by other exchanges.

The Exchange believes that market data distributors may use the NLS Plus data feed to feed stock tickers, portfolio trackers, trade alert programs, time and sale graphs, and other display systems. The contents of NLS Plus are set forth in NASDAQ Rule 7039(d).[11] Specifically, subsection (d) states that NASDAQ Last Sale Plus is a comprehensive data feed produced by NASDAQ OMX Information LLC that provides last sale data as well as consolidated volume of NASDAQ OMX equity markets (NASDAQ, BX, and PSX) and the NASDAQ/FINRA Trade Reporting Facility(''TRF''). NASDAQ Last Sale Plus also reflects cumulative volume real-time trading activity across all U.S. exchanges for Tape C securities and 15-minute delayed information for Tape A and Tape B securities. NLS Plus also contains the following data elements: Trade Price, Trade Size, Sale Condition Modifiers, Cumulative Consolidated Market Volume, End of Day Trade Summary, Adjusted Closing Price, IPO Information, and Bloomberg ID. Additionally, pertinent regulatory information such as Market Wide Circuit Breaker, Reg SHO Short Sale Price Test Restricted Indicator, Trading Action, Symbol Directory, Adjusted Closing Price, and End of Day Trade Summary are included.[12] NLS Plus may be received by itself or in combination with NASDAQ Basic. The Exchange now proposes to add into Rule 7039(d) the fees associated with NLS Plus.

The Fees

Firms that receive an NLS Plus feed today are liable for annual administration fees for applicable NASDAQ equity exchanges: $1,000 for NASDAQ, $1,000 for BX, and $1,000 for PSX.[13] In addition, firms that receive NLS Plus are liable for NLS or NASDAQ Basic fees.[14] Finally, firms will pay a

[5] Tape A and Tape B securities are disseminated pursuant to the Security Industry Automation Corporation's (''SIAC'') Consolidated Tape Association Plan/Consolidated Quotation System, or CTA/CQS (''CTA''). Tape C securities are disseminated pursuant to the NASDAQ Unlisted Trading Privileges (''UTP'') Plan.

[6] *See* Securities Exchange Act Release No. 75257 (June 22, 2015), 80 FR 36862 (June 26, 2015) (SR–NASDAQ–2015–055) (order approving proposed rule change regarding NASDAQ Last Sale Plus); and Rule 7039(d). *See also* Securities Exchange Act Release No. 74972 (May 15, 2015), 80 FR 29370 (May 21, 2015) (SR–NASDAQ–2015–055) (notice of filing of proposed rule change regarding NASDAQ Last Sale Plus). These filings are known as ''NLS Plus Approval Order'' and ''NLS Plus notice'', respectively. NLS Plus, which is codified in Rule 7039(d), has been offered since 2010 via NASDAQ OMX Information LLC. NLS Plus is described online at *http://nasdaqtrader.com/content/technicalsupport/specifications/dataproducts/NLSPlusSpecification.pdf;* and the annual administrative and other fees for NLS Plus are noted at *http://nasdaqtrader.com/Trader.aspx?id=DPUSdata#ls.*

[7] This reflects real-time trading activity for Tape C securities and 15-minute delayed information for Tape A and Tape B securities.

[8] Registered U.S. exchanges are listed at *http://www.sec.gov/divisions/marketreg/mrexchanges.shtml.*

[9] *See supra* note 6.

[10] *See* Securities Exchange Act Release No. 73918 (December 23, 2014), 79 FR 78920 (December 31, 2014) (SR–BATS–2014–055; SR–BYX–2014–030; SR–EDGA–2014–25; SR–EDGX–2014–25) (order approving market data product called BATS One Feed being offered by four affiliated exchanges). *See also* Securities Exchange Act Release No. 73553 (November 6, 2014), 79 FR 67491 (November 13, 2014) (SR–NYSE–2014–40) (order granting approval to establish the NYSE Best Quote & Trades (''BQT'') Data Feed). These exchanges have likewise instituted fees for their products.

[11] The contents of NLS Plus in large part mimic those of NLS, which is set forth in NASDAQ Rule 7039(a)–(c). Similar to NLS, NLS Plus offers data for all U.S. equities via two separate data channels: The first data channel reflects NASDAQ, BX, and PSX trades with real-time consolidated volume for NASDAQ-listed securities; and the second data channel reflects NASDAQ, BX, and PSX trades with delayed consolidated volume for NYSE, NYSE MKT, NYSE Arca and BATS-listed securities.

[12] The overwhelming majority of these data elements and messages are exactly the same as, and in fact are sourced from, NLS, BX Last Sale, and PSX Last Sale. Only two data elements (consolidated volume and Bloomberg ID) are sourced from other publicly accessible or obtainable resources. The Reg SHO Short Sale Price Test Restricted Indicator message is disseminated intra-day when a security has a price drop of 10% or more from the adjusted prior day's NASDAQ Official Closing Price. Trading Action indicates the current trading status of a security to the trading community, and indicates when a security is halted, paused, released for quotation, and released for trading. Symbol Directory is disseminated at the start of each trading day for all active NASDAQ and non-NASDAQ-listed security symbols. Adjusted Closing Price is disseminated at the start of each trading day for all active symbols in the NASDAQ system. End of Day Trade Summary is disseminated at the close of each trading day, as a summary for all active NASDAQ- and non-NASDAQ-listed securities. IPO Information reflects IPO general administrative messages from the UTP and CTA Level 1 feeds for Initial Public Offerings for all NASDAQ- and non-NASDAQ-listed securities. For additional information, *see* NLS Plus Approval Order.

[13] For current fees, *see http://nasdaqtrader.com/Trader.aspx?id=DPUSdata#ls.* Annual administrative fees are in BX Rule 7035, NASDAQ Rule 7035, and NASDAQ OMX PSX Fees Chapter VIII.

[14] User fees for NLS and NASDAQ Basic are in NASDAQ Rules 7039 and 7047. User fees for BX Last Sale are in BX Rule 7039 (currently there is no fee liability), and for PSX Last Sale are in NASDAQ OMX PSX Fees Chapter VIII (currently there is no fee liability). As currently described in NASDAQ Rule 7047, NASDAQ Basic provides two sets of data elements: (1) the best bid and offer on the NASDAQ Stock Market for each U.S. equity security; and (2) the last sale information currently provided by NLS.

data consolidation fee of $350 per month.

Accordingly, proposed Rule 7039 states the following at sections (d)(1) through (d)(3):

(1) Firms that receive NLS Plus shall pay the annual administration fees for NLS, BX Last Sale, and PSX Last Sale, and a data consolidation fee of $350 per month.

(2) Firms that receive NLS Plus are in addition liable for NLS or NASDAQ Basic fees, as applicable.

(3) In the event that NASDAQ OMX BX and/or NASDAQ OMX PHLX adopt user fees for BX Last Sale and/or PSX Last Sale, firms that receive NLS Plus would also be liable for such fees.[15]

The Exchange notes that the proposed fee structure is designed to ensure that vendors could compete with the Exchange by creating a product similar to NLS Plus.[16] The proposed fee structure reflects the current annual administrative cost as well as the incremental cost of the aggregation and consolidation function (generally known as the ''consolidation function'') for NLS Plus, and would not be lower than the cost to a vendor creating a competing product, including the cost of receiving the underlying data feeds. The proposed fee structure for NLS Plus would enable a vendor to receive the underlying data feeds and offer a similar product on a competitive basis and with no greater cost than the Exchange.[17]

The proposed fee structure is reasonable and proper. First, the proposed administration fee is essentially a codification of the current administration fee vis a vis NASDAQ, BX and PSX. Second, NLS Plus recipients would also be liable for fees if the Exchange adopts user fees for BX Last Sale and/or PSX Last Sale. To that end, the Exchange notes that it will file separate proposals to adopt NLS Plus in the BX Last Sale and PSX Last Sale provisions,[18] as well as separate fee proposals that would each, like this filing, be expected to have an administrative fee component and a consolidation component. Third, firms receive NLS Plus by itself or in conjunction with NASDAQ Basic.[19] Accordingly, firms would either be liable for NLS fees or NASDAQ Basic fees. Fourth, the Exchange proposes that NLS Plus includes a specific monthly $350 data consolidation fee. This fee is designed to recoup the monthly consolidation costs emanating from the aggregation and consolidation of the data and data streams that make up the NLS Plus data feed. Such consolidated costs include, for example, the costs of combining the feeds, adding the Bloomberg ID, and combining the consolidated sale info. The Exchange believes that this consolidation fee, while in addition to the current NLS Plus fees in place, would not be material to firms.

The Exchange believes that the proposed NLS Plus fee is a simple codification of the existing NLS PLS [*sic*] fee into Rule 7039, as discussed, with the addition of a monthly data consolidation fee, and as such meets the requirements of the Act.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[20] in general, and with Sections 6(b)(4) and (5) of the Act,[21] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities, and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange is codifying the fees regarding the NLS Plus data offering and the consolidation fee, as discussed, into sections (d)(1) through (d)(3) of Rule 7039.

NASDAQ believes that the proposed fees offered to firms that elect to receive NLS Plus are reasonable, equitable and not unfairly discriminatory. These fees are reasonable because they are, as discussed, simply a codification of the existing fee structure, with an addition of the above-discussed consolidation fee, into existing Rule 7039. The proposed fee structure would apply equally to all firms that choose to avail themselves of the NLS Plus data feed, and no firm is required to use NLS Plus. Moreover, the Exchange believes that the consolidation fee, while in addition to the current NLS Plus fee, would not be material to firms. The consolidation fee would, however, enable the Exchange to recoup the monthly consolidation cost emanating from the aggregation and consolidation of the data and data streams that make up the NLS Plus data feed. Such consolidated costs include, for example, the monthly the costs of combining the feeds, adding the Bloomberg ID, and creating the consolidated sale info. The proposed fee structure would not be unfairly discriminatory because it would apply equally to all firms that choose to use NLS Plus.

NASDAQ believes that the proposed fees are also consistent with the investor protection objectives of Section 6(b)(5) of the Act[22] in that they are designed to promote just and equitable principles of trade, to remove impediments to a free and open market and national market system, and in general to protect investors and the public interest. Specifically, the proposed fee structure will codify the fees regarding the NLS Plus data offering into sections (d)(1) through (d)(3) of Rule 7039, which helps to assure proper enforcement of the rule and investor protection. NASDAQ believes also that the proposal facilitates transactions in securities, removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest by codifying into a rule the fee liability for an additional means by which investors may access information about securities transactions, namely NLS Plus, thereby providing investors with additional options for accessing information that may help to inform their trading decisions.

NASDAQ notes that the Commission has recently approved data products on several exchanges that are similar to NLS Plus, and specifically determined that the fee-liable approved data products were consistent with the Act.[23] NLS Plus simply provides market participants with an additional option for receiving market data that has already been the subject of a proposed rule change and that is available from myriad market data vendors.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers (''BDs'') increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. NASDAQ believes that its NLS Plus market data product is

[15] BX Last Sale and PSX Last Sale currently are not fee liable, as noted in BX Rule 7039 and NASDAQ OMX PSX Fees Chapter VIII, respectively.

[16] For discussion in addition to this proposal, *see* NLS Plus Approval Order.

[17] *See also* footnote 24 in the NLS Plus notice, wherein the Exchange indicated that it expects that the fee structure for NLS Plus will reflect an amount that is no less than the cost to a market data vendor to obtain all the underlying feeds, plus an amount to be determined that would reflect the value of the aggregation and consolidation function.

[18] BX Rule 7039 and NASDAQ OMX PSX Fees Chapter VIII.

[19] As provided in Rule 7047, NASDAQ Basic provides the information contained in NLS, together with NASDAQ's best bid and best offer.

[20] 15 U.S.C. 78f.

[21] 15 U.S.C. 78f(b)(4) and (5).

[22] 15 U.S.C. 78f(b)(5).

[23] *See supra* note 10 regarding BATS One and NYSE BQT.

precisely the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[24]

By removing unnecessary regulatory restrictions on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. If the free market should determine whether proprietary data is sold to BDs at all, it follows that the price at which such data is sold should be set by the market as well.

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010) (''*NetCoalition I''*), upheld the Commission's reliance upon competitive markets to set reasonable and equitably allocated fees for market data. ''In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.' '' *NetCoalition I,* at 535 (quoting H.R. Rep. No. 94–229, at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 321, 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [25]

The Court in *NetCoalition I,* while upholding the Commission's conclusion that competitive forces may be relied upon to establish the fairness of prices, nevertheless concluded that the record *in that case* did not adequately support the Commission's conclusions as to the competitive nature of the market for NYSE Arca's data product at issue in that case. As explained below in NASDAQ's Statement on Burden on Competition, however, NASDAQ believes that there is substantial evidence of competition in the marketplace for data that was not in the record in the *NetCoalition I* case, and that the Commission is entitled to rely upon such evidence in concluding fees are the product of competition, and therefore in accordance with the relevant statutory standards.[26] Accordingly, any findings of the court with respect to that product may not be relevant to the product at issue in this filing.

Moreover, fee liable data products such as NLS Plus are a means by which exchanges compete to attract order flow, and this proposal simply codifies the relevant fee structure into an Exchange rule. To the extent that exchanges are successful in such competition, they earn trading revenues and also enhance the value of their data products by increasing the amount of data they are able to provide. Conversely, to the extent that exchanges are unsuccessful, the inputs needed to add value to data products are diminished. Accordingly, the need to compete for order flow places substantial pressure upon exchanges to keep their fees for both executions and data reasonable.

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 not necessary or appropriate in furtherance of the purposes of the Act. The proposed fee structure is designed to ensure a fair and reasonable use of Exchange resources by allowing the Exchange to recoup costs while continuing to offer its data products at competitive rates to firms.

The market for data products is extremely competitive and firms may freely choose alternative venues and data vendors based on the aggregate fees assessed, the data offered, and the value provided. This rule proposal does not burden competition, which continues to offer alternative data products and, like the Exchange, set fees,[27] but rather reflects the competition between data feed vendors and will further enhance such competition. As described, NLS Plus competes directly with existing similar products and potential products of market data vendors. NASDAQ OMX Information LLC was constructed specifically to establish a level playing field with market data vendors and to preserve fair competition between them. Therefore, NASDAQ OMX Information LLC receives NLS, BX Last Sale, and PSX Last Sale from each NASDAQ-operated exchange in the same manner, at the same speed, and reflecting the same fees as for all market data vendors. Therefore, NASDAQ Information LLC has no competitive advantage with respect to these last sale products and NASDAQ commits to maintaining this level playing field in the future. In other words, NASDAQ will continue to disseminate separately the underlying last sale products to avoid creating a latency differential between NASDAQ OMX Information LLC and other market data vendors, and to avoid creating a pricing advantage for NASDAQ OMX Information LLC.

NLS Plus joins the existing market for proprietary last sale data products that is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities, in a vigorously competitive market. Similarly, with respect to the FINRA/NASDAQ TRF data that is a component of NLS and NLS Plus, allowing exchanges to operate TRFs has permitted them to earn revenues by providing technology and data in support of the non-exchange segment of the market. This revenue opportunity has also resulted in fierce competition between the two current TRF operators, with both TRFs charging extremely low trade reporting fees and rebating the majority of the revenues they receive from core market data to the parties reporting trades.

Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[25] *NetCoalition I,* at 535.

[26] It should also be noted that Section 916 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (''Dodd-Frank Act'') has amended paragraph (A) of Section 19(b)(3) of the Act, 15 U.S.C. 78s(b)(3), to make it clear that all exchange fees, including fees for market data, may be filed by exchanges on an immediately effective basis. *See also NetCoalition* v. *SEC,* 715 F.3d 342 (D.C. Cir. 2013) (''*NetCoalition II*'') (finding no jurisdiction to review Commission's non-suspension of immediately effective fee changes).

[27] *See, e.g., supra* note 10.

an order will depend on the attributes of the platform where the order can be posted, including the execution fees, data quality and price, and distribution of its data products. Without trade executions, exchange data products cannot exist. Moreover, data products are valuable to many end users only insofar as they provide information that end users expect will assist them or their customers in making trading decisions.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, the operation of the exchange is characterized by high fixed costs and low marginal costs. This cost structure is common in content and content distribution industries such as software, where developing new software typically requires a large initial investment (and continuing large investments to upgrade the software), but once the software is developed, the incremental cost of providing that software to an additional user is typically small, or even zero (*e.g.,* if the software can be downloaded over the Internet after being purchased).[28] In NASDAQ's case, it is costly to build and maintain a trading platform, but the incremental cost of trading each additional share on an existing platform, or distributing an additional instance of data, is very low. Market information and executions are each produced jointly (in the sense that the activities of trading and placing orders are the source of the information that is distributed) and are each subject to significant scale economies. In such cases, marginal cost pricing is not feasible because if all sales were priced at the margin, NASDAQ would be unable to defray its platform costs of providing the joint products. Similarly, data products cannot make use of TRF trade reports without the raw material of the trade reports themselves, and therefore necessitate the costs of operating, regulating,[29] and maintaining a trade reporting system, costs that must be covered through the fees charged for use of the facility and sales of associated data.

An exchange's BD customers view the costs of transaction executions and of data as a unified cost of doing business with the exchange. A BD will direct orders to a particular exchange only if the expected revenues from executing trades on the exchange exceed net transaction execution costs and the cost of data that the BD chooses to buy to support its trading decisions (or those of its customers). The choice of data products is, in turn, a product of the value of the products in making profitable trading decisions. If the cost of the product exceeds its expected value, the BD will choose not to buy it. Moreover, as a BD chooses to direct fewer orders to a particular exchange, the value of the product to that BD decreases, for two reasons. First, the product will contain less information, because executions of the BD's trading activity will not be reflected in it. Second, and perhaps more important, the product will be less valuable to that BD because it does not provide information about the venue to which it is directing its orders. Data from the competing venue to which the BD is directing orders will become correspondingly more valuable.

Similarly, in the case of products such as NLS Plus that are distributed through market data vendors, the vendors provide price discipline for proprietary data products because they control the primary means of access to end users. Vendors impose price restraints based upon their business models. For example, vendors such as Bloomberg and Reuters that assess a surcharge on data they sell may refuse to offer proprietary products that end users will not purchase in sufficient numbers. Internet portals, such as Google, impose a discipline by providing only data that will enable them to attract ''eyeballs'' that contribute to their advertising revenue. Retail BDs, such as Schwab and Fidelity, offer their customers proprietary data only if it promotes trading and generates sufficient commission revenue. Although the business models may differ, these vendors' pricing discipline is the same: they can simply refuse to purchase any proprietary data product that fails to provide sufficient value. Exchanges, TRFs, and other producers of proprietary data products must understand and respond to these varying business models and pricing disciplines in order to market proprietary data products successfully. Moreover, NASDAQ believes that products such as NLS Plus can enhance order flow to NASDAQ by providing more widespread distribution of information about transactions in real time, thereby encouraging wider participation in the market by investors with access to the internet or television. Conversely, the value of such products to distributors and investors decreases if order flow falls, because the products contain less content.

Competition among trading platforms can be expected to constrain the aggregate return each platform earns from the sale of its joint products, but different platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. NASDAQ pays rebates to attract orders, charges relatively low prices for market information and charges relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower liquidity rebates to attract orders, setting relatively low prices for accessing posted liquidity, and setting relatively high prices for market information. Still others may provide most data free of charge and rely exclusively on transaction fees to recover their costs. Finally, some platforms may incentivize use by providing opportunities for equity ownership, which may allow them to charge lower direct fees for executions and data.

In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering. Such regulation is unnecessary because an ''excessive'' price for one of the joint products will ultimately have to be reflected in lower prices for other products sold by the firm, or otherwise the firm will experience a loss in the volume of its sales that will be adverse to its overall profitability. In other words, an increase in the price of data will ultimately have to be accompanied by a decrease in the cost of executions, or the volume of both data and executions will fall.

The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including eleven SRO markets, as well as internalizing BDs and various forms of alternative trading systems (''ATSs''), including dark pools and electronic communication networks (''ECNs''). Each SRO market competes to produce transaction reports via trade executions,

[28] *See* William J. Baumol and Daniel G. Swanson, ''The New Economy and Ubiquitous Competitive Price Discrimination: Identifying Defensible Criteria of Market Power,'' *Antitrust Law Journal,* Vol. 70, No. 3 (2003).

[29] It should be noted that the costs of operating the FINRA/NASDAQ TRF borne by NASDAQ include regulatory charges paid by NASDAQ to FINRA.

and two FINRA-regulated TRFs compete to attract internalized transaction reports. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products.

The large number of SROs, TRFs, BDs, and ATSs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ATS, and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including NASDAQ, NYSE, NYSE MKT, NYSE Arca, and BATS/Direct Edge.

Any ATS or BD can combine with any other ATS, BD, or multiple ATSs or BDs to produce joint proprietary data products. Additionally, order routers and market data vendors can facilitate single or multiple BDs' production of proprietary data products. The potential sources of proprietary products are virtually limitless. Notably, the potential sources of data include the BDs that submit trade reports to TRFs and that have the ability to consolidate and distribute their data without the involvement of FINRA or an exchange-operated TRF.

The fact that proprietary data from ATSs, BDs, and vendors can by-pass SROs is significant in two respects. First, non-SROs can compete directly with SROs for the production and sale of proprietary data products, as BATS and NYSE Arca did before registering as exchanges by publishing proprietary book data on the internet. Second, because a single order or transaction report can appear in a core data product, an SRO proprietary product, and/or a non-SRO proprietary product, the data available in proprietary products is exponentially greater than the actual number of orders and transaction reports that exist in the marketplace. Indeed, in the case of NLS Plus, the data provided through that product appears both in (i) real-time core data products offered by the SIPs for a fee, (ii) free SIP data products with a 15-minute time delay, and (iii) individual exchange data products, and finds a close substitute in last-sale products of competing venues.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid, inexpensive, and profitable. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TracECN, BATS Trading and BATS/Direct Edge. A proliferation of dark pools and other ATSs operate profitably with fragmentary shares of consolidated market volume.

Regulation NMS, by deregulating the market for proprietary data, has increased the contestability of that market. While BDs have previously published their proprietary data individually, Regulation NMS encourages market data vendors and BDs to produce proprietary products cooperatively in a manner never before possible. Multiple market data vendors already have the capability to aggregate data and disseminate it on a profitable scale, including Bloomberg and Thomson Reuters. In Europe, Cinnober aggregates and disseminates data from over 40 brokers and multilateral trading facilities.[30]

In the case of TRFs, the rapid entry of several exchanges into this space in 2006–2007 following the development and Commission approval of the TRF structure demonstrates the contestability of this aspect of the market.[31] Given the demand for trade reporting services that is itself a by-product of the fierce competition for transaction executions—characterized notably by a proliferation of ATSs and BDs offering internalization—any supra-competitive increase in the fees associated with trade reporting or TRF data would shift trade report volumes from one of the existing TRFs to the other[32] and create incentives for other TRF operators to enter the space. Alternatively, because BDs reporting to TRFs are themselves free to consolidate the market data that they report, the market for over-the-counter data itself, separate and apart from the markets for execution and trade reporting services—is fully contestable.

Moreover, consolidated data provides two additional measures of pricing discipline for proprietary data products that are a subset of the consolidated data stream. First, the consolidated data is widely available in real-time at $1 per month for non-professional users. Second, consolidated data is also available at no cost with a 15- or 20-minute delay. Because consolidated data contains marketwide information, it effectively places a cap on the fees assessed for proprietary data (such as last sale data) that is simply a subset of the consolidated data. The mere availability of low-cost or free consolidated data provides a powerful form of pricing discipline for proprietary data products that contain data elements that are a subset of the consolidated data, by highlighting the optional nature of proprietary products.

In this environment, a super-competitive increase in the fees charged for either transactions or data has the potential to impair revenues from both products. ''No one disputes that competition for order flow is 'fierce'.'' *NetCoalition I* at 539. The existence of fierce competition for order flow implies a high degree of price sensitivity on the part of BDs with order flow, since they may readily reduce costs by directing orders toward the lowest-cost trading venues. A BD that shifted its order flow from one platform to another in response to order execution price differentials would both reduce the value of that platform's market data and reduce its own need to consume data from the disfavored platform. If a platform increases its market data fees, the change will affect the overall cost of doing business with the platform, and affected BDs will assess whether they can lower their trading costs by directing orders elsewhere and thereby lessening the need for the more expensive data. Similarly, increases in the cost of NLS Plus would impair the willingness of distributors to take a product for which there are numerous alternatives, impacting NLS Plus data revenues, the value of NLS Plus as a tool for attracting order flow, and ultimately, the volume of orders routed to NASDAQ and the value of its other data products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[33] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend

[30] *See http://www.cinnober.com/boat-trade-reporting.*

[31] The low cost exit of two TRFs from the market is also evidence of a contestable market, because new entrants are reluctant to enter a market where exit may involve substantial shut-down costs.

[32] It should be noted that the FINRA/NYSE TRF has, in recent weeks, received reports for almost 10% of all over-the-counter volume in NMS stocks.

[33] 15 U.S.C. 78s(b)(3)(A)(ii).

such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–088 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–NASDAQ–2015–088. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2015–088 and should be submitted on or before August 31, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–19537 Filed 8–7–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75601; File No. SR-NASDAQ–2015–087]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Allow Listed Companies To Opt in to Nasdaq's All-Inclusive Annual Listing Fee

DATES: August 4, 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 July 22, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') 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 by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to allow listed companies not currently subject to Nasdaq's all-inclusive annual listing fee to opt in to that fee program for 2016. The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Effective January 1, 2015, Nasdaq adopted an all-inclusive annual listing fee, which simplifies billing and provides transparency and certainty to companies as to the annual cost of listing.[3] This new fee structure was designed, primarily, to address customer complaints about the number and in some cases the variable nature of certain of Nasdaq's listing fees. It also provides benefits to Nasdaq, including eliminating the multiple invoices that were sent to a company each year and providing more certainty as to revenue.[4]

While this new fee structure will become operative for all listed companies in 2018, listed companies were allowed to elect to be subject to the all-inclusive annual listing fee effective January 1, 2015, and were provided certain incentives to do so.[5] Companies have reacted favorably to the new fee program and these incentives.

Nasdaq now proposes to allow currently listed companies that did not previously opt in to the all-inclusive annual fee program to do so effective January 1, 2016. In addition, Nasdaq proposes to offer companies an incentive to opt in, similar to the incentive offered companies that opted in to the all-inclusive annual fee program for 2015. Specifically, from July 22, 2015 until December 31, 2015, Nasdaq will allow companies to opt in to the all-inclusive annual fee program starting in 2016. Any company that does so will not be billed for the listing of additional shares after it submits the opt-in form to Nasdaq, regardless of when the shares were issued.[6] In

[34] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 73647 (November 19, 2014), 79 FR 70232 (November 25, 2014) (SR–NASDAQ–2014–087).

[4] *Id.*

[5] *See* IM–5910–1(b)(1) and IM–5920–1(b)(1).

[6] In addition to incentivizing companies to elect to switch to the all-inclusive annual fee program, this incentive may also reduce confusion about the switch to the all-inclusive annual fee program for some companies. Because listing of additional shares fees are billed based on a company's public filings, share changes could be billed after the company has opted in and potentially not until 2016, when the company believes it should not receive any further listing of additional shares fee bills. While some of these issuances would also be billed in 2015, Nasdaq believes that the simplicity

addition, the company will be billed for 2016 and 2017 based on the lower of its then-current total shares outstanding or the total shares outstanding reflected in information held by Nasdaq as of December 31, 2015.[7] As such, the number of shares outstanding reflected in information held by Nasdaq as of December 31, 2015, will be the maximum number of shares used to determine the company's all-inclusive annual listing fee until at least January 1, 2018.[8] Nasdaq does not believe that these incentives will have any adverse impact on the amount of funds available for its regulatory programs.

The proposed rule change also conforms certain language in IM–5920–1 with the comparable provision of IM–5910–1 and [sic] clarifies that total shares outstanding includes the aggregate number of all securities outstanding for each class of listed equity securities.[9] In addition, the proposed rule change modifies the fee schedule for ADRs and the description of how fees are assessed on a foreign private issuer to clarify that the all-inclusive annual fee is based not just on ''shares'' but, like a domestic company, is based on the total of all of the foreign private issuer's listed equity securities, including, for example, ADRs and warrants, and such companies are not charged separately for each individual equity security listed. Nasdaq also proposes to make changes to the rule text to reflect that the all-inclusive fee program has already become effective.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[10] in general, and with Sections 6(b)(4) and (5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities, and does not unfairly discriminate between customers, issuers, brokers or dealers.

Nasdaq believes that the proposed incentives offered to companies that elect the all-inclusive annual listing fee starting in 2016 are reasonable, equitable and not unfairly discriminatory. These incentives are available equally to all companies and would provide the same benefit to all companies that make the election. Moreover, no company is required to opt in to the all-inclusive annual fee program under this change. In addition, as noted above, Nasdaq will accrue benefits from companies electing the all-inclusive annual listing fee structure, including by eliminating the multiple invoices that are sent to a company each year and providing more certainty as to revenue, and the incentives are designed to help Nasdaq capture these benefits sooner, which is a reasonable and non-discriminatory reason to provide the incentives to companies. Companies that elected to be subject to the all-inclusive fee during the initial opt-in period, effective for 2015, would not be disadvantaged in that they receive the benefit of having their fees calculated based on the maximum total shares outstanding as of the earlier December 31, 2014, date applicable to companies that opted in during 2014, and they received the benefits of the all-inclusive annual fee program for 2015.

The proposed changes to conform certain language in IM–5920–1 with the comparable provision of IM–5910–1, clarify that for both domestic and foreign issuers, total shares outstanding includes the aggregate number of all securities outstanding for each class of listed equity securities, and clarify that the fee charged a foreign private issuer is based not just on ''shares'' but, like a domestic company, is based on the total of all equity securities outstanding, are reasonable, equitable and not unfairly discriminatory in that they clarify Nasdaq's calculation of fees and conform the treatment for foreign private issuers with that of domestic companies, allowing the aggregation of all equity securities issued by the company.

Finally, Nasdaq believes that the proposed incentives are consistent with the investor protection objectives of Section 6(b)(5) of the Act[12] in that they are designed to promote just and equitable principles of trade, to remove impediments to a free and open market and national market system, and in general to protect investors and the public interest. Specifically, the proposed change will not impact the resources available for Nasdaq's listing compliance program, which helps to assure that listing standards are properly enforced and investors are protected.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The market for listing services is extremely competitive and listed companies may freely choose alternative venues based on the aggregate fees assessed, and the value provided by each listing. This rule proposal does not burden competition with other listing venues, which are similarly free to set their fees, but rather reflects the competition between listing venues and will further enhance such competition. For these reasons, Nasdaq does not believe that the proposed rule change will result in any burden on competition for listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[13] and paragraph (f) of Rule 19b–4 thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest; for the protection of investors; or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

of ending billing of listing of additional shares fees on the date the company opts-in offsets any potential revenue lost from such bills. Share issuances already billed at the time the company submits the opt-in form will not be forgiven.

[7] Under the ordinary operation of the existing rules, companies are billed for 2016 based on the total shares outstanding as of December 31, 2015. The incentive described will extend the use of that number of total shares outstanding for purposes of determining the company's 2017 bill. The number of shares outstanding used to calculate annual fees for 2016 and 2017 may include shares issued after the company has opted in to the all-inclusive annual listing fee, if such shares are reflected in a public filing or other information held by Nasdaq as of December 31, 2015.

[8] A company that opted in during 2014 is billed until December 31, 2017, based on the lower of its total shares outstanding at the time of billing or the total shares outstanding reflected in information held by Nasdaq as of December 31, 2014.

[9] This is the same definition of total shares outstanding used for the standard annual fee in Rule 5910(c)(4) and 5920(c)(6).

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f).

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–087 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–NASDAQ–2015–087. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–087 and should be submitted on or before August 31, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–19538 Filed 8–7–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75602; File No. SR–MSRB–2015–06]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Consisting of Revisions to the Electronic Municipal Market Access System, Real-Time Transaction Reporting System and Short-Term Obligation Rate Transparency System

August 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 23, 2015, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB filed with the Commission a proposed rule change relating to the MSRB's Electronic Municipal Market Access (''EMMA'') system, Real-time Transaction Reporting System (''RTRS''), and Short-Term Obligation Rate Transparency (''SHORT'') system. The proposed rule change consists of revisions to the facilities for the EMMA system, RTRS, and SHORT system to better align the language of the information facilities to the MSRB's administration of these systems. The proposed rule change adds references to the MSRB's core operational hours, clarifies the twenty-four hours a day, seven days a week (''24/7'') availability of many aspects of the MSRB's systems, and makes minor changes of a technical nature. The MSRB has filed the proposed rule change under Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6)[4] thereunder, as a noncontroversial rule change that renders the proposal effective upon filing. The proposed rule change would be made operative on August 24, 2015.

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2015-Filings.aspx,* at the MSRB'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, the MSRB included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The EMMA system is an information facility for the collection and dissemination of municipal securities disclosure documents and related information. The EMMA system includes a public Web site, the EMMA portal, which provides for free public access to disclosures and transparency information for municipal securities. RTRS is an information facility for the collection and dissemination of information about transactions occurring in the municipal securities market. The SHORT system is an information facility for the collection and dissemination of information and disclosure documents about securities bearing interest at short-term rates (auction rate securities and variable-rate demand obligations). The information facilities for the EMMA system, RTRS, and SHORT system serve to outline the high level parameters by which the MSRB operates these systems.

The purpose of the proposed rule change is to better align the language of the information facilities for the EMMA system, RTRS, and SHORT system to the MSRB's administration of these systems. The proposed rule change would add references to the MSRB's core operational hours, clarify the 24/7 availability of many aspects of the MSRB's systems and make minor changes of a technical nature to these information facilities. These changes are more fully described below.

MSRB Core Operational Hours

The MSRB maintains core operational hours for its transparency systems of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

7:00 a.m. to 7:00 p.m. Eastern Time on business days, which exclude weekends and holidays identified on the MSRB System Holiday Schedule published on the MSRB Web site. Core operational hours are consistent across the EMMA system, RTRS, and SHORT system and represent those hours when the MSRB's resources will be more readily available as compared with other hours to respond to inquiries and incidents experienced by users of the MSRB's systems. When the MSRB performs system maintenance that risks a reduction in the level of system performance, the MSRB schedules such maintenance whenever possible to occur outside of core operational hours.

The MSRB's core operational hours reflect the time period when nearly all information and disclosure documents are submitted to the EMMA system, RTRS, or SHORT system. Over the MSRB's two prior fiscal years ended September 30, 2014, the EMMA system received 97.4% of all submissions of disclosure documents, the RTRS received 99.3% of all submissions of information, and the SHORT system received 99.6% of all submissions of information and 99.8% of all submissions of disclosure documents during the hours of 7:00 a.m. to 7:00 p.m. Eastern Time on business days.

The information facilities for the EMMA and SHORT systems currently note that the systems are expected to operate at the highest performance during the hours of 8:30 a.m. to 6:00 p.m. Eastern Time. The RTRS information facility does not specifically reference the timeframe in which the system experiences the highest performance. The proposed rule change would provide that the core operational hours for each system, the EMMA system, RTRS, and SHORT system, are 7:00 a.m. to 7:00 p.m. Eastern Time.

24/7 System Availability

Many aspects of the EMMA system, RTRS, and SHORT system have 24/7 availability. Since implementation of the EMMA and SHORT systems, the MSRB has maintained, as 24/7 services, the EMMA portal and the submission processes for submitting disclosure documents to the EMMA and SHORT systems. The RTRS web interface also has been maintained for brokers, dealers and municipal securities dealers (''dealers'') to view their submitted trade data on a 24/7 basis since 2007.[5] The proposed rule change would formally highlight that the MSRB maintains these aspects of the EMMA system, RTRS, and SHORT system as 24/7 services.

Technological advancements to MSRB transparency systems enable the MSRB to conduct routine maintenance and system upgrades in a manner that is seamless to users. Nonetheless, on rare occasions system maintenance or upgrades may require the MSRB to schedule a system outage, which, to the extent feasible, would be scheduled outside of core operational hours. In addition, in the event of a cyber attack or security issue, the MSRB may need to make components of MSRB transparency systems unavailable to ensure the integrity of the systems. Accordingly, the amendments further clarify the MSRB's ability to make services unavailable outside of core operational hours for required maintenance, upgrades or other purposes, or at other times as needed to ensure the integrity of MSRB systems.

Minor Changes of a Technical Nature

The proposed rule change includes three minor changes of a technical nature. First, the EMMA system enables users to request periodic email alerts based on the reporting of trade data or availability of disclosure documents for a specific security. The EMMA system's information facility language currently does not reflect all of the information and disclosures for which a user can request an email alert; the proposed rule change clarifies the availability of this service. Second, the information facilities for the EMMA system, RTRS, and SHORT system currently use inconsistent abbreviations for ante meridiem and post meridiem as well as inconsistent references that the time noted shall reflect Eastern Time; the proposed rule change would state all time conventions in a consistent manner. Third, the proposed rule change would correct a reference in the SHORT system information facility regarding future subscription products as the MSRB has since made such subscription products available.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with the provisions of Section 15B(b)(2)(C) of the Act,[6] which provides that the MSRB's rules shall:

> be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The proposed rule change would contribute to the MSRB's continuing efforts to improve market transparency and to protect investors, municipal entities, obligated persons and the public interest. The MSRB believes that users of MSRB transparency systems will benefit from a clearer understanding of the MSRB's administration of these systems.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change consists of revisions to the information facilities for the EMMA system, RTRS, and SHORT system to better align the language of the information facilities to the MSRB's administration of these systems. The proposed rule change seeks to clarify existing services and make minor changes of a technical nature to the information facilities. The proposed rule change will not modify the manner in which the MSRB administers these systems. Accordingly, the MSRB does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the Act.

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 on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

[5] *See* ''RTRS Web Enhancement: Extended Hours,'' MSRB Notice 2007–26 (August 22, 2007).

[6] 15 U.S.C. 78*o*–4(b)(2)(C).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MSRB–2015–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2015–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. 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–MSRB–2015–06 and should be submitted on or before August 31, 2015.

For the Commission, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–19539 Filed 8–7–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75599; File No. SR–NYSE–2015–02]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Instituting Proceedings To Determine Whether To Disapprove Proposed Rule Change Amending Sections 312.03(b) and 312.04 of the NYSE Listed Company Manual To Exempt Early Stage Companies From Having To Obtain Shareholder Approval Before Issuing Shares for Cash to Related Parties, Affiliates of Related Parties or Entities in Which a Related Party Has a Substantial Interest

August 4, 2015.

I. Introduction

On April 16, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to exempt early stage companies from having to obtain shareholder approval before issuing shares to related parties, affiliates of related parties or entities in which a related party has a substantial interest. The proposed rule change was published for comment in the **Federal Register** on May 6, 2015.[3] The Commission received no comment letters on the proposal. On June 18, 2015, the Commission designated a longer period for Commission action on the proposed rule change, until August 4, 2015.[4] This order institutes proceedings under Section 19(b)(2)(B) of the Act[5] to determine whether to disapprove the proposed rule change.

II. Description of the Proposal

The Exchange proposes to amend Sections 312.03(b) and 312.04 of the NYSE Listed Company Manual (''Manual'') to provide an exemption to an ''early stage company'' listed on the Exchange from having to obtain shareholder approval, under certain circumstances, before issuing shares of common stock, or securities convertible into or exercisable for common stock, to a (1) director, officer[6] or substantial security holder[7] of the company (''Related Party'' or ''Related Parties''), (2) subsidiary, affiliate or closely-related person of a Related Party or (3) company or entity in which a Related Party has a substantial direct or indirect interest (together, a ''Proposed Exempted Party'' or '' Proposed Exempted Parties'').[8] In particular, shareholder approval would no longer be required for an ''early stage company,''[9] before the issuance of shares for cash to a Proposed Exempted Party, provided that the company's audit committee or a comparable committee comprised solely of independent directors reviews and approves of all such transactions prior to their completion. Today, shareholder approval would be required prior to the issuance of shares, among other things, where the number of shares to be issued to the Proposed Exempted Party exceeds either 1% of the number of shares of common stock or 1% of the voting power outstanding before the issuance (or 5% of the number of shares or voting power, if the Related Party is classified as such solely because it is a substantial security holder, and the issuance relates to a sale of stock for cash, at a price at least as great as each of the book and market value of the company's common stock).[10]

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74849 (April 30, 2015), 80 FR 26118 (''Notice'').

[4] *See* Securities Exchange Act Release No. 75248 (June 18, 2015), 80 FR 36385 (June 24, 2015).

[5] 15 U.S.C. 78s(b)(2)(B).

[6] Section 312.04(h) of the Manual states that the term ''officer'' has the same meaning as defined by the Commission in Rule 16a–1(f) under the Act.

[7] Section 312.04(e) of the Manual states that an interest consisting of less than either 5% percent of the number of shares of common stock or 5% of the voting power outstanding of a company or entity shall not be considered a substantial interest or cause the holder of such an interest to be regarded as a substantial security holder.

[8] The Commission notes that there is an inconsistency between the proposed rule text in Exhibit 5 and the proposed shareholder approval exception discussed in the Notice. The proposed rule text in Exhibit 5 states that the exception only applies to Related Parties, which is defined in Section 312.03(b)(1) of the Manual. However, the Notice clearly states that the proposed rule change is meant to apply to all Proposed Exempted Parties, as set forth in Sections 312.03(b)(1), (2), and (3) of the Manual, not just Related Parties under Section 312.03(b)(1) of the Manual. *See* Notice, *supra* note 3, at 26119.

[9] *See supra* notes 11 through 13 and accompanying text.

[10] The Exchange states that neither The NASDAQ Stock Market LLC (''NASDAQ'') nor NYSE MKT LLC has a rule comparable to Section 312.03(b) requiring listed companies to obtain shareholder approval prior to 1% (or in certain cases 5%) share issuances in cash sales to a Proposed Exempted Party. *See* Notice, *supra* note 3, at 26120. Thus, the Exchange believes the proposed rule change is necessary to enable the Exchange to compete with

The Exchange also proposes to amend Section 312.04 to include a definition of the term ''early stage company.'' [11] The Exchange proposes to define an early stage company as a company that has not reported revenues greater than $20 million in any two consecutive fiscal years since its incorporation. Further, an early stage company would lose that designation at any time after listing on the Exchange that the company files an annual report with the Commission in which the company reports two consecutive fiscal years with revenues greater than $20 million in each year.[12] The Exchange represents that a company's annual financial statements prior to listing on the Exchange would also be considered when determining if the company should lose its early stage company designation.[13]

The Exchange also states that any issuance of shares that is not a sale for cash, including any issuance in connection with the acquisition of stock or assets of another company, would remain subject to the shareholder approval provisions of Section 312.03(b) of the Manual.[14] Additionally, the Exchange highlights that under Section 312.04(a) of the Manual, an exemption from one provision of Section 312.03 is not a general exemption from all of Section 312.03. Therefore, notwithstanding that a transaction by an early stage company may have an exemption under the proposed amendments to Sections 312.03(b) of the Manual, the Exchange states that shareholder approval requirements of Sections 312.03(c) [15] and 312.03(d) [16] would still be applicable.[17]

Lastly, the Exchange also proposes to delete obsolete text from Section 312.03 of the Manual related to a limited transition period that is no longer relevant.

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSE–2015–02 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [18] to determine whether the proposed rule change should be disapproved. Institution of such proceedings appears appropriate at this time in view of the legal and policy issues raised by the proposal, as discussed below. Institution of disapproval proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to comment on the proposed rule change to inform the Commission's analysis whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[19] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the consistency of the proposed rule change with Section 6(b)(5) of the Act,[20] which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

As discussed above, the Exchange proposes to amend Sections 312.03(b) and 312.04 of the Manual, in order to exempt early stage companies from having to obtain shareholder approval before issuing a substantial amount of shares for cash, even at a discount from book and market value, to Related Parties, namely officers, directors and substantial security holders, as well as the other Proposed Exempted Parties.[21] Although the Exchange conditions its proposed exemption on the company obtaining the approval of the transaction by its audit committee (or comparable committee comprised solely of independent directors), the Commission is concerned that audit committee approval may not be an effective substitute for the approval of shareholders, whose interests would be directly impacted by the potentially dilutive effect of such a transaction. In addition, while the Exchange believes that the proposal would benefit shareholders of early stage companies because it could allow those companies to raise additional capital quickly and inexpensively, any such benefit must be weighed against the potentially detrimental impact of a dilutive transaction on shareholders who would no longer have the right to approve it.[22]

NASDAQ for the listing of early stage companies. *See id.*

[11] *See* proposed Section 312.04(k) of the Manual.

[12] The Exchange believes that only a small number of currently listed companies would qualify under the proposed exemption from shareholder approval. *See* Notice, *supra* note 3, at 26120.

[13] *See* Notice, *supra* note 3, at 26119, n.6. As an example, the Exchanges states that if a company files an annual report with the Commission one year after listing on the Exchange and such annual report shows that the company has had revenues greater than $20 million in each of two consecutive years (even if one of those years was prior to listing on the Exchange), the company would lose its early stage company designation at that time. *See id.* Moreover, once the early stage company designation is lost, it cannot be regained if the subject company later reports reduced revenues. *See id.* at 26120.

[14] *See* Notice, *supra* note 3, at 26119.

[15] Section 312.03(c) of the Manual, with certain exceptions, requires shareholder approval of any issuance of securities in any transaction or related transactions relating to 20% of more of a listed company's stock before the issuance. When applying Section 312.03(c), the Exchange states that it reviews issuances to determine whether they are related and should be aggregated for purposes of the rule. *See* Notice, *supra* note 3, at 26120. The Exchange analyzes the relationship between separate stock issuances if they occur within a short period of time, are made to the same or related parties, or if there is a common use of proceeds. *See id.* The Exchange represents that it would engage in this analysis with respect to any series of sales made by an early stage company to a Related Party. *See id.* Moreover, should the Exchange determine that it is necessary to aggregate the series of sales and, as aggregated, the total number of shares sold exceeds 19.9% of the shares outstanding, shareholder approval would be required pursuant to Section 312.03(c). *See id.*

[16] Section 312.03(d) of the Manual requires shareholder approval prior to an issuance giving rise to a change of control.

[17] *See* Notice, *supra* note 3, at 26119–20. The Commission notes, however, that Section 312.03(c)(2) of the Manual contains an exception for sales of common stock (or securities convertible into common stock) for cash in a ''bona fide private financing,'' as defined in Section 312.04(g), if certain requirements are met.

[18] 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding. *See id.*

[19] *Id.*

[20] 15 U.S.C. 78f(b)(5).

[21] *See supra* notes 6 and 7.

[22] The Commission also notes that the Exchange has not addressed how the proposal is consistent with the shareholder approval requirements of Section 303A.08 of the Manual that generally requires that shareholders must be given the opportunity to vote on all equity-compensation plans and material revisions thereto, with limited exemptions. Under Section 303A.08, an equity-compensation plan is defined as a plan or other arrangement that provides for the delivery of equity securities of the listed company to any employee, director or other service provider as compensation for services. The definition specifically states ''[E]ven a compensatory grant of options or other equity securities that is not made under a plan is,

Continued

The Commission therefore believes that questions are raised as to whether the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act, including whether it would be designed to promote just and equitable principles of trade, and protect investors and the public interest.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the concerns identified above, as well as any others they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is inconsistent with Section 6(b)(5) [23] or any other provision of the Act, or the rules and regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.[24]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be disapproved by August 31, 2015. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by September 14, 2015. The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposed rule change, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the statements of the Exchange contained in the Notice,[25] and any other issues raised by the proposed rule change.

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–NYSE–2015–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2015–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–02 and should be submitted on or before August 31, 2015. Rebuttal comments should be submitted by September 14, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Robert W. Errett,

Deputy Secretary.

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nonetheless, an 'equity-compensation plan'" for purposes of the rule. Section 303A.08 also lists certain plans that would not be considered equity compensation plans under its definition, for example, plans that are made available to shareholders generally, such as a typical dividend reinvestment plan, and plans that merely allow employees, directors or other service providers to elect to buy shares on the open market or from the listed company for their current fair market value. The Commission notes that, in approving the equity compensation rules, it stated that the rules should have the effect of safeguarding the interests of shareholders, while placing certain restrictions on listed companies, and provide shareholders with greater protection from the potential dilutive effect of equity compensation plans. *See* Securities Exchange Act Release No. 48108 (June 30, 2003), 68 FR 39995 (July 3, 2003) (SR–NYSE–2002–46 and SR–NASD–2002–140).

[23] 15 U.S.C. 78f(b)(5).

[24] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[25] *See* Notice, *supra* note 3.

[26] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75603; File No. SR–MIAX–2015–49]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

August 4, 2015.

Pursuant to the provisions of 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 July 30, 2015, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX'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, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to adopt transaction fees for Qualified Contingent Cross (''QCC'') transactions. A QCC Order is comprised of an order to buy or sell at least 1,000 contracts (or 10,000 mini-option contracts) that is identified as being part of a qualified contingent trade, coupled with a contra side order to buy or sell an equal number of contracts. The Exchange is proposing to establish fees for QCC Orders to coincide with the acceptance of QCC Orders on the Exchange beginning August 1, 2015.

The proposed fees are based on the substantially similar fees of another competing options exchange.[3]

The Exchange proposes to establish a transaction fee for all non-Priority Customer[4] QCC Orders of $0.15 per contract side (Priority Customer orders will not be assessed a charge). In addition, the Exchange proposes to adopt a $0.10 per contract credit for the initiating order side, regardless of origin code. The Exchange proposes to explicitly provide in the Fee Schedule that the credit will be paid to the Member that enters the order into the System, but will only be paid on the initiating side of the QCC transaction. However, no rebates will be paid for QCC transactions in which both the initiator and contra-side orders are Priority Customers.

Additionally, the Exchange proposes to state explicitly in the Fee Schedule that a QCC transaction is comprised of an 'initiating order' to buy (sell) at least 1,000 contracts or 10,000 mini-option contracts, coupled with a contra-side order to sell (buy) an equal number of contracts.[5] The Exchange notes that with regard to order entry, the first order submitted into the system is marked as the initiating side and the second order is marked as the contra side

The purpose of these changes is to incentivize the sending of QCC Orders to the Exchange. The Exchange notes that other competing exchanges similarly provide rebates on QCC initiating orders.[6] The Exchange also notes that QCC orders comprised of mini-contracts will be assessed QCC fees and afforded rebates equal to 10% of the fees and rebates applicable to QCC Orders comprised of standard option contracts. The Exchange is also proposing to amend Section 1(b) of the Fee Schedule to reflect that MIAX will not assess a Marketing Fee[7] for contracts executed as a QCC, and will not assess the additional Posted Liquidity Marketing Fee[8] to Market Makers for contracts executed as QCC Orders.

Finally, the Exchange proposes to provide that QCC Orders are excluded from: (i) The volume threshold calculations for the Market Maker Sliding Scale; (ii) and the rebates and volume calculations as part of the Priority Customer Rebate Program. The Exchange believes that excluding QCC Orders from these fees and rebates is appropriate, because QCC Orders from Market Makers and Priority Customers will be subject to the specific transaction fees as described above that are tailored specifically for encouraging market participants to transact QCC Orders on the Exchange. The Exchange does not believe that it is necessary at this time to extend the favorable volume fee rates nor the rebate program to QCC Orders.

The Exchange proposes to implement the proposed changes beginning August 1, 2015.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with section 6(b) of the Act[9] in general, and furthers the objectives of section 6(b)(4) of the Act[10] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes the proposed transaction fee for QCC Orders is reasonable because the proposed amount is in line with the amount assessed at other Exchanges for similar transactions.[11] Additionally, the proposed fee would be charged to all non-Priority Customers alike. Assessing QCC rates to all market participants except Priority Customers is equitable and not unfairly discriminatory because Priority Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market-Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. By exempting Priority Customer orders, the QCC transaction fees will not discourage the sending of Priority Customer orders.

The Exchange believes the proposed rebate for the initiating order side of a QCC transaction is reasonable because other competing exchanges also provide a rebate on the initiating order side. Additionally, the proposed credit amount is within the range of the rebate amounts at the other competing exchanges.[12] The Exchange believes the proposed credit is equitable and not unfairly discriminatory because it applies to all Members that enter the initiating order (except for when both the initiator and contra-side orders are Priority Customers) and because it is intended to incentivize the sending of more QCC Orders to the Exchange. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to not provide a rebate for the initiating order for QCC transactions for which both the initiator and the contra-side orders are Priority Customers since Priority Customers are already incentivized by a reduced fee for submitting QCC Orders. The Exchange believes that the proposed exclusion of QCC Orders from the Market Maker Sliding Scale and the Priority Customer Rebate Program is reasonable because it enables QCC Orders from all market participants to be subject to only the specific transaction fees as described above that are tailored specifically for encouraging market participants to transact QCC Orders on the Exchange. The Exchange believes that the exclusion is equitable and not unfairly discriminatory because it ensures all market participants, other than Priority Customers, to be subject to the same transaction fee for QCC Orders. While Priority Customers will benefit

[3] *See* Securities Exchange Act Release No. 75321 (June 29, 2015), 80 FR 38489 (July 6, 2015) (SR–CBOE–2015–059).

[4] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). *See* Exchange Rule 100.

[5] *See* Exchange Rule 516(j).

[6] *See* Chicago Board Options Exchange, Fees Schedule; International Securities Exchange, LLC (''ISE'') Schedule of Fees.

[7] MIAX assesses a Marketing Fee to all Market Makers for contracts, including mini options, they execute in their assigned classes when the contra-party to the execution is a Priority Customer. *See* Fee Schedule section 1(b).

[8] MIAX assesses an additional $0.12 per contract Posted Liquidity Marketing Fee to all Market Makers for any standard options overlying EEM, GLD, IWM, QQQ, and SPY that Market Makers execute in their assigned class when the contra-party to the execution is a Priority Customer and the Priority Customer order was posted on the MIAX Book at the time of the execution. *Id.*

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] *See* Chicago Board Options Exchange, Inc. Fees Schedule; International Securities Exchange, LLC (''ISE'') Schedule of Fees.

[12] *See id.*

from a lower transaction fee rate for QCC Orders, excluding QCC Orders from the Priority Customer Rebate Program enables a more equitable and not unfairly discriminatory outcome.

The Exchange further believes that not assessing a Marketing Fee for contracts executed as a QCC, and not assessing the additional Posted Liquidity Marketing Fee to Market Makers for contracts executed as a QCC Order is equitable and not unfairly discriminatory because such order types are originated from the same Member organization, thus obviating the purpose of the Marketing Fees. Finally, the Exchange believes that the proposed change to the Fee Schedule specifying that QCC orders comprised of mini-contracts will be assessed QCC fees and afforded rebates equal to 10% of the fees and rebates applicable to QCC Orders comprised of standard option contracts is equitable and not unfairly discriminatory because it clearly and transparently describes the fees applicable to QCC Orders involving mini-contracts for all MIAX participants.

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 not necessary or appropriate in furtherance of the purposes of the Act, because the proposed rule change applies to all Members. The Exchange believes this proposal will not cause an unnecessary burden on intermarket competition because the proposed changes will actually enhance the competiveness of the Exchange relative to other exchanges which offer comparable fees and rebates for QCC transactions. To the extent that the proposed changes make the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become market participants on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act.[13] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2015–49 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2015–49. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2015–49, and should be submitted on or before August 31, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

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BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974: System of Records

AGENCY: Small Business Administration.

ACTION: Notice of Revision of Privacy Act System of Records.

SUMMARY: SBA is amending its Privacy Act system of records notice titled, Business and Community Initiatives Resource Files, SBA–5 to clarify the categories of individuals and categories of records that are covered by that systems of records and also to change the title of the system of records. Publication of this notice complies with the Privacy Act and the Office of Management and Budget (OMB) Circular A–130 requirement for agencies to publish a notice in the **Federal Register** whenever the agency alters a system of records.

DATES: *Comment Date:* Submit comments by September 9, 2015.

Effective Date: The changes to this system of records will become effective September 24, 2015 unless comments are received that result in further revision.

ADDRESSES: Submit written comments to Linda Di Giandomenico, Acting Chief Freedom of Information/Privacy Acts Office, U. S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Linda Di Giandomenico, Acting Chief Freedom of Information/Privacy Acts Office, (202) 401–8203.

SUPPLEMENTARY INFORMATION: A system of records (SOR) is a group of any records under the control of a federal agency from which information is retrieved by the name of an individual or by a number, symbol or other identifier assigned to the individual. The Privacy Act, 5 U.S.C. 552a, requires each federal agency to publish in the **Federal Register** a system of records notice (SORN) identifying and

describing each system of records the agency maintains, the purposes for which the agency uses the personally identifiable information (PII) in the system, the routine uses for which the agency discloses such information outside the agency, and how individuals can exercise their rights related to their PII information.

The PII information maintained in SBA's Business and Community Initiatives Resource Files system of records SBA–5, is collected in connection with various business and entrepreneurial education initiatives carried out by SBA to further its mission of helping small businesses or potential small business owners. SBA uses the information to, among other things, register eligible participants, report overall participation, and gain insight into participants' entrepreneurial goals, knowledge and experience. The information is also used to maintain a list of registrants, instructors, and other participants in the SBA entrepreneurial initiatives to facilitate the agency's Customer Relationship Management (CRM) capability to follow-up on additional initiatives, course feedback or other types of information. This system of records is separate from the SBA SBA–11, Entrepreneurial Development Management Information System, which covers information collected from those using SBA's business counseling and assistance services, provided by SBA's resource partners, including Small Business Development Centers, SCORE, and Women Business Centers.

SBA is changing the title of the system of records, SBA–5 to ''Business and Entrepreneurial Initiatives for Small Businesses.'' The agency believes this title more accurately conveys the scope of the source of the information maintained in the system. This revised name should also help affected persons identify which system if any governs their PII information. SBA is also amending the categories of individuals and categories of records covered by SBA–5 to more explicitly identify the persons and records maintained in the system of records. The current description of individuals and records covered by SBA–5 does not provide sufficient details to enable individuals whose information is maintained in the system of records to make a clear assessment about their Privacy Act protected information. The changes to the Categories of Individuals and Categories of Records provide a level of detail that is intended to close this gap.

SYSTEM NAME:

Business and Entrepreneurial Initiatives for Small Businesses

SYSTEM LOCATION:

Headquarters (HQ) and All SBA Field Offices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDE:

Individuals who participate in programs and activities (*e.g.,* training, outreach, marketing, and matchmaking activities) that are conducted by SBA, its contractors, agents, or co-sponsors to promote and implement various business and entrepreneurial initiatives. These individuals include military service members, military dependents and veterans who register to attend or otherwise participate in these programs and activities such as but not limited to Boots to Business: Introduction to Entrepreneurship, Foundations of Entrepreneurship, and Reboot.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and other identifying information, including: name, physical and/or email address, telephone number (and other contact information), age range, race, ethnicity, military pay grade, veteran and discharge status, previous and current business ownership data (name of business, Web site, industry) and future self-employment aspirations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used, disclosed, or referred:

a. To coordinators of the various SBA business development and entrepreneurial events, such as training, outreach, marketing, and matchmaking activities.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, or co-sponsors who are assisting SBA in the performance of a service related to this system of records and who need access to the records in order to perform such service. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or the United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By the name of the individual covered by the system of record.

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedures 00 41 2, 65:01, 65:02, 65:03, 65:04, 65:05, 65:07 and 65:09.

SYSTEM MANAGER(S) AND ADDRESS:

Field Office Directors, Associate Administrators for program offices carrying out Entrepreneurial Programs and Initiatives, and Privacy Act Officer, 409 Third Street SW., Washington DC 20416.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or SBA Privacy Act Officer.

ACCESS PROCEDURES:

Systems Manager or Privacy Act Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting any information and provide proposed amendment(s) sought.

SOURCE CATEGORIES:

Individuals covered by the system of record; contractors, event coordinators, universities, professional or civic organizations.

Linda Di Giandomenico,

Acting Chief, Freedom of Information/Privacy Acts Office.

[FR Doc. 2015–19629 Filed 8–7–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9219]

International Security Advisory Board (ISAB) Meeting Notice

ACTION: Closed meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App 10(a)(2), the Department of State announces a meeting of the International Security Advisory Board (ISAB) to take place on September 15, 2015, at the Department of State, Washington, DC.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App 10(d), and 5 U.S.C. 552b(c)(1), it has been determined that this Board meeting will be closed to the public because the Board will be reviewing and discussing matters properly classified in accordance with Executive Order 13526. The purpose of the ISAB is to provide the Department with a continuing source of independent advice on all aspects of arms control, disarmament, nonproliferation, political-military affairs, international security, and related aspects of public diplomacy. The agenda for this meeting will include classified discussions related to the Board's studies on current U.S. policy and issues regarding arms control, international security, nuclear proliferation, and diplomacy.

For more information, contact Christopher Herrick, Acting Executive Director of the International Security Advisory Board, U.S. Department of State, Washington, DC 20520, telephone: (202) 647–9683.

Dated: July 23, 2015.

Christopher Herrick,

Acting Executive Director, International Security Advisory Board, U.S. Department of State.

[FR Doc. 2015–19582 Filed 8–7–15; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 9217]

30-Day Notice of Proposed Information Collection: Electronic Choice of Address and Agent

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to September 9, 2015.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

• *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.

Fax: 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to George Weber, who may be reached on 202–485–7637 or at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Electronic Choice of Address and Agent.

• *OMB Control Number:* 1405–0186.

• *Type of Request:* Extension of a Currently Approved Collection.

• *Originating Office:* CA/VO/LR.

• *Form Number:* DS–261.

• *Respondents:* Immigrant Visa Applicants.

• *Estimated Number of Respondents:* 250,000.

• *Estimated Number of Responses:* 250,000.

• *Average Time Per Response:* 10 minutes.

• *Total Estimated Burden Time:* 25,000 hours.

• *Frequency:* Once Per Respondent.

• *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The DS–261 allows the beneficiary of an approved immigrant visa petition to provide the Department with his or her current address, which will be used for communications with the beneficiary. The DS–261 also allows the beneficiary

to appoint an agent to receive communications relevant communications relevant to the beneficiary's visa application from the National Visa Center (NVC) and assist in the filing of various application forms and/or paying the required fees. The beneficiary is not required to use an agent. The NVC can contact them directly. If the beneficiary chooses to serve as their own agent and have the NVC contact them directly, they will need to provide the NVC with their current contact information. All cases will be held at NVC until the DS–261 is electronically submitted to the Department.

Methodology

Applicants will submit the DS–261 electronically to the Department via the Internet.

Dated: July 9, 2015.

Edward J. Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2015–19584 Filed 8–7–15; 8:45 a.m.]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 9218]

Culturally Significant Objects Imported for Exhibition Determinations: ''Design for Eternity: Architectural Models From the Ancient Americas'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Design for Eternity: Architectural Models from the Ancient Americas,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about October 26, 2015, until on or about September 18, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: July 31, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–19581 Filed 8–7–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9216]

Culturally Significant Object Imported for Exhibition Determinations: ''Portrait Head of King Shulgi'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the object to be included in the exhibition ''Portrait Head of King Shulgi,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Cleveland Museum of Art, Cleveland, Ohio, from on or about September 18, 2015, until on or about March 18, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a description of the object, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: July 31, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–19580 Filed 8–7–15; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments and Notice of Public Hearing Concerning China's Compliance With WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing concerning China's compliance with its WTO commitments.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to the Congress on China's compliance with the commitments made in connection with its accession to the World Trade Organization (WTO).

DATES: Persons wishing to testify at the hearing must provide written notification of their intention, as well as a summary of their testimony, by Wednesday, September 23, 2015. Written comments are also due by Wednesday, September 23, 2015. A hearing will be held in Washington, DC, on Wednesday, October 7, 2015.

ADDRESSES: Notifications of intent to testify and written comments should be submitted electronically via the Internet at *http://www.regulations.gov.* For alternatives to on-line submissions, please contact Yvonne Jamison, Trade Policy Staff Committee, at (202) 395–3475.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participation in the public hearing, contact Yvonne Jamison at (202) 395–3475. All other questions should be directed to Terrence J. McCartin, Deputy Assistant United States Trade Representative for China Enforcement, at (202) 395–3900, or Philip D. Chen, Chief Counsel for China Enforcement, at (202) 395–3150.

SUPPLEMENTARY INFORMATION:

1. Background

China became a Member of the WTO on December 11, 2001. In accordance with section 421 of the U.S.-China Relations Act of 2000 (Pub. L. 106–286), USTR is required to submit, by December 11 of each year, a report to Congress on China's compliance with commitments made in connection with its accession to the WTO, including both multilateral commitments and any bilateral commitments made to the United States. In accordance with section 421, and to assist it in preparing this year's report, the TPSC is hereby soliciting public comment. Last year's report is available on USTR's Internet Web site (*https://ustr.gov/sites/default/files/2014-Report-to-Congress-Final.pdf*).

The terms of China's accession to the WTO are contained in the Protocol on the Accession of the People's Republic of China (including its annexes) (Protocol), the Report of the Working Party on the Accession of China (Working Party Report), and the WTO agreements. The Protocol and Working Party Report can be found on the Department of Commerce Web page, http://www.mac.doc.gov/china/WTOAccessionPackageNEW.html, or on the WTO Web site, *http://docsonline.wto.org* (document symbols: WT/L/432, WT/MIN(01)/3, WT/MIN(01)/3/Add.1, WT/MIN(01)/3/Add.2).

2. Public Comment and Hearing

USTR invites written comments and/or oral testimony of interested persons on China's compliance with commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas: (a) Trading rights; (b) import regulation (*e.g.,* tariffs, tariff-rate quotas, quotas, import licenses); (c) export regulation; (d) internal policies affecting trade (*e.g.,* subsidies, standards and technical regulations, sanitary and phytosanitary measures, government procurement, trade-related investment measures, taxes and charges levied on imports and exports); (e) intellectual property rights (including intellectual property rights enforcement); (f) services; (g) rule of law issues (*e.g.,* transparency, judicial review, uniform administration of laws and regulations) and status of legal reform; and (h) other WTO commitments. In addition, given the United States' view that China should be held accountable as a full participant in, and beneficiary of, the international trading system, USTR requests that interested persons specifically identify unresolved compliance issues that warrant review and evaluation by USTR's China Enforcement Task Force.

Written comments must be received no later than Wednesday, September 23, 2015.

A hearing will be held on Wednesday, October 7, 2015, in Room 1, 1724 F Street NW., Washington, DC 20508. If necessary, the hearing will continue on the next business day. Persons wishing to testify orally at the hearing must provide written notification of their intention by Wednesday, September 23, 2015. The intent to testify notification must be made in the ''Type Comment'' field under docket number USTR–2015–0010 on the regulations.gov Web site and should include the name, address and telephone number of the person presenting the testimony. A summary of the testimony should be attached by using the ''Upload File'' field. The name of the file should also include who will be presenting the testimony. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC.

All documents should be submitted in accordance with the instructions in section 3 below.

3. Requirements for Submissions

Persons submitting a notification of intent to testify and/or written comments must do so in English and must identify (on the first page of the submission) ''China's WTO Compliance.''

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the *www.regulations.gov* Web site. To submit comments via *www.regulations.gov,* enter docket number USTR–2015–0010 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''Comment Now!'' (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use This Site'' on the left side of the home page.)

The *www.regulations.gov* Web site allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type ''See attached'' in the ''Type Comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''Type Comment'' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their comments. The file name of the public version should begin with the character ''P.'' The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted above, USTR strongly urges submitters to file comments through *www.regulations.gov,* if at all possible. Any alternative arrangements must be made with Yvonne Jamison in advance of transmitting the comments. Ms. Jamison should be contacted at (202) 395–3475. General information concerning USTR is available at *www.ustr.gov.*

Comments will be placed in the docket and open to public inspection, except business confidential information. Comments may be viewed on the *www.regulations.gov* Web site by entering the relevant docket number in the search field on the home page.

Edward Gresser,

Acting Chair, Trade Policy Staff Committee.

[FR Doc. 2015–19523 Filed 8–7–15; 8:45 am]

BILLING CODE 3290–F5–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2015–0168 (Notice No. 15–14)]

Hazardous Materials: Notification of Anticipated Delay in Administrative Appeal Decisions

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice.

SUMMARY: This notice advises the public that PHMSA is currently reviewing administrative appeals on a recently issued final rule titled, ''Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains'' (80 FR 26643). In accordance with applicable regulatory requirements, this notice provides notification to parties having brought certain administrative appeals of the anticipated delay in processing these administrative appeals.

FOR FURTHER INFORMATION CONTACT: Charles E. Betts, Director, Standards and Rulemaking Division, Office of Hazardous Materials Safety, (202) 366–4512, PHMSA, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Appeals

The Pipeline and Hazardous Materials Safety Administration's (PHMSA) Office of Hazardous Materials Standards received a number of administrative appeals in relation to the PHMSA final rule, titled, ''Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains'' (80 FR 26643). Key information on the administrative appeals is provided below.

HM–251 [Docket No. PHMSA–2012–0082]

Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains

Appeals from	Docket No.	Focus of appeal
Association of American Railroads (AAR)	PHMSA–2012–0082–3480	• Advanced Brake Signal Propagation Systems. • Scope of the Rulemaking. • Thermal Protection for Tank Cars.
American Chemistry Council (ACC)	PHMSA–2012–0082–3473	• Advanced Brake Signal Propagation Systems. • Retrofit Timeline and Tank Car Reporting Requirements. • Scope of the Rulemaking.
American Fuel & Petrochemical Manufacturers (AFPM).	PHMSA–2012–0082–3470	• Retrofit Timeline and Tank Car Reporting Requirements.
Columbia River and Northwest Treaty Tribes	PHMSA–2012–0082–3478	• Information Sharing/Notification. • Tribal Impacts and Consultation.
Dangerous Goods Advisory Council (DGAC)	PHMSA–2012–0082–3471	• Advanced Brake Signal Propagation Systems. • Scope of the Rulemaking. • Testing and Sampling Program.

II. Notification of Anticipated Delay in Appeal Decisions

49 CFR 106.130(a)(4) provides that if PHMSA does not issue a decision on whether to grant or deny an administrative appeal within 90 days after the date that the final rule is published in the **Federal Register** and that we anticipate a substantial delay in making a decision, PHMSA will notify the parties having brought administrative appeals directly and provide an expected decision date. In addition, PHMSA will publish a notice of the delay in the **Federal Register**. Due to the complexity of the appeals received, we anticipate delays in making administrative appeal decisions as we will require additional time to adequately review and consider the appeals. As a result, in accordance with 49 CFR 106.130(a)(4), we are publishing this notice in the **Federal Register** to notify the public, and we will be directly contacting parties having brought these administrative appeals shortly.

Issued in Washington, DC, on August 4, 2015.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2015–19507 Filed 8–7–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Market Risk

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).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice.

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 the renewal of its information collection titled, ''Market Risk.''

DATES: You should submit written comments by: October 9, 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: 1557–0247, 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.

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., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting extension of OMB approval for this collection. There have been no changes to the requirements of the regulations.

Title: Market Risk.

OMB Control No.: 1557–0247.

Description: The Office of the Comptroller of the Currency's (OCC) market risk capital rules (12 CFR part 3, subpart F) capture positions for which the market risk capital rules are appropriate; reduce procyclicality in market risk capital requirements; enhance the rules' sensitivity to risks that are not adequately captured under the current regulatory measurement methodologies; and increase transparency through enhanced disclosures.

The information collection requirements are located at 12 CFR 3.203 through 3.212. The rules enhance risk sensitivity and include requirements for the public disclosure of certain qualitative and quantitative information about the market risk of national banks and federal savings associations. The collection of information is necessary to ensure capital adequacy appropriate for the level of market risk.

Section 3.203 sets forth the requirements for applying the market risk framework. Section 3.203(a)(1) requires national banks and federal savings associations to have clearly defined policies and procedures for determining which trading assets and trading liabilities are trading positions and specifies the factors a national bank or federal savings association must take into account in drafting those policies and procedures. Section 3.203(a)(2) requires national banks and federal savings associations to have clearly defined trading and hedging strategies for trading positions that are approved by senior management and specifies what the strategies must articulate. Section 3.203(b)(1) requires national banks and federal savings associations to have clearly defined policies and procedures for actively managing all covered positions and specifies the minimum requirements for those policies and procedures. Sections 3.203(c)(4) through 3.203(c)(10) require the annual review of internal models and specify certain requirements for those models. Section 3.203(d) requires the internal audit group of a national bank or federal savings association to prepare an annual report to the board of directors on the effectiveness of controls supporting the market risk measurement systems.

Section 3.204(b) requires national banks and federal savings associations to conduct quarterly backtesting. Section 3.205(a)(5) requires institutions to demonstrate to the OCC the appropriateness of proxies used to capture risks within value-at-risk models. Section 3.205(c) requires institutions to develop, retain, and make available to the OCC value-at-risk and profit and loss information on sub-portfolios for two years. Section 3.206(b)(3) requires national banks and federal savings associations to have policies and procedures that describe how they determine the period of significant financial stress used to calculate the institution's stressed value-at-risk models and to obtain prior OCC approval for any material changes to these policies and procedures.

Section 3.207(b)(1) details requirements applicable to a national bank or federal savings association when the national bank or federal savings association uses internal models to measure the specific risk of certain covered positions. Section 3.208 requires national banks and federal savings associations to obtain prior written OCC approval for incremental risk modeling. Section 3.209(a) requires prior OCC approval for the use of a comprehensive risk measure. Section 3.209(c)(2) requires national banks and federal savings associations to retain and report the results of supervisory stress testing. Section 3.210(f)(2)(i) requires national banks and federal savings associations to document an internal analysis of the risk characteristics of each securitization position in order to demonstrate an understanding of the position. Section 3.212 requires quarterly quantitative disclosures, annual qualitative disclosures, and a formal disclosure policy approved by the board of directors that addresses the approach for determining the market risk disclosures it makes.

Type of Review: Extension of a currently approved collection. *Affected Public:* Individuals; Businesses or other for-profit.

Number of Respondents: 13.

Estimated Burden per Respondent: 1,964 hours.

Total Estimated Annual Burden: 25,532 hours.

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: August 5, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–19576 Filed 8–7–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 13396

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is removing the names of two individuals whose property and interests in property have been blocked

pursuant to Executive Order 13396, ''Blocking Property of Certain Persons Contributing to the Conflict in Côte d'Ivoire,'' from the List of Specially Designated Nationals and Blocked Persons (SDN List).

DATES: OFAC's actions described in this notice are effective as of July 30, 2015.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION: The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On July 30, 2015, OFAC determined that circumstances no longer warrant the inclusion of the following two individuals on OFAC's SDN list, and that these individuals are no longer subject to the blocking provisions of Section 1(a) of E.O. 13396:

1. DJEDJE, Alcide Ilahiri (a.k.a. DJEDJE, Ilahiri Alcide; a.k.a. ILAHIRI, Alcide Djedje); DOB 1956 (individual) [COTED]

2. N'GUESSAN, Pascal Affi (a.k.a. NGUESSAN, Affi); DOB 1953; POB Bongouanou, Côte d'Ivoire (individual) [COTED]

Dated: July 30, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–19597 Filed 8–7–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Order 13582

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of eleven persons whose property and interests in property are blocked pursuant to Executive Order (E.O.) 13582, six persons identified as the Government of Syria pursuant to E.O. 13582, and ten vessels in which certain of these entities have an interest.

DATES: OFAC's actions described in this notice were effective on August 3, 2015, as further specified below.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Associate Director for Sanctions Policy & Implementation, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treas.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On August 3, 2015, OFAC blocked the property and interests in property of the following eleven persons pursuant to E.O. 13582, ''Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria'':

Individuals

1. AYDIN, Mustafa, Turkey; DOB 26 May 1988; Passport U04663595 (Turkey) (individual) [SYRIA] (Linked To: MILENYUM ENERGY S.A.; Linked To: BLUE ENERGY TRADE LTD. CO.; Linked To: ABDULKARIM GROUP).

2. DUZGOREN, Serkan, Turkey; DOB 28 Jan 1979 (individual) [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

3. DUZGOREN, Erkan, Turkey; DOB 17 Jun 1980 (individual) [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

4. KENAR, Ufuk, Turkey; DOB 24 Apr 1980 (individual) [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

Entities

1. AQUA SHIPPING LTD. (a.k.a. AQUA SHIPPING LTD.-MAI), c/o Milenyum Denizcilik Gemi Hizmetleri Acentelik ve Ozel Ogretim Hizmetleri Ltd. Sti, Nazli Sokak 9, Halilrifatpasa Mah, Sisli, Istanbul 34384, Turkey; Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro, Marshall Islands; Identification Number IMO 5849194 [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

2. BLUE ENERGY TRADE LTD. CO., P.O. Box 556, Charlestown, Saint Kitts and Nevis [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

3. EBLA TRADE SERVICES S.A.L./OFF–SHORE, Beirut, Lebanon; Nakhle Center, Property Number: 295/24, Baabda, Furn, Chebbak, Lebanon [SYRIA] (Linked To: MILENYUM ENERGY S.A.; Linked To: BLUE ENERGY TRADE LTD. CO.).

4. GREEN SHIPPING LTD., c/o Milenyum Denizcilik Gemi Hizmetleri Acentelik ve Ozel Ogretim Hizmetleri Ltd. Sti, Nazli Sokak 9, Halilrifatpasa Mah, Sisli, Istanbul 34384, Turkey; Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro, Marshall Islands; Identification Number IMO 5848165 [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

5. MILENYUM ENERGY S.A. (a.k.a. MILENYUM DENIZCILIK GEMI; a.k.a. MILENYUM DENIZCILIK GEMI HIZMETLERI ACENTELIK VE OZEL OGRETIM HIZMETLERI LIMITED SIRKETI; a.k.a. MILENYUM SHIPPING), c/o Milenyum Denizcilik Gemi H., Hizmetleri Ltd. Sti, Nazli Sokak 9, Halilrifatpasa Mah, Sisli, Istanbul 34384, Turkey; Ataturk Mahallesi Gulay Sokak, No. 12/3, Atasehir, Istanbul, Turkey; No. 18 D. 1 Kemankes Mah. Necatibey Cad., Akce Sok., Karakoy, Istanbul, Turkey; Sierra Leone; Avenida Norte Enrique Geenzeier El Cangrejo, Panama 0834–1082, Panama; Web site *http://www.milenyumshipping.com;* Company Number 792313 (Panama) [SYRIA] (Linked To: ABDULKARIM, Wael; Linked To: ABDULKARIM GROUP).

6. THE EAGLES L.L.C. (a.k.a. THE EAGLES INTERNATIONAL LLC), Plot No. 41, Airport Free Trade Zone, Damascus, Syria [SYRIA] (Linked To: ABDULKARIM, Wael; Linked To: ABDULKARIM GROUP).

7. MORGAN ADDITIVES MANUFACTURING CO. (a.k.a. MORGAN MIDDLE EAST LLC), Office No. 2206, 22nd Floor, Jafza View 19, Sheikh Zayed Road Besides Jafza View 18, Jebel Ali Free Zone Authority, Dubai, United Arab Emirates; Suite 13, First Floor, Oliaji Trade Centre, Francis Rachel Street, Victoria, Mahe, Seychelles; Web site *www.morganme.com;* alt. Web site morgan.ae [SYRIA] (Linked To: ABDULKARIM, Wael).

In addition, on August 3, 2015, OFAC identified the following six persons as falling within the definition of the Government of Syria as set forth in section 8(d) of E.O. 13582 and section 542.305 of the Syrian Sanctions Regulations, 31 CFR part 542:

Entities

1. GENERAL DIRECTORATE OF SYRIAN PORTS (a.k.a. ''GENERAL DIRECTORATE OF PORTS''), Algazaer Street, Lattakia, Syria [SYRIA].

2. LATTAKIA PORT GENERAL COMPANY (a.k.a. LATAKIA PORT GENERAL COMPANY), BP 220, Latakia, Syria; Postal Box 220, Lattakia, Syria; Baghdad Street, Lattakia, Syria [SYRIA].

3. SYRIAN CHAMBER OF SHIPPING (a.k.a. ''SCOS''), Al Jazaeer Street, Farid Hanna Bldg, 8th Fl., P.O. Box 1731, Lattakia, Syria; Al Mina Street, Tartous, Syria [SYRIA].

4. SYRIAN GENERAL AUTHORITY FOR MARITIME TRANSPORT (a.k.a. SYRIAMAR; a.k.a. SYRIAN GENERAL ESTABLISHMENT FOR MARINE TRANSPORT; a.k.a. SYRIAN GENERAL ORGANIZATION FOR MARITIME TRANSPORT), BP 28, Bur Sa'id Street, Latakia, Syria; BP 225, Yarmouk Street, Latakia, Syria; BP 915, al-Mina Street, Tartous, Syria; BP 730, Argentine Street, Damascus, Syria; Port Road, Lattakia, Syria [SYRIA].

5. SYRIAN SHIPPING AGENCIES COMPANY (a.k.a. ''SHIPCO''; a.k.a. ''SHIPPING AGENCIES CO.''), Port Said Street, P.O. Box 28, Lattakia, Syria; Port Street, P.O. Box 3, Tartous, Syria; Joul Jammal Street, P.O. Box 28, Banias, Syria; Brazil Street, P.O. Box 12477, Damascus, Syria [SYRIA].

6. TARTOUS PORT GENERAL COMPANY, Al Mina Street, Tartous, Syria; Postal Box 86, Tartous, Syria [SYRIA].

In addition, on August 3, 2015, OFAC identified the following seven vessels as property in which Milenyum Energy S.A., an entity whose property and interests in property are blocked pursuant to E.O. 13582, has an interest:

Vessels

1. AQUA Sierra Leone flag; Vessel Registration Identification IMO 7529641 (vessel) [SYRIA] (Linked To: MILENYUM ENERGY S.A.; Linked To: AQUA SHIPPING LTD.).

2. BLUE DREAM Saint Kitts and Nevis flag; Vessel Registration Identification IMO 8002664 (vessel) [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

3. BLUE WAY Panama flag; Vessel Registration Identification IMO 8800298 (vessel) [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

4. BLUEGAS Sierra Leone flag; Vessel Registration Identification IMO 7909839 (vessel) [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

5. GREEN LIGHT Panama flag; Vessel Registration Identification IMO 8810700 (vessel) [SYRIA] (Linked To: MILENYUM ENERGY S.A.; Linked To: GREEN SHIPPING LTD.).

6. MARIANA Sierra Leone flag; Vessel Registration Identification IMO 8016835 (vessel) [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

7. TALA Panama flag; Vessel Registration Identification IMO 8012114 (vessel) [SYRIA] (Linked To: MILENYUM ENERGY S.A.).

Finally, on August 3, 2015, OFAC identified the following three vessels as property in which the Syrian General Authority for Maritime Transport, an entity whose property and interests in property are blocked pursuant to E.O. 13582, has an interest:

Vessels

1. FINIKIA; Vessel Registration Identification IMO 9385233 (vessel) [SYRIA] (Linked To: SYRIAN GENERAL AUTHORITY FOR MARITIME TRANSPORT).

2. LAODICEA; Vessel Registration Identification IMO 9274343 (vessel) [SYRIA] (Linked To: SYRIAN GENERAL AUTHORITY FOR MARITIME TRANSPORT).

3. SOURIA; Vessel Registration Identification IMO 9274331 (vessel) [SYRIA] (Linked To: SYRIAN GENERAL AUTHORITY FOR MARITIME TRANSPORT).

Dated: August 3, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–19596 Filed 8–7–15; 8:45 am]

BILLING CODE 4811–A–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Orders 13660, 13661, 13662, and 13685

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of sixty-one persons whose property and interests in property are blocked pursuant to one or more of the following authorities: Executive Order (E.O.) 13660, E.O. 13661, and E.O. 13685, or who are subject to the prohibitions of one or more directives under E.O. 13662.

DATES: OFAC's actions described in this notice were effective on July 30, 2015, as further specified below.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treas.gov/ofac*). A complete listing of persons determined to be subject to one or more directives under E.O. 13662, as discussed in detail in this Notice, can be found in the Sectoral Sanctions Identifications List at *http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/ssi_list.aspx*. Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On July 30, 2015, OFAC blocked the property and interests in property of the following five persons pursuant to E.O. 13660, ''Blocking Property of Certain Persons Contributing to the Situation in Ukraine'':

Individuals

1. YANUKOVYCH, Oleksandr Viktorovych (a.k.a. YANUKOVICH, Alexander; a.k.a. YANUKOVICH, Oleksander; a.k.a. YANUKOVYCH, Aleksandr Viktorovych; a.k.a. YANUKOVYCH, Olexander); DOB 01 Jul 1973; POB Donetsk, Ukraine (individual) [UKRAINE–EO13660].
2. STAVYTSKY, Eduard Anatoliyovych (a.k.a. STAVYTSKYI, Eduard; a.k.a. STAVYTSKYY, Eduard); DOB 04 Oct 1972; POB Lebedyn, Ukraine; citizen Ukraine; alt. citizen Israel (individual) [UKRAINE–EO13660].
3. KLYUYEV, Andriy Petrovych (a.k.a. KLIUIEV, Andrii Petrovych; a.k.a. KLUEV, Andriy; a.k.a. KLYUEV, Andriy; a.k.a. KLYUYEV, Andrey); DOB 12 Aug 1964; POB Donetsk, Ukraine (individual) [UKRAINE–EO13660].
4. KURCHENKO, Sergey Vitalievich (a.k.a. KURCHENKO, Sergei; a.k.a. KURCHENKO, Sergii; a.k.a. KURCHENKO, Serhiy; a.k.a. KURCHENKO, Serhiy Vitaliyovych); DOB 21 Sep 1985 (individual) [UKRAINE–EO13660].

Entities

1. PRIVATE JOINT-STOCK COMPANY MAKO HOLDING (a.k.a. MAKO HOLDING), Bohdan Khmelnytsky Avenue, Building 102, Voroshilovsky District, Donetsk, Donetsk Oblast 83015, Ukraine; Web site *http://mako.ua/;* Email Address *a.kyzura@mako-holding.com;* Government Gazette Number 34436105 (Ukraine) [UKRAINE–EO13660] (Linked To: YANUKOVYCH, Oleksandr Viktorovych).

On July 30, 2015, OFAC blocked the property and interests in property of the following fifteen persons pursuant to E.O. 13661, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine'':

Individuals

1. BULYUTIN, Andrey, London, United Kingdom; DOB 19 Oct 1979; POB Izhevsk, Russia; citizen Russia; Passport 515356705 (Russia); Business Development Manager at Kalashnikov Concern (individual) [UKRAINE–EO13661].
2. OMELCHENKO, Aleksander (a.k.a. OMELCHENKO, Aleksandr Anatolyevich; a.k.a. OMELCHENKO, Alexander A.; a.k.a. OMELCHENKO, Alexander Anatolyevich; a.k.a. OMELCHENKO, Alexandr Anatolyevich); DOB 08 Sep 1983; POB Moscow, Russia; citizen Russia; Passport 721937258 (Russia); National ID No. 4598338396 (Russia); alt. National ID No. 4506978162 (Russia); Chief Export Officer for Kalashnikov Concern (individual) [UKRAINE–EO13661].
3. SEMENOVA, Olena Yurevna (a.k.a. SEMENOVA, Elena Iurevna); DOB 06 Dec 1978; citizen Ukraine; Passport ER747251 (Ukraine); National ID No. 2882908207 (Ukraine) (individual) [UKRAINE–EO13661].
4. PAANANEN, Kai (a.k.a. PAANANEN, Kai Lauri Johannes); DOB 21 Jul 1954; Chairman, SET Petrochemicals Oy; Managing Director, Southeast Trading Oy (individual) [UKRAINE–EO13661].
5. USACHEV, Oleg (a.k.a. USACHEV, Oleg Leonidovich); DOB 03 Jul 1970 (individual) [UKRAINE–EO13661].
6. ROTENBERG, Roman, Beregovaya, Street 6, Apartment 25, Moscow 125367, Russia; DOB 07 Apr 1981; citizen Russia; alt. citizen Finland; Passport 640848350 (Russia); alt. Passport 16038132 (Finland); alt. Passport 17017258 (Finland) (individual) [UKRAINE–EO13661].
7. KOLBIN, Petr (a.k.a. KOLBIN, Peter; a.k.a. KOLBIN, Petr Viktorovich; a.k.a. KOLBIN, Pyotr); DOB 02 Jan 1952; POB Russia (individual) [UKRAINE–EO13661].

Entities

1. IZHEVSKY MEKHANICHESKY ZAVOD JSC (a.k.a. BAIKAL), 8 Promyshlennaya Str., Izhevsk 426063, Russia; Web site *http://www.baikalinc.ru* [UKRAINE–EO13661].
2. OPEN JOINT STOCK COMPANY ''KONTSERN IZHMASH'' (a.k.a. OJSC KONTSERN IZHMASH), 3 Deryabin Proezd, Izhevsk, Udmurt Republic 426006, Russia; Public Registration Number 1021801434380 [UKRAINE–EO13661].
3. AIRFIX AVIATION OY, Tullimiehentie 4–6, Vantaa 01530, Finland; Chemin des Papillons 4, Geneva/Cointrin 1216, Switzerland [UKRAINE–EO13661].
4. SET PETROCHEMICALS OY, Ukonvaaja 2 A, Espoo 02130, Finland [UKRAINE–EO13661].
5. SOUTHEAST TRADING OY (a.k.a. SOUTHEAST TRADING LTD), Bucharest, Romania; St. Petersburg, Russia; Espoo, Finland; Kannelkatu 8, Lappeenranta 53100, Finland; PL 148, Lappeenranta 53101, Finland [UKRAINE–EO13661].
6. OY LANGVIK CAPITAL LTD, Tanskarlantie 9, Jorvas 02420, Finland; National ID No. 19607726 [UKRAINE–EO13661].
7. IPP OIL PRODUCTS (CYPRUS) LIMITED, 12 Esperidon Street, 4th Floor, Nicosia 1087, Cyprus; Public Registration Number C210706 [UKRAINE–EO13661].
8. SOUTHPORT MANAGEMENT SERVICES LIMITED, De Castro Street 24, Akara Building, Wickhams Cay 1, Road Town, Tortola, Virgin Islands, British; Nicosia, Cyprus [UKRAINE–EO13661].

The basis for designation for the fifteen persons designated pursuant to E.O. 13661 is as follows:

1. AIRFIX AVIATION OY was designated pursuant to E.O. 13661 because it is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, GENNADY TIMCHENKO.
2. KAI PAANANEN was designated pursuant to E.O. 13661 because he has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, and has acted or purported to act for or on behalf of, directly or indirectly, AIRFIX AVIATION OY.
3. SOUTHEAST TRADING OY was designated pursuant to E.O. 13661 because it is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, KAI PAANANEN.
4. SET PETROCHEMICALS OY was designated pursuant to E.O. 13661 because it is owned or controlled by, or has acted or purported to act for or on behalf of, KAI PAANANEN and SOUTHEAST TRADING OY.
5. OLEG USACHEV was designated pursuant to E.O. 13661 because he has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, and has acted or purported to act for or on behalf of, directly or indirectly, SET PETROCHEMICALS OY.
6. PETR KOLBIN was designated pursuant to E.O. 13661 because he has acted or purported to act for or on behalf of, directly or indirectly, and has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, GENNADY TIMCHENKO.
7. SOUTHPORT MANAGEMENT SERVICES LIMITED was designated pursuant to E.O. 13661 because it is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, PETR KOLBIN.
8. IPP OIL PRODUCTS (CYPRUS) LIMITED was designated pursuant to E.O. 13661 because it is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, PETR KOLBIN and SOUTHPORT MANAGEMENT SERVICES LIMITED.
9. IZHEVSKY MEKHANICHESKY ZAVOD JSC was designated pursuant to E.O. 13661 because it operates in the arms or related materiel sector in the Russian Federation.
10. OPEN JOINT STOCK COMPANY ''KONTSERN IZHMASH'' was designated pursuant to E.O. 13661 because it operates in the arms or related materiel sector in the Russian Federation.
11. ROMAN ROTENBERG was designated pursuant to E.O. 13661 because he has acted or purported

to act for or on behalf of BORIS ROTENBERG.
12. OY LANGVIK CAPTIAL LTD. was designated pursuant to E.O. 13661 because it is owned or controlled by ROMAN ROTENBERG.
13. OLENA YUREVNA SEMENOVA was designated pursuant to E.O. 13661 because she has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, KALASHNIKOV CONCERN.
14. ALEKSANDER OMELCHENKO was designated pursuant to E.O. 13661 because he has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, KALASHNIKOV CONCERN.
15. ANDREY BULYUTIN was designated pursuant to E.O. 13661 because he has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, KALASHNIKOV CONCERN.

On July 30, 2015, OFAC blocked the property and interests in property of the following six persons pursuant to E.O. 13685, ''Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to the Crimea Region of Ukraine'':

Entities

1. STATE ENTERPRISE KERCH SEA COMMERCIAL PORT (a.k.a. KERCH COMMERCIAL SEAPORT; a.k.a. KERCH MERCHANT SEA PORT; a.k.a. KERCH SEA PORT; a.k.a. PORT OF KERCH; a.k.a. SEAPORT OF KERCH; a.k.a. STATE ENTERPRISE KERCH COMMERCIAL SEA PORT), Kirova Street 28, Kerch, Crimea 98312, Ukraine; 28 Kirova Str., Kerch, Crimea 98312, Ukraine; 28, Kirov Str., Kerch, Crimea 98312, Ukraine; Ul. Kirov, 28, Kerch, Crimea 98312, Ukraine; ul Kirova 28, Kerch 98312, Ukraine; Web site *http://www.kerchport.com;* alt. Web site *http://www.ukrport.org.ua;* Email Address *kmtp@kerch.sf.ukrtel.net;* alt. Email Address *referent.port@mail.ru;* alt. Email Address *kmtp@trport.kerch.crimea.com;* UN/LOCODE UA KEH; Registration ID 01125554 [UKRAINE–EO13685].
2. STATE ENTERPRISE FEODOSIA SEA TRADING PORT (a.k.a. PORT OF FEODOSIA; a.k.a. SEAPORT OF FEODOSIYA; a.k.a. THEODOSIA COMMERCIAL SEAPORT; a.k.a. THEODOSIA MERCHANT SEA PORT; a.k.a. THEODOSIA SEA PORT), 14 Gorky Street, Theodosia 98100, Ukraine; 14, Gorky Str., Feodosiya, Crimea 98100, Ukraine; Gorky Street 11, Feodosia, Crimea 98100, Ukraine; Web site *www.ukrport.org.ua;* Email Address *theodosia@port.kafa.crimea.ua;* UN/LOCODE UA FEO; Registration ID 01125577 (Russia) [UKRAINE–EO13685].
3. STATE ENTERPRISE YALTA SEA TRADING PORT (a.k.a. PORT OF YALTA; a.k.a. SEAPORT OF YALTA; a.k.a. YALTA COMMERCIAL SEAPORT; a.k.a. YALTA MERCHANT SEA PORT; a.k.a. YALTA SEA PORT), Roosevelt Street 3, Yalta, Crimea 98600, Ukraine; 5, Roosevelt Str., Yalta, Crimea 98600, Ukraine; 5 Roosevelt Street, Yalta, Crimea 98600, Ukraine; Web site *yaltaport.com.ua;* Email Address *yasko@ukrpost.ua;* alt. Email Address *yasco@mail.ylt.crimea.com;* UN/LOCODE UA YAL; Registration ID 01125591 (Ukraine) [UKRAINE–EO13685].
4. STATE SHIPPING COMPANY KERCH SEA FERRY (a.k.a. STATE FERRY ENTERPRISE KERCH FERRY), Tselimbernaya Street 16, Kerch, Crimea 98307, Ukraine; 16 Tselibernaya Street, Kerch, Crimea 98307, Ukraine; Registration ID 14333981 (Ukraine) [UKRAINE–EO13685].
5. STATE ENTERPRISE SEVASTOPOL SEA TRADING PORT (a.k.a. PORT OF SEVASTOPOL; a.k.a. SEAPORT OF SEVASTOPOL; a.k.a. SEVASTOPOL COMMERCIAL SEAPORT; a.k.a. SEVASTOPOL MERCHANT SEA PORT; a.k.a. SEVASTOPOL SEA PORT; a.k.a. SEVASTOPOL SEA TRADE PORT; a.k.a. STATE ENTERPRISE SEVASTOPOL COMMERCIAL SEAPORT), 3 Place Nakhimova, Sevastopol 99011, Ukraine; 5, Nakhimova square, Sevastopol, Crimea 99011, Ukraine; Nahimova Square 5, Sevastopol, Crimea 99011, Ukraine; Email Address *Sevport@stel.sebastopol.ua;* alt. Email Address *sevampu@ukr.net;* alt. Email Address *mail@morport.sebastopol.ua;* UN/LOCODE UA SVP; Registration ID 01125548 (Ukraine) [UKRAINE–EO13685].
6. STATE ENTERPRISE EVPATORIA SEA COMMERCIAL PORT (a.k.a. PORT OF EVPATORIA; a.k.a. PORT OF YEVPATORIA; a.k.a. SEAPORT OF YEVPATORIYA; a.k.a. YEVPATORIA COMMERCIAL SEAPORT; a.k.a. YEVPATORIA MERCHANT SEA PORT; a.k.a. YEVPATORIA SEA PORT; a.k.a. YEVPATORIYA COMMERCIAL SEA PORT; a.k.a. YEVPATORIYA SEA PORT), Mariners Square 1, Evpatoria, Crimea 97416, Ukraine; 1, Moryakov Sq, Yevpatoriya, Crimea 97408, Ukraine; 1 Moryakov Sq., Yevpatoria, Crimea 97416, Ukraine; Ukraine; 1 Moryakov Sq, Yevpatoriya, Crimea 97416, Ukraine; alt. Email Address *lada1@seavenue.net;* alt. Email Address *zamves@emtp.com.ua;* UN/LOCODE UA ZKA; Registration ID 01125583 (Ukraine) [UKRAINE–EO13685].

On July 30, 2015, OFAC identified as subject to the prohibitions of Directive 1 (as amended) of September 12, 2014, the following eighteen persons, pursuant to E.O. 13662, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine'' and 31 CFR 589.406, 589.802, and following the Secretary of the Treasury's determination pursuant to section 1(a)(i) of E.O. 13662 with respect to the financial services sector of the Russian Federation economy:

Entities

1. BANK BELVEB OJSC (a.k.a. BELVESHECONOMBANK OAO; a.k.a. BELVNESHECONOMBANK OPEN JOINT STOCK COMPANY), 29 Pobeditelei ave., Minsk 220004, Belarus; SWIFT/BIC BELB BY 2X; Web site bveb.by; Executive Order 13662 Directive Determination—Subject to Directive 1; All offices worldwide; for more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
2. DEVELOPMENT CORPORATION OF NORTH CAUCASUS OJSC (f.k.a. KRSK, OAO; a.k.a. OJSC NORTH CAUCASUS DEVELOPMENT CORPORATION; a.k.a. OPEN JOINT–STOCK COMPANY NORTH CAUCASUS DEVELOPMENT CORPORATION; a.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO KORPORATSIYA RAZVITIYA SEVERNOGO KAVKAZA), d. 139 ul. Pyatigorskaya Essentuki, Stavropolski krai 357625, Russia; Web site krskfo.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1102632003253; For more

information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).

3. EXIAR (a.k.a. EKSAR OAO; a.k.a. EXIAR OJSC; a.k.a. ROSSISKOE AGENTSTVO PO STRAKHOVANIYU EKSPORTNYKH KREDITOV I INVESTITSI OTKRYTOE AKTSIONERNOE OBSHCHESTVO; a.k.a. RUSSIAN AGENCY FOR EXPORT CREDIT AND INVESTMENT INSURANCE OJSC), str. 1 3 1-i Zachatievski per, Moscow, 119034, Russia; Web site exiar.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1117746811566; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
4. EXIMBANK OF RUSSIA (a.k.a. GOSUDARSTVENNY SPETSIALIZIROVANNY ROSSISKI EKSPORTNO–IMPORTNY BANK (ZAKRYTOE AKTSIONERNOE OBSHCHESTVO); a.k.a. ROSEKSIMBANK, ZAO; a.k.a. RUSSIAN EXPORT–IMPORT BANK; a.k.a. STATE SPECIALIZED RUSSIAN EXPORT–IMPORT BANK (CLOSED JOINT–STOCK COMPANY)), d.13 str. 1 per.3–I Neopalimovski, Moscow 119121, Russia; SWIFT/BIC EXIR RU MM; Web site eximbank.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1027739109133; All offices worldwide; for more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
5. FAR EAST AND BAIKAL REGION DEVELOPMENT FUND OJSC (a.k.a. FOND RAZVITIYA DALNEGO VOSTOKA I BAIKALSKOGO REGIONA, OAO; a.k.a. OJSC THE FAR EAST AND BAIKAL REGION DEVELOPMENT FUND; a.k.a. OPEN JOINT–STOCK COMPANY THE FAR EAST AND BAIKAL REGION DEVELOPMENT FUND; a.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO FOND RAZVITIYA DALNEGO VOSTOKA I BAIKALSKOGO REGIONA), d. 82 str. 2 ul. Sadovnicheskaya, Moscow 115035, Russia; Web site fondvostok.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1112721010995; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
6. FEDERAL CENTER FOR PROJECT FINANCE (a.k.a. FTSPF, OAO; a.k.a. OAO FEDERALNY TSENTR PROEKTNOGO FINANSIROVANIYA; f.k.a. ZAKRYTOE AKTSIONERNOE OBSHCHESTVO FEDERALNY CENTR PROEKTNOGO FINANSIROVANIYA; a.k.a. ''FCPF''), d. 14 prospekt Olimpiski, Moscow 129090, Russia; Web site fcpf.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1027739088410; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
7. GLOBEXBANK (a.k.a. AKTSIONERNOE OBSHCHESTVO KOMMERCHESKI BANK GLOBEKS; f.k.a. CJSC GLOBEXBANK; a.k.a. GLOBEKSBANK, AO; a.k.a. GLOBEX COMMERCIAL BANK, JOINT STOCK COMPANY; f.k.a. ZAKRYTOE AKTSIONERNOE OBSHCHESTVO KOMMERCHESKI BANK GLOBEKS), d. 59 str. 2 ul. Zemlyanoi Val, Moscow 109004, Russia; SWIFT/BIC GLOB RU MM; Web site globexbank.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1027739326010; All offices worldwide; for more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
8. KRASLESINVEST CJSC (a.k.a. CJSC KRASLESINVEST; a.k.a. KRASLESINVEST, ZAO; a.k.a. THE CLOSED JOINT-STOCK COMPANY KRASLESINVEST; a.k.a. ZAKRYTOE AKTSIONERNOE OBSHCHESTVO KRASLESINVEST), d. 35 A ul. Partizana Zheleznyaka, Krasnoyarsk, Krasnoyarski krai 660022, Russia; Web site kraslesinvest.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1082468004574; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
9. PROMINVESTBANK (a.k.a. COMMERCIAL INDUSTRIAL AND INVESTMENT BANK PUBLIC JOINT STOCK COMPANY; a.k.a. JOINT STOCK COMMERCIAL INDUSTRIAL AND INVESTMENT BANK PUBLIC JOINT STOCK COMPANY; a.k.a. PSC PROMINVESTBANK; a.k.a. PUBLIC STOCK COMPANY JOINT STOCK COMMERCIAL INDUSTRIAL & INVESTMENT BANK), 12, Shevchenko lane, Kyiv 01001, Ukraine; SWIFT/BIC UPIB UA UX; Web site *pib.com.ua;* Executive Order 13662 Directive Determination—Subject to Directive 1; All offices worldwide; for more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
10. RESAD LLC (a.k.a. LLC RESAD; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU RESAD; a.k.a. RESAD, OOO), d. 5 ul. Bryanskaya, Moscow 121059, Russia; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1027739071337; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives*. [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
11. ROSE GROUP LIMITED (f.k.a. RGI INTERNATIONAL; f.k.a. RGI INTERNATIONAL LIMITED; a.k.a. ''ROSE GROUP''), Frances House, Sir William Place, St. Peter Port GY1 4EU, Guernsey; Korobeinikov Lane, 1, Moscow 119034, Russia; Web site rosegroup.ru; Executive Order 13662 Directive

Determination—Subject to Directive 1; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).

12. RUSSIAN DIRECT INVESTMENT FUND MANAGEMENT COMPANY (a.k.a. LIMITED LIABILITY COMPANY RDIF MANAGEMENT COMPANY; a.k.a. MANAGEMENT COMPANY RDIF LLC; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU UPRAVLYAYUSHCHAYA KOMPANIYA RFPI; a.k.a. RDIF MANAGEMENT COMPANY; a.k.a. RDIF MANAGEMENT COMPANY LLC; a.k.a. UK RFPI, OOO), d. 9 prospekt Akademika Sakharova, Moscow 107996, Russia; Web site rdif.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1117746429371; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
13. SME BANK (a.k.a. AKTSIONERNOE OBSHCHESTVO ROSSISKI BANK PODDERZHKI MALOGO I SREDNEGO PREDPRINIMATELSTVA; a.k.a. JSC RUSSIAN BANK FOR SMALL AND MEDIUM ENTERPRISES SUPPORT; a.k.a. JSC SME BANK; a.k.a. MSP BANK AO; f.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO ROSSISKI BANK RAZVITIYA), 79 ul. Sadovnicheskaya, Moscow 115035, Russia; SWIFT/BIC RUDV RU MM; Web site mspbank.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1027739108649; All offices worldwide; for more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
14. SVIAZ–BANK (a.k.a. INTERREGIONAL BANK FOR SETTLEMENTS OF THE TELECOMMUNICATIONS AND POSTAL SERVICES; a.k.a. MEZHREGIONALNY KOMMERCHESKI BANK RAZVITIYA SVYAZI I INFORMATIKI (PUBLICHNOE AKTSIONERNOE OBSHCHESTVO); a.k.a. SVIAZ–BANK AKB PAO), 7 Tverskaya ul., Moscow 125375, Russia; SWIFT/BIC SVIZ RU MM; Web site sviaz-bank.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1027700159288; All offices worldwide; for more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
15. VEB ASIA LIMITED, Suite 5808, 58/F, Two International Finance Center, 8 Finance Street Central, Hong Kong, China; Executive Order 13662 Directive Determination—Subject to Directive 1; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
16. VEB CAPITAL (a.k.a. LIMITED LIABILITY COMPANY VEB CAPITAL; a.k.a. LLC VEB–CAPITAL; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU INVESTITSIONNAYA KOMPANIYA VNESHEKONOMBANKA (VEB KAPITAL); a.k.a. VEB CAPITAL LLC; a.k.a. VEB KAPITAL, OOO), d. 7 str. A ul. Mashi Poryvaevoi, Moscow 107078, Russia; Web site vebcapital.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1097746831709; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
17. VEB ENGINEERING LLC (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU VEB INZHINIRING; a.k.a. VEB INZHINIRING, OOO), d. 9 prospekt Akademika Sakharova, Moscow 107996, Russia; Web site vebeng.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1107746181674; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).
18. VEB LEASING OJSC (a.k.a. OJSC VEB-LEASING; a.k.a. OPEN JOINT-STOCK COMPANY VEB-LEASING; a.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO VEB-LIZING; a.k.a. VEB-LIZING, OAO), d. 10 ul. Vozdvizhenka, Moscow 125009, Russia; Web site veb-leasing.ru; Executive Order 13662 Directive Determination—Subject to Directive 1; Public Registration Number 1037709024781; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: VNESHECONOMBANK).

As entities owned, directly or indirectly, 50 percent or more by VEB, these entities are subject to the same prohibitions as VEB.

On July 30, 2015, OFAC identified as subject to the prohibitions of Directive 2 (as amended) and Directive 4 of September 12, 2014 the following seventeen persons, pursuant to E.O. 13662, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine'' and 31 CFR 589.406, 589.802, and following the Secretary of the Treasury's determination pursuant to section l(a)(i) of E.O. 13662 with respect to the energy sector of the Russian Federation economy:

Entities

1. CJSC VANKORNEFT (a.k.a. VANKORNEFT; a.k.a. ZAO VANKORNEFT), Dobrovolcheskoy Brigady St., 15, Krasnoyarsk Territory 660077, Russia; Email Address *info@vankoroil.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE-EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
2. NEFT-AKTIV LLC (a.k.a. OOO NEFT-AKTIV; a.k.a. RN–AKTIV OOO), Ulica Kaluzhskaya M., d., 15, str. 28, Moscow 119071, Russia;

Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).

3. OJSC ACHINSK REFINERY (a.k.a. ACHINSK REFINERY; a.k.a. OAO ACHINSK OIL REFINERY VNK), Achinsk Refinery industrial area, Bolsheuluisky district, Krasnoyarsk territory 662110, Russia; Email Address *sekr1@anpz.rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
4. OJSC ANGARSK PETROCHEMICAL COMPANY (a.k.a. ANGARSK REFINERY), Angarsk, Irkutsk region 665830, Russia; 6 ul. K. Marksa, Angarsk 665830, Russia; Web site *www.anhk.ru;* Email Address *delo@anhk.rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
5. OJSC KUYBYSHEV REFINERY (a.k.a. KUIBYSHEV REFINERY; a.k.a. OJSC KUIBYSHEV REFINERY), 25 Groznenskaya st., Samara 443004, Russia; Email Address *sekr@knpz.rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
6. OJSC NOVOKUYBYSHEV REFINERY (a.k.a. NOVOKUIBYSHEVSK REFINERY; a.k.a. OJSC NOVOKUYBYSHEV REFINERY), Novokuibyshevsk, Samara region 446207, Russia; Email Address *sekr@nknpz.rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
7. OJSC ORENBURGNEFT (a.k.a. OAO JSC ORENBURGNEFT; a.k.a. ORENBURGNEFT), Magistralnaya St., 2, Buzuluk, the Orenburg Region 461040, Russia; st. Magistralnaya 2, Buzuluk 461040, Russia; Email Address *orenburgneft@rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
8. OJSC RN HOLDING (a.k.a. RN HOLDING OAO), 60 Oktyabrskaya ul., Uvat 626170, Russia; Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; Registration ID 1047200153770 (Russia); Tax ID No. 7225004092 (Russia); Government Gazette Number 74743120 (Russia); For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
9. OJSC RUSSIAN REGIONAL DEVELOPMENT BANK (a.k.a. RUSSIAN REGIONAL DEVELOPMENT BANK; a.k.a. ''VBRR''), 65/1 Suschevsky Val, Moscow 129594, Russia; 65 Sushchevskiy val, Moscow 129594, Russia; Web site *www.vbrr.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; Registration ID 3287 (Russia); For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
10. OJSC SAMOTLORNEFTEGAZ (a.k.a. SAMOTLORNEFTEGAZ; a.k.a. SAMOTLORNEFTEGAZ JSC), Lenina St. 4, the Tyumen Region, Khanty-Mansiysk, Autonomous District, Nizhnevartovsk 628606, Russia; Email Address *NVSNGinfo@rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
11. OJSC SYZRAN REFINERY (a.k.a. OPEN JOINT-STOCK OIL AND GAS COMPANY SYZRAN; a.k.a. SYZRAN REFINERY), 1 Astrakhanskaya st., Syzran, Samara region 446009, Russia; Moskvorechje street 105, Building 8, Moscow 115523, Russia; Email Address *sekr@snpz.rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
12. PJSC VERKHNECHONSKNEFTEGAZ (a.k.a. OJSC VERKHNECHONSKNEFTEGAZ; a.k.a. VERKHNECHONSKNEFTEGAZ), Baikalskaya St., 295 B, Irkutsk 664050, Russia; Email Address *vcng@rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please

visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).

13. RN-KOMSOMOLSKY REFINERY LLC (a.k.a. KOMSOMOLSK REFINERY; a.k.a. LLC RN-KOMSOMOLSK REFINERY; a.k.a. RN-KOMSOMOLSKI NPZ OOO), 115 Leningradskaya st., Komsomolsk-on-Amur, Khabarovsk region 681007, Russia; Email Address *knpz@rosneft.ru;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
14. RN–YUGANSKNEFTEGAZ LLC (a.k.a. RN–YUGANSKNEFTEGAZ OOO; a.k.a. YUGANSKNEFTEGAZ), Lenina St., 26, Nefteyugansk, Tyumen Region 628309, Russia; Email Address *rn_yng@yungjsc.com;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
15. ROSNEFT FINANCE S.A., 46A Avenue John F Kennedy, 2nd Floor, Luxembourg 1855, Luxembourg; Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
16. ROSNEFT TRADE LIMITED (f.k.a. TNK TRADE LIMITED), Elenion Building 5 Themistokli Dervi, 2nd floor, Lefkosia, Nicosia 1066, Cyprus; Email Address *hrm@rosneft-sh.com.cy;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; Registration ID C122790; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).
17. ROSNEFT TRADING S.A., 2, Rue Place du Lac, 1204, Geneva, Switzerland; Web site *www.rosneft.com;* Executive Order 13662 Directive Determination—Subject to Directive 2; alt. Executive Order 13662 Directive Determination—Subject to Directive 4; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives.* [UKRAINE–EO13662] (Linked To: OPEN JOINT-STOCK COMPANY ROSNEFT OIL COMPANY).

As entities owned, directly or indirectly, 50 percent or more by Open Joint-Stock Company Rosneft Oil Company, these entities are subject to the same prohibitions as Open Joint-Stock Company Rosneft Oil Company.

Dated: July 30, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–19595 Filed 8–7–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, September 3, 2015.

FOR FURTHER INFORMATION CONTACT: Susan Jimerson at 1–888–912–1227 or (206) 946–3009.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, September 3, 2015, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Susan Jimerson. For more information please contact: Susan Jimerson at 1–888–912–1227 or 206 946–3009, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174, or post comments to the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: August 3, 2015.

Sheila Andrews,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–19517 Filed 8–7–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held September 1, 2015.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Tuesday September 1, 2015 at 1:00

p.m.. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact: Donna Powers at 1–888–912–1227 or (954) 423–7977 or write: TAP Office, 1000 S. Pine Island Road, Plantation, FL 33324 or contact us at the Web site: *http://www.improveirs.org.* The committee will be discussing various issues related to Tax Forms and Publications and public input is welcomed.

Dated: August 3, 2015.

Sheila Andrews,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–19509 Filed 8–7–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, September 16, 2015.

FOR FURTHER INFORMATION CONTACT: Linda Rivera at 1–888–912–1227 or (202) 317–3337.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, September 16, 2015 at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Linda Rivera. For more information please contact: Ms. Rivera at 1–888–912–1227 or (202) 317–3337, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: August 3, 2015.

Sheila Andrews,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–19510 Filed 8–7–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Request for Applications for the IRS Advisory Committee on Tax Exempt and Government Entities

AGENCY: Internal Revenue Service (IRS), Tax Exempt and Government Entities Division, Treasury.

ACTION: Notice and request for applicants or nominations.

SUMMARY: The Internal Revenue Service (IRS) seeks applicants for vacancies on the Advisory Committee on Tax Exempt and Government Entities (ACT). Applications will be accepted for the following vacancies that will occur in June 2016: Two (2) Employee Plans; two (2) Exempt Organizations; one (1) Federal, State and Local Governments; and one (1) Indian Tribal Governments. To ensure appropriate balance of membership, final selection of qualified candidates will be determined based on experience, qualifications and other expertise.

DATES: Applications or nominations must be received on or before Friday, September 4, 2015.

ADDRESSES: Send applications and nominations using FAX: (888) 269–7419 (secure) or email to: *tege.advisory.comm@irs.gov.* If you need help, please call (202) 317–8798.

Application: Applicants must use the ACT Application Form (Form 12339–C) on the IRS Web site (*IRS.gov*). Applications should describe and document the proposed member's qualifications for membership on the ACT. Applications also should specify the vacancy for which the applicant wishes to be considered. *Incomplete applications will not be processed.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be sent to *tege.advisory.comm@irs.gov* or call (202) 317–8798.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Tax Exempt and Government Entities (ACT), governed by the Federal Advisory Committee Act, Public Law 92–463, is an organized public forum for discussion of various employee plans, exempt organizations, tax-exempt bonds, and federal, state, local and Indian tribal government issues between officials of the IRS and representatives of the above communities. The ACT enables the IRS to receive regular input with respect to the development and implementation of IRS policy concerning these communities. ACT members present the interested public's observations about current or proposed IRS policies, programs and procedures, as well as suggest improvements. The Secretary of the Treasury appoints ACT members, who serve three-year terms. ACT members will not be paid for their time or services. ACT members will be reimbursed for travel-related expenses to attend working sessions and public meetings, in accordance with 5 U.S.C. 5703. The Secretary of the Treasury invites those individuals, organizations and groups affiliated with employee plans, exempt organizations, tax-exempt bonds, and federal, state, local and Indian tribal governments to nominate individuals for membership on the ACT. Nominations should describe and document the proposed member's qualifications for ACT membership, including the nominee's past or current affiliations and dealings with the particular community or segment of the community that he or she would represent (such as employee plans). Nominations also should specify the vacancy for which the individual wishes to be considered. The Department of the Treasury seeks a diverse group of members representing a broad spectrum of persons experienced in employee plans, exempt organizations, tax-exempt bonds, and federal, state, local and Indian tribal governments. Nominees must go through a clearance process before selection by the Department of the Treasury. In accordance with Treasury Directive 21–03, the clearance process includes pre-appointment and annual tax checks, and an FBI criminal and subversive name check, fingerprint check and security clearance.

Mark O'Donnell,

Designated Federal Officer, Tax Exempt and Government Entities Division, Internal Revenue Service.

[FR Doc. 2015–19520 Filed 8–7–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, September 3, 2015.

FOR FURTHER INFORMATION CONTACT: Kim Vinci at 1–888–912–1227 or 916–974–5086.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Thursday, September 3, 2015, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Kim Vinci. For more information please contact: Kim Vinci at 1–888–912–1227 or 916–974–5086, TAP Office, 4330 Watt Ave., Sacramento, CA 95821, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various special topics with IRS processes.

Dated: August 3, 2015.

Sheila Andrews,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–19515 Filed 8–7–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request on Information Collection Tools Relating to the Offshore Voluntary Disclosure Program (OVDP)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning the Offshore Voluntary Disclosure Program (OVDP).

DATES: Written comments should be received on or before October 9, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the collection tools should be directed to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202)317–5746, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION: Currently, the IRS is seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Offshore Voluntary Disclosure Program (OVDP).

OMB Number: 1545–2241.

Form Number(s): 14452, 14453, 14454, 14457, 14467, 14653, 14654, and 14708.

Abstract: The IRS is offering people with undisclosed income from offshore accounts an opportunity to get current with their tax returns. Taxpayers with undisclosed foreign accounts or entities should make a voluntary disclosure because it enables them to become compliant, avoid substantial civil penalties and generally eliminate the risk of criminal prosecution. The objective is to bring taxpayers that have used undisclosed foreign accounts and undisclosed foreign entities to avoid or evade tax into compliance with United States tax laws.

Current Actions: In September 2012, the IRS announced a new offshore initiative entitled the Streamlined Non-filer program. This program was developed specifically for US citizens with income solely from non-us sources. Although this program was successful at closing the non-filer loop, this program did not allow for amended returns to be filed reporting previously unreported foreign sourced income. As a result, an enhanced process was developed in which taxpayers will be allowed to file amended returns in order to report previously unreported foreign source income while allowing a relief from penalties.

Forms 14653, 14654, and the new Form 14708 have replaced the need for Form 14438. The net result is a burden increase of 15,500 estimated responses and 30,500 estimated annual hours per year.

Type of Review: Revision of currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Responses: 474,000.

Estimated Time per Respondent: 1 hour 40 mins.

Estimated Total Annual Burden Hours: 757,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. 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 tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will 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 agency, including whether the information shall 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 to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 3, 2015.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2015–19521 Filed 8–7–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, September 10, 2015.

FOR FURTHER INFORMATION CONTACT: Theresa Singleton at 1–888–912–1227 or 202–317–3329.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, September 10, 2015, at 12:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Theresa Singleton. For more information please contact: Theresa Singleton at 1–888–912–1227 or 202–317–3329, TAP Office, 1111 Constitution Avenue NW., Room 1509-National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: August 3, 2015.

Sheila Andrews,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–19518 Filed 8–7–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, September 30, 2015.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, September 30, 2015, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Lisa Billups at 1–888–912–1227 or 214–413–6523, or write TAP Office 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: August 3, 2015.

Sheila Andrews,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–19513 Filed 8–7–15; 8:45 am]

BILLING CODE 4830–01–P

Reader Aids

Federal Register

Vol. 80, No. 153

Monday, August 10, 2015

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–741–6000**

Laws **741–6000**

Presidential Documents

Executive orders and proclamations **741–6000**

The United States Government Manual **741–6000**

Other Services

Electronic and on-line services (voice) **741–6020**

Privacy Act Compilation **741–6064**

Public Laws Update Service (numbers, dates, etc.) **741–6043**

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FEDERAL REGISTER PAGES AND DATE, AUGUST

45841–46180 3
46181–46484 4
46485–46788 5
46789–47398 6
47399–47828 7
47829–48000 10

CFR PARTS AFFECTED DURING AUGUST

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

Proposed Rules:
3474 47254

3 CFR

Proclamations:
9305 46175

Executive Orders:
13702 46177
13703 46181

6 CFR

Proposed Rules:
19 47284

7 CFR

6 46185
1208 46789

Proposed Rules:
16 47244
1051 47210
3560 46853

9 CFR

Proposed Rules:
201 47871

10 CFR

1 45841
37 45841
40 45841
50 45841
55 45841
74 45841
75 45841
429 46730
430 46730

Proposed Rules:
429 ..... 46855, 46870
430 ..... 46521, 46855
431 46870

12 CFR

701 45844

14 CFR

25 ..... 47399, 47400
39 ..... 45851, 45853, 45857, 46187
65 46791
97 ..... 45860, 45862
1217 45864

Proposed Rules:
39 ..... 45900, 45902, 46206, 47871
71 46525

15 CFR

744 47402
746 47402

16 CFR

Proposed Rules:
312 47429

17 CFR

241 47829

19 CFR

181 47405
191 47405
351 46793

20 CFR

422 47831

21 CFR

73 46190
866 46190
874 46192
878 46485

22 CFR

Proposed Rules:
205 47238

24 CFR

5 46486

Proposed Rules:
5 47302
92 47302
200 47874
570 47302
574 47302
576 47302
578 47302
582 47302
583 47302
1003 47302

26 CFR

1 ..... 45865, 46795
602 ..... 45865, 46795

Proposed Rules:
1 ..... 45905, 46882, 47430
25 47430
26 47430
301 47430

27 CFR

9 47408

Proposed Rules:
9 46883

28 CFR

553 45883

Proposed Rules:
38 47316

29 CFR

1956 46487

Proposed Rules:
2 47328

1910.....47566

31 CFR

Proposed Rules:
23.....46208

32 CFR

199.....46796
238.....47834

33 CFR

117 .....46492, 47410, 47411, 47850, 47851, 47852
147.....47852
165 .....45885, 45886, 46194, 47855

34 CFR

Ch. III.....46799

Proposed Rules:
75.....47254
76.....47254

38 CFR

17.....46197

Proposed Rules:
4.....46888
50.....47340
61.....47340
62.....47340

39 CFR

Proposed Rules:
3050.....46214

40 CFR

52 .....45887, 45890, 46201, 46494, 46804, 47857, 47859, 47862
180.....46816
1600.....46822

Proposed Rules:
9.....45914, 46526
22.....45914, 46526
52 .....45915, 47880, 47883
85.....45914, 46526
86.....45914, 46526
123.....47430
131.....47430
233.....47430
501.....47430
600.....45914, 46526
721.....47441
1033.....45914, 46526
1036.....45914, 46526
1037.....45914, 46526
1039.....45914, 46526
1042.....45914, 46526
1065.....45914, 46526
1066.....45914, 46526
1068.....45914, 46526

42 CFR

110.....47411
412.....46652, 47036
418.....47142
483.....46390

Proposed Rules:
409.....46215
424.....46215
484.....46215

43 CFR

2.....45893

44 CFR

64.....45894

45 CFR

Proposed Rules:
87.....47272
1050.....47272

46 CFR

Proposed Rules:
296.....46527

47 CFR

20.....45897
63.....45898
73.....46824

Proposed Rules:
0.....46900
2.....46900
11.....47886
15.....46900
18.....46900
54.....45916, 47448
73.....45917
90.....46928

48 CFR

207.....45899

Proposed Rules:
1.....46531
4.....46531
9.....46531
17.....46531
22.....46531
52.....46531
202.....45918
212.....45918
215.....45918
252.....45918

49 CFR

27.....46508
192.....46847
193.....46847
195.....46847
232.....47350
611.....46514

Proposed Rules:
191.....46930
192.....46930
195.....46930
512.....45914, 46526
523.....45914, 46526
534.....45914, 46526
535.....45914, 46526
537.....45914, 46526
541.....46930
583.....45914, 46526

50 CFR

17.....47418
218.....46112
300.....46515
622.....46205
635.....46516
648.....46518, 46848
660.....46519, 46852
679.....46520, 47864

Proposed Rules:
20.....46218, 47388
219.....46939
222.....45924
600.....46941
648.....46531
697.....46533

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

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H.R. 876/P.L. 114–42

Notice of Observation Treatment and Implication for Care Eligibility Act (Aug. 6, 2015; 129 Stat. 468)

H.R. 1626/P.L. 114–43
DHS IT Duplication Reduction Act of 2015 (Aug. 6, 2015; 129 Stat. 470)

S. 1482/P.L. 114–44
Need-Based Educational Aid Act of 2015 (Aug. 6, 2015; 129 Stat. 472)

Last List August 4, 2015

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